

PROJECT 1: BUILDING RESILIENT AND ACTIVE COMMUNITIES IN EXTRACTIVE LANDSCAPES IN GHANA (BRACE)

PROJECT 2: BUILDING ACTIVE ACTORS AND SYSTEMS TO SUPPORT (BAASS) DEFORESTATION FREE COMMODITIES IN GHANA AND LIBERIA



Title: Skills Training Workshop on Evidence Gathering, Personal Safety And Organisational Security Report

3rd - 6th of September 2024

Miklin Hotel, Kumasi

Report:

“Skills Training Workshop on Evidence Gathering, Personal Safety, And Organisational Security”

Workshop held from the 3rd to 6th of September, at the Miklin Hotel, Kumasi

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EXECUTIVE SUMMARY

The workshop on evidence gathering, personal safety, and organizational security took place from September 3rd to 6th, 2024. The primary goal of the workshop was to strengthen the capabilities of stakeholders in effectively documenting evidence, ensuring personal safety, and enhancing organizational security, particularly in the context of addressing the challenges associated with irresponsible mining practices.

Participants included a diverse range of stakeholder groups from the traditional councils, media representatives, women's groups, community-based organizations (CBOs), and various civil society organizations (CSOs). Legal experts from Merton and Everett LLP were contracted to conduct the training.

The workshop report is structured into three key sections: an introduction to the participating stakeholder groups, a series of in-depth presentations, discussions, and a conclusion summarizing the outcomes. Mr. Kingsley Twumasi, Senior Projects Officer at NDF, facilitated the event. Presentations focused on evidence gathering, personal safety, and organizational security. Consultants provided an in-depth exploration of effective evidence-gathering techniques and strategies for ensuring personal safety in high-risk environments.

SECTION 1

1.1 Introduction

In pursuance of the objectives of the BRACE and the BAASS projects to empower communities with knowledge of their human rights to a healthy environment (i.e. Environmental Rights, ERs), and knowledge of forest, natural resources (NRs), and extractive (mining) sector laws and governance systems, a training was organised for target groups (CSOs, CBOs, Women Groups, Traditional Authorities and the Media) on evidence gathering, personal safety and organizational security. As communities and other relevant stakeholders fight against irresponsible mining, there need to understand how to gather evidence, the types of evidence that can be gathered and the presentation of evidence for the appropriate audience or forum. In addition, as communities and stakeholders engage in gathering evidence for fighting irresponsible mining, such stakeholders and communities need training on personal safety and organization security.

This is important in the context of bring evidence before the public and in the event of engaging in courtroom advocacy. The complexities of the illegal and irresponsible mining cannot be underestimated. The safety and security risks to individuals and organizations fighting irresponsible mining is enormous. Therefore, this training is critical to ensure the sustainability of the public discourse and the spirit of individuals and communities fighting against irresponsible mining. The workshop delved into the essential measures that must be implemented to safeguard individuals and organizations while collecting evidence to support cases against irresponsible mining.

The Nature and Development Foundation organized the training sessions under the Building Resilient and Active Communities in Extractive Landscapes in Ghana (BRACE) project in partnership with the Building Active Actors and Systems to Support (BAASS) Deforestation Free Commodities in Ghana and Liberia project. The BRACE project is funded by the European Union implemented by WACAM, NDF, and led by A Rocha Ghana. The three (3) years project aims to ensure adherence to human rights, transparency, and accountability in mineral governance by contributing to

sustainable and equitable environmental management and good natural resource governance in Ghana. BAASS on the other hand is receiving funding from the UK Aid through the Forest Governance Markets and Climate (FGMC) Programme and implemented by NDF, Knowledge for World Conservation (KWC) in Ghana, and the Liberia Chainsaw and Timber Dealers Union (LICSATDUN). The objective of the project is to increase the capacity of state and non-state actors to reduce deforestation through legal timber trade and responsible mining.

1.2 Workshop Objectives

The knowledge and skills training workshop was implemented to;

- ✓ Enhance the capacity of stakeholders in evidence gathering, personal safety and organizational security
- ✓ Ensure effective documentation and protection from harm or retaliation as far as irresponsible mining is concerned.
- ✓ Address critical skills gaps and empower participants to collect and document evidence safely and securely.

1.3 Workshop Details

The skills and knowledge training on evidence gathering, personal safety and organizational security workshop was successfully held at the Miklin Hotel in Kumasi from September 3rd to 6th, 2024. Given the large number of participants and the need to provide focused, high-quality training, the training sessions was strategically organized in two separate batches. The first training was organized from September 3rd to 4th for the first batch which included participants from the Eastern and Western regions. Following this, the second batch was convened from September 5th to 6th, comprising participants from the Ashanti and Ahafo regions. The sessions included a mix of presentations, interactive discussions, and case studies tailored to address local issues and scenarios ensuring that the content was both relevant and actionable for these participants. Organizing the training sessions in two batches allowed for a more manageable and focused learning experience. Invitations were extended to 50

Community-Based Organizations (CBOs), 30 Women's Groups (WGs), 10 Civil Society Organizations (CSOs), 10 Traditional Councils, 20 media houses in the selected mining communities and other project implementing partners. The training was massively attended by a total of 136 individuals. The table below gives detailed information on gender representation at the meeting.

Table 1: Gender Representation

	Date	Male	Percentage (%)	Female	Percentage (%)	Total	
1st Group	3 rd - 4 th	42	51.85	23	41.82	65	47.79
2nd Group	5 th -6 th	39	48.15	32	58.18	71	52.21
Total		81	100	55	100	136	100

1.4 Welcome Address and Purpose of The Workshop

Mr Kingsley Twumasi, the Senior Projects Officer of NDF delivered the opening address for the first and second groups. At both trainings, participants were welcomed, and a short introductory session was held which set the tone for the training. Participants' expectations were inquired and a pretraining evaluation was conducted (*results have been attached as Annex 2*). Following the introductory session, the Operations Director, Mr. Glen Asomaning, and the Director, Mr. Mustapha Seidu both of NDF gave short speeches on the purpose of the training at the first and second trainings respectively.

The welcome address highlighted the impacts irresponsible mining is having on the environment and the significance of the training in empowering participants with essential skills and knowledge in gathering evidence and ensuring personal safety when holding irresponsible persons/companies accountable for irresponsible mining. It was noted that the training represents a crucial step in addressing the environmental and social impacts caused by irresponsible mining activities and ensuring that those responsible are held accountable.

In the address, they acknowledged the dedication required to address critical issues of irresponsible mining and emphasized the importance of collective effort in promoting environmental justice and accountability.

The training, according to Mr. Glen Asomaning was to provide techniques and practical tools for effective evidence gathering. The importance of personal safety while gathering evidence in mining-affected areas was also mentioned. By focusing on evidence gathering, personal safety, and organizational security, the training aimed to enhance participants' ability to advocate effectively and hold irresponsible mining companies accountable.



Figure 1: Mr. Mustapha Seidu and Mr. Glen Asomaning delivering welcome addresses during both trainings.

SECTION 2

2.0 Presentation – Evidence Gathering Tools, Techniques and Practices

2.1 Context Setting - Irresponsible Mining and the Relevance of Evidence Gathering

Lawyer Jamal Tonzua, a consultant from Merton and Everett LLP began the presentation by setting a comprehensive context for understanding irresponsible mining and its far-reaching impacts. He initiated the discussion by outlining the contribution of mining to economic development. However, he emphasized that while mining is a crucial industry, its irresponsible management can lead to severe

environmental and social consequences. Lawyer Jamal actively engaged the participants by inviting them to share observations of the effects of illegal and irresponsible mining practices specific to their local areas. Several participants reported a noticeable increase in the spread of skin diseases, rising school dropout rates among children, economic hardships, contamination of water sources with heavy metals, loss of biodiversity, loss of farmlands, etc.

He emphasized the crucial role of evidence gathering in proving irresponsible mining practices. According to him, gathering relevant evidence is essential for holding irresponsible miners accountable and ensuring that the benefits of mining do not come at the expense of ecological health and community well-being.



Figure 2: . Consultants presenting on the relevance of evidence gathering.

2.2 Presentation - Sources and Types of Evidence

A presentation was delivered by Lawyer Juliet Opoku from Merton and Everett on the sources and various types of evidence crucial for investigations and advocacy. The session aimed to provide a comprehensive understanding of different evidence types, highlighting their roles and applications in documenting and addressing issues effectively.

Types of evidence outlined by her include testimonial evidence, physical evidence, documentary evidence, circumstantial evidence, digital evidence, geographical

evidence, and expert evidence. According to her, testimonial evidence provides personal insights and context, while physical evidence includes tangible objects or materials for scientific analysis. Documentary evidence includes written or recorded materials and supporting claims with factual documentation. Circumstantial evidence suggests facts or conditions through inference, often connecting pieces of evidence to form a case. Digital evidence includes electronic information and expert evidence is provided by individuals with specialized knowledge and used to explain complex issues and provide authoritative insights. She mentioned that understanding and utilizing these types of evidence enhances investigations and advocacy efforts.

2.3 Admissibility of Evidence & Techniques for Evidence Gathering

Lawyer Juliet Opoku proceeded to present on the admissibility of evidence, she mentioned that admissibility of evidence refers to whether evidence can be accepted and considered by a court in legal proceedings. She further stated to participants that, for evidence to be admissible, It must be relevant and must meet certain legal criteria and standards established by rules of evidence and procedural laws. She mentioned that illegally obtained evidence refers to evidence collected in violation of an individual's constitutional rights. She concluded by stating that, in gathering evidence, one must assess the situation, obtain all necessary permissions, and maintain a detailed record of who collected the evidence and how it was collected. Include the date, time, location, and method of collection, and document the findings clearly and concisely.

Questions and Responses – Evidence Gathering

	Questions	Responses
1.	How do you determine if a piece of evidence is relevant to a case?	Evidence is considered relevant if it helps to prove or disprove a fact.
2.	What is the difference between legal and illegal mining?	Illegal mining entails mining without a license, mining in forest reserves, mining around water bodies, etc.

3.	Which type of evidence is the best to use to prove irresponsible mining?	The use of a particular type of evidence depends on the situation. Combining different types of evidence can create a compelling case by providing a comprehensive view of the situation.
4.	Where can you classify medical evidence/findings?	Medical findings can be classified under expert evidence.
5.	How do we deal with bureaucracies when collecting documents from government offices?	When documents are delayed, look for additional evidence of illegality.
6.	What are the common challenges to the admissibility of digital evidence	Proving that the digital evidence is genuine and unaltered
7	Is it illegal to take photos of criminal activity without first getting permission?	It's advisable to seek legal advice if you're unsure about the legality of taking such photographs in your specific situation. Collecting evidence for public interest without permission is admissible under Ghana law.
8	Is there a place you can go and acquire permission to investigate illegalities	Depends on the illegalities you want to investigate
9	Is spiritual evidence considered in court?	No
10	If a person admits guilt, what type of evidence is this?	Testimonial Evidence
11	Can you provide examples of how hearsay is handled in court	Generally inadmissible unless it falls into one of several exceptions

12	Is evidence obtained from a person without their consent and permission admissible?	Evidence obtained without consent can be challenged in court.
13	Will relevant evidence obtained through illegal means be admissible	If evidence is obtained through illegal means, it may be deemed inadmissible in court unless it inures to the public interest

2.4 Presentation - Personal Safety and Organisational Security

Miss Paulina Quartey from Merton and Everett delivered a comprehensive presentation on personal safety and organizational security. She emphasized that ensuring safety involves using a variety of tools and strategies to prevent accidents, avoid dangerous situations, and respond effectively in emergencies. To safeguard oneself, she recommended carrying basic safety tools such as whistles, pepper spray, and alarms, wearing protective gear when visiting mining areas, avoiding high-risk situations, staying in well-populated areas, and avoiding stepping too close to the edges of uncovered pits. She also advised limiting time spent onsite while taking pictures and videos.

In terms of protecting digital assets, Miss Quartey stressed the importance of storing evidence in secure formats, avoiding unverified links, using strong passwords, and implementing two-factor authentication. She also recommended keeping systems updated and installing antivirus programs to guard against digital threats.

The primary objective of the organization involve in the fight against irresponsible mining, as outlined by Miss Quartey, is to gather evidence to demonstrate noncompliance with mining laws and the environmental damage caused by illegal mining activities. To achieve this goal effectively and efficiently, it is essential to control, mitigate, or eliminate risks associated with evidence gathering. This includes identifying and addressing potential risks, training members on safe evidence-collection practices, collaborating with trusted organizations, providing appropriate

safety equipment, and developing code names for secure communication in hazardous environments.

Questions and Responses - Personal Safety and Organisational Security

	Questions	Responses
1	In the process of gathering evidence, when a security guard or police officer confronts you, do you strike back?	It's generally not advisable to retaliate when confronted by security personnel or police.
2	How can organizations ensure that their findings on irresponsible mining practices lead to meaningful action?	Prepare clear, detailed, and accessible reports on findings.
3	Do you need a permit to fly a drone near mining sites?	Yes, you generally require a permit to fly drones.
4	What should be done if there are concerns about the safety of personnel during evidence-gathering?	Maintain open communication with all team members to stay informed about safety conditions.
5.	Will participants be provided with safety requirements to use when visiting mining sites to gather evidence?	The project will take that into account.



Figure 3: Participants sharing their experiences with evidence gathering and asking questions for clarifications

SECTION 3

3.1 Case Study

As part of the training, a practical case study was conducted. This exercise aimed to enhance participants' skills in critical thinking and evidence gathering and to explore the types of evidence that could be used in court. Participants were divided into groups of three (3), each group was tasked with analyzing a picture depicting a scene related to irresponsible mining activities and developing a sequence of events leading to the depicted situation. Participants were instructed to identify and describe the types of evidence that could be used in court to support the claims about the irresponsible mining activities shown in the picture.

Each group provided a sequence of events and identified several types of evidence that could be used to support legal proceedings. The case study exercise effectively engaged participants in practical evidence gathering. By developing a sequence of events and identifying relevant types of evidence, participants gained valuable insights into how to approach real-world scenarios involving irresponsible mining.



Figure 4: Participants during the case study session

3.2 Post Training Evaluation

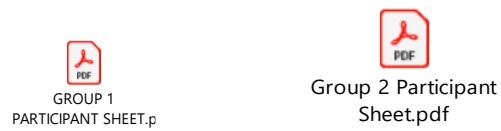
The post-training evaluation aimed to assess the effectiveness of the recent training session on evidence gathering, personal safety, and organizational security. The feedback collected from participants provided valuable insights into the training's strengths and areas for improvement. Overall, the training was well-received, with participants finding the content relevant and applicable to their roles. Results from both pre/post-training evaluations have been attached to the report.

3.1 Conclusion

The training effectively met its objectives by enhancing understanding of evidence gathering, personal safety, and organizational security, with participants demonstrating increased knowledge and insights into the methodologies and tools necessary for collecting evidence related to irresponsible mining practices. Feedback indicated a strong appreciation for the practical case studies and presentations, which will improve participants' confidence in applying these techniques to real-world scenarios.

Annexes

Annex 1 – Scanned Participant Sheets



Annex 2 - Pre and Post-Training Evaluation



Annex 3 - Pictures

