



26 May 2009

Rt. Honourable Grand Chief Sir Michael Somare
Prime Minister & Minister for Autonomy and Autonomous Regions
Office of the Prime Minister
Port Moresby
Papua New Guinea

Re: Destruction of 300 homes and forced evictions in Ungima, Yokolama and Kulapi Villages in Enga Province in Papua New Guinea

Dear Prime Minister Sir Michael Somare,

The Centre on Housing Rights and Evictions (COHRE) is an international human rights non-governmental organisation based in Geneva, Switzerland, with offices throughout the world. COHRE works to promote and protect the right to adequate housing, including preventing and remedying forced evictions.

COHRE is deeply concerned about the reported forced evictions that started on 27 April 2009 in Ungima, Yokolama and Kulapi villages in Enga Province, Papua New Guinea. According to information from local organisations, on 27 April 2009, soldiers and police deployed in the area as a part of Operation Ipili 09 burned down more than 300 homes in the above mentioned villages. As per media reports, your representatives claim that the soldiers and police destroyed the homes without orders after commanders lost control.

According to a local human rights organisation, residents of the three villages were not given any warning that their homes were to be destroyed, and had no time to remove possessions from inside their homes. Some of the residents were also reportedly hit and or detained when they tried to resist the destruction. The affected persons have been rendered homeless and are now living in make-shift shelters.

Ungmi, Yokolama and Kulapi villages are located in the Special Mine Lease (SML) Area of Barrick Gold's Porgera Joint Venture (PJV) mine. The affected persons include second and third generation land owners who have leased land to PJV. For several years prior to this incident, landowners living in the SML area had been asking the PJV for compensation and relocation, as mining activities have rendered the area unfit for human habitation. PJV had reportedly claimed that relocating and compensating all the landowners in its Special Mine Lease area would be too expensive.

According to our sources the declaration of a "Call Out" in the region on 22 March 2009, which resulted in Operation Ipili 09 was to some extent in response to PJV's complaints of illegal artisanal mining and inter-community conflict. COHRE is concerned that the burning of houses by personnel deployed under Operation Ipili 09 may be a result of the ongoing disagreement between affected persons and PJV over relocation and compensation.

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COHRE appeals to your Government, and specifically the PNG Defence Force and the PNG Police to stop all evictions and destruction of homes. We also appeal to you to ensure that the affected families are adequately compensated for the loss of their homes, belongings and livelihoods, and are provided with compensation of an adequate standard.

Papua New Guinea acceded to the International Covenant on Economic Social and Cultural Rights in July 2008. We commend your government in becoming a new State Party to this Covenant and are ready to provide you with advice on making this Covenant fully operational in Papua New Guinea. As a State Party to this Covenant, your government is obliged to respect the right to adequate housing, as guaranteed under Article 11(1) and refrain from the practice of forced evictions. It is furthermore obliged to protect everyone within Papua New Guinea from forced evictions undertaken by third parties, including State authorities.

According to General Comments 4 and 7 of the Committee on Economic, Social and Cultural Rights, which is mandated to monitor compliance with the Covenant, forced evictions can only be justified in exceptional circumstances, and all feasible alternatives to eviction must be explored in meaningful consultation with the persons affected. If and only if such 'exceptional circumstances' exist, and there are no feasible alternatives, can evictions be deemed justified. However, in those rare cases where evictions may be justified, they must be carried out in strict compliance with international human rights law and in accordance with general principles of reasonableness and proportionality. These include:

- Genuine consultation with those affected;
- Adequate and reasonable notice for all affected persons prior to the scheduled date of eviction;
- Information on the proposed evictions, and where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected;
- All persons carrying out the eviction to be properly identified;
- Evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise;
- Provision of legal remedies; and
- Provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.

Furthermore, and in any event, forced eviction must not result in rendering individuals homeless or vulnerable to the violation of other human rights. Indeed the Government of Papua New Guinea is obliged to ensure that adequate housing and compensation or all losses is made available to affected persons. Based on the information that we have received, it is clear that the PNG Defence Forces and PNG Police have acted in violation of Papua New Guinea's commitments under international human rights law in Enga province.

COHRE therefore urges the Government of Papua New Guinea to:

- Ensure that the evictions and destruction of homes stop immediately and soldiers and police are withdrawn from the area;
- Ensure that adequate compensation for loss of homes and livelihoods, and rehabilitation is provided for families in the affected villages;
- Ensure that the compensation and rehabilitation plan is devised in consultation with the affected people and their representatives, and in accordance with Papua New Guinea's human rights obligations; and

- Initiate an independent inquiry into the destruction of homes in the three villages including any actions of policy, military and private individuals with a view to hold responsible persons accountable for their illegal actions.

We look forward to your response and we hope to continue to assist the Government of Papua New Guinea to comply in full with international human rights law.

Thank you very much for your time and consideration.

Sincerely,



Salih Booker
Executive Director

Cc

The Hon. Chief Ombudsman Chronox Manek
Ombudsman Commission of PNG

The Hon. Dr Puka Temu CMG MP
Deputy Prime Minister and Minister for Mining and Lands and Physical Planning

The Hon. Mr Bob Dadae MP
Minister for Defence

The Hon. Dr Allan Marat MP
Minister for Justice & Attorney-General

Commodore Peter Ilau
Commander, Papua New Guinea Defence Forces

Ambassador Evan J. Paki
Embassy of Papua New Guinea to the Americas

Mr Aaron Regent
President and Chief Executive, Barrick Gold Corporation

Mr Mark Fisher
Mine General Manager, Porgera Joint Venture

Ambassador Leslie V. Rowe
Embassy of the United States of America to Papua New Guinea

Ms Christina Saunders
Human Rights Advisor to the United Nations Country Team (UNCT)

Ms. Raquel Rolnik
United Nations Special Rapporteur on Adequate Housing

Mr. Walter Kalin
Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons