

Testimony by Remus Cenușă

The testimony was given Friday, 5 October 2018 during the meeting organized at Rosia Montana with Alburnus Maior Directorate's members with the aim of preparing the amicus curiae submission by Alburnus Maior, the Independent Center for the Development of Environmental Resources and Greenpeace at the ICSID tribunal in file no ARB/15/31 - Gabriel Resources Ltd. and Gabriel Resources (Jersey) v. Romania.

The original testimony was given in Romanian and was translated for the aim of submitting the above mentioned submission.

BEGINS

I felt humiliated by the company. Our own village bishop and the company chiefs teamed up to give awards for people who sold their land for money. They received crosses and awards at mass. Those of us who didn't were seen as sinners. There was a religious element to their persecution. I am a carpenter – I made many parts of the church, the pews, the crosses, and I was treated as an outsider and felt ashamed. The bishop basically said: donate your land to the church so that the church can sell to the company and the church will have money for building. When the first investors came, they said there would be Eden. An official letter went out saying that parishioners could no longer use the cemetery – because the church wanted to sell it to the company, and that required it being unused for XX years before it could be excavated/dug up/used for a different purpose.

One day a client at the barbershop was boasting about his wife's employment at the company and how important she is because she now earns so much money. This led to a feeling of humiliation to all those not siding with the company.

You were hired by the company to get you to sell your property and then once that happened, company made you redundant and fired you. And people mainly hired in lower paying jobs e.g. security and high-paying jobs went to outsiders. In fact the low paying jobs were not even directly with the company but with a manpower company.

Roșia Montană

Name Remus Cenușă

5 October 2018

Signature

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Testimony by Josefina Vâjdea

The testimony was given Friday, 5 October 2018 during the meeting organized at Rosia Montana with Alburnus Maior Directorate's members with the aim of preparing the amicus curiae submission by Alburnus Maior, the Independent Center for the Development of Environmental Resources and Greenpeace at the ICSID tribunal in file no ARB/15/31 - Gabriel Resources Ltd. and Gabriel Resources (Jersey) v. Romania.

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I am 88 years old. Woman and man came to by the house. Told them "this is the last time you come here. Next time I will put an axe in your head. Then never came back again. Realized they had no one to negotiate with. Many article on Timish's history in Australia/G. Britain. It's an octopus – all the politicians are involved. They came to destroy... everything.

It's possible to nationalize land, abuse of power and no compensation – We lost twice: first to nationalization of mines, then to Gabriel Resources.

All the politicians are corrupt. Mayor in RM, his brother living in Australia and bought machines then sold to Gabriel. Everyone is corrupt here. Mayor right arm of the company. Former president of Romania and PM (Ponta) came, they didn't want to talk to the community and just wanted to talk to the project supporters. President came like a fox to kill a chicken and then took his gift and left. Purpose : legitimizing the project.

The priest asked me: when will you stop this fight Josefina? "not until my last drop of blood"

We didn't leave or resist because of prices. We weren't interested in selling at all. There was no price that would be okay.

Roşia Montană

Name Josefina Vâjdea

5 October 2018

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Testimony by Devian Petru

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Can you be morally compensated for moral damages? We have suffered emotionally/psychologically. When you look around, there is no one left. Houses are destroyed. Deep psychological impacts. Pressuring feeling of people leaving all the time, houses being destructed.

Roșia Montană

Name: Devian Petru

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Testimony by Eugen David

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Even if we go to court, we (Alburnus Maior) do not recognize the legitimacy of the tribunal. We are "Enemy Curia" "inamicus curia", and not "amicus curia". They are not independent judges. They do not respect national legislation.

We want to have transparency and for everyone to know this case. Main point is transparency. Information. And defending our rights.

It's not a fight to win. It's a fight to survive... to live. And to be left alone. This is also a potential problem for other communities in the same situation who might not be able to fight.

Over the last 20 years, there's been a long fight to protect our rights and to fight for the environment. We have won and shown project is illegal. Whether you invest 1 Lei or 1 million Lei, you must respect the same laws. We do not agree with treaties that protect one and not the other. Protection is an equal right. Equal protection under the law.

Romania is a democratic country. Gabriel lost many court cases. They must respect that. If they do not want to respect the independent judiciary in Romania, we don't want them, at all. This should be upheld and not changed by ISDS.

The Romanian state gave Gabriel a lot, and if in the end they couldn't do the project, it is because of us. We cannot pretend that the government had no role. We are not on the side of the Romanian state.

There never was one public consultation or meeting with the villagers to openly discuss about this project. The company always targeted people individually and never brought the villagers together. The company always approached people bilaterally e.g. on selling their houses. Amounts of payments were confidential.

This area is used to mining. We're open to it. I'm a mine engineer. But GR came and it was SO bad, it galvanized everyone against it. « I was not born an activist. But I had to become one because of the situation. »

Chance for the community that the company came with such a disastrous proposal because it changed people's opinions on mining - understood the potential negative impacts. Before company arrived, there were not many forests because of prior mining and since people would cut the trees, but because there are fewer people now, nature took over and now there are more trees/forests. Between 2000-3000 people left.

Everyone was unofficially on the payroll. There was a lot of conflict of interest : some councillors' wives worked officially for the companies. They would come home and deliver messages to influence their husbands in their decisions. For example, they said that the urbanism plan should be turned into a mining area so that the area would have a future. But there has never been any investigation into corruption.

The company convinced children to encourage their parents to sell their houses, then put parents in old person's home where the parents were unhappy. Neighbors willing to sell were paid by the company to dispute property rights before the court against those not willing to sell to try gain more lands. They took advantage of people with fine print and 100+ pages to have people sign things they wouldn't read.

Liberty has a high price and not everyone is willing to pay it.

For 20 years the government left them on their own, they didn't invest in any infrastructure or other type of development apart from mining because of this project. There were no subsidies for farmers or support for local activities. Stopped Rosia from developing because of the fight over the mine. I am all the time discriminated against by the authorities. If I need them for anything, I don't have a chance. I wanted to build a tourist pension to show tourism is possible in Rosia Montana, and I asked to build it, but I was denied. Luckily, I didn't have to rely on the mayor because I had the advantage to have an alternative: my cows and my grass.

Who compensates me and the community for damage? What commercial/arbitration court can people go to? Or are we collateral damage?

The company doesn't remedy any environmental pollution so far. They have not planted a single tree. They had a pilot project for water treatment. It is not running though. They only switched it on for press and official visits. It is still there but locked. The company had demolished 152 houses and rehabbed other places for company to live. Now 76% of houses owned by mining company as is 50-60% of land.

From 2015 to now: we have learned and now know what campaigning is. The methods and tactics of investors are all the same but every community is different.

Roşia Montană

Name Eugen David

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Testimony by Călin Caproș

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The family doctor was paid to close business. He was a foreign doctor and caught while drunk. There was a defamation campaign in the press and he was blackmailed for 900 million Lei to leave RM. It had an impact on the communities because they were thinking: okay, today they removed the family doctor, tomorrow the pharmacy... who knows what's next. This created anxiety. The company strategy was to start by targeting each community pillar: state company directors, priests, teachers... to weaken the community and make them feel isolated and alone.

Teachers were thus also targeted: every time there was a meeting, employees of company would infiltrate- tell the teachers that the families are leaving and therefore there won't be children attending the school anymore, so they should leave as well but should not worry because the company will give them money and a new job.

People were threatened physically. Stefania was threatened at knife point at the end of a day.

I lost my business, a pharmacy. Fewer and fewer people came, it became not viable. The Romanian authority didn't protect my rights and only protected the company. It's offensive that they protected the company rights and not mine. They are supposed to protect mine.

We are the lucky ones because our entire family didn't want to sell, the whole family agreed on that. The unlucky one were the families where some wanted to sell and other did not want to, so it ended up with disputes, and families being broken apart.

The company made promissory agreements to keep people on the leash. The company would enter into agreements that people receive an advance payment on their house (3% of total price) for a year and if the company does not come back they can keep it. This type of contract was then prolonged later on and people fall into a sort of dependency.

This was done with around 50-60 families. People actually build houses only to be sold afterwards. Look over to the other side of the hill, there is “Beverly Hills”.

Pre-1945 – private and families owned mines then state nationalized and didn’t compensate the families. Post-communism – the state claims land and wants to sell to companies ... still no compensation for the community/families.

Roşia Montană

Name Călin Caproş

5 October 2018

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