

Pucallpa (Peruvian Amazon), June 24th., 2024

Ms. Alexa Vélez General Editor Mongabay

alexa@mongabay.com

Dear Ms. Alexa Vélez:

On the 3rd of May we sent you a request to withdraw a flawed story that was published on your website. In our letter, we cited some of the obvious errors in story. It appears that the story was generated by Ojo Público in Peru and the Bureau of Investigative Journalism. We see that the story on your web page (https://news.mongabay.com/2024/04/snack-giant-pepsico-sourced-palm-oilfrom-razed-indigenous-land-investigation/) has now changed, but it continues to contain major errors. We request that you retract your story and investigate fully the matters below. Your story not only damages our company, but it violates the rights of our neighboring communities, and the hundreds of small farmers, indigenous and non-native in our region who depend on the international supply chains for income for the palm fruit that they grow on their lands. Please be aware that palm oil income has proven to be the only successful alternative to deforestation and coca leaf production for many of the farmers in our region. Articles like yours that could cut this important link between them and the global community can have a very negative impact on the region's struggle to leave its destructive past behind it. We ask that you please address the following:

1) Your correction note at the bottom of the article is entirely misleading. We are quite puzzled as to why you chose to write it the way that you did. The original article alleged that we have deforested 17,000 ha of land as a general, but nonspecific accusation. It then specifically showed three areas where it specifically alleged that we deforested. In our original response to Ojo Público we clearly showed that 100% of the specific areas that they alleged we deforested were not associated with us. Since they gave us no more specifics on the rest of the 17,000 hectares, it was impossible for us to disprove any more. To write in your correction that there is only evidence that 1,500 of the original 17,000 hectares are not associated with us is a totally misleading statement. We can disprove ALL deforestation that is alleged against us if we are given specifics. Our Land Use Change studies, performed by independent third parties confirm this. Studies by the regional government, confirm this. It is an objective truth because we have never deforested. Wouldn't it be much more accurate to say that the company provided evidence that disproves 100% of the specific deforestation claims made in the original article? It is difficult for us to see how your article is not intentionally misleading the public on this matter.



- 2) Apart from the misleading correction note, the body of the story also continues to mislead the public in several important ways. We again reiterate our request that you engage in a more rigorous investigation into these matters. *Mongabay* is known for much higher journalistic standards than those of the organizations from whom you are obtaining this information. We as a company, and the native communities involved in your story regularly welcome international visitors to our lands for tours and to answer questions about these matters. Please do not rely on second-hand information. First-hand sources are available and are ready to meet with you. Among the matters that the story on your website misleads the public are:
 - Your article repeatedly states the following: "Some of the forest loss on company-run oil palm plantations occurred on land claimed by the Santa Clara de Uchunya community of Shipibo-Konibo Indigenous people." This is a claim that the Community of Santa Clara de Uchunya has repeatedly disavowed. I attach for you their official position on the matter, the text of which was debated and approved within their General Assembly, signed by their Chief, and presented in a formal court proceeding in Peru last month. They have made this position known on their Facebook page for years. Their leaders have issued public statements warning about false claims in the name of their Community. We implore you not to participate in this type of abuse of this community, which has been ongoing for years
 - Your article states that "While some of the forest loss took place under other companies, satellite analyses by the Center for Climate Crime Analysis (CCCA) and TBIJ show clear deforestation on Ocho Sur's land in the past three years. Below a satellite image of an Ocho Sur plantation shows deforestation between 2021 and 2024 (courtesy of TBIJ/Ocho Sur.) But your article does not show a satellite image. Please show us the areas that you allege we deforested. We have never deforested. Ever. But you leave us no way of disproving your claim because you make an allegation without specifics.
 - Your article contains a quote from Luisa Mori Gonzáles, president of "the community's defense front". Please research this organization. Here is a link that clearly states the position of the Community regarding this so called "defense front". Please do not participate in the violation of the rights of this community by misleading the public about who speaks for the community. https://www.agroperu.pe/ucayali-comunidad-nativa-santa-clara-de-uchunya-rechaza-frente-de-defensa-creado-por-idl-y-fpp/.
 - Your article states the following "The Peruvian Agriculture Ministry sanctioned and fined the dissolved company Plantaciones de Ucayali in 2015 for failing to comply with an order to stop its activities. Ocho Sur eventually paid these fines in 2022". This is completely false. Ocho Sur has never paid a fine issued to Plantaciones de Ucayali. We have no idea where this idea originated as it has no basis in truth whatsoever.



We know that *Mongabay* has issued many excellent, useful and truthful stories over the years. Good quality, truthful, transparent journalism is and must be a cornerstone on which we construct the solutions to the global challenges of social and environmental justice. We have committed ourselves to those objectives. Please accept our invitation to explore these subjects in more detail through a personal visit to Ocho Sur and to the communities that surround us. You will find reason for hope!

Sincerely,

Michael Spoor

CEO

Colegio de Traductores del Perú Creado por Ley Nº 26684

RENZO AXEL GOMEZ AVILA CTP 0937

CERTIFIED TRANSLATOR

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Jr. Amazonas n.º 377. Urb. Caja de Agua - San Juan de Lurigancho +51 980635858 renzo.gomezavila@gmail.com

DIGITAL CERTIFIED TRANSLATION TCD 0657-2024

LETTER FROM THE NATIVE COMMUNITY OF SANTA CLARA DE UCHUNYA TO THE JUDICIARY Native Community of Santa Clara de Uchunya



La Decana Nacional del Colegio de Traductores del Perú certifica que la firma de la derecha corresponde a un miembro hábil y activo de la Orden que cuenta con la autorización del Colegio de Traductores del Perú para realizar traducciones certificadas digitales. Se legaliza únicamente la firma, no el contenido de los documentos adjuntos.

Mary Ann Elsa Monteagudo Medina
Decana Nacional del Colegio de Traductores del Perù

I, the undersigned Certified Translator, Member of the Peruvian Association of Professional Licensed Translators (CTP), do hereby certify that this Digital Certified Translation is a true and correct translation of the original document enclosed herewith, which has been produced before me. This certification shall be considered an acknowledgment of the accuracy of the translation but not of the authenticity or contents of the document in source language attached hereto.



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Renzo Axel Gomez Avila

Fecha: 18/06/2024 21:24:32 UTC-05:00

ID: IDCPE-48453667

El ejemplar impreso de este documento es válido según el D.S. n.º 026-2016-PCM.

Renzo Axel Gomez Avila CTP No. 0937

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Native Community of SANTA CLARA DE UCHUNYA

(Picture)

Nueva Requena – Coronel Portillo – Ucayali

Letter from the Native Community of Santa Clara de Uchunya to the Judiciary on the Falsely Alleged Land Usurpation Promoted by NGOs

April 23, 2024

The Honorable Judge Víctor Zúñiga Urday
4th National Preliminary Investigation Court of Lima

Your Honor,

The people of the Native Community of Santa Clara de Uchunya in Ucayali, Peru, greet you very cordially.

We have learned that you are the judge in charge of guaranteeing our rights in the criminal investigation conducted in relation to the deforestation crimes committed in areas close to our native community, which was initiated by the complaint made by community member Washington Bolívar on our behalf in 2015, against Plantaciones de Pucallpa S.A.C.

In this regard, we want to inform you that there is a group of NGOs led by the Legal Defense Institute (IDL) and the Forest People Programme (FPP) that have been violating our human rights by using our name in false complaints, which are not authorized by our Community Assembly, ignoring in this way our right to self-determination and to choose freely our future and our authorities. In addition, such NGOs have been harassing community members with their prosecutors, who defend our community and do not submit to their orders aimed at dividing and generating conflicts between community members and neighbors.

In relation to this investigation, and so that you are not misled by these organizations and their operators, we inform you the following:

We do not have any current land disputes with any neighbor. On April 8, 2024, we completed our land demarcation in coordination with the Regional Government of Ucayali (Regional Directorate of Agriculture of Ucayali); also in coordination and mutual harmonious agreement with all of our neighbors, we placed the corresponding milestones in compliance with what was ordered by the Constitutional Court (TC), second part of judgement 3696-2017, dated January 25, 2022.

In that sense, on April 23, 2024, we have expressed our sincere gratitude to the TC for this achievement for our community. Therefore, it is not true that we currently have territorial disputes with any neighbor nor that our ancestral lands





COLEGIO DE TRADUCTORES DEL PERÚ

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Native Community of SANTA CLARA DE UCHUNYA

(Picture)

Nueva Requena - Coronel Portillo - Ucayali

are occupied, as some NGOs try to make international cooperators and yourself believe so they can continue profiting at the expense of our people. We attach the corresponding documentation.

- 2) As community member Washington Bolívar himself can attest, the current company operating the Tibecocha Farm, Ocho Sur, has nothing to do with the company Plantaciones de Pucallpa that we reported in 2015, which planted palm in the area without consulting our people. Ocho Sur is totally different, they are good people, good neighbors, they respect us and we work together to improve our living conditions. We do not have any complaints and claims pending against them. We bear witness that they have never expanded their plantations nor have invaded our territory. Everything has been fabricated by the NGOs that manipulate some former community members to make false complaints and make money by deceiving their international cooperators. With this information they use the prosecutor's office to open investigations that do not correspond.
- 3) We want to inform you that currently there is a complaint filed before the internal control body of the Public Prosecutor's Office with Geraldine Peña, Esq., and Alvaro Rodas Farro, Esq., for a series of abuses committed against our validly elected leaders and our attorneys during this investigation. We attach the documentation supporting the complaint.
- 4) In our opinion, these prosecutors are totally biased and have been poisoned by bad NGOs like the Legal Defense Institute (IDL) that want to continue creating fake conflicts and attack our neighbors, who have never affected the forest or our community, using repeatedly the Public Prosecutor's Office.

Sincerely,

Assembly of the Native Community of Santa Clara de Uchunya





COLEGIO DE TRADUCTORES DEL PERÚ

Renzo Axel Gomez Avila CTP No. 0937

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KETY ROCIO ROJAS FERNANDEZ	62218131	Illegible
TAICHA ANDREA SORIA GONZALES	79950123	Illegible
JESSENIA CORDOVA ACERO	47852607	Illegible
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LUIS ALBERTO LOZANO SORIA	47919966	Illegible
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Native Community of SANTA CLARA DE UCHUNYA Nueva Requena – Coronel Portillo – Ucayali

(Picture)

RELEASE

THE NATIVE COMMUNITY OF SANTA CLARA DE UCHUNYA REPORTS NEW ATTEMPT BY NGOs IDL ABOGADOS AND FOREST PEOPLE PROGRAMME (FPP) TO USE THEIR NAME WITH FALSE COMPLAINTS BEFORE THE UNITED NATIONS

- We reject because it is <u>FALSE</u>, the content of the complaints promoted by NGOs IDL ABOGADOS, FOREST PEOPLE PROGRAMME (FPP) and allied organizations and individuals that have been included in letter AL OTH 56-2023 issued by the UNITED NATIONS, regarding alleged human rights violations suffered by our native community, violations that <u>DO NOT</u> exist.
- 2. We reiterate that we do not have ancestral land disputes with any neighbor and that this idea was not created by us, but was brought up in 2016 by lawyers from NGOs such as IDL and FPP aimed at creating conflicts and thus profit at the expense of the name of our community at an international level.
- We also reiterate that currently we live in peace and have good relationships with our neighbors and WE ARE NOT SUBJECT OF HUMAN RIGHTS VIOLATIONS, AS FALSELY REPORTED IN LETTER AL OTH 56-2023.
- 4. The only human rights violations we suffer come from the NGOs IDL ABOGADOS and FPP, the attorney Linda Vigo, and the people they manage who do not represent our Assembly nor our people, who have been harassing and intimidating our brothers, who ignore our right to free self-determination to decide our future and to live in peace and harmony; who, since 2016 and behind our backs, have made unauthorized uses of our community name to make false complaints and create fake conflicts making more money for them.
- 5. As we decided in different Assemblies and is corroborated by our agreements, we do not want to file any report on anyone, because we do not have conflicts with anyone nor we have threats against our leaders; we want to live in peace and solve our urgent needs such as health, work and education. During all these years that these NGOs have tried to divide us and confront us, they have only aggravated our needs and harmed our families.
- 6. We have sent a letter to the UNITED NATIONS so that they are not misled by these continuous lies coming from said NGOs, and have complained because without even verifying the information with us, they still issued the letter. We have invited them to come to our community and prove first hand that everything that IDL and FPP have told them is FALSE.





COLEGIO DE TRADUCTORES DEL PERÚ

Renzo Axel Gomez Avila CTP No. 0937

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Native Community of **SANTA CLARA DE UCHUNYA**

(Picture)

Nueva Requena - Coronel Portillo - Ucayali

ASSEMBLY OF THE NATIVE COMMUNITY OF SANTA CLARA DE UCHUNYA

(Seal)

NATIVE COMMUNITY OF SANTA CLARA DE UCHUNYA

[Peruvian Coat of Arms]

LEADER

DISTRICT OF NUEVA REQUENA

(Seal)

NATIVE COMMUNITY OF SANTA CLARA DE UCHUNYA

[Peruvian Coat of Arms] LIEUTENANT GOVERNOR DISTRICT OF NUEVA REQUENA

(Seal)

NATIVE COMMUNITY OF SANTA CLARA DE UCHUNYA

[Peruvian Coat of Arms] **DEPUTY LEADER**

DISTRICT OF NUEVA REQUENA

(Illegible signature) JACSON TORRES PAIMA NATIONAL ID CARD No. 45827677 MUNICIPAL AGENT

NATIVE COMMUNITY OF SANTA CLARA DE UCHUNYA

(Illegible signature) Wilson Barbaran Soria

NATIONAL ID CARD No. 00121488

COMMUNITY LEADER

NATIVE COMMUNITY OF SANTA CLARA DE UCHUNYA

(Illegible signature) James S. Lozano

NATIONAL ID CARD No. 43347369

LIEUTENANT GOVERNOR

NATIVE COMMUNITY OF SANTA CLARA DE UCHUNYA

(Illegible signature) Thomis Arevalo Soria

NATIONAL ID CARD No. 44042465 **DEPUTY COMMUNITY LEADER**

21142874

NATIVE COMMUNITY OF SANTA CLARA DE UCHUNYA

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ALEJANDRO VENTURA BARBARAN

COLEGIO DE TRADUCTORES DEL PERÚ

Nueva Requena - Coronel Portillo - Ucayali



Memorial de Comunidad Nativa Santa Clara de Uchunya a Poder Judicial sobre Tesis Falsa de Usurpación de Tierras promovidas por ONGs

23 abril 2024

Sr. Juez Victor Zúñiga Urday Cuarto Juzgado de Investigación Preparatoria Nacional Lima

Excelentísimo Sr. Juez

Le saludamos muy cordialmente. Somos el pueblo de la Comunidad Indígena Santa Clara de Uchunya en Ucayali, Perú.

Hemos tomado conocimiento que usted es el juez a cargo de garantizar los derechos de todos en la investigación penal que se sigue por delitos de deforestación en zonas cercanas a nuestra Comunidad Nativa y que fue iniciada por la denuncia que en nuestro nombre hizo el hermano Washington Bolivar en el año 2015 contra la empresa Plantaciones de Pucallpa S.A.C.

Al respecto queremos hacer de su conocimiento que hay un grupo de ONG líderadas por el Instituto de Defensa Legal (IDL) y el Forest People Program (FPP) que vienen abusando de nuestros derechos humanos usando nuestro nombre en denuncias falsas que no cuentan con la autorización de nuestra Asamblea de la Comunidad, desconociendo a nuestro derecho a la autodeterminación y a elegir libremente nuestro futuro y a nuestras autoridades, y persiguiendo con sus fiscales a los comuneros que defienden nuestra comunidad y no se someten a su órdenes que sólo buscan división y conflicto entre hermanos y vecinos.

Con relación a esta investigación y para que no sea sorprendido por estas organizaciones y sus operadores, le informamos lo siguiente:

1) No tenemos ninguna disputa actual de tierras con ningun vecino. Con fecha 8 de abril de 2024 hemos finalizado nuestra demarcación territorial en coordinación con el Gobierno Regional de Ucayali (Dirección Regional de Agricultura de Ucayali) y en coordinación y mutuo acuerdo armonioso con todos los vecinos nuestros y colocado los hitos correspondientes. Esto en mandato de lo instruido por el Tribunal Constitucional (TC) en el segundo punto de la sentencia 3696-2017 de fecha 25 de enero de 2022.

En ese sentido, el día 23 de abril de 2024, hemos entregado a la mano del TC este logro para nuestra comunidad y expresado nuestro agradecimiento personal. Por tanto, es mentira que actualmente tengamos disputas territoriales con algún vecino y que nuestra tierras ancestrales estén ocupadas, tal como algunas ONG tratan de hacer creer a los cooperantes internacionales y a su persona para seguir lucrando a costa de nuestro pueblo. Adjuntamos la documentación correspondiente.





Renzo Axel Gomez Avila

Nueva Requena - Coronel Portillo - Ucayali



- 2) Tal como el mismo hermano Washignton Bolivar puede dar fe, la actual empresa Ocho Sur que opera el fundo Tibecocha no tiene nada que ver con la empresa Plantaciones de Pucallpa que denunciamos en 2015 y que sembró palma en la zona de manera sin consultar con nuestro pueblo. La empresa Ocho Sur son personas totalmente distintas, buenos vecinos, nos respetan y trabajamos juntos para mejorar nuestras condiciones de vida. No tenemos ninguna denuncia y reclamo pendiente contra ellos. Somos testigos que ellos nunca han expandido sus plantaciones ni han invadido nuestro territorio. Todo ha sido un invento de las ONG que manipulan algunos excomuneros y para hacer denuncias falsas y poder ganar dinero engañando a sus cooperantes internacionales. Con esta información utilizan a la fiscalía para que abra investigaciones que no corresponden.
- 3) Queremos denunciar ante usted que actualmente hay una queja ante el ógano de control interno del Ministerio Público con la dra. Geraldine Peña y el Dr. Alvaro Rodas Farro por una serie de abusos cometidos contra nuestros líderes válidamente elegidos y nuestros abogados durante esta investigación. Adjuntamos la documentación de sustento de la queja.
- 4) En nuestra opinión, estos fiscales están totalmente sesgados y han sido envenados por las malas ONGs como el Instituto de Defensa Legal (IDL) que quieren continuar creando conflictos inexistentes y atacar vecinos nuestros que nunca han afectado los bosques ni a nuestra comunidad, usando al ministerio público de manera repetitiva.

Atentemente,

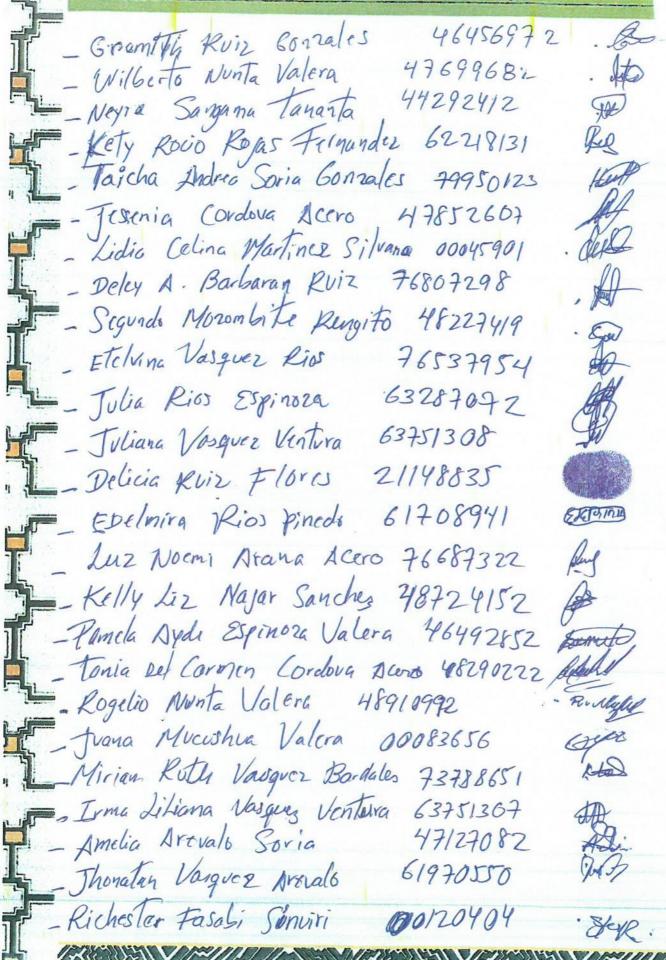
Asamblea de la Comunidad Nativa Santa Clara de Uchunya





Renzo Axel Gomez Avila

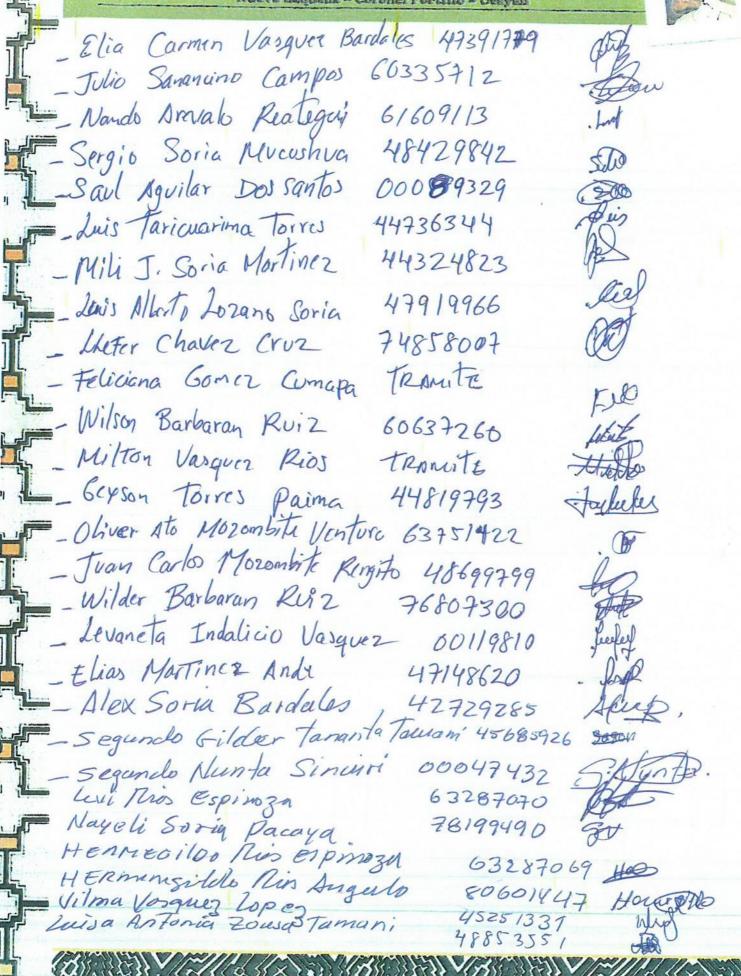
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Renzo Axel Gomez Avila

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COMUNICADO

LA COMUNIDAD NATIVA SANTA CLARA DE UCHUNYA DENUNCIA NUEVO INTENTO DE ONGS IDL ABOGADOS Y FOREST PEOPLE PROGRAM (FPP) DE USAR SU NOMBRE CON DENUNCIAS FALSAS ANTES NACIONES UNIDAS

- Recahazamos por ser <u>FALSO</u>, el contenido de las denuncias promovidas por las ONG IDL ABOGADOS, FOREST PEOPLE PROGRAM (FPP) y organizaciones y personas aliadas, que han sido recogidas por NACIONES UNIDAS en su carta AL OTH 56-2023 sobre supuestas violaciones de los derechos humanos de nuestra comunidad nativa que <u>NO</u> existen.
- Reiteramos que no tenemos disputas de tierras ancestrales con ningun vecino y que esa tesis no fue creada por nosotros, sino fue traida de afuera por abogados de ONGs como el IDL y el FPP en 2016 para lucrar creando conflictos a costa del nombre de nuestra comunidad a nivel internacional
- Reiteramos que actualmente vivimos en paz y buenas relaciones con nuestros vecinos y NO SUFRIMOS LAS VIOLACIONES A NUESTROS DERECHOS HUMANOS DENUNCIADOS FALSAMENTE EN LA CARTA AL OTH 56-2023.
- 4. Las únicas violaciones de derechos humanos que venimos sufriendo provienen de las ONG IDL ABOGADOS, FPP, la abogada Linda Vigo y personas manejadas por ellos que no representan a nuestra asamblea ni a nuestro pueblo, que vienen persiguiendo y amedrentando a nuestros hermanos comuneros, que desconocen nuestro derecho a la libre autodeterminación, a decidir nuestro futuro y a vivir en paz y armonía; que usan el nombre de nuestra comunidad a nuestras espaldas y sin autorización desde el 2016, para hacer denuncias falsas y crear conflictos inexistentes que sólo los llenan de dinero a ellos.
- 5. Tal como decidimos en diferentes Asambleas como consta en nuestros acuerdos, no queremos denunciar a nadie, porque no tenemos conflictos con nadie ni amenazas a nuestros dirigentes, queremos vivir en paz y solucionar nuestras necesidades urgentes como son la salud, el trabajo y la educación. En todos estos años de tratar de dividirnos y enfrentarnos, estas ONGs solo han agudizado nuestras necesidades y dañando a nuestras familias.
- 6. Hemos enviado una carta a las NACIONES UNIDAS para que no se dejen sorprender por estas mentiras repetitivas de estas ONG, reclamandoles que hayan emitido una carta sin nisiquiera consultarnos y los hemos invitado que viajen a nuestra Comunidad y verifiquen con sus propios ojos que todo lo que les han dicho las ONGs IDL y FPP es FALSO.

ASAMBLEA DE LA COMUNIDA NATIVA SANTA CLARA DE UCHUNYA



Wilson Berberan Sorie



James S. Lozano Sanua:

DNI N° 43347111

TEMENTE GOBERN
CC NN SANTACLARA DE ULCO-





Renzo Axel Gomez Avila

Comunidad Nativa

SANTA CLARA DE UCHUNYA

Nueva Requena - Coronel Portillo - Ucayali





Jacson Torres Paima
ONI Nº 45827877
AGENTE MUNICIPAL
CCAN SANTAC ARABE UCRUMA

PENE TARICUARIMA CHOTA CLOUDIN FASABI VENTURA AUTONIO SORIA CELLANTES GREMI TH RUIZ GOVALES NEYRO SANGOHA TONGUTO LUIS A. LOZANO SAJAHI KETY R. ROJAS FERNONDEZ TAICHAA. SORIA GONZALES JESSENIA CORDUA AZERO DELICIA RUIZ FLORES ALICIA HORTINGZ SILVAND DEICIA. BARBARON RUIZ ETELVINA VASQUEZ RIOS JULIA RIOS ESPINOZA JULIANA VOSQUEZ VENTURA EDELMIN RIOS PINEDO SEGUNDO MOZONBITE PELGIFO LOZ. N. ARANA ACERO JUAN SORIA COLLANTES JUDINA MUCUSHUD VALERD ROGELIO NUNTA VOLEMA WILBERTO NUNTO VALERA LIUI Ris Espinga Mayeli Soria Pocaya





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HERMENECITOO RIOS KELLY L. NAJAR SANCHEZ IRMA L. VASQUEZ VENTURO PALLE LA ESPINOZO VALEND TAUYAC CORDONA ACERO CELISA ANTONIA ZULLA TAMANI MIRIAM R. VASQUEZ BORDOLES BUELIA AREVALO SORIA LUIS TORICUARINA TORRES RICHOSTER FOSABI SINUIRI ELIA VASPLEZ BARDALES SANANCINO CAMPOS HERMENECIDO PROS ESPINOZA JONATON VASQUEZ DREVALO SERGIO SORIA MUCUSHUA SOUL A GUILAR DOS SAUTOS NAUDO AREVALO REATEGUI LUIS A. LOZANO SORIA HILY I SORIA HARTINEZ CRUZ LLEFER CHAVEZ

WILSON BORBONON RUIZ FELICIANA GOLLEZ CUYAPA CEYSON TORRES PAIMA OLIVER ATO HOZOMBITE NEUTURA JUAN C. MOZOMBITE RENGIFO LEVANETO FUDALICIO VASQUEZ VILLA VASQUEZ LOPEZ WILDER BARBARAN RUIZ

ALEK SORIN BARDALES SECUNDO GILDER TAMONTA TAMANI SEGUNDO NUMTA

43391076 44 8197 93

63751422 48699799 00119810 45251331 76 807300

42729285 45685926 00047437

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Heliche





Sixto Ventura Barbaran 00047408 81750 plejandro Vantura Barbaran 00047407 Marie