

By: Namegabe Bugabo John.

Bukavu on February 5, 2024

Resident of the Democratic Republic of Congo

Tel: +243996901642, WhatsApp: +243814989558

Email: johnnamegabebugabo@yahoo.fr

Human rights Defender and Representative of the complainant victims according to their written requests, in the annex, And other victims men, women and children, from more than 2,360 households in the villages of Mege and Bandayi, in the territory of WATSA, HAUT-UELE, DR CONGO

TO THE UK NATIONAL CONTACT POINT (NCP) FOR THE OECD GUIDING PRINCIPLES FOR MULTINATIONAL BUSINESSES.

Email : UK.NCP@businessandtrade.gov.uk

Copies : info@oecdwatch.org

Request for compensation of damages, to the multinational company AngloGold Ashanti PLC (based in the United Kingdom) concerning the malicious destruction of residential houses, commercial houses, private property, fields, plants and crops, belonging to the population of Mege and Bandayi villages, and death of people shot dead on October 22, 2021 by security agents, working under orders of Kibali Gold mine during the forced eviction of the population to make way for the AngloGold Ashanti's and Barrick Gold's mines , without prior compensation by these joint ventures which own 90% of Kibali Gold Mines; And request for reparation for the victims and the families of the martyrs, distributed among more than 1,500 households destroyed in Bandayi and more than 860 houses destroyed in Mege, in the territory of Watsa, Haut-Uele, in the Democratic Republic of Congo.

AngloGold Ashanti Holdings PLC UK address:

AngloGold Ashanti plc (Incorporated in England and Wales); Registration No. 14654651

LEI No. 2138005YDSA7A82RNU96; ISIN: GB00BRXH2664; CUSIP: G0378L100; NYSE Share code: AU; JSE Share code: ANG ("AngloGold Ashanti", "AGA" or the "Company")

See the document "AngloGold Ashanti as based in UK", in the appendix.

Email address: Companysecretary@anglogoldashanti.com

Contact of KIBALI GOLD MINE in DR Congo: Tel: +243812532441 /+618 6365 44 41

Business relations between Kibali Gold Mine, in DR Congo and AngloGold Ashanti PLC.

The LOCAL RECRUITMENT NOTICE No. 001/HR/2021 dated January 5, 2021, of Kibali Gold Mine, attached, shows at the bottom of the page that Kibali Gold Mine is a joint venture company of Barrick Gold, AngloGold Ashanti and the state of the Democratic Republic of Congo.

Also the link <https://www.anglogoldashanti.com/portfolio/africa/kibali/> shows the business relationship of AngloGold and Kibali Gold Mine.

Dear UK NCP,

We come to the NCP to transmit this complaint, at the request of the victims, so that within the framework of the OECD guiding principles and under the mediation of the NCP of the United Kingdom, AngloGold can consider financial compensation to support the affected families and organize a relocation of this population, according to international standards in this area. Anglo Gold is co-owner of the Kibali Gold Mine.

AngloGold Ashanti is held responsible for damage caused to people, based on article 285 bis of the Congolese mining code which stipulates the following: "Any holder of mining and/or quarry rights is responsible for damage caused to people, to property and the environment as a result of its mining activities, even in the absence of any fault or negligence." This means that AngloGold is held responsible for the demolitions followed by the deaths of men, carried out by Kibali Gold in its name, during the forced displacement of the populations of the Bandayi and Mege villages in October 2021.

See the France 24 report on these demolitions, on the link below.

<https://observers.france24.com/fr/afrique/20211026-rd-congo-maisons-d%C3%A9truites-gisement-or-durba-kibali-gold-mining>

See also the other video in the appendix in which the Provincial government advisor assists in the demolition of houses not yet abandoned by the population because no compensation or relocation had been made upstream to encourage residents to abandon their fields, homes, their plantations, their property in general. In this video we see that the houses which are being destroyed still have their curtains, their doors, their windows and their metal sheets in place, which are goods which could be removed by their owners if they had moved before, in a suitable site already built by the Kibali Gold company. Moreover, we see a young man surprised by the machine, trying to evacuate in a hurry. In the background we also see armed soldiers and police invited by Kibali Gold to assist in the demolition and prevent any hint of resistance. This video proves that the residents were not involved in this demolition.

We can also see it in another video showing the results of the operation of October 22, 2021 and the photos of the martyrs who followed. Given the very sensitive nature of the case, the identity of the complainants will be treated confidentially.

See also the video of public demonstrations by populations to demand their rights.

Jurisdiction of the UK NCP.

- AngloGold Ashanti is a multinational company operating in or from the United Kingdom, a member country of the OECD.

-Barrick Gold operates the Kibali mine (exploration and mining) on behalf of AngloGold Ashanti, PLC based in the United Kingdom. See the following link:

<https://www.anglogoldashanti.com/portfolio/africa/kibali/> It is written in English:

"Kibali is co-owned by AngloGold Ashanti (45%), Barrick Gold Corporation (45%) and SOKIMO (10%), a state-owned gold mining company"

The consolidated lease is made up of 10 mining concessions. The metallurgical plant comprises a twin-circuit sulphide and oxide plant with conventional carbon-in-leach (CIL), including gravity recovery as well as a float and ultra-fine grind circuit.

Barrick operates the mine which includes both open pit and underground operations.”

-DR Congo, where AngloGold Ashanti has mining operations, is not a member of the OECD and therefore does not have a national contact point for the implementation of the OECD guiding principles.

- The 2022 Technical Report in the appendix (Kibali Gold Mine Technical Report), page 2, point 1.2 Ownership, shows the existence of business relations between Barrick Gold, Anglo Gold Ashanti and Sokimo in relation to Kibali Gold Mine, since it says that: “Kibali Goldmines is owned 90% by a joint venture between Barrick (45%) and AngloGold (45%), and 10% by SOKIMO”.

https://s25.q4cdn.com/322814910/files/doc_downloads/operations/kibali/Barrick_Kibali_Technical_Report_2022.pdf

This same report, in its preamble, also says this: “...Known and unknown factors could cause actual results to differ materially from those projected in the forward-looking statements. Such factors include, but are not limited to: fluctuations in the spot and forward price of commodities (including gold, diesel fuel, natural gas and electricity);.....; damage to Kibali Goldmines SA's, Barrick Gold Corporation's, AngloGold Ashanti Limited's, or the Kibali Gold Mine's reputation due to the actual or perceived occurrence of any number of events, including negative publicity with respect to the handling of environmental matters or dealings with community groups, whether true or not;..... failure to comply with environmental and health and safety laws and regulations; timing of receipt of, **or failure to comply with, necessary permits and approvals; non-renewal of key licenses by governmental authorities;** litigation;the global Covid-19 pandemic.”

This also means that Kibali Gold recognizes that in certain places in these Kibali concessions, it does not have all the rights required to carry out its activities, in particular, it faces the problem of exploration or exploitation permits, licenses not renewed, etc. Hence, illegal and irregular eviction of the population of Mege and Bandayi villages.

Also, the attached press release says this: “**Barrick would like to clarify that SOKIMO is contractually bound to Barrick and to AngloGold Ashanti, its joint venture partner, and therefore cannot sell or transfer its shares in Kibali Goldmines SA, owner of the Kibali gold mine, without their approval.**”. This is further proof that the Congolese party cannot decide anything without the joint approval of AngloGold and Barrick Gold, co-owners of the 90% Kibali Gold mine company.

These demolitions and these deaths of men constitute clear violations of articles 1 point 19; 280; 281; 283 paragraphs b; 285 bis of the mining code and articles 16; 29; 34; 35 of the constitution of the DR Congo:

“Article 16

The human person is sacred. The State has the obligation to respect and protect it.

Everyone has the right to life, physical integrity and the free development of their personality with respect for the law, public order, the rights of others and good morals.

No one may be held in slavery or in any similar condition.

No one may be subjected to cruel, inhuman or degrading treatment.

No one may be subjected to forced or compulsory labor.

Article 29

The home is inviolable. No visit or search may be carried out there.

only in the forms and conditions provided for by law.

Article 34

Private property is sacred.

The State guarantees the right to individual or collective property acquired in accordance with the law or custom. It encourages and ensures the security of private, national and foreigners.

No one may be deprived of their property except for reasons of public interest and subject to fair and prior compensation granted under the conditions established by law.

No one may have their property seized except by virtue of a decision taken by a competent judicial authority.

Article 35

The State guarantees the right to private initiative to both nationals and foreigners.

It encourages the exercise of small commerce, art and crafts by the Congolese and ensures the protection and promotion of national expertise and skills.

The law establishes the conditions for exercising this right. "

CHAPTERS AND PARAGRAPHS OF THE GUIDING PRINCIPLES VIOLATED BY ANGLOGOLD ASHANTI IN JOINT VENTURE WITH BARRICK GOLD, AGAINST THE COMMUNITIES OF BANDAYI AND MEGE.

I. Concepts and principles.

1. The Guiding Principles are recommendations that governments jointly address to multinational enterprises. They set out principles and standards of good practice in accordance with applicable laws.

- AngloGold Ashanti must ask Kibali Gold Mine to implement the recommendations that the United Kingdom government addresses to its multinationals.

- AngloGold Ashanti, working in a joint venture in Kibali, must respect good practices in the process of relocating the population.

2. Since multinational companies operate worldwide, international cooperation in this area should extend to all countries.

Governments subscribing to the Guiding Principles encourage companies operating in their territories to adhere to the Guiding Principles wherever they do business, taking into account the particular circumstances of each host country.

- As part of international cooperation, the United Kingdom government must encourage Gold, a company operating on its territory, to respect the guiding principles in the DRC where Barrick Gold and Anglo Gold Ashanti carry out their activities, taking into account specific situations from the DRC, their host country.
- AngloGold Ashanti must respect the laws of the DRC relating to 10% taxation in the event of an increase in share capital.
- AngloGold Ashanti must respect the laws of the DRC relating to the relocation procedure with dignity.

4. A precise definition of multinational enterprises is not necessary for the purposes of the Guiding Principles. These companies are in fact present in all sectors of the economy. These are usually companies or other entities established in several countries and linked in such a way that they can coordinate their activities in various ways. One or more of these entities may be able to exert great influence over the activities of others, but their degree of autonomy within the company may vary greatly from one multinational to another. Their shareholding can be private, public or mixed. The Guiding Principles are addressed to all entities that make up the multinational enterprise (parent companies and/or local entities). Depending on the actual distribution of responsibilities between them, the different entities are expected to cooperate and assist each other to facilitate compliance with the Guiding Principles.

- AngloGold Ashanti and Barrick Gold are linked by joint venture in Kibali Gold. Depending on the actual division of responsibilities between them, AngloGold Ashanti and Barrick Gold are expected to cooperate and assist each other and Kibali Gold to facilitate compliance with the Guidelines. AngloGold Ashanti is responsible for the actions taken by Barrick Gold on its behalf at the Kibali gold mine.

II. General principles

Companies should take full account of the policies established in the countries where they operate and consider the views of other stakeholders.

- AngloGold Ashanti must take full account of the policies established in DR Congo where it operates, respecting the constitution of DR Congo in Articles 16; 29; 34; 35, the Decree of the Sovereign King of February 27, 1887 in articles 6 and 13 a, b, c; the Congolese mining code in its articles 1 point 19; 280; 281; 283 paragraphs b; 285 bis.

In this regard :

A. Companies must:

1. Contribute to economic, environmental and social progress with a view to sustainable development.

- AngloGold Ashanti and Barrick Gold, have caused economic loss to the local community by destroying homes and other means of livelihood of the community.

2. Respect the internationally recognized human rights of those affected by their activities.

- By the methods used to dislodge the population by forced eviction which led to the death of certain inhabitants, Barrick Gold and AngloGold Ashanti were guilty of violating human rights, in particular the right to life, the right to security, the rights of the poor, social economic rights, etc.

3. Encourage capacity building at the local level by cooperating closely with the local community, including the business community, while developing the company's activities in the domestic market and in external markets in a manner consistent with sound business practices.

- AngloGold Ashanti and Barrick Gold failed to cooperate closely with the local community of Bandayi and Mege in the process of their relocation, due to forced eviction and without prior compensation, thus causing a huge loss of property of the population, which is not a capacity to build at the local level. Indeed, destroying someone else's house during the day when the owner is not present or is not informed of the operation results in the loss of the house, furniture, clothing, parcel papers, money, diplomas, IDs, cash and other valuables kept in the house, not to mention the psychosis created by these incidents, including the heart attacks that were recorded.

5. Refrain from requesting or accepting exceptions not provided for in the legislative or regulatory framework relating to human rights, the environment, health, safety, labor, taxation, financial or other incentives.

- AngloGold Ashanti and Barrick Gold, by artificially maintaining their share capital too low in relation to the turnover achieved in the Kibali gold mine, seek low taxes paid to the Government of the DRC and low retrocessions to local authorities, as a mining royalty. No company can be taxed beyond its share capital.

6. Support and enforce the principles of good corporate governance and develop and apply good corporate governance practices, including within corporate groups.

- AngloGold Ashanti and Barrick Gold, being a group of companies, must support and enforce the principles of good corporate governance within their group, and develop and apply good corporate governance practices, vis-à-vis of the relocation of communities.

The forced expulsion of the population, accompanied by the death of men, and without prior compensation, is not a good corporate governance practice.

7. Develop and apply self-regulatory practices and effective management systems that promote a relationship of mutual trust between businesses and the societies in which they operate.

-The relationship of mutual trust between Barrick Gold and AngloGold Ashanti and the Bandayi and Mege companies will now be difficult if nothing is done to repair the damage caused.

10. Exercise risk-based due diligence, for example by integrating this dimension into their risk management systems, in order to identify, prevent or mitigate actual or potential negative impacts described in paragraphs 11 and 12, and report on how they respond to these impacts or repercussions. The nature and extent of due diligence depends on the particular circumstances of a particular situation.

- AngloGold Ashanti should encourage Barrick Gold and Kibali Gold to ensure that their activity complies with the Guiding Principles.

This is not the case with the events of October 22, 2021 as a result of the poor policy of AngloGold Ashanti and Kibali Gold regarding the relocation of populations.

11. Avoid causing or contributing to negative impacts in the areas covered by the Guiding Principles through their own activities, and take appropriate action when such impacts occur.

- AngloGold Ashanti, failed to avoid causing or contributing to negative impacts when Kibali Gold planned to displace people from their natural living areas.

12. Seek to prevent or mitigate a negative impact, when they have not contributed to it but the impact is nevertheless directly linked to their activity, products or services within the framework of a commercial relationship. This should not be interpreted as a transfer of responsibility from the entity causing the negative impact to the company with which it has a business relationship.

- The forced relocation of the population of Bandayi and Mege (by Kibali Gold using the Government's armed forces or police) is directly linked to the activities of AngloGold Ashanti and Barrick Gold in the Kibali Gold mine. Therefore, AngloGold must seek to prevent or mitigate this negative impact against these populations.

14. Engage with relevant stakeholders by providing them with meaningful opportunities to have their views heard when planning and making decisions regarding projects or other activities potentially impacting or with significant impact on populations local.

- The Communities of Bandayi and Mege, being one of the stakeholders, should be consulted by Kibali Gold and be integrated into the planning relating to the mining site exploitation project whose activities have been and are likely to have a significant impact on local populations, due to this displacement of their natural environment.

15. Refrain from undue interference in local political activities.

- AngloGold Ashanti and Barrick Gold, having a police force in Kibali commanded by the Kibali Gold Mine company, they have the capacity to unduly interfere in local political activities. This is the case when the police fired live ammunition at demonstrators against the illegal actions of Kibali Gold acting on behalf of AngloGold and Barrick Gold.

IV. Human rights

States have a duty to protect human rights.

Within the framework of internationally recognized human rights, international human rights commitments made by the countries in which they operate and relevant national laws and regulations, businesses must:

1. Respect human rights, which means refraining from violating the rights of others and dealing with negative human rights impacts in which they are involved.

- AngloGold Ashanti and Barrick Gold must refrain from killing or having killed the local population in DR Congo.

- AngloGold Ashanti and Barrick Gold must address the negative human rights impacts in Kibali, in which they have a share.

2. In their activities, avoid causing or contributing to negative human rights impacts, and address these impacts when they occur.

- Given that deaths have occurred in these incidents, AngloGold Ashanti should actively seek compensation and measures to prevent such incidents from happening again.

3. Strive to prevent and mitigate adverse human rights impacts directly related to their activities, goods or services due to a business relationship with another entity, even if they do not contribute not to these impacts.

- AngloGold Ashanti, being a co-owner in the Kibali Gold gold mine where the incidents occurred, must strive to prevent and mitigate negative impacts on human rights directly linked to its activities in the Kibali gold mine, although it does not contribute to these impacts.

4. Develop a policy that articulates their commitment to respecting human rights.

-Going forward, AngloGold Ashanti and Barrick Gold will need to develop a policy that articulates their commitment to respecting human rights.

5. Carry out human rights due diligence, commensurate with their size, the nature and context of their activities and the severity of the risks of adverse human rights impacts.

-People spend the night outside. AngloGold Ashanti and Barrick gold must exercise human rights due diligence to avoid risks, as outlined in point 6 below.

6. Establish or join legitimate mechanisms to address negative human rights impacts where they are found to have caused or contributed to them.

- AngloGold Ashanti and Barrick Gold, should establish or partner with legitimate mechanisms to address negative impacts on human rights in Bandayi and Mege, since the activities of these companies are the cause of negative impacts such as loss of residential houses, loss of commercial houses, loss of agricultural fields, loss of crops, loss of plants, loss of valuables kept in houses, loss of cash, home life, starry skies in a tropical climate, viral diseases, malnutrition following the loss of the population's essentially agricultural activities, destruction of schools, destruction of hospitals and health centers, etc.

XI. Taxation

- AngloGold Ashanti and Barrick Gold, by artificially maintaining low share capital in the operations of Kibali Gold Mines despite the significant revenues generated by Kibali Gold, are not contributing effectively to the public finances of the DR Congo.

- AngloGold Ashanti and Barrick Gold must comply with DRC laws relating to 10% taxation in the event of an increase in share capital.

AngloGold Ashanti and Barrick Gold, following their business relationships with Kibali Gold Mine, and not having exercised their duty of care to stop the negative impacts, contributed to this.

Ladies; Gentlemen,

This issue is very important because it concerns human lives which are endangered by the activities of Barrick Gold and AngloGold Ashanti, in DR Congo. There is reason for Barrick Gold (London) Limited and AngloGold Ashanti Holdings PLC, their partners, to consider corrective measures.

The commentary on the procedures for implementing the OECD Guidelines for Multinational Enterprises, point 26, states the following: "when assessing the importance, for a procedure relating to a specific circumstance , other national or international actions dealing with comparable issues in parallel, NCPs should not decide that the issues do not warrant further consideration simply because parallel actions have existed, are underway or could be taken by the parties concerned."

Ladies; Gentlemen,

The inhabitants of the DR Congo in general and those of the villages evicted by force (Bandayi and Mege) in particular, are demanding fair reparation as evidenced by their public demonstrations.

It is important that redress is made to all victims who are identified by AngloGold Ashanti under the supervision of the UK NCP or other entity designated by the NCP.

We remain at your disposal for the future.

Sincerely,

For the victims

Namegabe Bugabo John

Human Rights Defender