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THE MUDDY CHAUPE CASE



The story was officially explained by the NGO Grufides, founded by the leader of *Tierra y Libertad* Marco Arana. It has been adopted without reservations by personalities, by other national and international NGOs and the media sector. In this version, Carlos Chaupe, his wife Maxima and their children, occupy the Tragadero Grande property, in Cajamarca, before the Yanacocha mining company began to buy land for its Conga project. The Chaupes bought it legitimately from an uncle. Evidence: a certificate of possession over eighteen acres granted by the rural community of Sorochuco -- which mentions a transfer in January 1994 -- and a document of sale signed by a justice of the peace. Thereafter, the company acquired adjoining land. And immediately, it brazenly attempted to appropriate itself of the Chaupe family property.

Based on worthless titled deeds and in an illegal and abusive fashion, Yanacocha tried to evict them through a savage police participation. Not content with this, it brought criminal charges against the farmers for aggravated misappropriation and was able to have the court convict Maxima to two years and eight months of suspended imprisonment and five thousand five hundred soles in civil damages. But in December 2014 a criminal appeals court overturned the verdict and acquitted the Chaupe family. Finally, the truth won and it was proved that the only usurper was the company.

THE OPPOSITE TRUTH

Yanacocha's version differs in all aspects. In 1996 and 1997, its Minas Conga S.A. project purchased 496 hectares from the rural community of Sorochuco. This included the property the Chaupe family claim as theirs. Until then, the land belonged entirely to this community, with compelling title deeds. Purchase documents were signed by its qualified representatives, including Samuel Chaupe, the father of Maxima's husband, supporting the transfer of Tragadero Grande. Moreover, satellite photographic evidence shows that it is false that the disputed land has been occupied by the Chaupe family since 1994. They entered illegally only in August 2011, when the Conga conflict broke out.

According to Yanacocha, the possession certificate exhibited by the Chaupe family is not a title deed. Without this document nobody was able to transfer Tragadero Grande to them in 1994. This is why the Sorochuco community, which did have title deeds, was able to later sell the land to Minas Conga. When the Chaupes attempted to invade its land in 2011, the company filed a criminal complaint and asked the police to evict them. There is a video showing that the reported violence did not exist.

So far, even admitting that Yanacocha's title deeds were valid, the cause of the Chaupes raises solidarity. The Chaupes are poor, and there are dark episodes that give them the benefit of the doubt. They could have been there since before the Conga project obtained its permits. They may have been victims of police violence. Images of a bruised arm of Jilda Chaupe, daughter of Maxima, have been widely disseminated as well as unverified information that she was left unconscious for an hour after receiving a blow from a police shotgun. The doubts are fed by the poor reputation of Yanacocha in Cajamarca. In general, in Peru it is easily possible to admit that a large company acts as a bird of prey and is insensitive to the weak. The police do not have credibility either.

ALL OF US ARE MAXIMA

But the moral force of the complaint comes from Maxima's testimony. Her statement that working this land is the only resource her family has to survive is convincing. It is more convincing than if Marco Arana cut his arm and accused Yanacocha of its mutilation. Arana is an anti-mining activist in the electoral race; in turn, Maxima, The Lady of the Lake, is a victim: a poor peasant struggling to survive.

This is the version of the Chaupe family and their defenders. In August 2013, on the eve a Celendín court convicted them for misappropriation, Maxima Chaupe told the *Portafolio Periodístico* Channel that she was receiving threats from Yanacocha, and that if the company killed her she wanted to be buried in Tragadero Grande. "It's the only land I have", she added. After this ruling, her lawyer, Mirtha Vasquez, from Grufides, said the Chaupes were defending their only property, and had no other place to go. Other statements in the same sense can be found on the Internet. For example, their daughter, Isidora, in May 2014, claiming that they had nowhere else to live. Or Maxima Chaupe herself, in August of that year crying when referring to the civil redress payment that was imposed upon her. She had no money to pay it.

"I bought my land suffering, without eating any bread, without and clothes to wear, sleepless" – she told Cajamarca Reporters.

NINE PROPERTIES

This is why the revelation made by Cajamarcan journalist Luis Mego to TV Norte on the February 9 was startling. The Chaupe spouses had title deeds to six properties in the district of Sorochuco, province of Celendín: Chilin, Agenco I, Agenco II, La Tuna, Aluche. In addition, they owned another three, Sigues, La Playa de Sigues and la Nueva Chica - in the district of Huasmín. This does not mean they are landlords: the farms, together, account for only ten hectares. What is striking is that they were given to them in ownership after demonstrating possession over them.

The Chaupes obtained nine certificates of possession issued by the Agrarian Region of Cajamarca, in accordance with Legislative Decree 667, which formalizes rural property. It establishes a simplified procedure. In the case of individual properties, the beneficiary must demonstrate with witnesses that it

has been in actual possession thereof for five years. The titles deeds in favor of the Chaupes at SUNARP indicate that in each case they evidenced "direct, continuous, peaceful and public possession" during that time. Also, economic exploitation of the properties was verified. Records were obtained in 2004 and 2005.

How then, during the previous five years, were they occupying these lands and Tragadero Grande at the same time?

THE OTHER PROCEEDINGS

Mirtha Vasquez, from Grufides, lawyer of the Chaupes replied that these lands were "inherited". Mego said SUNARP documents show otherwise. Vasquez also noted that the properties were worthless. But inspection of the Ministry of Agriculture reports farmland and animal husbandry. Any farming technician would prove that these farms are better than the hard and frozen Conga territory.

The Chaupes have every right to own properties occupied for five years. But having lied about their "sole proprietorship" overshadows the whole story and makes the human rights organizations that defended them look really bad. Moreover, the last ruling is silent on the legitimacy of possession of Tragadero Grande by the Chaupes. It acquits them of aggravated misappropriation for one reason: it was not proven that they engaged in violence to occupy the land that Yanacocha claims as its own, something associated with that crime. But the judgment expressly ignores the underlying issue, which is not a criminal one. The question of ownership will be decided in civil proceedings, but who knows how many years this will take.