



Chaupe Land Case Information Update: February 26, 2016

Background

Newmont always strives to be respectful of neighboring communities and remains committed to keeping our stakeholders informed about the Chaupe land case in Peru. The ongoing land dispute between the Chaupe family and Yanacocha continues to be a concern for us, and we believe it is important to be truthful and transparent about the facts surrounding this case.

The following information expands on previous updates and supplements information currently available on the [Newmont](#) and [Yanacocha](#) websites. Since our last [update](#) in April 2015, we have made repeated attempts to engage in good-faith dialogue with the Chaupe family. This includes reaching out to national and international stakeholders to provide information and assess the interest and willingness of civil society organizations to facilitate dialogue between the Chaupe family and the company. Our interest in establishing a good-faith dialogue is to decrease tensions, avoid conflict, promote transparency, reduce suspicion, and ultimately resolve the land dispute in a way that is mutually beneficial to both parties.

Regretfully, despite repeated direct and indirect attempts, we have not succeeded in securing agreement from the Chaupe family or civil society organizations to establish a dialogue to reach a resolution. However, we will continue to seek ways to establish good-faith dialogue.

Recent Events

Over the last several months Yanacocha has continued to responsibly manage its land holdings, implement community development projects and engage with communities neighboring the company's property. There continues to be numerous acts of vandalism and theft of company property, along with ongoing illegal trespassing by interest groups not residing in the area. Yanacocha has passively observed the property ingresses in order to avoid direct confrontation. One of the methods the company has employed to avoid confrontation is the use of an aerial drone to identify illegal entry on company property and to record incidents of vandalism and theft. The company also installed a fixed video camera near the alpaca farm located at the Conga project area to monitor the animals and observe and record acts of vandalism which have frequently occurred. There have been numerous, unsubstantiated accusations that the company is "monitoring" the Chaupe family – these claims are false as the camera is not directed toward the Chaupe occupied structure.

In accordance with Peruvian laws requiring that illegally erected structures and crops planted on private property be removed within 15 days, the company has acted lawfully and within its rights to remove such structures and crops from undisputed company property outside of the area currently occupied by the Chaupe house (under Peruvian law, land owners have 15 days to remove them in a legal process known as a "possessory defense").

Recently, groups opposed to mining have launched a new publicity campaign against Yanacocha based on two recent events. The facts pertaining to these events are presented below.

January 30, 2016

In early February, activists made an unsubstantiated claim against Yanacocha regarding an injury to a dog belonging to the Chaupe family. A photo of the dog showing a wound along the front shoulder was broadly circulated stating that Yanacocha employees attacked the dog. Yanacocha has stated there was no altercation on January 30, or at any other time, where the dog was injured by company personnel. The injury to the dog appears consistent with a barbed wire injury and the video recordings from the fixed

camera, mentioned above, did not show any evidence of an altercation involving the Chaupe family's dog.

February 2, 2016

On February 2, 2016, Yanacocha security personnel, along with members of the company's land team, lawfully removed potatoes that were illegally planted on undisputed company property, without incident. The potatoes were planted in an area not associated with the current land dispute with the Chaupe family.

Yanacocha notified authorities of the company's intent to conduct the possessory defense and lawfully completed the removal on February 2 (the removal action took approximately 10 minutes). There were no confrontations reported.

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

Our goal is to always be respectful of our neighbors, while lawfully protecting our property rights and avoiding confrontation.

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 lands.

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 an overall effort to maintain its property rights.

We will continue to update our stakeholders on new developments. In the meantime, please feel free to contact me with any comments or questions.