



Corporate General Counsel

Office of the United Nations High
Commissioner for Human Rights
(OHCHR)
Palais Wilson 52 rue des Pâquis
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Switzerland

Att. Mary Lawlor,
Special Rapporteur on the situation of
human rights defenders

Att. David R. Boyd,
Special Rapporteur on the issue of
human rights obligations relating to
the enjoyment of a safe, clean,
healthy and sustainable environment

Att. Irene Khan,
Special Rapporteur on the
promotion and protection on the
right to freedom of opinion and
expression

Att. Beatriz Balbin,
Chief, Special Procedures Branch

Paris, August 23, 2021

Ref: AL OTH 205/2021

Re: Joint Communication from special procedures

I make reference to your communication dated July 6, 2021 in which you are seeking information in relation to the arrest and detention in Uganda on May 25, 2021 of an Italian journalist – Mrs. Federica Marsi- and the representative of a civil society organization (AFIEGO), Mr Maxwell Atuhura.

I am aware that you have sent a similar request for information to our affiliate, TotalEnergies EP Uganda (“TEP Uganda”). Given that TEP Uganda has also sent you a reply and in order to avoid any redundancy, please note that the developments contained in this letter should be read in conjunction with those contained in TEP Uganda’s letter in order to get a comprehensive view of the way TotalEnergies has handled this case. For ease of reference, a copy of TEP Uganda’s answer to you is attached herewith. Before addressing your questions in detail below, I would like to take this opportunity to update you on the situation of the Tilenga project, in light namely of the previous letter sent by Special Rapporteurs on 20 April 2020 (Ref. AL OTH 19/2020) and our reply dated 18 May 2020, which is attached for ease of reference.

On 8 March 2021, in accordance with its guiding principle of transparency in engaging with civil society, TotalEnergies announced ¹ that it had published the studies, independent third-party reviews and social

¹ See <https://totalenergies.com/media/news/press-releases/total-acts-in-transparency-on-social-and-environmental-stakes>.

and environmental action plans related to the Tilenga project in Uganda and the EACOP (East African Crude Oil Pipeline) project in Uganda and Tanzania ².

On 12 April 2021, TotalEnergies and its partners in the Tilenga project concluded the final agreements required to launch this major project. It is contemplated that the main engineering, procurement and construction contracts will be awarded shortly, and construction will start. First oil export is planned in early 2025.

Finally, we attach an extract of the detailed replies that TotalEnergies provided in writing to Friends of the Earth France's written questions in the context of TotalEnergies' general assembly of 28 May 2021³. These questions and replies address several human rights' related issues in relation to the Tilenga project and are therefore very much relevant to understand the overall context surrounding your latest communication.

That being said, please find below are our answers to your questions:

1- Please provide any additional information and any comment you may have on the above-mentioned allegations

While the allegations you have been informed of are very serious in nature and have been dealt with diligently by TotalEnergies (see below), we understand that the arrest of Mrs. Marsi and of Mr. Atuhura was carried out by the Ugandan police and authorities and that it is however not alleged that TotalEnergies would have taken any part in these events. I can only confirm that TotalEnergies played no such part whatsoever.

Because TotalEnergies was not involved in these arrests, we have no additional information to provide nor any other comment than the ones made in TEP Uganda's reply to you and in our replies to your questions below.

2 – Please provide information as to whether your company was informed of the arrest of Maxwell Atuhura, and any actions it took in response

Until your letter, TotalEnergies was not aware of the break-ins or threats received by Maxwell Atuhura, nor of complaints raised with the Buliisa police on 24 May 2021.

On 25th May 2021, TotalEnergies SE was informed by an international non-governmental organization that police detentions of a journalist and an individual named Maxwell Atuhura (AFIEGO) had occurred close to the town of Buliisa. TotalEnergies SE immediately communicated this information to TEP Uganda.

Upon conducting its own urgent enquiries, TEP Uganda was informed that these persons were apparently carrying out research in proximity to the Tilenga project area about the Tilenga and EACOP Project Affected Persons (PAPs). TEP Uganda took immediate action by contacting the relevant officials in order to insist on the need to respect the Human Rights of the persons detained. As you may be aware, TEP Uganda also informed the representative of UN Human Rights Office of the High Commissioner (OHCHR) in Uganda.

On 27th May 2021, the General Manager of TEP Uganda wrote to the Minister of Internal Affairs to stress that the Company is strongly committed to the respect of Human Rights all over the world and does not accept any attack or threats against those who peacefully promote Human Rights in relation to its activities.

² See the reports and status of recommendations at <https://totalenergies.com/info/tilenga-eacop-two-projects-rigorously-researched-and-assessed#rapports>.

³ Under French law, shareholders can ask written questions to the board of directors of a company in advance of the company's annual shareholders' meeting. In this context, Friends of the Earth France, in its capacity as shareholder of TotalEnergies, sent a list of questions on 25 May 2021. The answers provided by TotalEnergies (in French only - *p.61 et s.*) can be accessed at https://totalenergies.com/sites/g/files/nytnzq121/files/documents/2021-06/AG2021_reponses-aux-questions-ecrites.pdf.

In light of the serious concern raised by these arrests and detention, the Chairman and CEO of TotalEnergies SE wrote to the President of the Republic of Uganda on 28 May 2021.

In this letter, our Chairman and CEO stressed that our Company strives to act in a highly responsible way in the conduct of its petroleum operations and, as such, promotes an open dialogue with our stakeholders, whoever they may be. He also stressed the importance for the press to be able to work in an unfettered way. Our Chairman and CEO respectfully submitted to President Museveni that the situation be dealt with in strict adherence with the concerned individual's rights and asked that the Uganda authorities devise clear measures to be implemented in the future so that third party stakeholders should be able to carry out their activities in relation to the Tilenga and EACOP projects without the fear of arrest or reprisal.

The President of the Republic of Uganda, Mr. Yoweri Kaguta Museveni, has replied to the letter of our Chairman and CEO. In his reply, President Museveni has given instructions to the Ugandan police and local authorities to systematically liaise with TEP Uganda when it comes to activities of NGOs' representatives and journalists in the project area. As such, if they so deem appropriate, any human rights defenders who wish to visit our projects' area in Uganda will be in a position to refer to our local affiliate so as to facilitate their request and its processing, without of course any interference in their activities.

3- Please provide information as to ways in which Total exercises its leverage with the governments of the States in which it operates, and other relevant stakeholders, to ensure human rights due diligence in relation to its projects and operations, and more specifically to ensure that the rights of Human Rights Defenders in relation to these projects are protected.

Our Company is strongly committed to the respect of Human Rights in its activities all over the world. In particular, the Company does not tolerate any attack or threats against those who peacefully promote Human Rights in relation to its activities.

Where appropriate, as recommended by the UN Guiding Principles on Business and Human Rights (UNGPR), the Company also strives to exert its leverage to influence its business partners to respect these principles. Thus, where Human Rights Defenders carrying out activities in relation to our projects are subject to threats or possible human rights violations, the Company's local affiliate will establish contacts with the local authorities to assert that their rights must be respected.

The actions taken by TEP Uganda and TotalEnergies SE in relation to the situation at hand in Uganda, as set out in this letter and in TEP Uganda's letter to you, is an illustration of our overall approach in this respect.

Regarding human rights due diligence in relation to projects and operations of the Company, the affiliate in charge of the project conducts it either as part of the environmental and social impact assessment (ESIA or as standalone Human rights Impact Assessments (HRIA) with the support of independent experts.

As far as the Tilenga and EACOP Projects are concerned, I refer to the publication of studies, independent third-party reviews and social and environmental action plans⁴ mentioned previously in this letter.

4- Please provide information on Total Uganda's existing policies to fulfil its obligations to protect and respect Human Rights Defenders

I refer to the detailed answers provided in TEP Uganda's letter to you, which is attached for ease of reference.

⁴ See the reports and status of recommendations at <https://totalenergies.com/info/tilenga-eacop-two-projects-rigorously-researched-and-assessed#rapports>.

I trust that the above explanations address the concerns you may have and stand to show that TotalEnergies is strongly committed to upholding the United Nations Guiding Principle as part of its operations, namely in Uganda. As a matter of course, our teams at TotalEnergies welcome any opportunity to engage in a dialogue with you and your teams in order to address your concerns.

Yours truly

Aurélien Hamelle