

Our Ref: SGA/331/2024

Your Ref: AL OTH 50/2024

May 08, 2024

Ms. Beatriz Balbin,
Chief, Special Procedures Branch,
Office of the High Commissioner for Human Rights.
United Nations Human Rights.
Palais des Nations, 1211 Geneva 10, Switzerland.
Email: ohchr-registry@un.org

Dear Madam,

Re: Response to the Joint Communication from Special Procedures

We received your letter with reference AL OTH 50/2024 dated 22 April 2024. In that letter, you requested us to make clarification on a number of issues raised in there, which we hereby do.

SGA Security was contracted by North Mara Gold Mine Ltd (the Company) as private security services to provide asset protection. The contract was awarded to SGA after the Company's procurement due process and in compliance with the laws and regulations guiding the Mining Industry in Tanzania, including obtaining required approvals from the Mining Commission. SGA contract commenced on 4th July 2023.

SGA is one of the few private security companies in East Africa that is ISO 18788 certified and a certified member of ICoCA. This means we adhere to the highest standards of private security, and we are committed to adhere to the human rights and environment as addressed by the UN. In the call for proposal from North Mara Gold Mine Ltd, these qualities were the requirements and SGA was a successful bidder because we could demonstrate our adherence to international standards and more important to the Human Right Principles. Below we will get into more detail and answer your specific questions.

First of all we would like to reiterate that SGA has no tolerance to Human right violations as we maintain all international standards and code of conducts in relations to the services we provide to our clients. This is confirmed by the quality of clients we serve, which are large and international companies and organizations such as UN assets.

In the letter we received from UN Human Right Commission (UN HRC), we noted several allegations towards SGA which we strongly reject. We also like

to state from the outset that SGA is not a mercenary as referred by the UN HRC, but it is a legally registered private security company with presence in multiple countries and that operates in compliance with international laws and standards. The letter presents an allegation of an incident that occurred in July 2023, but didn't specify the date and therefore SGA cannot identify it. Further it is to be noted that SGA took over the site on 4th July 2023.

One other allegation is linked to an incident alleged to have occurred in September 2023, when we were on contract. As it is pointed out by the UN HRC, this incident was in the hands of the Tanzania Police Force and there SGA does not have the details because it the Police who have constitutional mandated in the country to handle such cases and to provide reports. We are not clear how this incident is linked to SGA because we have never recorded an complaint from the client, community or police about how we conducted our duties. We reiterate that in our knowledge our team complied with all relevant laws and international standards.

Allow us also to inform you that according to our contract with North Mara Gold Mine Ltd, our mandate is asset protection service, which entails perimeter security and access control services. In this capacity SGA personnel execute the North Mara Gold Mine Security Plan. The tasks performed by our personnels includes the searches of site personnel, guests, vehicles, and patrolling the site deterring/ repealing intruders who make their way inside the mine. Our role includes escalating to the control room any detected security risk or incident and liaise with the Tanzania Police Force when the site is invaded or there is any incident that is life threatening or put the assets of the company and its workforce in danger. All the measures and standards to keep the assets and the life of people inside the mine safe and secured, are outlined in the service contract between SGA and North Mara Gold Mine Ltd.

It is important to note that whilst performing the Services our personnel do not utilise firearms, weapons or other forms of lethal force, which is the policy of our client towards ensuring/avoiding any incident that my become a violation to human right. Further None of our officers is allowed to step outside as part of the services we provide on-site. It is a strict policy that is checked round the clock for compliance.

You requested us to provide the legal basis for our presence in Tanzania. This is therefore to notify you that our company was the first one to be registered and granted license to operate as a private security company in 1984. This year will be our 40th anniversary. In addition to incorporation and other general regulatory compliance for companies, a private security company is required to obtain a permit from the Tanzania Police Force, who regulates the activities of the private security industry. The Inspector General of Police issues a permit which is required to be renewed after every three years. Please be informed that SGA Security complies with those regulatory requirements and all other licenses required and is not a mercenary army, as reported by UN HRC.

You also asked for information about the company's management and ownership structure. In short, we are following international standards on management and corporate governance. At the top of the governance structure is the advisory board, then the Group Management and Executive Committee overseeing the strategy and supporting the operations of the companies. Each company has a Board of Directors. For each company is the top day to day management led by the managing director. For SGA Tanzania, I am the one heading it. Reporting to me are the heads of departments – business lines and support functions. The operation in Barrick is under the guarding department, headed by the head of operations for guarding service line. On site is the contract manager with an assistant supporting him. The operations officers and supervisors are reporting to the contract manager. The company is owned 80% by the estate of the late founder, a Dutch family. The 20% shares are with the local partners here in Tanzania.

You also requested for the information about human rights policies and processes. We wish to notify you that SGA Security has four ISO Certifications: ISO 9001, ISO 14001, ISO 45001 and ISO 18788 – Security Operations Management System (SOMS). The first ISO certification was in 2008 and we have sustained that ever since.

We acquired the industry-specific ISO 18788 in 2020 and got recertified in 2023 for another three years, after a rigorous audit by Intertek for UKAS. Our SOMS incorporates and adopts the legal obligations and the recommended good practices of the Montreux Document relevant to PSCs and the principles of the ICoCA and UN Guiding Principles. Respect for human rights is incorporated in the principles and culture of our company.

SGA Security is also a certified member of ICoCA and a signatory to the International Code of Conduct for Private Security Service Providers. All persons working on behalf of SGA are adequately trained to understand and abide by the operational and human rights expectations described in the above documents. The top management recognise that respect for human rights is a core business value and always communicates and reinforces this throughout the company and with our relevant stakeholders. We wish to reiterate that all personnel deployed in Barrick North Mara site were well trained on these and refresher trainings done on site continuously.

SGA also believes that taking care of the welfare of their officers goes along way to instil discipline and impacts on the conduct of security operations that comply with the key principles of SOMS and ICoCA, with respect to human rights. We believe that this will prevent any occurrence of human rights abuses.

SGA Security carries due diligence on human rights amongst it stakeholders, right from potential recruits, staff, suppliers and business partners. Our engagement is clear about the need to commit to observe human rights and any non-compliance is a deal breaker. SGA carries our periodic assessments on compliance with human rights and take appropriate actions where

necessary. Stakeholders are encouraged to report issues concerning human rights across our operational network and the head of administration takes action to investigate and recommend appropriate action.

SGA has whistleblowing mechanisms and open-door policy to encourage reporting, including anonymous reporting, with appropriate protection measures in place for the informers. The reporting mechanism goes to the executive committee. As part of continuous monitoring and risk management, periodic reporting is done on a monthly basis, indicating details of reported matters, investigation results and corrective and preventive actions. Our ESG framework has KPIs for this aspect and it is discussed by a committee of the board of directors.

The selection, vetting and human rights training requirements are spelt out in our standard operating procedures. The advertisement soliciting applications indicates that background will be done to ensure not human rights breaches have been committed. The applicant grants permit to the company to do the checks. They also sign a confirmation that they have not committed any breaches and only do so after understanding it well. Once accepted and training starts, background checks continue. The training is detailed about all human right policies and practices and this is in form of lectures, group discussions on dilemma issues and presentations, role playing, practical that involves exposure to real scenarios. The recruits take an exam and the pass mark is strict. Those who fail will have to repeat. Once they pass and graduate, they still get on the job training to tailor the training to the place of deployment. Refresher trainings are then conducted as they perform their duties.

You sought clarification about the steps taken to ensure non-repetition of the past allegations. This has been covered but for every incident, part of the action plan is the preventive action. Mostly, it is after identifying the root cause. Preventive action depends on the severity and the investigation results, and it follows the policy. Action can be termination of employment or contract of partnership, further training and counselling, transfer, demotion, or reporting the matter to appropriate government authorities and any other action deemed necessary.

Operational level grievance mechanism exists, and all stakeholders are encouraged to report any incident or suspicion about human rights breaches regarding our operations. The website has a form to fill, and it goes directly to the executive committee. The contact details of senior management is on posters to encourage reporting. Any matter raised is adequately investigated, whether the report came anonymously or otherwise. A committee of the board reviews the reports and the trends to satisfy itself about continuous compliance with human rights and sustainability of our relationships.

The victims of violence, including gender-based violence can only be addressed if it the said actions resulted from our activity or parties working under our activities. In that aspect, we work closely with local government to

ensure appropriate action, including access to medical attention, counselling and assisting law enforcement with investigations at they take appropriate action against the suspected perpetrators. We also work closely with the ministry responsible for social services to ensure that victims and survivors of sexual abuse receive justice and appropriate assistance to restore normalcy.

Lastly, we have taken note of various work that the Working Groups have done. These will form part of the improvements to our training materials and all our teams will benefit. We respect the communities we work with in the course of our operations. We have had successful operations in many mines in Tanzania, some of which have been documented as great case studies on how to conduct security operations in extractive industry.

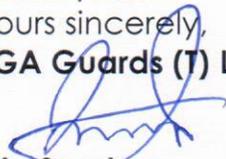
We engage well with local communities, and we were recognised with an award (trophy) of the first place for the local content performance by the Ministry of Minerals, as per the Mining Act, in 2023. We value this award because it was handed over to us by the former President of the United Republic of Tanzania. We have won several other awards related to this in the recent past as well. We pride ourselves in being a good example on how to conduct security operations in compliance with both local and international laws and standards regarding human rights. We are keen to add value to our partnership with Barrick to ensure continuous observance to these key principles.

For more details about our company, please visit our website: www.sgasecurity.com.

Thank you.

Yours sincerely,

SGA Guards (T) Ltd



Eric Sambu

Managing Director