



## CONSTITUTIONAL ENVIRONMENTAL AMPARO CLAIM AGAINST OCHO SUR P S.A.C.

January 31, 2026

### **UPDATE:**

On September 12, 2025, through Resolution No. 0332-2025-MIDAGRI-DVDAFIR/DGAAA, the environmental compliance certification (PAMA) for the Tibecocha estate of Ocho Sur P was approved. Likewise, on November 10, 2025, through Resolution No. 0421-2025-MIDAGRI-DVDAFIR/DGAAA, the environmental compliance certification (PAMA) for the Zanja Seca estate of Ocho Sur U was approved. These permits had been under review for many years, and their final approval fully confirms that Ocho Sur operates in strict compliance with environmental regulations and demonstrates that both the legal proceedings and the press allegations lack any factual basis.

### **1. PARTIES**

- a. Claimants: Instituto de Defensa Legal (IDL), Kene, FECONAU, and Forest Peoples Programme (FPP)
- b. Defendant: Ocho Sur P S.A.C

### **2. BACKGROUND CASE 00184-2023**

On January 6, 2023, the claimants filed an environmental constitutional amparo action against Ocho Sur P S.A.C., which was assigned to the Sixth Constitutional Court of the Superior Court of Justice of Lima.

Pursuant to law, all constitutional amparo actions must be admitted for processing; accordingly, on January 26, 2023, the claim was admitted, and on April 19, 2023, the company was formally notified.

### **3. CLAIMANTS POSITION:**

The claimants argue that Ocho Sur P S.A.C.s operations must be shut down for allegedly operating unlawfully and infringing the right to a healthy environment.

### **4. OCHO SUR OF POSITION:**

- The claim is a false and repetitive allegation made by these same organizations since 2016, as part of a sustained legal campaign against the company. This request had already been dismissed by Perú highest constitutional court, the Tribunal Constitucional, on January 25, 2022 (Judgment 22/2022).
- The same claim was also dismissed in 2021 by the highest environmental supervisory authority, OEFA, through Directorial Resolution No. 672-2021-OEFA/DFAI.
- Ocho Sur P operates in compliance with Peruvian law, as confirmed by the Ministry of Agriculture—the highest authority in the sector—and by OEFA, the



competent environmental supervisory authority.

- Ocho Sur P has an approved soil study pursuant to General Directorate Resolution No. 653-2016-MINAGRI-DVDIAR-DGAAA dated December 15, 2016.
- Ocho Sur P has an approved land-use change authorization pursuant to Regional Management Resolution No. 233-2019-GRU-GGR-GERFFS dated December 23, 2019.
- Ocho Sur P is not required to obtain an Environmental Impact Assessment (EIA), but rather a Program for Environmental Compliance (PAMA), which is currently being processed in accordance with the law. Operating while a PAMA is under review is not unlawful, as it is a compliance instrument.
- Constitutional judicial proceedings are not the appropriate legal avenue for highly specialized environmental claims, which must be assessed by the competent environmental authorities (Ministry of Agriculture, OEFA, and SERFOR).

#### **5. STATUS:**

- On April 19, 2023, Ocho Sur P was formally notified of the claim. Under the new Constitutional Procedural Code, all claims must be admitted for processing.
- As evidence of bad faith, the claimants promoted this procedural admission in their allied media outlets as a success, attempting to suggest that the claim had merit, which is entirely false. Admission for processing does not assess the merits of a claim and is now legally mandatory under the new Constitutional Procedural Code.
- Through Resolution No. 4 dated December 12, 2023, the court issued a judgment in favor of Ocho Sur P and declared the claim inadmissible.
- The claimants appealed the decision to the second instance, and the case was referred to the Third Constitutional Chamber of Lima.
- On May 9, 2024, a hearing was held in which the parties presented their arguments.
- Through Resolution No. 05 dated May 9, 2024, the second instance court issued its ruling ordering that the case be remanded to the first instance court to continue the proceedings.
- On September 11, 2025, the oral argument hearing was held before the first instance court.
- As of today, the court's judgment is pending. Ocho Sur P is confident that, despite the media pressure allegedly exerted by the claimants to influence the judge, the Judiciary will act in accordance with the law and dismiss the claim, given that Ocho Sur P holds environmental certification duly approved by the competent authority.