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

**Military Operation:**

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

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

12. In addition to demanding PNGDF involvement, BCL actively participated in the combat efforts to quell the uprising and reopen the mine. For example, BCL provided the infrastructure and bases for the operations, including the command post, battalion headquarters, essential high-speed and mobile communications, and troop barracks. BCL also provided the logistical support to store and issue combat supplies including ammunition and gear. BCL provided food and rations. BCL quartered the troops. BCL provided medical facilities. BCL provided troop transport vehicles for the patrol and combat operations. BCL provided the fuel (petrol and diesel) for the operations. BCL also provided one helicopter, which was used a gunship, the heli-pad and a few helicopter pilots to assist in the combat operations, field reconnaissance, casualty
evacuation, troop insertion and extraction, and supply of critical
supplies (e.g. ammunition) to troops in the fields around Panguna.

13. As the actions taken by the PNGDF were part of its joint
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
Bougainville Island was instituted. Without divulging matters that
are of a very sensitive nature, the blockade was initiated and
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
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17. The PNGDF refused to increase the arsenal being used against the uprising as the PNGDF were adequately containing the relative threat on the ground and any increase would have been disproportionate and resulted in an unethical and inappropriate continued destruction of additional human lives. Indeed, I called 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 Process 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
this litigation: to constitutionally guarantee a referendum on Bougainville independence deferred for 10 to 15 years; the grant of autonomy on decisions relating to land, environment and foreign investment in the intervening period; and a plan for the disposal 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.

DATED: November 30, 2001, and signed at Pons pro rege.

JERRY SINGIROK