1 Steve W. Berman Jeffrey T. Sprung R. Brent Walton Seattle, WA 99101 (2006) 623-722 2245 5 Joel D. Cuningham Juvrez, DARNETT, BRINDLEY, BENNOEK & CONTINCHAR UVVREZ, DARNETT, BRINDLEY, BENNOEK & CONTINCHAR (2006) 467-6090 Attorneya for Plaintiffs B0 3 1 UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA B0 3 1 UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA 1 WESTERN DIVISION 1 No. 00-11695 MAM AIJX DECLARATION OF GENERAL SINGIROK MADE IN OPPOSITION TO RIO TINTO'S MOTION TO DISMISS 1 V. 1 Defendants. 1 J. 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 FNG military affairs. 26 DECLANATION OF GENERAL SINGINGK MADE IN OPPOSITION TO RIO TINTO'S MOTION TO DISMISS - 1 DISMISS -	NOV	'01 10:08 FROM BUSINESS CENTRE TO 0-0512066230594 PAGE.002	
 Seattle, WA 99101 (2006) 623-7292 Paul Luvera Joel D. Cunningham LUVERA, BARNET, BRINDLEY, BENINGER & CUNNINGHAM 701 Fith Avenue, Suite 6700 Seattle, WA 98104 (206) 467-690 Attorneys for Plaintiffs Names of Additional Counsel on Signature page UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA WESTERN DIVISION ALEXIS HOLYWEEK SAREI, et al., Plaintiffs, No. 00-11695 MMM AIJX V. Plaintiffs, No. 00-11695 MM AIJX V. Plaintiffs, No. 00-11695 MM AIJX V. Plaintiffs, No. 00-11695 MM AIJX J. Defendants. I. Major General Jerry Singirok MBE, the former Commander of the Papua New Guinea Defence Force, hereby declare as follows: I. 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.]		
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5 Faul Luvera Joei D. Cunningham LUVERA, BARNET, BRINDLEY, BENINGER & CUNNINGHAM 701 Fith Avenue, Suite 6700 Seattle, WA 98104 (206) 467-6090 Attorneys for Plaintiffs 9 Interneys for Plaintiffs 10 on Signature page] 11 UNITED STATES DISTRICT COURT 12 UNITED STATES DISTRICT OF CALIFORNIA 14 WESTERN DIVISION 15 RALEXIS HOLYWEEK SAREI, et al., Plaintiffs, No. 00-11695 MMM AIJX 16 ALEXIS HOLYWEEK SAREI, et al., Plaintiffs, No. 00-11695 MMM AIJX 17 Plaintiffs, No. 00-11695 MMM AIJX 18 v. Plaintiffs, 19 RIO TINTO, plc. et al., Defendants. 11 I, Major General Jerry, Singirok MBE, the former Commander of TINTO'S MOTION TO DISMISS 12 I, Major General 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. 28 . 29 DECLARATION OF GENERAL SINGLEOK MADE IN OPPOSITION TO RIO TINTO'S MOTION TO DISMISS - 1		Seattle, WA 98101	
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BENINGER & CUNNINGRAM 7 TOI Fifth Avenue, Suite 6700 Seattle, WA 98104 (206) 467-6090 9 Attorneys for Plaintiffs 10 Inames of Additional Counsel 11 UNITED STATES DISTRICT COURT 12 UNITED STATES DISTRICT OF CALIFORNIA 14 WESTERN DIVISION 15 ALEXIS HOLYWEEK SAREI, et al., 16 ALEXIS HOLYWEEK SAREI, et al., 17 Plaintiffs, 18 v. 19 RIO TINTO, plc. et al., 10 Defendants. 11 L, Major General Jerry Singirok MBE, the former Commander of 14 TINTO'S MOTION TO DISMISS 15 I. My name is Jerry Singirok, and I am the former Commander 10 of the Papua New Guinea Defence Force. The following statements are 10 based on my personal knowledge and expertise in matters of FNG 11 DECLARATION OF GENERAL SINGIROK MADE IN OFFOSITION TO RIO TINTO'S MOTION TO 12 Image: Description of GENERAL SINGRAM MADE IN OFFOSITION TO RIO TINTO'S MOTION TO 13 Declanation of GENERAL SINGRAM MADE IN OFFOSITION TO RIO TINTO'S MOTION TO 14 Image: Description of GENERAL S		Joel D. Cunningham	
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Case No. 00-11695 MMM AIJx		1337 10 0075 DSC DOC	
		Case No. 00-11695 MMM AIJx	

1 2. I was born on Karkar Island, Madang province PNG on 5 May 2 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 <u>any</u> 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

DECLARATION OF GENERAL SINGIROK MADE IN OPPOSITION TO RIO TINTO'S MOTION TO DISMISS ~ 2 1337.10 0025 DSC.DOC Case No. 00-11695 MMM AIJx

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

Military Operation:

The military operations at issue on Bougainville were 4 10. carried out by the PNGDF and the Royal PNG Constabulary (PNGGC). 5 Though the actions were executed in large part by the PNGDF, the 6 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.

In addition to demanding PNGDF involvement, BCL actively 16 12. 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

DECLARATION OF GENERAL SINGIROK MADE IN OPPOSITION TO RIO TINTO'S MOTION TO DISMISS - 3 1337.19 0025 DSC.DOC Case No. 00-11695 MMM AIJX

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evacuation, troop insertion and extraction, and supply of critical supplies (e.g. ammunition) to troops in the fields around Panguna. As the actions taken by the PNGDF were part of its joint 13. operation with BCL, PNG did not pay for BCL's assistance.

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

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 reopen the mine.

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

DECLARATION OF GENERAL SINGIROK MADE IN OPPOSITION TO RIO TINTO'S MOTION TO DISMISS 1337.10 0025 DSC.DOC Case No. 00-11695 MMM AIJx

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

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

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

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

The Bougainville Peace Process:

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

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

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

DECLARATION OF GENERAL SINGIROK MADE IN OPPOSITION TO RIO TINTO'S MOTION TO DISMISS - 5 1337.10 0025 DSC.DOC Case No. 00-11695 MMM AIJx

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

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

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

SINCIROK

n DATED: November 30, 2001, and signed at Pons pronses