





OCTOBER 2004

BACKGROUND REPORT TO GLOBAL WITNESS AND AMNESTY INTERNATIONAL SURVEY



global witness



Déjà Vu

diamond industry still failing to deliver on promises

This study follows up Global Witness' survey and investigations carried out in January 2004 evaluating the US diamond jewellery retail sector's implementation of the self-regulation. The results showed that major players in the US diamond jewellery retail sector were falling short in implementing the basic measures of the self-regulation.¹ It also showed that the diamond industry as a whole and diamond industry trade associations like the World Diamond Council (the industry body responsible for coordinating the diamond industry's efforts to combat conflict diamonds) have not adequately monitored and assessed how self-regulation is working in practice throughout all sectors of the diamond trade on a global level. The report concluded that a large proportion of the diamond industry is still not taking the issue seriously and instead has focused attention on a public relations campaign to make the issue go away.

Given these alarming findings, Global Witness and Amnesty International carried out an extended survey in summer 2004. The aim of this survey was to further evaluate the effectiveness of the self-regulation in the

This survey follows the Global Witness report *Broken Vows*, released in March 2004, which found that major US and international diamond jewellery retailers were falling short in implementing the self-regulation.



THE KIMBERLEY PROCESS CERTIFICATION SCHEME

The Kimberley Process Certification Scheme (KPCS), negotiated by governments, civil society organizations and the diamond trade, in response to civil society campaigning against the trade in conflict diamonds, is an international governmental certification scheme aimed at preventing the trade in conflict diamonds. Launched in January 2003, the scheme requires governments and the diamond industry to implement import/export control regimes on rough diamonds to prevent conflict diamonds from fuelling conflict and human rights abuses. The KPCS, which is a political agreement and currently has 60 countries as members, requires its participants to certify that shipments of rough diamonds are free from conflict diamonds. Countries that are members of the Kimberley Process and export rough diamonds have put in place domestic certification systems, and passed enabling legislation, with varying degrees of effectiveness.

The system of warranties, which the diamond industry agreed to adopt to support the Kimberley Process, covers both rough and polished diamonds. However, it can only be considered effective in assuring that conflict diamonds have not entered the legitimate trade if all sectors of the diamond industry effectively implement the system of warranties. More importantly, the system that the industry has established must be audited or verified independently, and monitored by appropriate government agencies. Otherwise, unscrupulous traders will find loopholes, allowing conflict diamonds to enter the legitimate trade.



diamond jewellery retail sector in the US but also to focus on surveying the diamond jewellery retail sector in other countries, including the UK, Australia, Belgium, France, Germany, Italy, the Netherlands and Switzerland.

The major question this survey aims to answer is whether the self-regulation is being implemented effectively in the diamond jewellery retail sector. The survey should also give consumers important information about whether diamond companies can give assurances that diamonds are conflict free, how transparent companies are being about these efforts and what types of questions to ask when buying diamond jewellery.

How the survey was carried out in the UK and US

Company management survey

A total of 85 major diamond jewellery retailers were written to (21 companies in the UK, 64 companies in the US) including department stores, specialty jewellery chains and TV shopping networks as well as companies in the low-end, mid-range and luxury sectors of the industry.

In each country, formal letters were sent from Global Witness and Amnesty International to each retailer's management requesting information on the policies and system of warranties in place to ensure that the company is not dealing in conflict diamonds and is

supporting the Kimberley Process. The letter also requested samples of any policies, warranties, procedures and auditing measures along with examples of practical measures for implementation. In some cases, questionnaires were attached to the letter, asking specific questions about the company's policy and implementation of the self-regulation.

Global Witness and Amnesty International also followed up with all companies by telephone to bring the letter to their attention and to ask the status of their efforts to respond. This was done to give companies adequate opportunity to demonstrate what they are doing to combat the trade in conflict diamonds.

Retail survey

The survey also evaluated the level of awareness among company salespeople about their companies' policies on conflict diamonds. Amnesty International members visited diamond jewellery retailers to get a picture of how knowledgeable sales associates are about the conflict diamond issue and whether meaningful assurances are given to consumers that diamonds are not from conflict sources. In each store visited, Amnesty International members used a questionnaire to ask the same questions about the company's policy, whether the system of warranties was being used, and how the company could give consumers assurances that diamonds are conflict free. Amnesty International members stated that they were conducting a survey on behalf of the organization before asking the questions.

RESULTS AND ANALYSIS OF THE SURVEY

Company management survey

Global Witness and Amnesty International sent letters to a total of 85 major diamond jewellery companies in the UK and the US.²

The results in the UK and the US found that some diamond jewellery retailers have policies to combat conflict diamonds, are implementing the self-regulation and have made efforts to be transparent about their policies. However, the results overall are very disappointing and show that a significant majority of diamond jewellery retailers continue to inadequately deliver on repeated promises made to stem the trade in conflict diamonds.

The results show the following:

- ◇ A total of 37 companies out of 85 companies surveyed (44%) informed Global Witness and Amnesty International in writing about their policy on conflict diamonds. Forty eight companies failed to provide any information in writing about their policies, including Asprey, Boodle & Dunthorne, Chisholm Hunter, Debenhams, and Theo Fennell Jewellers in the UK and Finlay Fine Jewelry, Costco Wholesale Corporation, Kmart and T.J. Maxx in the US.³ For the US, Global Witness and Amnesty International surveyed companies in the National Jeweler's Top 40 Plus Survey and the \$100 Million Supersellers survey, which together "constitute the most extensive summation of the retail jewelry business in the United States."⁴ For example, in 2002 the top 40 jewellery chains constituted a total of 6,603 stores and nine out of the top ten had combined annual sales of \$5.275 billion.⁵
- Many of these 85 companies are also members of trade associations that have endorsed the self-regulation and it is likely that some have policies to implement the self-regulation but did not respond to the request for information. Those companies that are not members may have adopted their own policies. However, their failure to respond despite follow up, even if they do have a policy, raises the question of how seriously they take commitments to combating the trade in conflict diamonds and to supporting the Kimberley Process.
- ◇ Thirty two out of 37 companies (86%) that responded state that they have a policy to combat conflict diamonds and that they are implementing the system

of warranties, receiving warranties from suppliers, as required by the self-regulation. However, thirty out of the 37 companies (81%) that responded did not provide adequate details on how the system of warranties is being implemented and what policies, procedures and auditing measures companies have in place to back them up.

- ◇ As part of their written responses, 7 out of 37 companies (19%) that responded provided samples to demonstrate their compliance, including copies of invoices with a warranty statement, samples of agreements with suppliers that included requirements for implementing the system of warranties, and/or copies of educational memos/brochures prepared for staff and/or consumers. It is encouraging that some companies are being transparent about their efforts to comply with the self-regulation, which helps in giving consumers meaningful assurances that diamonds are conflict free.
- ◇ In the majority of responses, companies state that they would only purchase diamond jewellery or diamonds from companies that provided a warranty stating that the diamonds are conflict free. However, in most cases companies did not provide details on how the system of warranties is being implemented and what policies, procedures and measures companies have in place to back them up. A warranty simply stating that diamonds are not from conflict sources is meaningless unless it is backed up by concrete policies and monitoring to ensure that diamonds come from legitimate sources. Major retailers have a responsibility to carefully select suppliers and require them to demonstrate that they are taking adequate measures to ensure that they are not dealing in conflict diamonds. In addition, very few of the responses mentioned any type of auditing procedures in place, another requirement of the self-regulation, which is crucial to monitor whether a company's policies on conflict diamonds are being implemented effectively.
- ◇ Four major retailers, De Beers LV, Signet, Tiffany & Co. and Zale Corporation, outline detailed measures to implement the self-regulation, including strengthening sourcing procedures and control over its suppliers, auditing procedures to ensure that they are not dealing in conflict diamonds and education of

staff about the issue. These companies' responses indicate that they have some concrete policies and other measures in place to back up the warranty statements. For example, Tiffany & Co. stated that it has applied strict criteria for selecting suppliers, and has implemented a chain of custody for its diamonds which has been certified to ISO (International Organization for Standardization) 9001:2000 quality management system standards. De Beers has a warranty and verification process and its compliance with the Kimberley Process and self-regulation has been audited by Deloitte and Touche, its financial auditors. Deloitte and Touche carried out a stock audit, reconciling stocks at the start and end of the year by carat weight, and reviewing all sales invoices to check compliance with the Kimberley Process. While recognizing that large corporations like De Beers and Tiffany & Co. have significant resources to comply with the self-regulation, deal in rough diamonds and should be industry leaders on these issues, all retailers should apply consistent standards for screening suppliers and auditing procedures to make sure their policies are being effectively implemented.

Zale Corporation provides a copy of its Vendor Code of Conduct which outlines that suppliers must comply with warranties and keep records of warranties for at least five years. The Vendor Code of Conduct also specifies that Zale has the right to conduct internal investigations on implementation of the code and that vendors must cooperate by making records available. Sterling Jewelers (a subsidiary of Signet) also outlines its policy for suppliers' complying with the warranties and an internal audit program to review how policies are working. Both Sterling and Zale outline staff education programs and Sterling included copies of educational materials prepared for staff in its response.⁶

Shop survey

Amnesty International members visited diamond jewellery retailers in the UK and US, to assess whether retailers are able to give meaningful assurances that diamonds are conflict free.

The survey of salespeople in jewellery stores showed that the diamond jewellery retail sector is largely unable to provide consumers with meaningful assurances that diamonds are conflict free. A total of 579 diamond jewellery retailers were visited in the UK and US at random, including department stores, specialist jewellery stores and small independent jewellers. Although at 59% of shops surveyed salespeople said that

they were aware of conflict diamonds, only 42 per cent of shops surveyed said they had a policy.

Below is a breakdown by country.

United Kingdom

A total of 333 retail shops were visited by Amnesty International members, across the UK, from Belfast to Canterbury and from the Orkneys to Jersey, including department stores such as Debenhams and John Lewis, as well as specialist jewellery stores including H Samuel, Fraser Hinds, and smaller independent jewellers. There appears to be a high level of awareness amongst retail staff about conflict diamonds, with 75% stating they were familiar with the term. However, there was a lower level of awareness regarding their companies' policy on conflict diamonds. Fifty four percent of stores visited stated they had a written company policy, with a further 13% saying they had an unwritten policy. However, only 18% of shops surveyed were able to produce a copy of this policy. Many of these were from retailers such as Ernest Jones and H Samuel.

When asked whether they have had any training on the issue of conflict diamonds, only 38% said they had, with a further 21% stating that although they had had no formal training on the issue, they maintained their awareness of it from reading company and industry association literature and briefings. However, just under a third claimed that neither they, nor their colleagues had had any training on the issue.

When asked how customers could be sure that their products do not contain conflict diamonds, only at 45% of shops surveyed did salespeople state that the assurance would come from the fact that the company or shop only deals with suppliers that guarantee diamonds are conflict free through use of warranties. Others stated that they had a company or shop policy, which either stated that they only bought from 'reputable sources' or only bought 'conflict free' diamonds. Finally, Amnesty International members found that 7% of the stores surveyed provide, as standard, a warranty certificate for customers confirming the origin of all diamonds sold in the store, 5% provide a warranty for larger/more expensive stones, 13% only provide one on request from purchaser, 10% said it was unnecessary because company buys 'conflict free' diamonds or sources diamonds from suppliers who provide warranty on their invoices and 7% had no comment or referred activists to their company head office.

The high level of awareness about conflict diamonds may partially be due to the active education programs carried out by diamond jewellery associations like the National Association of Goldsmiths and the British Jewellers Association.

United States

A total of 246 stores were visited by Amnesty International USA members on Amnesty's National Day of Action on Conflict Diamonds on 18 September 2004. Activists visited diamond jewellery stores, including department stores, specialty jewellery retailers and small independent jewellers, across the US to ask about their policies on conflict diamonds and the self-regulation. Amnesty International members visited a range of diamond jewellery stores, including Costco, Hecht's, Kay Jewelers, Macy's, Zales and Fred Meyers Jewelers, with varying results.

In preparation for the day of action, Jewelers of America (JA), the major diamond jewellery trade association that has endorsed the self-regulation and has 10,000 members, sent out an advisory to its members to: "remind all jewelers that it is imperative to respond promptly to questions from NGOs, media or consumers about conflict diamonds, as well as other social, ethical, and environmental issues should they be asked." It recommended that stores: "should emphasize their support of the Kimberley Process Certification Scheme for rough diamonds. Retailers should also explain that, in order to provide consumers with added confidence in their merchandise, they require written assurances of adherence to the Kimberley Process warranty system from their diamond and diamond jewelry suppliers."⁷

This warning by JA, which has more than 10,000 members across the US, was publicized in the trade press and is likely to have reached retailers that are not JA members as well. Despite this warning, the survey results show a low level of awareness among salespeople about conflict diamonds and their companies' policies to help prevent dealing in conflict diamonds. Thirty seven percent of stores visited claimed to be aware of the conflict diamond issue. Of those stores where salespeople said they knew about conflict diamonds, 54% reported an inaccurate definition of the crisis. Only 66 (27%) of stores visited stated that they had a policy on conflict diamonds. Twenty seven stores (11%) indicated that they had no policy at all. One hundred and forty five stores (59%) were unwilling to discuss whether or not their company had a policy on conflict diamonds. Of the 246 shops visited, only 13% provided warranties to demonstrate implementation to the self-regulation to their customers as a standard practice.

Even for some of the chains that claim to have staff education programs, there was little evidence of standardized education. Many retailers refused to participate in the survey, and others offered the organization's prepared statement as the sole answer to the survey and would not go any further. Many activists encountered resistance and resentment from retailers,

and were met with angry objections to their inquiries. One activist described resistance in one shop as follows: "[W]e went in very respectfully and they told us to get the 'hell' out of their store, and said we should be

spending our time on more useful things... This really bothered me because one of the employees said they didn't care about what happened in Africa." In another instance, an activist was told by an owner that, "our mission was not important and a pointless waste of time."

"They told us to get the 'hell' out of their store, and said we should be spending our time on more useful things...one of the employees said they didn't care about what happened in Africa."

Survey of diamond trade associations

Global Witness and Amnesty International also surveyed international and national diamond and jewellery trade associations that have made repeated promises to ensure adoption of the self-regulation throughout the diamond trade. Letters were sent to major trade associations on the international and national levels (primarily in the US and UK) to assess what activities they are carrying out to monitor implementation of the self-regulation.

The survey found that the World Diamond Council (WDC), the association formed to coordinate the diamond industry's efforts to combat the trade in conflict diamonds, continues to fail to adequately monitor the diamond industry's efforts to comply with the self-regulation on a global level. In a letter dated 21 September 2004 to Global Witness and Amnesty International, the WDC states that it has worked to develop and promote adoption of the self-regulation and has carried out an educational campaign, including the development and dissemination of a brochure outlining the Kimberley Process and the system of warranties, placing articles in trade associations' publications, giving presentations and seminars at jewellery trade shows and industry meetings and working to get its members to pass resolutions in support of the system of warranties.⁸ However, the letter does not outline activities it has carried out to monitor whether its members are implementing the self-regulation. The letter only states that the "constituent membership organizations that adopted these provisions into their standards for membership all have methods to ensure compliance with these provisions as well as all other membership requirements."⁹ The letter does not outline what these methods are and what the WDC is doing to ensure that they are being implemented. It

should also be noted that, to our knowledge based on this letter, the WDC has taken little action to address this problem since the release of Global Witness' report in March 2004 which found that the WDC had failed to adequately monitor the self-regulation.

The International Diamond Manufacturers Association (IDMA) and the World Federation of Diamond Bourses (WFDB), two major international diamond trade organizations that are members of the WDC, have also not taken adequate measures to monitor their members' compliance. In its letter, IDMA outlined educational activities it has carried out, including the development of the WDC guide. The letter states that its member organizations "have worked diligently in their home countries to ensure that where possible appropriate legislation is passed and their members are compliant" and that "it is our understanding that our member associations and their members have implemented the voluntary system of self-regulation."¹⁰ The letter also states that its member organizations can expel any members found to be in violation of the resolution but that no members have been found to be in violation to date. It states that "IDMA as an association does not have legally vested investigative powers".¹¹ However, the letter does not outline any concrete mechanisms for actively monitoring its member associations on implementation of the self-regulation. Such measures still can be done without having legal investigative powers, through reporting, establishing and promoting a common standard for demonstrating compliance with the self-regulation and promoting reviews of policies and procedures.

The WFDB's response to Global Witness and Amnesty International's letter states that it has asked its members (23 Diamond Bourses) to report on the implementation of the system of warranties at the World Diamond Congress meeting being held in October 2004 in New York and that a full report will be presented after this meeting.¹² While it is encouraging that the WFDB has asked for a report from its members, it should go farther and take concrete measures to ensure monitoring as was discussed above instead of only relying on general reports at annual or bi-annual meetings.

The WDC, IDMA and WFDB have all been deficient in developing a systematic way of monitoring the diamond trade's implementation of the self-regulation; without such monitoring the self-regulation lacks credibility and will not be effective in keeping conflict diamonds out of the legitimate diamond trade.

Global Witness and Amnesty International also sent letters to national jewellery trade associations in the US

and UK that have endorsed the self-regulation and claim to be promoting adoption among their members. Responses from these associations show that most of the jewellery trade associations have focused on educational programs which have played an important role in promoting adoption of the self-regulation. However, most of these associations have not yet taken the next crucial step to monitor whether companies are effectively implementing the self-regulation.

For example, the National Association of Goldsmiths (NAG) which represents 1,200 retail jewellers in the UK, states that it has sent letters to all members about how to comply with the self-regulation, created a brochure on the subject and carried out media and educational activities about the conflict diamond issue.¹³ In its response, the British Jewellers' Association (BJA, represents 600 members) states that it has carried out similar activities. It states that it has incorporated the Kimberley Process and self-regulation requirements into its membership rules and can investigate all complaints and any member that is found in non-compliance with the Kimberley Process.¹⁴ However, this falls short of proactive monitoring.

In the US, the Jewelers of America (JA), a jewellery trade association with more than 10,000 members across the US, and the Jewelers Vigilance Committee (JVC) have carried out some educational activities about the self-regulation, including disseminating information about the self-regulation and giving presentations and seminars at trade shows, conferences and meetings.¹⁵ In response to growing concern expressed by NGOs in March 2004 about the US diamond jewellery retail sector's inadequate implementation of the self-regulation, JA issued a statement outlining its additional activities to monitor implementation of the self-regulation, including the development of self-assessment and training tools, mystery shoppers, training for sales professionals, and policy and procedure reviews.¹⁶ Global Witness and Amnesty International welcome this initiative, one of the few initiatives underway to develop and implement concrete monitoring measures, but urges JA to proceed quickly with implementation and in working to develop a common standard for evaluating suppliers' compliance with the self-regulation.

In addition, CIBJO, the World Jewellery Confederation, recently announced the creation of a Consumer Confidence Commission to develop a code of ethical business practices for the international jewellery sector. The WDC, IDMA, WFDB, CIBJO, and national jewellery trade associations in other countries should follow JA's example and proactively work with their members to monitor the self-regulation.

CONCLUSION AND RECOMMENDATIONS

While some progress has been made since March 2004 in the US, the results of the survey overall show that some major players in the diamond jewellery retail sector continue to fall short on implementing basic measures of the self-regulation or have failed to inform Global Witness and Amnesty International of efforts to do so. The continued lack of systematic monitoring by the diamond industry means that there is no assessment of whether companies are meeting the basic requirements and that there are no consequences for inaction.

In order to be effective and to fully support the aims of the Kimberley Process, the self-regulation should move beyond being voluntary.

While the self-regulation continues to be voluntary, only those with good intentions will implement it. In order to be effective and to fully support the aims of the Kimberley Process, the self-regulation should move beyond being voluntary. Global Witness and Amnesty International therefore make the following recommendations:

To governments participating in the Kimberley Process:

- ◇ Monitor the diamond industry's compliance with the self-regulation and report back to the Kimberley Process about these efforts in 2005.
- ◇ Carry out rigorous auditing and inspections of companies' implementation of the self-regulation and compliance with the Kimberley Process, in order to ensure that diamonds do not fund conflict or human rights abuses, and report back to the Kimberley Process about these efforts in 2005.

To the diamond jewellery retail sector:

- ◇ Fully implement the self-regulation and system of warranties in a manner that goes far beyond simply requiring a warranty from suppliers. Strict criteria should be applied in the selection of suppliers and third-party auditing procedures should be adopted to ensure that policies are working effectively.
- ◇ Provide written assurances to consumers stating that the diamonds they purchase are conflict free so that the system of warranties covers the entire supply

chain from point of mine to point of sale to the consumer.

- ◇ Carry out education and training on conflict diamonds and the Kimberley Process and require it as a condition of employment so that salespeople are fully informed about policies and communicate this to consumers in a transparent manner.
- ◇ Proactively work to promote adoption of the self-regulation throughout the retail sector and the diamond trade as a whole. Major industry leaders have a particular responsibility to exhibit leadership on this issue.

To the World Diamond Council, WFDB, IDMA and other trade associations:

- ◇ Develop a common standard for verifying whether retailers and suppliers are complying with the self-regulation and develop monitoring mechanisms to ensure that these standards are being met. Jewelers of America's recent initiative to develop a monitoring program that includes self-assessment, mystery shoppers, staff training and policy and procedure reviews, offers some ideas of what can be done in the retail sector in the UK and in other countries. Further work must ensure its adoption by all sectors of the industry.
- ◇ The World Diamond Council, WFDB, IDMA should actively monitor implementation of the self-regulation throughout the diamond pipeline and take greater measures to require their member organizations to systematically report on how they are monitoring companies' implementation and auditing of the system of warranties.
- ◇ National diamond trade associations should adopt monitoring programs, including self-assessments, spot checks, and policy and procedure reviews to monitor what its members are doing and help ensure that the warranties are backed up by concrete policies and measures.

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ENDNOTES

- 1 'Broken Vows: Exposing the "Loupe" Holes in the Diamond Industry's Efforts to Prevent the Trade in Conflict Diamonds', Global Witness, March 2004.
- 2 Tables 1 and 2 outline company responses to the survey in the UK and the US.
- 3 Department stores that were sent letters may have kiosks with vendors selling diamond jewellery and they may have a variety of different relationships with such vendors. These vendors may or may not have policies to combat conflict diamonds. These companies did not refer Global Witness or Amnesty International to their vendors.
- 4 'Top 40 Plus,' A Supplement to National Jeweler, 16 May 2003.
- 5 Ibid. www.hoovers.com
- 6 Letter dated 22 September 2004 from Linda Buckley, Vice President Media Relations to Amnesty International, letter dated 18 February 2004 from Michael Kowalski Chairman & CEO of Tiffany & Co. to Global Witness. Letter dated 17 September 2004 from Mark Light, President & CEO of Sterling Jewelers to Amnesty International. Letter dated 17 September 2004 from Hilary Molay, Vice President General Counsel Zale Corporation, to Amnesty International and Global Witness.
- 7 'JA issues advisory on 'Conflict Diamonds Day of Action', JCK-Jewelers Circular Keystone, 12 September 2004
- 8 Letter dated 21 September 2004 from Cecilia Gardner, General Counsel, World Diamond Council to Global Witness and Amnesty International.
- 9 Ibid.
- 10 Letter dated 16 September 2004 from Sean Cohen, President of IDMA, to Global Witness.
- 11 Ibid.
- 12 Letter dated 28 September 2004 from Michael Vaughan, Secretary-General of WFDB to Global Witness.
- 13 Letter from Michael Hoare, Chief Executive, National Association of Goldsmiths to Amnesty International.
- 14 Letter dated 27 August 2004 from Geoffrey Fields, Chief Executive, British Jewellers' Association to Amnesty International.
- 15 Global Witness, *Broken Vows*, March 2004, p 14, <http://www.globalwitness.org/reports/index.php?section=diamonds>
- 16 Jewelers of America Press Release, 16 September 2004, 'JA Moves Forward with Corporate Responsibility Initiative'.

The summary report can be found online at:
www.globalwitness.org/reports
<http://web.amnesty.org/pages/ec-index-eng>
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Sections

déjà vu /,dayzhah 'vooh/
noun ... **2** something
excessively or unpleasantly
familiar. [French *déjà vu*
already seen]

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Global Witness' earlier report,
Broken Vows, released in March
2004, can be found at:
www.globalwitness.org/reports/

