

Wednesday 19th of July 2023

Questions from IPIS to Petra Diamonds Ltd. on community engagement, grievance handling, security and human rights, and the tailing storage facility failure at the Williamson mine in Tanzania

A. Community engagement

1. The [Findings of the independent Board Sub-Committee](#) of 12 May 2021 into alleged breaches of human rights at the Williamson Diamond Mine in Tanzania mention the deployment of a stakeholder engagement expert and a comprehensive engagement plan with the affected communities. Could you please provide us more details about the task description of this expert and the content of the engagement plan?
2. The July [2023 progress report](#) on the income generating projects that form part of the settlement package notes that Williamson Diamonds Limited “will continue to keep potential ASM projects under review” after the feasibility study discarded all identified options. Can you provide more details about the projects that are still under review and whether and how engagement with the ASM community is continued?

B. Grievance handling

Design of the Independent Grievance Mechanism (IGM)

3. Can you please provide us any publicly available information or other material you can share on the design and procedure of the IGM (besides the quarterly updates on the IGM and community projects, as available on [Petra’s website](#))?
4. Can you please provide details about the evidentiary threshold or other criteria applied to determine whether complaints are admissible for compensation, and whether these differ for different incident categories?
5. IPIS understands that the IGM is overseen by a Tanzanian and an international independent monitor. Can you share any information about who these experts are and how they work?
6. Will the IGM also consider compensation for alleged incidents to which the mine, its staff or its operations may have contributed to indirectly? Will the IGM for instance accept complaints linked to abuses by police officers against people who are (suspected of) trespassing on the mine concession?
7. IPIS has noted confusion among local residents around the time scope and lifespan of the IGM. Can you confirm that the IGM is designed as a temporary mechanism for complaints related to incidents that happened from the start of Petra’s ownership in Williamson in 2009 until the date of the first settlement in May 2021? What does Petra plan to do with complaints that fall outside this scope, and particularly with alleged human rights abuses that occurred in the past two years?
8. Were any measures taken to ensure the IGM process is gender-responsive, and if so can you please detail how this is organized?

Awareness-raising on the IGM

9. Can you please describe the efforts taken and share samples of the materials distributed to ensure that local residents are aware of the IGM, understand how it works and what is expected from them, so that they use it effectively?
10. IPIS understands that 22 community animators were trained as part of Petra's project to address sexual and gender-based violence? Can you please specify whether and how these animators were assigned a role in raising awareness and empowering communities to lodge complaints via the IGM?

IGM registration

11. Can you please provide us the English and Swahili versions of the complaint registration form?
12. Can you please provide the breakdown per category (death, sexual violence, shooting, beating, dog bites, disappearance, detention, etc.), year/date of occurrence, sex and place of residence of all grievances lodged via the IGM?
13. When did registration for the IGM open and close? Several respondents were told in the registration office that the possibility to lodge complaints is temporarily closed. Can you confirm that this is the case, and if so, specify when registration will be opened again?

IGM procedure

14. We understand that there is an initial triage or eligibility check of complaints before they are passed to the Independent Panel of Experts. Can you please provide more information on the criteria applied and provide a breakdown of how many complaints have so far been disqualified and for which reasons?
15. Can you detail the measures taken to facilitate access to medical, police, court and other documents that may help claimants to substantiate their complaints?
16. [Petra's Q2 FY 2023 update on IGM and community projects](#) states that IGM claimants will have "access to free and independent advice from local lawyers". Can you please provide more details on how this access is organized and ensured?
17. When complaints are accepted for remediation, can you please provide information on how the nature and scale of compensation will be determined and implemented? What happens when the panel and the applicant cannot agree on appropriate and satisfactory compensation?

IGM state of affairs

18. We understand that 340 complaints were randomly selected for a pilot phase. Can you please provide an update on how far the IGM has progressed with this pilot phase, when it is expected to be completed, and how lessons learned will be integrated in the design of the IGM?
19. Can you please provide a breakdown for the number of complaints that, after investigation, were not accepted by the panel of independent experts for compensation so far and for what reasons? How many complaints have already led to compensation and what was the nature and amount of compensation provided?

20. [According to Leigh Day](#), the Independent Monitor of the IGM is expected to publicly report on the IGM on a six-monthly basis? Is this commitment still honored and if so, where can these reports be accessed?
21. When will the IGM move from the pilot phase to processing the rest of the complaints and by when it is expected that all currently submitted complaints will have been treated?
22. How many complaints have so far led to compensation and what was the nature and amount of compensation provided?
23. IPIS understand that applicants have been informed that the IGM aims to resolve complaints within 60 days after registration and that they would be notified if delays occur. Can you explain what is being done to keep complainants informed of progress or any delays in resolving their complaint?
24. IPIS understands that hearings of applicants and witnesses are currently held in an IGM office in Shinyanga. Is there a plan to open an IGM office closer to the communities impacted by the Williamson mine, and if so when and where would that be?
25. To the extent that Petra is aware of any mistakes or flaws in the treatment of specific complaints, such as the misplacement of evidence, claimants being presented a statement that does not correspond to the complaint they registered, wrong witnesses being heard, etc., can you provide us details about what occurred, when, which safeguards are put in place and what steps were undertaken to ensure due process?
26. To the extent that Petra is aware of any attempts by IGM staff to intimidate claimants, for instance by accusing them of lying, or to get bribes to advance individual complaints, can you provide details about when this occurred and which safeguards are put in place to assure that the IGM remains in line with the criteria for operational grievance mechanism of the United Nations Guiding Principles on Business and Human Rights?

Information on the Community Grievance Mechanism (CGM)

27. The Findings of Petra's independent board sub-committee of 12 May 2021 mention, besides the IGM, the implementation of a Community Grievance Mechanism to deal with any day-to-day issues. What is the current status of the design of this mechanism and which steps have been undertaken so far to engage and raise awareness on its existence and functioning among adjacent communities?
28. Can you guide us to any publicly available information or send us other existing material related to the design, procedure and status of the CGM?
29. Can you please provide the breakdown per category, year/date of occurrence, sex and place of residence of the different complaints lodged through the CGM since its creation?
30. Can you please provide information on how many grievances were considered inadmissible and why, how many were accepted for remediation and how were they remedied?

C. Security and human rights

Delineation

31. In October 2021, Petra [reported](#) the development of a protocol to allow local community members access to the concession to collect firewood and graze animals in a safe and sustainable way. Can you please share this protocol, or provide more information on how this access is organized and what is done to assure that private security guards honor this agreement?
32. To the extent that Petra is aware of livestock of local residents being confiscated by staff employed or contracted by the mine, could please provide details about the number of confiscations, when these happened, and in which context these happened? What are the operating procedures for such confiscations?

Security and human rights policies

33. The Findings of Petra's independent board sub-committee of May 2021 reported the appointment of a new third-party security provider as part of a broader reconfiguration to ensure full compliance with the Voluntary Principles on Security and Human Right (VPSHR), including the establishment of new rules of engagement with clearer reporting lines and monitoring of actions by the security contractor and the Tanzanian police. Can you please share or provide more details on these rules of engagement?
34. Can you please describe what weapons security personnel employed or contracted by the mine are equipped with, broken down by category of personnel, and the measures in place to ensure that they are used lawfully and in accordance with the VPSHR?
35. Can you provide more details about the steps taken to implement Petra's 2022 "Respecting Human Rights Defenders Procedure" in Tanzania, and specifically procedures to avoid that locals suffer from intimidation by Tanzanian authorities in relations to their work on human rights linked to or community impacts of the Williamson mine?

Incursions and incidents

36. From Petra's [quarterly updates](#) on the IGM and community projects we understand that 283 incidents of illegal incursion were recorded at the Williamson mine in 2022, resulting in the apprehension of 152 individual illegal miners, and in 62 miners and three security officers sustaining minor injuries. Can you confirm that these incidents never involved serious injuries or death, and only involved so-called 'illegal miners' (and thus no people who entered the concession for sustaining other livelihoods through for instance water or firewood collection)?
37. IPIS did not find any reporting from Petra on incursions in 2021. Can you please share figures about the number of registered incursions, apprehensions, minor injuries, serious injuries and deaths on the Williamson concession in 2021? Please also share any available figures or incident reports you already have for 2023.
38. To the extent that Petra is aware of beatings, shootings and sexual violence, or allegations of any such abuses, by security personnel in the past three years, can you please provide details, including when and where these occurred, the harm(s) caused, and the steps taken to investigate and remedy them?

39. Is there any communication or coordination with the neighboring concession of El-Hilal Minerals Limited related to security arrangements of both mines, and if so can you please elaborate on the nature of these efforts?

D. Tailings Storage Facility (TSF) failure

40. In follow up of [Petra's last public communication](#) on the impact and remediation of the November 7th failure of its Tailing Storage Facility (TSF) wall, could you please share updates on (1) the current number of people (households) affected by the breach, (2) the number of people considered eligible for compensation, (3) the status and nature of compensation payments to those affected, (4) Petra's current assistance to affected people/communities and the nature of this assistance, (5) the progress and process of construction of a new freshwater dam for community use, (6) the status and process of land rehabilitation outside the mine lease area and the rehabilitation of farm land, especially, and (7) the efforts made by Petra to share information and updates on the remediation process with affected people and neighboring communities?
41. Could you please share information on the grievance handling procedure used for people affected by the TSF failure?