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14th July, 2005

**THE COMMISSIONER
CHRAJ
ACCRA**

Dear Sir/Madam,

COMPLAINTS OF HUMAN RIGHTS ABUSES BY MINING COMPANIES

Our organisation which is a Human Rights and Environmental advocacy organisation has been working in mining communities affected by the operations of mining companies in the Wassa West District, Asutifi North District and the Adansi West Municipal Council.

Our work in the mining communities in our operational areas has brought us into contact with many problems of mining communities including human rights abuses, some of which are already known to your organisation. WACAM has realised that poverty, illiteracy and other social factors that are prevalent in the mining communities have weakened the capacity of the mining communities to have meaningful engagements with the multinational mining companies that have strong capacities.

The mining communities perceive the mining companies as powerful organisations who have used their strong lobbying capabilities to frustrate the efforts of the communities to seek fair justice and also prevented them from having free expression of their problems as provided by the national Constitution.

WACAM would appreciate that your outfit investigate the following specific cases:

1. Violation against people of Prestea and Himan

The people in Prestea and Himan organised a peaceful demonstration on the 13th of June 2005 to draw attention to the negative effects of the mining operations of Bogoso Gold Limited, a subsidiary of Golden Star Resources on the people of Prestea and Himan. According to the leaders of the demonstration, they informed the Police of the demonstration as required by the Public Order Law and sought Police protection for the peaceful demonstration.

The leaders of the demonstration informed the police about the plans by the Bogoso Gold Limited to organise a counter demonstration to create chaos on the day of the demonstration.

The security agencies fired into the demonstrators injuring seven people. Unfortunately, calls for an investigation into the circumstances of the shooting and the negative impact of mining operations of Bogoso Gold Limited on the people had not been investigated.

We would appreciate that your outfit investigates the problems of the communities and the shooting incident of 13th June 2005 Mr. Kwasi Blay, one of the leading members of the Prestea community could be contacted on 0244 927 064

2. Violation of the Right of Kenyase People to Free Expression

Some community members in Kenyasi in the Asutifi North District who are affected by the activities of Newmont Ghana Gold Limited have had their rights to free expression violated by the State agencies such as the Brong Ahafo Regional Police Commander.

The facts of the case are that, the community people informed the District Police Commander of Kenyasi about their intention to undertake a peaceful demonstration to draw public attention to the negative impacts of the mining operations of the Newmont on their living conditions a week to the day of the peaceful demonstration and also sought Police protection for the demonstration.

Instead of the District Police Commander discussing any problems with the group, the leaders were invited to Sunyani by the Brong Ahafo Regional Police Commander who threatened the group to abandon the idea of the demonstration with the pretext that he did not see the justification of the group's decision to embark on the demonstration and rather asked the group to institute legal action against the company if the members felt that they had a case against Newmont.

It is our opinion that the conduct of the Brong Ahafo Regional Police Commander runs contrary to the constitutional provisions and thus violates the rights of the people of Kenyasi to free expression.

3. Human Rights Abuses by AngloGold Ashanti

We wish to recall that we have reported two cases of human rights abuses in respect of the use of guard dogs on Amos Abu, a galamsey suspect and the unlawful arrest of Mr. Clement Kofi Scott by the security of AngloGold Ashanti when he went to the mine to deliver a letter from a mining community to the company. The security of AngloGold Ashanti later caused Mr. Scott to be detained by the Obuasi Police overnight. He was discharged without any charges being preferred against him.

Mr. Clement Baffoh, a 27 year old galamsey suspect of Aduaneyede near Obuasi was arrested by the security of AngloGold Ashanti on the 9th of June 2004 and died the same day whilst in custody of the security of AngloGold Ashanti. The family of the deceased believed strongly that he was beaten to death by the security of AngloGold Ashanti. All attempts to have access to information relating to his death from the Police in Obuasi and the Attorney- General's Office in Kumasi have proved futile. The parents of the deceased – Adwoa Kesewa and Yaw Antoh who cannot afford the cost of legal service are represented by Centre for Public Interest Law (CEPIL). Dr. Kofi Adomako of Komfo Anokye Teaching Hospital performed the Autopsy on the deceased.

The recent shooting of Awudu Mohammed, another galamsey suspect of Sanso near Obuasi and the attempts by AngloGold Ashanti and the Obuasi Police to claim that a spike pierced Awudu Mohammed's stomach to gush out his intestines had gained media attention. However, there are media reports that the Surgeons that operated on him – Dr Oheneba Danso and Dr, Turkson have confirmed that he was shot. The reports indicated that AngloGold Ashanti officials had informed Mr. Benjamin Annan, the Assemblyman for Sanso that they were going to shoot galamsey operators on site.

There are allegations of brutalisation of galamsey suspects which include the use of guard dogs on them and sometimes beating them to death. Some of the specific cases of human rights violation in Obuasi by the Ashanti Goldfields Company now AngloGold Ashanti that needs to be investigated include the following:

a. Killing Of Kwame Opoku By Combined Police, Military And AGC Obuasi Mine Security

Isaac Ofori gave an eyewitness account of how the team of security personnel comprising the Police, Military and AGC mine security beat up Kwame Opoku to death in February 1994. According to Isaac Ofori, they were engaged in 'galamsey' when the team of security personnel gave them a hot chase. Kwame Opoku could not run fast and was arrested by the team because they heard Kwame Opoku shouting for help as the security team kept beating him up. He was found dead in the bush later with blood in his nostrils and a broken arm.

b. Killing Of Justice Oppong (Alias Papa Yaw) By Combined Police, Military And AGC Obuasi Mine Security

Justice Ofori gave an eyewitness account of the killing of Justice Oppong by the combined team comprising, AGC Obuasi Mine Security, Military and Police in December 1996. According to the account, they were engaged in 'galamsey' (small scale mining) when a Military armour car was used to chase them. There were warning shots from the combined security team who chased them and arrested Justice Oppong. According to Justice Ofori, he witnessed the beating of Justice Opoku to death by the combined team when he took refuge in a nearby bush. Justice Oppong was later found dead at the point of arrest by the security team.

c. Killing Of Kofi Sarpong By Combined Police, Military And AGC Obuasi Mine Security

Isaac Ofori gave a narration of how he witnessed the events that led to the arrest, and beating of galamsey suspects which led to the death of Kofi Sarpong in January 1997. According to Isaac Ofori, they were arrested panning for gold when a heavily armed combined security team of about 70 people comprising AGC Security, Police, Military and officials of Prisons Service arrested them with the help of 13 guard dogs. The galamsey people arrested numbered 16 including the narrator of the account. Isaac Ofori said they identified one expatriate that they knew was a white South African among the security team. The suspects were severely beaten and thrown into a big truck that conveyed them to the security office of AGC Obuasi Mine. According to the account of Isaac Ofori, about 40 of the security team lined up at both sides of the pathway to the AGC Security cells and the suspects got brutalised as they moved from the vehicle into the AGC cells. In the AGC cells, Kofi Sarpong started

complaining of pains in the groin and he showed signs of weakness. Isaac Ofori narrated that he shouted for help when he realised that Kwame Awuah and Kwame Kusi had collapsed in the cells whilst Kofi Sarpong had become very weak. According to Isaac Ofori, AGC Mine Security opened the cells and dragged the 3 unconscious people on the ground into a truck to the AGC hospital. Kofi Sarpong died on the way to the hospital whilst Kwame Awuah and Kwame Kusi were hospitalised for 5 days.

d. Death Of Kofi Ampomah

Mr Ben Opoku Acheampong who gave an eyewitness account of how Kofi Ampomah died said he was a Security Officer for BCM and was on duty when he saw the AGC Mine Security chasing Kofi Ampomah with guard dogs. The incident occurred in 1997. According to Mr Ben Opoku Acheampong, the security chased Kofi Ampomah into a mine pit. He narrated that Kofi Ampomah got hold of a rock, which he held on to for a long time when he was unable to neither descend nor climb up. According to Mr Ben Opoku Acheampong, Kofi Ampomah held on to the rock until he got exhausted and fell from the top of the pit and crushed on a rock down the pit. The Mine Security and himself witnessed the horrific incident, which has traumatised him to date.

e. Kwaku Bio Alias Kwaku Firi of Old Anyiman

Madam Abena Dansoah (Mother of Kwaku Bio) of Old Anyinam, a suburb of Obuasi narrated how AGC arrested her 25-year-old son who had gone to look for firewood on 27th April 2001. According to Madam Abena Dansoah, the guard dogs of AGC chewed Kwaku Bio to death. The police Officer who took pictures of the dead body has refused to give the pictures to Madam Abena Dansoah. The woman complains that she doesn't have the resources to take legal action against AGC. The firewood that Kwaku Bio fetched was found beside him when he was found dead.

f. Shooting Of Kwaku Addae

The people of Sansu undertook a peaceful demonstration in April 1995 on livelihood issues, employment, and payment of adequate compensation, construction of market, school and toilet, which AGC Obuasi Mine had promised to provide. Kwaku Addae was a sportsman and a farmer who took part in the peaceful demonstration. The Police shot him in the leg. AGC Obuasi Mine accepted responsibility for the shooting incident and bore the cost of the surgery at the orthopaedic hospital in Koforidua. AGC is yet to provide the necessary funds for an operation to remove a plate fixed in his leg. The young man has a deformed leg and cannot undertake any economic activity.

g. Using Guard Dogs To Feed On Galamsey Suspects

There had been reported cases that AGC Obuasi Mine, brutalised 'galamsey' suspects who are arrested by the mine security. According to statements from the victims of the guard dogs attacks, they are beaten and handcuffed at the back before guard dogs are ordered to chew them. After such ordeal, the suspects are kept in the cells of AGC or in the Police Station before being arraigned before court.

A number of young men who had been victims of the guard dogs attacks had fled the village for fear of being jailed by the court. The swollen big scars on the bodies of the victims indicated big wounds. Most of the victims were arrested for picking stones that had fallen from haulage trucks. The haulage road is not fenced and it is used as an access road by many villages. The following victims of AGC dog attacks were interviewed;

▪ **AMOS ABU**

Was arrested on 25th March 2002 for picking stones that had fallen from haulage trucks on the haulage road. According to his narration, he was beaten and handcuffed at the back and guard dogs released to feed on his body. He sustained deep wounds on his body. According to Amos Abu, he was kept in AGC cells over night whilst bleeding and was sent to the Police Station the next day. Amos Abu was arraigned before a magistrate court and WACAM is providing legal support to him. The scars from the wounds on Amos Abu sometimes develop into boils.

▪ **KWABENA NTI**

AGC Mine Security arrested Kwabena Nti in December 2001 on the suspicion of engaging in 'galamsey'. According to him, he was beaten handcuffed and guard dogs ordered to chew him up.

▪ **KWAME KANKAM**

According to Kwame Kankam, the AGC Security arrested him in October 2002 at the waste dump of AGC Obuasi Mine. He was beaten, handcuffed and the guard dogs were ordered to attack him. Madam Abena Dansoa is so poor that she cannot bring up an action against AGC Obuasi Mine.

OTHER VICTIMS OF GUARD DOGS ATTACKS

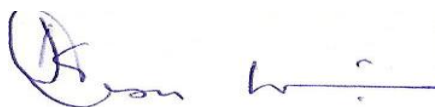
Other victims of dogs' attacks include:

1. Kwame Sakoah
2. Kwabena Antwi
3. Yaw Oduro

Mr. Benjamin Annan, the Assemblyman for Sanso who had in the past championed the struggle to seek justice for the affected family could be of great assistance in investigations relating to these human rights abuses. He can be contacted on telephone number 020 2005519.

We count on your co-operation in seeking justice for these vulnerable citizens of our country.

Yours faithfully



Daniel Owusu-Koranteng
Executive Director