



CENTRAL AFRICAN REPUBLIC:

CHINESE MINING COMPANIES HAVE MOVED ON BUT NEED FOR INVESTIGATION, ACCOUNTABILITY AND REMEDY REMAIN



PUBLIC STATEMENT

The authorities of the Central African Republic (CAR) must carry out an independent investigation into concerns of environmental damage and human rights abuses in the context of gold mining in Bozoum, a town in north-western CAR.

Amnesty International has previously raised serious concerns about the operations of four gold mining companies and the risks they posed to the environment and human rights of people living in the vicinity.

The four gold mining companies – Tian Xiang, Tian Run, Meng, and SMC Mao – that were operating in Bozoum left the area in late April 2020, Amnesty International has learned through media reports and a local contact, Catholic priest Aurelio Gazerra.¹

The cessation of operations ostensibly brings an end to any further risks of negative human rights impacts brought about by the companies' ongoing operations, which were raised by Amnesty International in April.²

But the deaths of seven people at the abandoned mining sites and the failure to restore the Ouham River, leaving it potentially dangerous, has only increased the need for an independent investigation into the allegations raised by Amnesty International, as well as the need to hold the perpetrators to account and ensure effective remedy for the harm they caused.

SEVEN DEATHS IN SEVEN DAYS AT THE ABANDONED MINING SITES

La Voix de Koyale, a community radio station, and *Corbeau News Centrafrique* reported that seven people died in river at the abandoned mining sites along the Ouham River over a seven-day period in late April.³ According to the media reports, these deaths may have been caused by the condition in which the river was left after the mining companies abandoned the sites. According to one report, "Now there's only gravel and a lot of deep holes with steep walls that are full of water, where people who are unable to swim die easily."⁴ Father Aurelio Gazzera also confirmed that people died in the river in late April.

REITERATING OUR CALLS WITH RENEWED URGENCY

Given the recent reported deaths in the Ouham river at the abandoned mining sites, Amnesty International **reiterates our calls to the authorities of the Central African Republic**, to:

- Immediately carry out an independent and impartial investigation into the deaths of the seven people at the abandoned mining sites with a view to ascertaining the cause of the deaths and ensuring that the area is restored and safe for use by local people.

1. Gazzera testimony to Amnesty International; <https://www.amnesty.org/download/Documents/AFR1920312020ENGLISH.PDF>

2. Amnesty International, *Central African Republic: Urgent Need for Government to Suspend Gold Mining in Bozoum* (Index: AFR 19/2031/2020).

3. RCA : 7 personnes noyées dans les eaux du fleuve Ouham, CNC, 29 April 2020, https://corbeau-news-centrafrique.com/rca-7-personnes-noyees-dans-les-eaux-du-fleuve-ouham/?utm_source=dlvr.it&utm_medium=twitter

4. RCA : 7 personnes noyées dans les eaux du fleuve Ouham, CNC, 29 April 2020, https://corbeau-news-centrafrique.com/rca-7-personnes-noyees-dans-les-eaux-du-fleuve-ouham/?utm_source=dlvr.it&utm_medium=twitter

- Launch an investigation to determine whether the mining operations and the process of mine closure was in accordance with relevant laws (human rights, environmental, health and safety, administrative, mining, criminal) and whether the mining operations or the process of closing the mines posed a risk to human life and health. This investigation should include alleged incidents of drownings that have taken place after the mining operations left Bozoum. To ensure that the investigation is independent and impartial, the investigating team should be multi-disciplinary in nature, composed of members civil society and community representatives, scientists, technical experts, and government officials.
- If it is determined that there is imminent or ongoing risk to life and health of the communities in the mining areas, take urgent action to protect their lives and health, which may include providing safe drinking water, ensuring access to health care, and fencing off the dangerous sections of the river banks, and support for those whose livelihoods were impacted by the decreased ability to conduct fishing and other agricultural activities that depended on the river..
- If it is found that the mining operations have caused or contributed to human rights violations, take urgent steps to ensure that responsible entities are held to account, provide access to effective remedy for the affected people including compensation, restitution, and guarantees of non-repetition.
- Consider ratifying the Minamata Convention on Mercury and developing a National Action Plan (NAP) to reduce, and where possible, eliminate the use of mercury in artisanal and small-scale gold mining.⁵
- Ensure that in the future mining is only allowed in the area after all due process requirements are followed, including thorough environmental and social impact assessments.

Amnesty International urges the companies to:

- Investigate and take appropriate remedial action if human rights abuses that were caused or contributed to by the mining companies have occurred at any point. This includes in consultation with the community, restoring the river to its original condition, providing reparations to individuals who have suffered human rights abuses.
- Publish all information relating to the design of the mines and any environmental and social impact assessments that they have conducted, as well as any water testing or other relevant activities.
- Adhere to business and human rights guidance provided by the China Chamber of Commerce of Metals Minerals & Chemicals Importers & Exporters (CCCME), particularly its Guidelines for Social Responsibility in Outbound Mining Investments and the Chinese Due Diligence Guidelines for Responsible Mineral Supply Chains.

Background: On 17 April 2020, Amnesty International published a public statement urging the authorities in the Central African Republic to suspend operations of four gold mining companies near Bozoum and to launch as a matter of urgency an independent investigation into the human rights and environmental impacts that these companies may have had.⁶

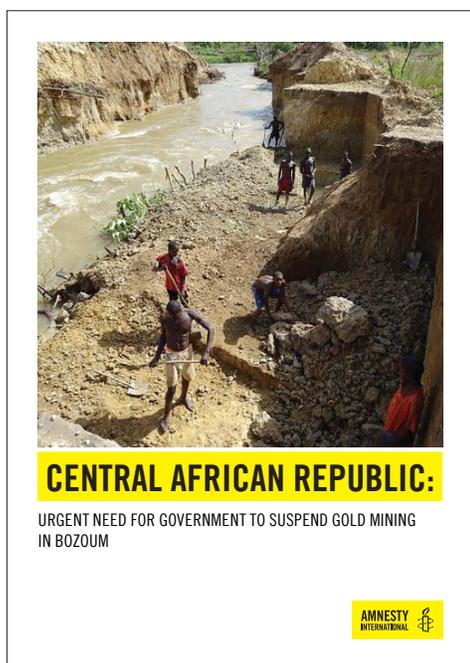
5. United Nations Environment Program (UNEP), GUIDANCE DOCUMENT Developing a National Action Plan to Reduce and, Where Feasible, Eliminate Mercury Use in Artisanal and Small-Scale Gold Mining, 2018, https://wedocs.unep.org/bitstream/handle/20.500.11822/25473/NAP_guidance2018_EN.pdf?sequence=1&isAllowed=y

6. Amnesty International, *Central African Republic: Urgent Need for Government to Suspend Gold Mining in Bozoum* (Index: AFR 19/2031/2020).

Amnesty International raised serious concerns about the operations of the companies. Three governmental reports and other testimony - corroborated by satellite imagery, photographs and videos – attest to profound changes to the Ouham River. Bulldozers and power shovels have been used to build earth-filled dams that deviated the flow of the river in order to reach the dirt, sand, and gravel of the riverbed, which was then sifted for gold. This resulted in hills and holes along the river, significant changes to the river’s colour and increased turbidity of the river water. Fish in the river died. Mercury, often used in artisanal gold mining and toxic to human health, was recorded in the river water at dangerous levels. This was particularly of concern as villagers in the surrounding areas are dependent on the river for water for domestic use including drinking water, fishing and farming.

When human rights violations or abuses occur, international human rights law requires that States respond by investigating the allegations, holding the perpetrators to account and ensuring effective remedy for the harm caused. The duty to ensure effective remedy is part of the broader duty to protect human rights from abuses committed by non-State actors including companies. Similarly, the UN Guiding Principles on Business and Human Rights and other international human rights standards make clear that when companies cause or contribute to human rights abuses, they have a responsibility to remediate the harm.⁷

The CAR government must therefore engage in an independent investigation and ensure effective remedy for those who have been harmed. In this case, remedy is likely to include, at minimum, repairing and restoring the Ouham River, which had been diverted in many places, with many of its riverbanks left in unsafe state with mounds of loose gravel. Due to the turbidity of the water and the presence of mercury, a toxic substance, the government should also ensure that the community has access to safe drinking water and safe water for domestic use. Finally, the government should require the companies to cooperate and if found responsible for environmental harm and human rights abuse, pay for remediation efforts.



Please go to <https://www.amnesty.org/download/Documents/AFR1920312020ENGLISH.PDF> for the full report.

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7. UN Guiding Principles on Business and Human Rights, Principle 25 and commentary



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