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15 UNITED STATES DISTRICT COURT
16 CENTRAL DISTRICT OF CALIFORNIA
17 WESTERN DIVISION

18 ALEXIS HOLYWEEK SAREI, et al.,
19 Plaintiffs,
20 v.
21 RIO TINTO, plc. et al.,
22 Defendants.

No. 00-11695 MMM AIJx

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

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

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

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

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

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

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

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

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

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

25 9. The first section of this statement describes the conduct
26 and activities I saw or personally participated in during the
27 crisis. The second section of the statement describes the effect
28 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.

DECLARATION OF GENERAL SINGIROK MADE IN OPPOSITION TO RIO TINTO'S MOTION TO
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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 Process 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 th 30, 2001, and signed at Porepore

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JERRY SINGIROK