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15 Attorneys for Plaintiffs

16 [Names of Additional Counsel  
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18 UNITED STATES DISTRICT COURT  
19  
20 CENTRAL DISTRICT OF CALIFORNIA  
21  
22 WESTERN DIVISION

23 ALEXIS HOLYWEEK SAREI, et al.,  
24  
25 Plaintiffs,  
26  
27 v.  
28  
29 RIO TINTO, plc. et al.,  
30  
31 Defendants.

No. 00-11695 MMM AIJx

DECLARATION OF YAUKA ALUAMBO  
LIRIA

I, Yauka Aluambo Liria, hereby declare as follows:

1. My name is Mr. Yauka Aluambo Liria of Tunda village,  
Pangia District, Southern Highlands Province, Papua New Guinea. I  
currently reside in Port Moresby, Papua New Guinea.

DECLARATION OF YAUKA ALUAMBO LIRIA - 1

Case No. 00-11695 MMM AIJx

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1           2. I served in the PNG Defense Force (PNGDF) from 1981 to  
2 August 1993. Over the period May - September 1989, I served in the  
3 Bougainville military operations as the Contingent Intelligence  
4 Officer based at the Panguna mine site township during the first  
5 deployment of troops and at the onset of the Bougainville crisis in  
6 1989. In 1993 I published a book entitled 'The Bougainville  
7 Campaign Diaries' based on my experiences at Panguna as an  
8 Intelligence Officer for the PNGDF.

9           3. Between early 1999 and early 2000, I was employed by the  
10 Department of Prime Minister and National Executive Council (Dept  
11 of PM & NEC) of the Papua New Guinea Government. More  
12 specifically, I was employed by the National Intelligence  
13 Organization (NIO), which is a division of the Dept of PM & NEC. In  
14 NIO, I was employed as a "Research Officer". In NIO I was the  
15 officer responsible for working on all Bougainville Crisis matters,  
16 including general research work, Peace Talks processes, BRA  
17 activities and generally monitoring and assessing all matters and  
18 developments relating to the Bougainville Peace Process during that  
19 time.

20           4. The first section of this statement describes the conduct  
21 and activities I saw or personally participated in during the  
22 military operations over the period of May-September 1989. The  
23 second section of this statement describes the effect this  
24 litigation has had and could have on the implementation of the  
25 Bougainville Peace Agreement based on my experiences.

26 Military Operation  
27  
28

1           5.     The military operations on Bougainville were carried out  
2 by the PNGDF and the Royal PNG Constabulary (PNGGC).

3           6.     The list below shows how Bougainville Copper Limited  
4 (BCL) was actively involved in supporting and/or facilitating the  
5 PNGDF's and RPNGC's military operations against the Bougainville  
6 people.

7           6.1     BCL provided the building up of all their facilities  
8                   (e.g. telephone and electricity) for the "command  
9                   post" (or the tactical headquarters) of the PNGDF  
10                  Task Force in Panguna. The Battalion headquarters  
11                  was set up inside a BCL building No. Block 4 at the  
12                  top floor. In this building, we were also provided  
13                  with BCL telephone services for speedy  
14                  communications with army higher headquarters at  
15                  Murray Barracks, Port Moresby and BCL washing  
16                  machines for laundry services. This building was  
17                  also used to accommodate the tactical headquarters  
18                  of staff, which numbered some twenty to thirty  
19                  personnel. The floors 1-3 were used by other staff  
20                  and workers of BCL, including contracted expatriate  
21                  workers. We, the PNGDF, were sharing the BCL  
22                  building with the BCL workers.  
23                  The provision of this building (Block No.4) was  
24                  important for the military operations because it  
25                  provided reliable telephone and facsimile  
26                  communications to army headquarters at Murray  
27                  Barracks in Port Moresby; it provided personal  
28

DECLARATION OF YAUKA ALUAMBO LIRIA - 3

Case No. 00-11695 MMM AIJx

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1 safety and comfort to headquarter troops at Panguna,  
2 which improved morale and effected on the overall  
3 successful workings of the tactical headquarters at  
4 Panguna; and it provided security by the presence of  
5 the BCL workers and the physical structure of the  
6 building and lighting, which improved morale and  
7 effected on the overall successful workings of the  
8 tactical headquarters at Panguna.

9 6.2 BCL also provided other buildings to accommodate  
10 troops returning from field and combat operations,  
11 either wounded or for rest and recuperation. BCL  
12 also provided buildings for our logistics support  
13 unit to store and issue on demand critical combat  
14 supplies including ammunition, combat clothing and  
15 equipment, rations, medical kits, tents and assorted  
16 combat supplies. These facilities included Kusito  
17 camp (for troop accommodations) and Camp 10 (for  
18 logistic support unit).

19 6.3 Three BCL messes were made available for the PNGDF  
20 troops at Panguna to use. They included Kawerong  
21 Mess, Kusito Mess, and another mess near Panguna  
22 Community School. Messes were used together with the  
23 BCL workers and staff. (Troops did not pay for the  
24 meals).

25 This was an important BCL support for the PNGDF  
26 operations. Excellent BCL accommodation and food  
27 significantly boosted the troop's morale.  
28

1 6.4 Many BCL vehicles were used for mobile patrols  
2 around Panguna and the vicinity and also for the  
3 combat operations against the Bougainville rebels.  
4 We at the tactical headquarters had several BCL  
5 vehicles and each rifle company (combat fighting  
6 group) had one BCL supplied vehicle allocated to  
7 them for their operational use.

8 6.5 BCL also supplied fuel (petrol and diesel) for all  
9 the vehicles we used at Panguna. We refilled at the  
10 BCL pump stations at Loloho and at Panguna (on the  
11 hill near camp 10). We, the soldiers, never paid  
12 for refueling.

13 6.6 The BCL communications system at Panguna was also  
14 made available for the military operations. This  
15 included BCL telephones, facsimile machines,  
16 photocopiers and "walkie-talkie" radios. Walkie-  
17 talkie radios provided extremely useful, tactically,  
18 for close-range communications to the scattered  
19 patrols around the Panguna military operational  
20 area.

21 6.7 BCL Hospital - BCL's hospital at the Panguna mine  
22 site was also made available for the military to  
23 use. This facility gave life-saving treatment for  
24 wounded troops (in combat around Panguna mine).

25 Troops wounded in combat were rescued by BCL

26  
27 supplied vehicles or helicopters and rushed to this

1 hospital for recovery and sent back to the battle  
2 fields when well enough.

3 6.8 BCL Helicopters - BCL also assisted the military  
4 operations by providing its helicopters for military  
5 "combat operations", which included field  
6 reconnaissance trips, casualty evacuation, troop  
7 insertion into combat zones, troop extraction from  
8 field to Panguna, and supply of combat critical  
9 supplies (e.g. ammunition) to troops in the fields  
10 around Panguna. BCL helicopters were flown by BCL  
11 pilots, using the BCL Helipad below Camp 10 (at  
12 Panguna) and supported by staff of the helicopter  
13 division who were all BCL workers or companies  
14 contracted by BCL.

15 6.9 Secretarial Work - BCL headquarters at a place  
16 called "Pink Palace" at Panguna also provided  
17 secretarial work for the Tactical Headquarters. For  
18 example, my intelligence reports were typed out by  
19 the BCL girls in the "Pink Palace". BCL  
20 administration managed and gave the instructions for  
21 the secretaries to do our work (secretarial work).

22 6.10 Involvement of BCL Staff - Some of the BCL staff who  
23 were directly involved in the military operations  
24 were helicopter pilots and BCL Panguna hospital  
25 staff. BCL helicopter staff were involved in all  
26 aspects of field operations and support, including  
27 supply of ammunition, combat operations, casualty  
28

1 evacuation (of troops) by helicopters and their  
2 treatment of sick and wounded troops at Panguna.  
3 I was personally aware of or personally participated  
4 in all the events and activities listed above, which  
5 involved BCL. I was aware of and participated in  
6 them as a result of my position as the Task Force  
7 Intelligence Officer in Panguna over May to  
8 September 1989.

9 7. As described above, and based on other forms of  
10 assistance from BCL and my experience as a PNG military officer, it  
11 is my opinion that the PNGDF operations at Panguna would have had  
12 significant constraints without BCL's active participation. From  
13 an operational perspective, BCL's involvement made all of the  
14 difference.

15 8. Through my own work as the Bougainville Task Force's  
16 Intelligence Officer and also as the Assistant Operations Officer  
17 based at Panguna, and being aware of the above BCL assistance and  
18 of the national debate going on in the country (within the context  
19 of the Bougainville crisis and its economic and social implications  
20 on the small under-developed country), I formed the following  
21 opinion and conclusions:

- 22 1. that the re-opening of the BCL's Panguna mine was  
23 critical to the economic survival of the country;
- 24 2. that the prosecution of military operations against  
25 the Bougainville Republican Army rebels and the  
26 Bougainville population (from where the rebels  
27  
28

- 1 emerged from) was a crucial mission which the  
2 military had to achieve successfully;  
3 3. that the BRA rebels had to be defeated militarily,  
4 so that the Panguna mine could re-open;  
5 4. that the military on Bougainville were under extreme  
6 pressure from the national Government leaders for  
7 the BRA to be defeated, so that the Panguna mine  
8 could be re-opened as soon as possible;  
9 5. that the pressure exerted by the national Government  
10 leadership was a product of the extreme pressure  
11 from BCL management for the mine to be re-opened as  
12 soon as possible;  
13 6. that the logistical assistance provided by BCL  
14 management at Panguna to the military were  
15 significant for combat support. They helped in  
16 significantly raising the combat power of the PNG  
17 military in its operations against the Bougainville  
18 rebels.

#### The Bougainville Peace Process

20 9. During the period I was employed by the NIO, I attended  
21 many of the Peace Process Consultative Committee meetings in  
22 Bougainville between the PNG Government side and the combined  
23 Bougainvillean side. These meetings were held at the "working  
24 committee" levels and this Committee actually did much of the  
25 research and groundwork, including consultations between the two  
26 sides before the Leaders of PNG Government and Leaders of  
27  
28



1 Bougainville could meet to discuss matters of substance, and move  
2 forward after each meeting.

3 10. As a result of this work, I became very conversant with  
4 the Bougainville Peace Processes and contributed towards reaching  
5 the milestones we have reached so far. The Bougainville Peace  
6 Talks have concluded successfully. After some 4 years of extensive  
7 negotiations the Bougainville Peace Agreement was signed on 30  
8 August 2001.

9 11. As I understand it the litigation commenced in September  
10 2000. This was at a crucial stage in the finalization of the Peace  
11 Agreement and I do not believe it had any affect on the process. I  
12 have not heard any reports that the commencement of the litigation  
13 has in anyway protracted the peace process. Further, the Peace  
14 Agreement concerns three objectives that are unaffected by this  
15 litigation: to constitutionally guarantee a referendum on  
16 Bougainville Independence deferred for 10 to 15 years; the grant of  
17 autonomy on decisions relating to land, environment and foreign  
18 investment in the intervening period; and a plan for the disposal  
19 of weapons. In contrast, the litigation concerns the involvement  
20 of Rio Tinto and its affiliates in the past operation of the mine  
21 and supporting and maintaining the civil war. Rio Tinto has not  
22 participated in the peace process and they will have no role to  
23 play in the implementation of the Peace Agreement.

24 I, Yauka Aluambo Liria, declare under penalties of perjury  
25 under the laws of the United States that the foregoing is true and  
26 correct.  
27  
28

DECLARATION OF YAUKA ALUAMBO LIRIA - 9

Case No. 00-11695 MMM AIJX

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DATED: November 22, 2001, and signed at Port Moresby.

Yauka Aluambo Liria

Yauka Aluambo Liria

DECLARATION OF YAUKA ALUAMBO LIRIA - 10

Case No. 00-11695 MMM AIJx

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

ALEXIS HOLYWEEK SAREI, et al.,  
Plaintiffs,  
v.  
RIO TINTO, plc. et al.,  
Defendants.

No. 00-11695 MMM AIJx

DECLARATION OF GENERAL SINGIROK  
MADE IN OPPOSITION TO RIO  
TINTO'S MOTION TO DISMISS

I, Major General Jerry Singirok MBE, the former Commander of  
the Papua New Guinea Defence Force, hereby declare as follows:

1. My name is Jerry Singirok, and I am the former Commander  
of the Papua New Guinea Defence Force. The following statements are  
based on my personal knowledge and expertise in matters of PNG  
military affairs.

DECLARATION OF GENERAL SINGIROK MADE IN OPPOSITION TO RIO TINTO'S MOTION TO  
DISMISS - 1

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Case No. 00-11695 MMM AIJx

2. I was born on Karkar Island, Madang province PNG on 5 May 1956.

3. I first joined the PNG military on 5 January 1975. Since that time I have held the ranks from Second Lieutenant to Major General of the PNG Defence Force. To date, I hold the highest rank within the PNG Defence force.

4. In 1989 I was the operations officer at the rank of Major on Bougainville. Whilst I was there I was directed by the hierarchy of the military that I was to liase directly with BCL management on any requirements that may be needed to assist with the military operations.

5. I was recalled back to Bougainville from Australia in 1993 to take over all military operations on Bougainville in the role as Operations Officer, as by then the Bougainville rebels had increased their presence on Bougainville.

6. In 1994 I became contingent commander of all operations on Bougainville. I was promoted to the rank of Lieutenant Colonel, which gave me control of all military operations in Bougainville.

7. In 1995 I was appointed commander and promoted to the rank of Brigadier General, specifically to devise a military solution to the Bougainville conflict.

8. Further to the above, I served as an high ranking officer of the PNG Defence Force (PNGDF) at all times relevant to the matters of this action.

9. The first section of this statement describes the conduct and activities I saw or personally participated in during the crisis. The second section of the statement describes the effect this litigation has had and could have on the implementation of the

1 Bougainville Peace Agreement, based on my information, knowledge  
2 and belief.

3 **Military Operation:**

4 10. The military operations at issue on Bougainville were  
5 carried out by the PNGDF and the Royal PNG Constabulary (PNGGC).  
6 Though the actions were executed in large part by the PNGDF, the  
7 actions were undertaken in PNG's private capacity as BCL's joint  
8 venture partner at the Panguna mine. In short, and for all  
9 practical purposes, the PNGDF were the corporation's personal  
10 security force and were ordered by BCL to take action to reopen the  
11 mine by any means necessary.

12 11. BCL's demand to reopen the mine by any means necessary  
13 invoked a well-known military command to take all force necessary  
14 and includes the ordered killing of individuals where necessary to  
15 achieve the objective.

16 12. In addition to demanding PNGDF involvement, BCL actively  
17 participated in the combat efforts to quell the uprising and reopen  
18 the mine. For example, BCL provided the infrastructure and bases  
19 for the operations, including the command post, battalion  
20 headquarters, essential high-speed and mobile communications, and  
21 troop barracks. BCL also provided the logistical support to store  
22 and issue combat supplies including ammunition and gear. BCL  
23 provided food and rations. BCL quartered the troops. BCL provided  
24 medical facilities. BCL provided troop transport vehicles for the  
25 patrol and combat operations. BCL provided the fuel (petrol and  
26 diesel) for the operations. BCL also provided one helicopter,  
27 which was used a gunship, the heli-pad and a few helicopter pilots  
28 to assist in the combat operations, field reconnaissance, casualty

1 evacuation, troop insertion and extraction, and supply of critical  
2 supplies (e.g. ammunition) to troops in the fields around Panguna.

3 13. As the actions taken by the PNGDF were part of its joint  
4 operation with BCL, PNG did not pay for BCL's assistance.

5 14. As described above, based on other forms of assistance  
6 and my experience as the PNG military commander, it is my opinion  
7 that the PNGDF operations at Panguna: (1) would not have occurred  
8 without BCL's demand that the government take all necessary action  
9 to reopen the mine; (2) the actions taken were undertaken as the  
10 private security force for BCL in the joint commercial venture and  
11 were not government actions taken to benefit anyone other than BCL;  
12 and (3) that without BCL's participation in the execution and  
13 planning, no combat operation would have been feasible, let alone  
14 undertaken. The issues underlying the Bougainville conflict never  
15 countenanced a military solution: they are and have always been  
16 matters between the local landowners and the mine.

17 15. BCL is also the reason that the naval blockade around  
18 Bougainville Island was instituted. Without divulging matters that  
19 are of a very sensitive nature, the blockade was initiated and  
20 sustained, just as other operations were, as a security measure to  
21 reopen the mine.

22 16. I was instructed by the Government of the day to engage  
23 Sandline - a UK based Company - to assist in the military  
24 operations. PNG hired Sandline because although the local uprising  
25 had been contained, the mine had not yet been reopened. Again, PNG  
26 took this action because the government and its business partner  
27 were interested in re-opening the Panguna mine to reap the profits  
28 that the mine produced at the expense of human lives.

1 17. The PNGDF refused to increase the arsenal being used  
2 against the uprising as the PNGDF were adequately containing the  
3 relative threat on the ground and any increase would have been  
4 disproportionate and resulted in an unethical and inappropriate  
5 continued destruction of additional human lives. Indeed, I called  
6 off the operations.

7 18. I realized the Sandline operations violated fundamental  
8 human rights and I decided to forcefully evict Sandline from the  
9 country and opted for a peaceful solution, with a view to resolving  
10 the conflict on Bougainville.

11 19. My opinions on the immoral nature of the Sandline hiring  
12 and involvement in Bougainville are matters of public record. I am  
13 presently faced with sedition charges for voicing these opinions  
14 and taking action.

15 20. What is less well-known is BCL's involvement in the  
16 Sandline affair.

17 **The Bougainville Peace Process:**

18 21. I am conversant with the Bougainville Peace Processs and  
19 have contributed towards reaching milestones reached to date. The  
20 Bougainville Peace talks have concluded successfully. After some 4  
21 years of extensive negotiations, the Bougainville Peace Agreement  
22 was signed on 30 August 2001.

23 22. As I understand it, the litigation commenced in September  
24 2000. This was at a crucial stage in the finalization of the peace  
25 process.

26 23. I have not heard any reports that the commencement of the  
27 litigation has in any way protracted the peace process. Further,  
28 the peace agreement concerns 3 objectives that are unaffected by

1 this litigation : to constitutionally guarantee a referendum on  
2 Bougainville independence deferred for 10 to 15 years; the grant of  
3 autonomy on decisions relating to land, environment and foreign  
4 investment in the intervening period; and a plan for the disposal  
5 of weapons.

6 24. In contrast, the litigation as I understand it concerns  
7 the involvement of Rio Tinto and its affiliates in the past  
8 operation of the mine and supporting and maintaining the civil war.  
9 Rio Tinto has not participated in the peace process and I  
10 understand they will have no role to play in the implementation of  
11 the peace agreement.

12  
13 I, Jerry Singirok, declare under penalties of perjury under  
14 the laws of the United States that the foregoing is true and  
15 correct.

16 DATED: November <sup>rw</sup>30, 2001, and signed at

Pons ~~mu~~ 1387

17  
18   
19 JERRY SINGIROK  
20



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18 UNITED STATES DISTRICT COURT  
19 CENTRAL DISTRICT OF CALIFORNIA  
20 WESTERN DIVISION

21 ALEXIS HOLYWEEK SAREI, et al.,

22 Plaintiffs,

23 v.

24 RIO TINTO, plc. et al.,

25 Defendants.

No. 00-11695 MMM AIJX

DECLARATION OF SIR MICHAEL  
SOMARE, FORMER PRIME MINISTER  
OF PAPUA NEW GUINEA

26 I, Sir Michael Somare, hereby declare as follows:

27 **My Background and Experience**

28 1. I am the former Prime Minister of Papua New Guinea  
("PNG"). I am over the age of twenty-one and have personal  
knowledge of and am competent to testify to the matters stated  
below.

2. I was the first Prime Minister of PNG and served in that  
capacity from September 16, 1975 to March 11, 1980, and again from

1 August 2, 1982 to November 21, 1985. Prior to becoming the first  
2 Prime Minister of PNG, I have served as a member of Parliament from  
3 1968 until the present day.

4 3. I am one of the principal architects of PNG's  
5 Constitution.

6 4. Additionally, I have served PNG in the following official  
7 capacities: In 1973 I acted as First Chief Minister in the PNG  
8 Government which was then under Australian administration; In 1999 I  
9 was appointed as minister responsible for Foreign Affairs and  
10 Bougainville, during that time I was also Minister for Mines.

12 **The Relationship Between BCL and the Government of PNG**

13 5. Through BCL, Rio Tinto exerted and exercised significant  
14 control over the government's actions on Bougainville.

15 6. PNG was BCL's minority partner at the Panguna mine. As  
16 the minority partner, the government took direction from BCL. The  
17 government coordinated with BCL (i.e., Rio Tinto) on all activities  
18 related to Bougainville, the mine and the government's efforts to  
19 reopen the mine. This was the way business at the mine was  
20 conducted; BCL gave the orders and the government executed them  
21 with the company's assistance and cooperation.

22 7. As BCL's partner at the Panguna mine, one of the PNG  
23 government's primary responsibilities was maintaining the security  
24 to ensure the continued operation of the mine. Strong security  
25 measures were needed in light on the local and long-standing  
26 opposition to the mine.

27 8. The mining operations at Panguna were a critical part of  
28 the PNG government's commercial endeavors. PNG was BCL's minority

1 partner at the Panguna mine, and whenever government action was  
2 called for on Bougainville, BCL was the one that requested it.

3 9. None of the actions taken by the PNG government  
4 concerning the allegations in this litigation were taken for any  
5 purpose other than as part of a private, profit-making commercial  
6 enterprise. More specifically, the actions taken by PNG to reopen  
7 the mine were not done for any public benefit, except derivatively  
8 as the money the government made in its joint venture with BCL  
9 would trickle down to benefit the PNG citizenry.

10 10. Rio Tinto understood that its instructions to the PNG  
11 government concerning or affecting the mine would be followed, as  
12 that had always been the case when it came to matters involving the  
13 Panguna mine.

14 11. Furthermore, because of the economic needs of the  
15 government, BCL knew the PNG government would take strong action to  
16 reopen the Panguna mine. In fact, after the mine was shut down,  
17 BCL pressured the PNG government to ensure that the government  
18 would do everything in its power to reopen the mine by threatening  
19 to pull all of its investments out of the country entirely. At the  
20 time, and throughout the 1980s and 1990s, Rio Tinto was investing  
21 heavily in PNG, in exploration, reinvestments in Panguna, the  
22 planned "Hidden Valley" project and the gold mine on Lihir Island.  
23 Rio Tinto's continued investment in PNG was vital to the  
24 government: the continued viability of the government, and  
25 derivatively the welfare of PNG citizens, was dependent on revenue  
26 from the Panguna mine.

27 12. In order to prevent Rio from abandoning all of its  
28 investments in PNG, the government complied with Rio Tinto's

1 demands. These demands included, as the plaintiffs' complaint  
2 alleges, the demand that the medical blockade continue until the  
3 government had "starved the bastards out" and the mine was  
4 reopened. Had BCL not directed PNG to initiate the blockade and  
5 continue it, the blockade would not have occurred, or last for the  
6 many years that it did.

7 13. In sum, because of Rio Tinto's financial influence in  
8 PNG, the company controlled the government. The government of PNG  
9 followed Rio Tinto's instructions and carried out its requests.  
10 The actions taken by PNG in an effort to reopen the Panguna mine  
11 and suppress the local rebellion are examples of where PNG followed  
12 Rio Tinto's instructions. The actions taken by PNG were done to  
13 further a private commercial enterprise so that BCL and PNG could  
14 continue to reap the large profits from their joint business  
15 venture.

16 **BCL's Was Involved in the Atrocities**

17 14. BCL was also directly involved in the military operations  
18 on Bougainville, and it played an active role. BCL supplied  
19 helicopters, which were used as gun ships, the pilots, troop  
20 transportation, fuel, and troop barracks.

21 15. BCL's involvement in the atrocities alleged in this  
22 litigation was much more than direct participation. BCL, the mine  
23 and the large profits its operation generated, were the reason for  
24 the actions.

25 16. Even before the bloodshed began, BCL knew bloodshed was  
26 likely to occur because it instructed the government of PNG to  
27 reopen the mine "by whatever means necessary." It was thus my  
28 understanding (and the common understanding) that BCL supported and

1 ordered PNG's military involvement, including the inception and  
2 continuation of the blockade, to achieve the desired result of  
3 reopening the mine and restarting this highly profitable commercial  
4 venture.

5 17. Over the years, I had several meetings with BCL officials  
6 about Bougainville and the Panguna mine. At one meeting between a  
7 senior representative from Rio Tinto, BCL's manager, myself and  
8 others, we discussed the killings and injuries that had occurred in  
9 the fighting to reopen the Panguna mine. During the course of the  
10 discussions, the representative from Rio Tinto instructed us as the  
11 government of PNG to continue the blockade and fight  
12 Bougainvilleans until the mine was reopened.

13 18. Ultimately, it is my opinion that absent Rio Tinto's  
14 mining activity on Bougainville or its insistence that the Panguna  
15 mine be reopened, the government would not have engaged in  
16 hostilities or taken military action on the island. Although there  
17 is a historic tension between Bougainvilleans and the government of  
18 PNG, the tension would never have lead to a civil war without Rio  
19 Tinto and its command that the government take all necessary action  
20 to reopen the mine.

21 **The Peace Process and this Litigation**

22 19. As the Court is aware, a peace agreement has been  
23 reached over the Bougainville conflict. Negotiations between  
24 representatives of the PNG government and the people of  
25 Bougainville began in earnest in July 1997, and concluded with the  
26 signing of the Bougainville Peace Agreement at Arawa, Bougainville  
27 on August 30, 2001. These negotiations were not affected (and have  
28 never been affected) by the existence of the litigation before this


1 Court, which was brought by residents of Bougainville against Rio  
2 Tinto and its affiliate in September 2000. At no time did Rio  
3 Tinto or its affiliates participate in the negotiations. Further,  
4 Rio Tinto and its affiliates have not been an active participant in  
5 the negotiations and, to my knowledge, they have no legal interest  
6 in the subjects negotiated. To be sure, Rio Tinto and its officers  
7 (just as all people who conduct business on Bougainville) will  
8 benefit from the peace agreement, including they might receive  
9 amnesty from criminal prosecution under PNG's criminal laws for  
10 their participation in the atrocities. However, no provision in  
11 the peace agreement addresses or resolves any civil liability or  
12 international law claim, which I understand are the issues in this  
13 litigation.

14 20. Furthermore, the steps remaining to implement the peace  
15 agreement will not be affected by this litigation. The steps that  
16 remain for implementation of the Peace Agreement involve changes to  
17 the PNG Constitution, which will provide for a referendum on  
18 Bougainville Independence in 10-15 years time, the disposal of  
19 weapons, and taking necessary steps for the establishment of  
20 certain autonomous political structures between now and the  
21 referendum. These are steps that will occur at political levels  
22 and involve marshalling public support for the Peace Agreement.  
23 Rio Tinto and its affiliates will not be involved in these  
24 activities, and such activities will not be affected by the  
25 continuation of this litigation.

26  
27 I was recently made aware of the PNG government's  
28 representations to the US State Department about this litigation. I

1 find these representations offensive and inaccurate. I believe that  
2 these recent turn of events would not have taken place without Rio  
3 Tinto's application of some influence upon government  
4 representatives. I form this view given the experience I have had  
5 with Rio Tinto and BCL's representatives in the past, in addition,  
6 I have been reliably informed that Rio Tinto did send their  
7 representatives to make representations at the highest political  
8 and administrative levels.

9  
10 I, Sir Michael Somare, declare under penalties of perjury  
11 under the laws of the United States that the foregoing is true and  
12 correct.

13 DATED: November 23<sup>rd</sup>, 2001, and signed at Wargau.  
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SIR MICHAEL SOMARE