

Chaupe Family Land Dispute

Yanacochoa remains committed to good-faith dialogue as the best mechanism to prevent conflicts and resolve issues, while complying with all applicable laws and respecting human rights.

The summary and chronology below outline events related to the dispute with the Chaupe family in the Conga project area, in Cajamarca, Peru.

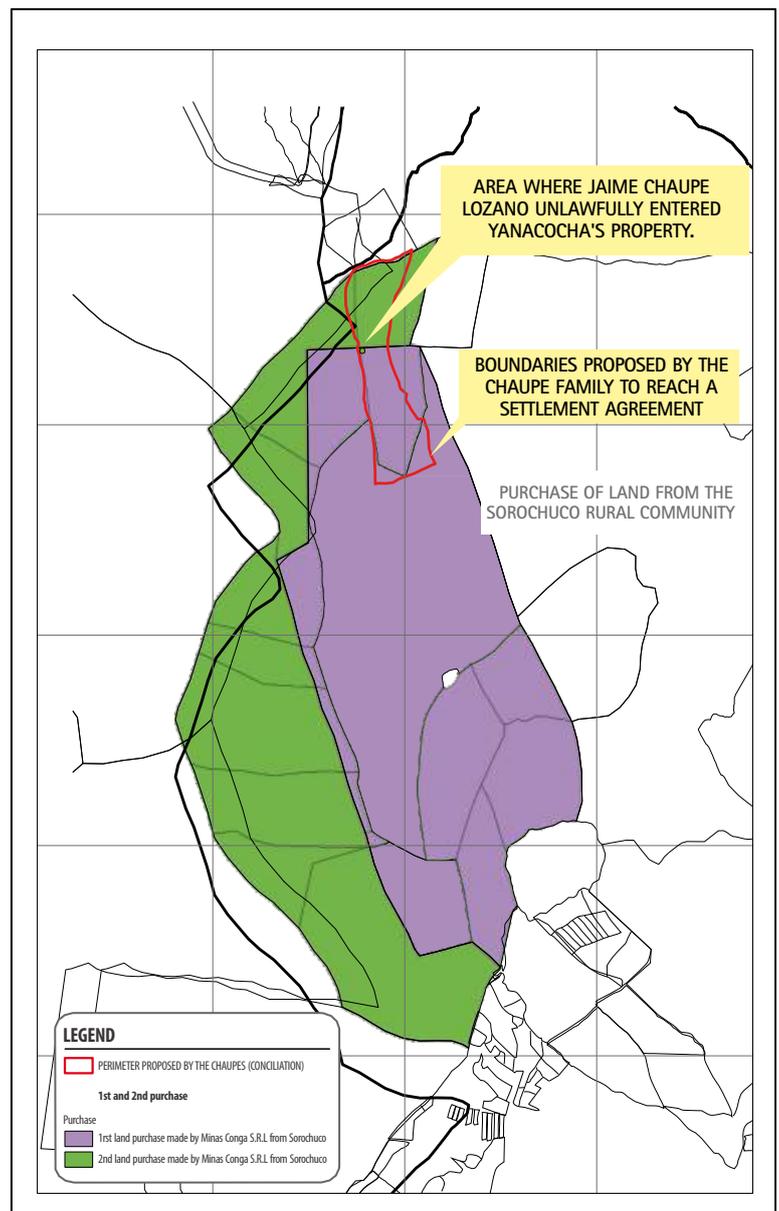
Purchase of Land from the Sorochuco Rural Community

Between 1996 and 1997, Minas Conga S.R.L. purchased land located in the Tragadero Grande area, in the district of Sorochuco, from the Sorochuco Rural Community. At the time, the Sorochuco Rural Community was the legal and rightful owner of the land purchased by Minas Conga and Mr. Samuel Chaupe Rodriguez was the possessor of the land.

Sale of the land to Minas Conga was approved at an Assembly Meeting held by the Sorochuco Rural Community, and the sales documents were signed by Sorochuco Community representatives, along with members of the community who acted as witnesses, including Mr. Samuel Chaupe Rodriguez. Mr. Chaupe Rodriguez who agreed to the sale. It should be noted that Samuel Chaupe Rodriguez is the father of Jaime Chaupe Lozano who, together with his wife, Maxima Acuña, are now claiming possession rights over the land sold by the Sorochuco Rural Community and Samuel Chaupe Rodriguez to Minas Conga in 1996 and 1997.

In 2001, Minas Conga S.R.L. transferred the Tragadero Grande land to Minera Yanacochoa S.R.L., which, in its capacity as rightful owner, has been carrying out exploration work in that area since 2001, without the Sorochuco Rural Community or the Chaupe family having lodged any ownership claims.

The land remained under use by Minas Conga from 1997 and from Yanacochoa since 2001 and it was not until May 2011, however, that Jaime Chaupe Lozano (the son of Samuel Chaupe Rodriguez) and his family illegally occupied the land which was owned by Yanacochoa.



Breakdown of the land in dispute, which is part of the land parcels sold by the Sorochuco Rural Community

Occupation of Land

In May 2011, Jaime Chaupe Lozano (the husband of Maxima Acuña) filed a complaint with the Office of the Public Prosecutor (in and for Celendín) accusing some Yanacocho employees of purportedly destroying walls, huts and corrals which, according to the complaint, were located on the land previously sold to Minas Conga S.R.L. in 1996/97. There was no evidence filed by the family regarding the accusation or even if buildings or structure were located on the property. When Minas Conga purchased the property in 1996/97 there were not structure located on the property nor were any constructed between 1997 and 2011. That same year, the Prosecutor's Office filed away the complaint, recognizing Yanacocho as the rightful owner and possessor of the land.

A second illegal occupation occurred in August 2011. Once again, Yanacocho informed the Chaupe family that the land they occupied belonged to the company and that they should leave or the company would be forced to file a trespassing complaint.

When Mr. Jaime Chaupe Lozano and his family refused to vacate the property, Yanacocho filed

a criminal complaint against Jaime Chaupe Lozano, his wife, Maxima Acuña Atalaya, Elías Abraham Chávez Rodríguez, and others involved. A criminal complaint was filed vs. a civil complaint as it was viewed as the most expedient process to resolve the dispute to enable project construction to commence. The complaint was first resolved by the Court in 2012 and the accused received a three year suspended sentence for illegally occupying the land. The resolution also made it clear that Yanacocho was the legal owner and possessor of the land in dispute and the court ordered the Chaupe family to vacate the land. This decision was appealed by Chaupe family.

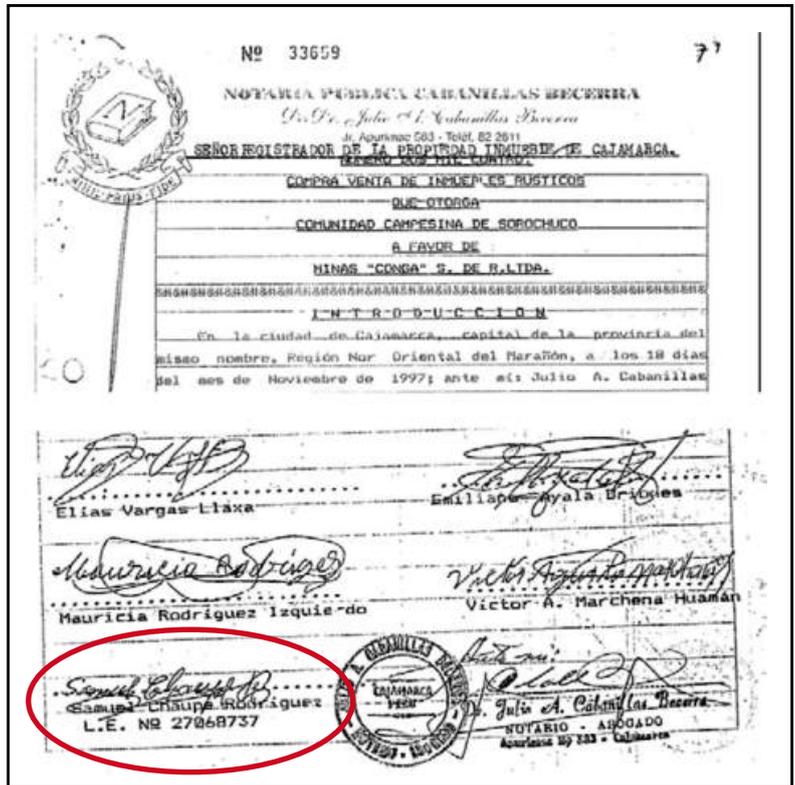
Despite the court ruling, Mr. Jaime Chaupe and his family refused to vacate the property they illegally occupied and they continued to construct buildings and structures.

Exercising its legal property rights, reaffirmed by the courts, Yanacocho requested legal authorities (National Police) to witness in-situ, that is, at the location of the land in dispute, that the Chaupe family was illegally occupying not only the land in dispute but additional land owned by the company in adjoining areas.

Accredited Possession

Yanacocho's ownership of the land is supported by transfer documents which are legally valid and have been duly registered by the prosecutor, along with other documents contained in the court case.

The Chaupe family claims they have been residing on the land owned by Yanacocho since 1994, which is not true. This claim contradicts documents demonstrating the family resided in the hamlet of Armacucho (Sorocucho), which is consistent with the address appearing on their National ID documents.



Introduction of the purchase-sale agreement and page showing that Samuel Chaupe Rodriguez, the father of Jaime Chaupe Lozano, signed the agreement.



An lchu grass hut was found after one of the invasions in 2011. The Chaupe family says that they have been living in the area since 1994. However, the certificate of inspection drawn up by the Office of the Public Prosecutor in Celendín after the inspection was completed reads as follows: "We can see that there are no signs of previous possession by the accused. We only found a recently built hut covered with freshly cut lchu grass".

Legal Outcomes

As indicated above, in October 2012 the Single-Member Criminal Court of Celendín gave Jaime Chaupe Lozano, Maxima Acuña Atalaya and three other people a three-year suspended sentence on an Aggravated Usurpation charge.

The Court's sentence was appealed in August 2013 and the Superior Criminal Court of Cajamarca declared void the sentence issued against the Chaupe Lozano family for procedural reasons, ordering the start of a new oral trial.

The new oral trial started in November 2013, and in August 2014 the Court issued Jaime Chaupe Lozano and Maxima Acuña Atalaya a 2.8 year suspended sentence and ordered them to pay S/. 5,500 in compensation. The Court also ordered them to immediately vacate the land. This decision was again appealed by Chaupe family.

Current Situation

Yanacocha has refrained from performing any type of activity on the land and has not forced the Chaupe family to vacate the land to avoid confrontation.

However, the Chaupe family continues to illegally expand into other areas, beyond the parcels that were originally invaded. Yanacocha has requested the presence of the Peruvian National Police to record and document the land invasion which is spreading to other areas. The Chaupe family regards these police inspections as acts of harassment. However, it is the only valid legal mechanism available to prove the invasion of additional land by the Chaupe family, despite the order issued by the court.

The Prosecutor of Celendín also has inspected the area in question to verify illegal occupation and expansion. Videos taken that day (see video here) show provocation by the Chaupe family against the Public Prosecutor and members of the Peruvian National Police.

Yanacocha will continue avoiding any type of confrontation, while protecting the safety of people and ensuring respect for its ownership rights over the land legally acquired by the company for the Conga project.



Inspection visit carried out on February 5, 2014, without any "threat" or "harassment".