

CERREJÓN COMMENTS ON THE STATEMENTS BY VARIOUS NGOs AND MEMBERS OF THE COMMUNITY OF ROCHE ON THE JUDICIAL PROCESS FOR HANDING OVER A PROPERTY IN ROCHE, LA GUAJIRA

Cerrejón appreciates that the BHRRC would offer us this opportunity to express our comments on the statements published by a group of national and international NGOs and on the press release issued by members of the community of Roche on the subject of the events on February 24 of 2016 during the finalization of the delivery of the Ustate family property from Roche, La Guajira.

Concerning the events of February 24 of 2016

- Cerrejón regrets the events resulting in the injuries to two community members, an officer of the National Police, and a Cerrejón official during the termination of the early handover of a property in the community of Roche, La Guajira.
- The legal proceedings came about due to non-compliance by the family of Mr Tomás Ustate with the agreements reached in October of 2015 as part of a resettlement process.
- The proceedings were led by a judge from the municipality of Barrancas accompanied by officials from the Public Ombudsman, the Public Prosecutor's Office, the Colombian Institute of Family Welfare, and the Barrancas Family Services Agency.
- The judge requested the presence of the National Police and the anti-riot squad (ESMAD), as is legal and a common practice in Colombia in these types of matters in order to provide security for the authorities and ensure compliance with the proceedings.
- There were around 50 community residents on the property, some of whom threw rocks and sticks at the institutional delegation and Cerrejón officials. The ESMAD used tear gas and rubber bullets to establish control and allow access to the area.
- During the process, three people were temporarily detained and a Guatemalan journalist was taken to the Albania police station to verify his documents.
- Unarmed members of Cerrejón's private security service took part in the proceedings. Since they were not armed, it is demonstrably false they shot with firearms.
- Once the situation was under control, talks were held with the family, and about two hours later, the family agreed to hand over the property.
- The Ustate family collaborated in withdrawing their belongings and cattle. The statements that Cerrejón took possession of all the family's belongings, food, and clothing is completely false. The belongings were taken to the house assigned to the family in New Roche, and the cattle was temporarily relocated to the Campo Herrera property, which the family chose in the 2015 agreements.
- Cerrejón is committed to respecting human rights and to complying with Colombian legislation and the Performance Standards on Resettlements of the International Financial Corporation.
- Cerrejón ensured that ESMAD members were trained in human rights before the process and undertook due diligence to make sure the proceedings would take place with the greatest care.
- Cerrejón has requested that the competent authorities investigate the performance of the public security forces.

- Cerrejón followed up on the two community members injured and can report that both have recovered satisfactorily. Cerrejón is unaware whether the alleged injured reported in the press releases reported to Legal Medicine or to any healthcare institutions for evaluation.

On the resettlement process of the Roche community

- Resettlements are undertaken as a last resort. The Roche resettlement was carried out to prevent negative impacts on the community related to air quality from mining activity and in accordance with current permits.
- The resettlement undertaken by Cerrejón with the Roche community lasted 12 years, and all stages and decisions were agreed on with the community. We firmly reject any statements that the process was undertaken under pressure and with abuse of power.
- The 25 Roche families accepted resettlement at different stages. However, the Ustate family was in breach of agreement to hand over the property by December 17 of 2015 at the latest despite having taken possession of the house in New Roche and received the compensation and indemnification package. The NGO Indepaz certified in January of 2016 that Cerrejón had met all the commitments subscribed to in the agreement of October of 2015.
- Cerrejón has met its commitments with all Roche families, and the programs agreed on with the families have been in operation since 2011.

We have responded directly to the organizations that published the press release (see attached letter) as well as to Mr Tomás Ustate's family in order to clarify the points mentioned.

For any further information, please contact Carlos Franco (carlos.franco@cerrejon.com), Manager of Social Standards and International Relations.

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