



Chaupe Land Case Information Update: April 27, 2016

Background

As outlined in our [previous updates](#) regarding the ongoing land dispute between the Chaupe family and Yanacocha, we continue to believe it is important to be truthful and transparent about the facts surrounding this case. Our goal is to always be respectful of our neighbors, while lawfully protecting our property rights and avoiding confrontation.

April 24, 2016

On a live national television broadcast in Peru, [Cuarto Poder](#), Maxima Chaupe claimed that Yanacocha was responsible for gunshots allegedly fired (just prior to her appearing on the program) at the Chaupe residence built on property the company [lawfully purchased](#) in 1996/97 from the Sorochuco Community (which included Maxima Chaupe's father-in-law).

Police responded immediately to investigate the allegations and conducted a thorough evaluation and review of the property that included:

- A ballistics search;
- Inspection of the Chaupe residence and its surroundings; and
- Interviews with the Chaupes, other residents in the area and company employees.

The [police investigation](#) summarized below indicated [no evidence](#) of gun shots fired in the area as claimed by the Chaupes:

- No bullets or bullet holes were found on or near the Chaupe house;
- No shell casings were found in the vicinity; and
- No one else in the area reported hearing gunshots or seeing unusual activity or behavior.

Yanacocha's policy and practices do not permit security personnel, private security contractors, or employees to carry firearms. As such, Yanacocha personnel could not have been involved in any alleged shooting incident.

The police publicly stated they would be willing to station officers on the disputed property to provide additional comfort and security to the Chaupe family, but they rejected the offer.

April 18, 2016

Less than a week before appearing on Cuarto Poder, Maxima Chaupe was [one of six recipients](#) of the Goldman Environmental Prize. Ms. Chaupe was compared to Honduran activist Bertha Caceras who received the Goldman prize in 2015 and was murdered in her home on March 3, 2016. The week of April 18, 2016 saw many global news outlets reporting on Maxima Chaupe receiving the award, and Ms. Chaupe stated that she would [carry on Bertha Caceras's mantle](#) as the 2016 recipient of the prize for the Central and South American region (this was prior to her allegations that shots were fired at her house).

We appreciate and respect the work of the Goldman Environmental Prize and the role and importance of human rights defenders. However, we were disappointed that no one from the organization saw fit to contact Yanacocha or Newmont as part of their due diligence evaluation for awarding the prize to Ms. Chaupe. Important background and facts were not considered for the evaluation, including that the land dispute remains the subject of ongoing litigation in Peru and the Yanacocha property the Chaupes built on is one of eight land parcels the family obtained through adverse possession (i.e. a law granting possession to someone if they can plant or build on property and avoid being removed by the lawful owner in under 15 days).

Moreover, Ms. Chaupe waited until 2011 (15 years after Yanacocha purchased the property from the Sorochuco Community) to claim ownership and possession of the property. Land occupation by the Chaupes occurred several months after Yanacocha and Newmont announced a decision to proceed with construction of the approximately \$4.8 billion Conga copper and gold mine.

Independent Fact Finding Mission

In an effort to independently verify that Yanacocha is living up to international human rights standards and our public commitments, a respected international nonprofit organization was commissioned to conduct an independent fact-finding mission. The objective of the mission is to establish a common understanding of the Chaupe land claim and examine Yanacocha's adherence to the Voluntary Principles on Security and Human Rights. The fact finding mission terms of reference are publicly available and can be found [here](#).

Summary

The ongoing land dispute between the Chaupe family and Yanacocha continues to be a concern for us, and Newmont remains committed to keeping our stakeholders informed as events unfold.

We prefer to resolve differences through direct, good-faith dialogue, and remain open and willing to doing so. In the meantime, Yanacocha must rely on legal avenues provided under the judicial process to protect its established property rights. This includes making every effort to reduce tensions and minimize conflict by not disturbing the house the Chaupe family built on Yanacocha land in 2011 until the judicial process is complete. Similarly, while Yanacocha manages entry and access onto its privately held lands, it has committed to ensure the Chaupe family and visitors have safe access to the disputed property.

It is important to note that Peruvian courts have repeatedly confirmed Yanacocha's ownership of the land in question. In a separate matter, the Cajamarca Criminal Court of Appeals ruled in December 2014 that there was insufficient evidence of "acts of violence" by the Chaupe family at the beginning of their illegal occupation to warrant criminal charges. Yanacocha respected the court's decision and initiated an appeal as part of our overall effort to maintain its property rights.

Please feel free to contact me with any comments or questions.