



COMPLAINT FOR ALLEGED CRIME OF USURPATION AGAINST OCHO SUR P S.A.C.

December 04, 2024

1. PARTIES

- a. Complainants: Messrs. Efer Silvano Soria, James Sigfredo Lozano Sangama, Carlos Hoyos Soria and Iván Amado Flores Rodríguez of the Native Community of Santa Clara de Uchunya.
- b. Defendant/Investigated: Ocho Sur P S.A.C., Serge Verhaert and Renzo Puyén
- c. Aggrieved party: Native Community of Santa Clara de Uchunya

2. FACTS DENOUNCED AND OBJECT OF FISCAL INVESTIGATION

On December 2, 2020, Messrs. Efer Silvano Soria, James Sigfredo Lozano Sangama, Carlos Hoyos Soria and Iván Amado Flores Rodríguez of the Native Community of Santa Clara de Uchunya filed a complaint for the alleged crime of usurpation in the Criminal Prosecutor's Office of Campo Verde to the detriment of the aforementioned community.

They denounced the construction of a trail in an area located within the extension of the territory of the Native Community of Santa Clara de Uchunya, without specifying when it would have occurred or who would have done it.

Without having any basis or means of proof, the complainants involved the company Ocho Sur P S.A.C. in their complaint, only for the fact of being neighbors of the territories of the aforementioned native community, apparently manipulated by the lawyer Linda Vigo Escalante of IDL, an NGO with apparent economic interests and hidden purposes.

On December 17, 2020, the Public Prosecutor's Office initiated the preliminary investigation by ordering the carrying out of proceedings based on the complaint filed.

On June 22, 2021, the Public Prosecutor's Office, after concluding the preliminary investigations, formalized the preparatory investigation and, upon receiving pressure from the NGO IDL, incorporated Serge Georges Verhaert, General Manager, and Renzo Puyén Rivera, Representative, both from Ocho Sur P S.A.C., into the investigated party.

The Prosecutor's Office conducted an on-site inspection, verifying that trees had been cut down and a dirt road had been built by third parties unrelated to Ocho Sur.

According to the complainants' statement, the person responsible was a person named "Harold" who was a rice farmer and who allegedly told other people that he was going to build his road through the community's land.

3. STATEMENT OF THE ALLEGED AGGRIEVED NATIVE COMMUNITY OF SANTA CLARA DE UCHUNYA



The authorities and community members stated that Ocho Sur has not usurped their lands nor built any dirt road in their territory, and therefore, they have no complaint against the company.

They also state that the complainants do not represent the community and that they would have been acting individually due to manipulation by the NGO IDL.

4. POSITION OF OCHO SUR

The company provided all the facilities and cooperated with the investigation, confirming that it has no participation in the reported facts and that the complaint was falsely created. It also reiterated that the same fact was investigated and filed on two previous occasions; which is a serious irregularity that the same fact is investigated up to three times.

5. DECISION OF THE PROSECUTOR'S OFFICE AT THE CONCLUSION OF THE INVESTIGATION

On January 14, 2022, the Prosecutor's Office requested the Judge to close the investigation by means of a dismissal, as it has been determined that the defendants could not be attributed with the illegal act.

On March 8, 2023, the Judge, who had only been in office for one day, unexpectedly submitted the request for dismissal to the Superior Prosecutor, considering that there were still proceedings to be carried out.

On May 22, 2023, the Superior Prosecutor, due to alleged pressure from the IDL, ordered that the prosecutor in charge of the case to formulate the indictment and to determine the innocence of the accused in court.

On October 11, 2023, pursuant to the order of the Superior, the prosecutor in charge of the case filed the indictment despite considering that the case had no merit and by order of the Superior.

6. COURT DECISION

The Judge decided to exclude the company Ocho Sur P S.A.C. from the investigation, leaving only Messrs. Serge Verhaert and Renzo Puyén as defendants to verify whether or not they had any participation in the facts.

On June 14, 2024, after the indictment control hearing was held, the Judge declared the substantial observations raise by the defense attorneys of Messrs. Serge Verhaert and Renzo Puyén to be well founded, and ordered the dismissal of the case consisting of the definitive file of the case, having proven that said persons have not had any participation in the alleged facts.



This decision was not challenged by any of the procedural parties and the court decision to close the case was final.

CURRENT STATUS OF THE CASE: The case is definitively archived (dismissed).