

February 15, 2024

TO : Beatríz Balbin
Chief, Special Proceedings Branch
OACDH
e-mail: ohchr-registry@un.org

YOUR REF : AL OTH 56/2023.

FROM : Michael Spoor
CEO
OCHO SUR

REF : Complementary reply to joint communication of special procedures.

NOTE: On December 21st, 2023, we sent our official reply to your communication AL OTH 56/2023 (hereinafter “your communication”), dated October 26th, 2023. Our reply was drafted in Spanish, but Spanish is not my native language and to assure full clarity on my views as CEO of Ocho Sur, I now submit this letter which represents an edited version of our December 21st, 2023 official reply. This letter complements our December 21st, 2023 official reply, but does not substitute it nor does it represent a literal translation of that official reply.

I would like to start by telling you that, in my opinion, the [REDACTED] (hereinafter “[REDACTED]”) and [REDACTED] (hereinafter “[REDACTED]” and perhaps others, jointly referred as “the claimants”, have deliberately misguided you and many others by providing inaccurate and false information on various issues.

1. We are not the company or the people who planted the oil palm trees to which the claimants refer, on our currently owned farms. All the averred acts of deforestation alleged against us occurred before we existed as a company, and neither we nor our current shareholders or officers were in control of these activities. Our company was established in 2016, and all the averred acts of deforestation alleged in your communication occurred years before.
2. We have never planted a single oil palm tree, neither in Peru nor anywhere else in the world. We do not deforest or allow deforestation in our supply chain. In fact, we have very actively reforested and replanted native species of trees and shrubs on the farms that we now own in areas that were cleared by others before we existed as a company. We have invested tens of millions of dollars to remedy the conditions that were created before our purchase of these two farms.

3. We have excellent relationships with the communities surrounding us, including the Santa Clara de Uchunya Native Community. Although we cannot speak for them, because this would be unethical and improper, we strongly recommend that you do an *in-loco* visit to the community and speak with its legitimate leaders and with all its legally recognized members, before accepting a narrative about them that has been presented to you without their consent, and which we believe does not reflect the perspectives democratically agreed upon by them. If you visit them, we trust that they will clarify their history and their viewpoints. Please visit them. Their voices matter, and no one should deny them the right to be heard directly!
4. Ocho Sur considers totally unacceptable the loss of forests in the Ucayali region (in which we operate). Very sadly, these losses have exceeded 500,000 hectares in the last 20 years and the rate of loss is still increasing; we also find unacceptable the levels of poverty and the very low Human Development Indicators that prevail there. Private investments like ours, dedicated to the transformation of agriculture in the region away from unsustainable and environmentally harmful practices, and focused on the promotion of productive activities that reduce incentives to deforest and significantly improve the well-being and living standards of thousands of families, should be promoted, instead of being the subject of continuous and unfounded attacks like those carried out by the complainants.
5. We are deeply committed and aligned with the 17 United Nations Sustainable Development Goals, which are a fundamental ingredient of our policies, actions, and communications. We believe they provide an essential framework that connects our clients in developed countries with the lives and activities of people in regions like Ucayali (where we operate), where high rates of poverty, corruption and informality are prevalent.

We find incomprehensible the attacks of the claimants who claim to promote the same objectives but who at the same time refuse to dialogue with us and do not respect the sovereign and democratic development of the Santa Clara de Uchunya Native Community. Furthermore, we are puzzled by the echo you grant them, honorable UN Special Rapporteurs.

6. The allegations conveyed in your communication about our region, our business, and our neighbors, are not new and have been promoted widely by the claimants in many media outlets. But the fact that they have been repeated over and over by the complainants and others who are perhaps well-intentioned, but sadly, seriously misinformed, does not render them true. Please accept our humble suggestion that you FULLY investigate these statements and contrast them with the protagonists' objective points of view obtained on the ground, before reaching any conclusions.

7. Over several years we have invited the complainants to engage with us in a constructive, respectful, and informed dialogue, but unfortunately our attempts have been systematically ignored or completely rejected. We find it incomprehensible, and we believe it is ethically unacceptable, that the complainants refuse dialogue, especially since they are institutions and persons who claim to promote human rights, democracy, and the rights of indigenous peoples.

Notwithstanding, we will persevere in our efforts to promote that dialogue. Perhaps you can convince the complainants to interact with us, thus giving us the opportunity to provide them with information that will hopefully allow them to reassess their narrative, or at least to understand our company's points of view. I assure you that critics and those who distrust us will always be respectfully welcomed to visit us, to talk, and to get to know the people within the territory in which we operate. Our offices are well known in Pucallpa (the closest city to our place of operation), and our farms are accessible to anyone who gives us enough notice so that we can provide safe and well-informed tours. Many regulators, business leaders, members of the press, academics, diplomats, and NGO representatives have already done so. After speaking with the legitimate leaders of the neighboring indigenous peoples, with our workers and officials, these visitors have not found any evidence to support the false claims the claimants have conveyed you.

8. We are a company that operates in full compliance with its legal obligations, including environmental, labor, rights of indigenous peoples and human rights in general. We are permanently supervised by the applicable government auditing agencies of Peru, as well as by various independent specialized auditing entities with US and international headquarters.

In addition, several aspects in the content of your communication merit our great concern and forceful protest.

1. It is a serious violation of our human right to due process if, as your letter asserts, you have sent your communication to our shareholders and main clients, without having previously verified the veracity of the statements made against us by the claimants, and particularly without having previously given us the possibility to answer them and to provide evidence about their falsehood, inaccuracies, biases, or lack of proper contextualization. As you are human rights specialists operating under the mandate of the United Nations, this transgression is particularly serious and would show a severe deficiency in the procedure under which you are operating.

Sending your communication to our main clients without prior corroboration and without having previously allowed us to contest its content, exercising our human right to a due process, would constitute an act that can only be classified as malicious and intended to cause irreparable economic damage to our company, notwithstanding that

- as we will demonstrate below - the allegations reproduced in your communication are false, inaccurate, biased or deliberately lacking proper contextualization.

2. Your communication contains a long list of allegations on a wide variety of topics, many of which have already been argued before courts and administrative bodies of the Peruvian government and have been dismissed as unfounded after comprehensive proceedings carried out with all the due process guarantees. Others are currently subject to administrative or judicial processes and are being addressed by our lawyers.

Regarding this second type of allegations, the principle of subsidiarity implied in the rule of exhaustion of national remedies as a requirement for admissibility for cases before courts and other international human rights mechanisms must also be applicable with respect to procedures before the UN System's rapporteurs, and thus we urge you not to interfere with the normal course of such proceedings within the national jurisdiction of Peru. Your unlikely involvement in allegations that are currently being discussed in processes before national administrative or judicial bodies in Peru would imply undue interference with them, and hence would imply a violation of the guarantees of due process.

Also, the multiplicity of allegations contained in your communication hindered our ability to respond to all of them exhaustively within the limited time that you provided for our response.

3. In addition, your communication contains some extremely generic allegations that are not accompanied by specific factual references, and this violates our right of defense, since it prevents us from being able to provide comprehensive rebuttals and constitutes additional evidence of the violation of our human right to a due process. Two examples of such are both contained on page 5 of your communication. These reflect a worrying bias in the set of allegations made by the claimants:

- “According to the information provided, the workers of the OSP company do not have the appropriate safety material and equipment to protect themselves from work-related risks, violating safety and hygiene standards at work [...]”
- “Additionally, according to the information received, people with tuberculosis work in the company, who allegedly cohabit in overcrowded conditions, without receiving adequate medical treatment or access to medical assistance, causing the spread of this infectious disease.”

In both cases, the lack of specific factual references impedes us to respond thoroughly to such allegations, albeit we state their manifest falsehood based on the continuous supervisory actions carried out by the national labor inspection authority (SUNAFIL), which is legally empowered to act. ex officio or in follow-up on complaints. To date,

SUNAFIL has not determined the existence of either situation among Ocho Sur personnel, nor has it received any complaints in this regard.

4. Given the seriousness of the allegations contained in your communication, and without prejudice to the responses and evidence we are providing, we urge you to carry out an on-site visit to the districts within which we operate and to neighboring communities, so that you can collect direct testimonies from workers, indigenous leaders legitimately representative of neighboring communities, citizens, local and regional political authorities, and our officials. We commit ourselves to provide all the necessary facilities so that this visit can be carried out with full security and confidentiality for your interlocutors.

Additionally, we invite you to begin a dialogue process directly with us, which could begin through a video conference, to provide you with additional information and to be able to answer your questions in greater depth. Please tell us the day and time to hold this first video conference.

We now proceed to respond to the long list of statements made by the claimants, and which are referred in your communication.

(a) Replies concerning information about the Indigenous Community Santa Clara de Uchunya

ITEM	PAGE	STATEMENT	REPLY
1	2	“La Comunidad Nativa de Santa Clara de Uchunya [...] es una comunidad indígena Shipibo-Konibo de unas 450 personas”. P. 2.	Not true. According to public information published by the community itself, it is currently made up of 56 families that comprise a total of 242 people. See: https://www.facebook.com/ComunidadNativaSantaClaradeUchunyaOficial?locale=es_LA
2	2	“La comunidad se dedica en su mayoría a la pesca y recolección de frutos”. P. 2.	Not true. The main income-generation activities of working-age community members are subsistence farming and employment in local agricultural businesses.

(b) Replies concerning information about Ocho Sur

ITEM	PAGE	STATEMENT	REPLY
3	2	“La empresa Ocho Sur P SAC se constituyó en 2016, tras la liquidación de Plantaciones de Pucallpa SAC, y fue vendida en subasta en Indonesia a Ocho Sur P SAC”.	Not true. Ocho Sur has not had and does not have any relationship with entities in Indonesia. Ocho Sur P SAC acquired in a banking auction certain of the assets of the company Plantaciones de Pucallpa SAC that were legally assigned to a guarantee trust established in the jurisdiction of Peru and that was managed by La Fiduciara S.A., the largest and most recognized trust company in Peru, whose shareholders are top-tier Peruvian and international banks. Because Plantaciones de Pucallpa SAC went bankrupt, the assets that were assigned to the trust as collateral were auctioned. The auction was held in Peru as stated in notices published on June 28, 2016, in Peru’s official newspaper <i>El Peruano</i> (in which the regulations and legal notifications are generally published). In our December 21 st , 2023, reply, we have attached a report from the international auditing firm EY that explains the process and legality of the execution of the trust.
4	2	“El personal de estas dos empresas [Plantaciones de Pucallpa SAC y Ocho Sur P SAC] es igual [...]”.	Not true. As of November 2023, only 9 employees (1%) of a total of 910 employees of Ocho Sur P S.A.C were workers of the company Plantaciones de Pucallpa S.A.C., which previously managed the Tibecocha farm. In our December 21 st , 2023 reply, we attached a report signed by the Director of Human Resources of Ocho Sur certifying this information.
5	2	“[...] las empresas tienen exactamente la misma	This is obvious, given that Ocho Sur P SAC acquired the land that belonged to Plantaciones de Pucallpa SAC in a trust auction and Ocho Sur has not expanded its production areas.

		actividad y áreas de producción”.	
6	2	“La empresa Plantaciones de Pucallpa SAC fue fundada por el empresario Dennis Melka y hacía parte del Grupo Melka. Dennis Melka fue igualmente uno de los siete directores de Peruvian Palm Holdings hasta 2019”.	As part of the liquidation process of Plantaciones de Pucallpa SAC, a credit from Peruvian Palm Holdings temporarily existed in Dennis Melka’s favor. As a result, Dennis Melka briefly was the owner of a small minority number of shares and temporarily was one of the seven directors of Ocho Sur’s parent company. In 2019 and 2020 his directorship and then his minority ownership ended. Since then Dennis Melka has had no participation under any capacity in Peruvian Palm Holdings or in Ocho Sur . In our December 21 st , 2023 reply, we attached a report from the law firm Estudio Grau in this regard.

(c) Replies concerning “derecho de Pueblos Indígenas a sus tierras y territorios”

ITEM	PAGE	STATEMENT	REPLY
7	2 - 3	“El territorio que la Comunidad Nativa Santa Clara de Uchunya ha usado de forma tradicional tiene un área de 86,717 hectáreas [...] Sin embargo, 84,238 hectáreas restantes siguen sin tener titulación legal por parte del Estado”.	<p>Not true that the ancestral territory of the Community of Santa Clara de Uchunya has an area of 86,717 hectares. It is true that the Peruvian Government, exercising its sovereign powers and following the procedures established by national laws, has recognized the community's ancestral ownership of 2,479 hectares, and has denied, for lacking historical and legal foundation, the claim promoted by some NGOs, but not by the governing body of the Santa Clara de Uchunya community itself, the alleged ancestral property of the remaining 84,238 hectares.</p> <p>The governmental authority with competency for this matter, the Regional Government of Ucayali, through official letter No. 1092-2018-GRU-GR, dated December 11, 2018, declared unfounded the claim of ancestral property over the remaining 84,238 hectares.</p> <p>Likewise, that same claim of ancestral ownership of territory was declared inadmissible by the highest judicial instance of Peru, the Constitutional Court, by ruling No. 22/2022, of January 25, 2022.</p> <p>Ocho Sur fully supports the right of indigenous communities to have their lands and territories duly titled by the State, without affecting the legitimate rights of third parties. The rights of both parties are eroded by delays, lack of qualifications and inconsistencies on the part of state agencies in the application of legal norms, which generates situations of conflict.</p>
8	3	“Por otro lado, la empresa Plantaciones de Pucallpa SAC,	Not true. There is no relationship or continuity between the company Plantaciones de Pucallpa SAC and the company Ocho Sur P SAC , with the sole exception that Ocho Sur P SAC acquired some of the assets in

		<p>ahora la empresa Ocho Sur P SAC, ha usado y deforestado en total 7,216 hectáreas para sus cultivos de palma en el territorio ancestral de la comunidad”.</p>	<p>liquidation of the company Plantaciones de Pucallpa SAC that were legally assigned to a trust in warranty. They are two totally different companies, under the control of different directors and managers. This is explained in detail in the reports attached to our December 21st, 2023 reply, one prepared by the international auditing company EY and the other by the Peruvian law firm Estudio Hernández.</p> <p>Furthermore, since its creation in 2016, Ocho Sur P SAC has not deforested a single square meter of land, and on the contrary has reforested and increased the forest areas within its Tibecocha farm. This can be objectively verified with satellite information and is confirmed in the report of the international firm AGP Geospatial Company prepared in 2022 that we attached to our December 21st, 2023 reply. This report makes a satellite evaluation of the Tibecocha farm between 2016, when Ocho Sur P SAC began operations, until 2022. Similar information was previously verified by the highest forest management authority of the Peruvian Government, the National Forest Service and of Wildlife (SERFOR), in an inspection carried out in 2017, which confirmed that Ocho Sur had not expanded the areas of palm crops, and that the existing plants were already 3 to 4 years old, then.</p> <p>Ocho Sur has been committed, since the beginning of its operations in 2016, to the protection of the Amazon forests. This is clearly stated in our policies and commitments contained on our website (www.ochosur.com), which include our Sustainability Commitments and our Sustainable Supply Policy. These documents annexed to our December 21st, 2023 reply, show that we have standards that exceed national norms, and that are comparable with the best international standards on forest conservation. Those policies and commitments are rigorously implemented through our operating practices.</p> <p>In May 2023, we signed an unprecedented agreement in Peru with the Shambo Porvenir Native community, of the Shipibo Conibo ethnic group, to support them in the protection and conservation of 800 hectares of forests located in their ancestral territories. We attach a copy of the signed contract, through which Ocho Sur obligates itself to pay an annual amount to the community so that it can conserve that area of forests. We also attach a link to a video published in the newspaper La República, a press outlet with great reputation in Peru. (https://www.youtube.com/watch?v=BkzOKbi6DEk&t=4s).</p> <p>Again, it is simply untrue that the plantations or facilities of Ocho Sur are located in the recognized ancestral property of any native community, as has been proven in the response to <i>item 7</i>.</p>
9	3	<p>“Adicionalmente, el 22 de mayo de 2023, el Juzgado Penal de Investigación Preparatori-Sede MBJ Campo Verde ordenó que se</p>	<p>This is the third unfounded accusation on the same matter filed by the complainants against Ocho Sur. The two previous accusations have already been dismissed by the judicial authorities due to the lack of factual and legal foundations. The same outcome is happening right now with this third accusation.</p>

		<p>formulara acusación fiscal en contra de Ocho Sur P SAC [...] por usurpación agravada de territorios que se encuentra [sic.] dentro de la ampliación territorial titulada favor de la comunidad en 2020 [...] por supuesto despojo del territorio ancestral de la comunidad”.</p>	<p>Ocho Sur’s legal position is prevailing in this third accusation based on the factual reality and our very evident commitment to total legality.</p> <p>Furthermore, the members of the Santa Clara de Uchunya Community, democratically gathered in a General Assembly, have rejected this complaint because THEY ALSO consider it false, and have denounced the NGOs ██████████ for once again utilizing their name without their consent for submitting false complaints in their name. In our December 21st, 2023 reply, we attached a link to the community's Facebook page containing its November 2023 statement.</p> <p>This is not the first time that the NGOs ██████████ have improperly claimed to represent the Community of Santa Clara de Uchunya. As early as June 2021, the General Assembly of the community stated publicly that allegations filed against Ocho Sur were not approved by the community but had been filed by the NGOs ██████████ using the name of the community without its authorization and without respecting the democratic rights of its members. In the same assembly, the community members agreed to express their satisfaction with constructive and respectful relationship that they enjoy with Ocho Sur.</p>
10	3	<p>“A pesar del impacto negativo sufrido por esas actividades de explotación de palma de aceite en sus territorios ancestrales, el Estado peruano nunca habría celebrado consultas previa [sic.], libre e informada con la Comunidad de Santa Clara de Uchunya con el objetivo de obtener su consentimiento [...]”.</p>	<p>Not true. Ocho Sur does not operate in the ancestral territories of any native community, as has been proven in our responses to <i>items 7 and 9</i> and does not generate negative impacts on the environment.</p> <p>The population of the Santa Clara de Uchunya community is located on the other side of the Aguaytía River quite far from the palm plantations and the Ocho Sur processing plant, so no adverse impacts are generated against it. For this reason, our company was not legally required to carry out such prior consultation with this community. In our December 21st, 2023 reply, we attached a map with the location and distances to the limits of the plantations and our extraction plant (SAP).</p> <p>Furthermore, it is not our responsibility as a company to respond for events attributed to the Peruvian Government, such as the alleged failure to carry out prior consultations. However, given the importance that we attach to the respect of the rights of indigenous peoples near our area of operations, in 2021 we contracted a legal analysis on this matter, which was carried out by one of the most renowned Peruvian constitutional lawyers, Samuel Abad Yupanqui, from the law firm Estudio Baker McKenzie. This legal analysis concluded that Ocho Sur was not required to carry out prior consultation with this community regarding its operations and facilities.</p> <p>Ocho Sur operates with the best international standards of environmental sustainability. Our extraction plant has international certifications ISO 9001, 14001 and 45001, which we attach. We are also growing organic palm crops, our carbon emissions have been calculated and certified (a first for palm in Peru) and</p>

			we are in the process of achieving a positive carbon footprint in our production chain, as determined by the independent audit carried out by the Green Initiative company.
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(d) Replies concerning “derecho de Pueblos Indígenas a la autodeterminación y consentimiento previo, libre e informado”

ITEM	PAGE	STATEMENT	REPLY
11	4	“Por su parte, la empresa nunca habría organizado consultas con la comunidad para evaluar el impacto que sus operaciones podría tener sobre ellos, ni compartió información sobre la construcción y operación de la planta a los miembros de Santa Clara de Uchunya”.	<p>Not true. See reply to <i>item 10</i>.</p> <p>We reiterate that through our operations we do not generate negative impacts on the Community of Santa Clara de Uchunya, which is located many kilometers away on the other side of the Aguaytia River. On the contrary, our impacts are positive in many human rights respects: we are a source of decent employment and secure income for hundreds of local families; we boost the economy by hiring local suppliers; our long list of projects and activities within the framework of our social responsibility program translates into improvements in health, education and drinking water services, as well as the improvement of rural roads and the promotion of sports, which benefit all the neighboring residents in indigenous communities. It would really benefit you to visit the region and see these things for yourselves. Many others who had read the same false allegations against us as were sent to you have done so and arrive at a completely different understanding about us after their visit.</p> <p>Since the date of its creation, Ocho Sur has made special efforts to forge a friendly, fruitful and mutually respectful relationship with the indigenous communities in our region. This has allowed us to create an excellent relationship with the democratically elected leaders and the other members of the Native Community of Santa Clara de Uchunya. Our relationship is based on Ocho Sur's full respect for their democratic processes and decisions. Within this framework, we regularly meet and share with them relevant information and plans of common interest relating to environmental, social and economic matters, as stated in the minutes that we attached to our December 21st, 2023 reply. The minutes of the General Assembly of the Native Community of Santa Clara de Uchunya, dated December 22, 2019, initially document our agreement to discuss environmental, economic, and social projects with Ocho Sur, and appointed a committee for this.</p> <p>In another set of minutes of the General Assembly of the Native Community of Santa Clara de Uchunya, dated June 27, 2021, this body, which is its highest authority, acknowledges its endorsement of the operations carried out by Ocho Sur, and confirms its decision to disavow the complaints made against our</p>

			<p>company. In our December 21st, 2023 reply, we attached minutes signed between the company and the General Assembly of the Community.</p> <p>Furthermore, Ocho Sur periodically carries out information and consultation workshops with the communities in our area of influence (Citizen Participation Plans), the last one being in July 2023. In our December 21st, 2023 reply, we attached a report, which details the communities that a specialized consulting company considered to be within the area of influence of the operation of our Tibecocha farm, the property of Ocho Sur P.</p> <p>Additionally, in August 2023, we hired the company BIOAP from Colombia to prepare an Independent Study of High Conservation Values (AVC) and a Socio-Environmental Impact Assessment (EISA), in order to objectively determine the impacts of our company towards different interest groups (stakeholders). In October 2023, the BIOAP team held consultation meetings with the populations of different neighboring communities, including the Santa Clara de Uchunya Native Community. We did not participate in any of these consultation meetings to guarantee the full freedom of expression and confidentiality of the participants. In our December 21st, 2023 reply, we attached the invitation letters distributed by these independent advisors. The final reports of this analysis should be ready soon. They will be used to find areas for improvement in our communication and coordination with all neighboring communities, including the Santa Clara de Uchunya Native Community. We will gladly share these reports with you when they are available.</p> <p>In relation to our oil extraction plant (“SAP”), it has an Environmental Impact Study (“EIA”) approved in 2019 by the Ministry of Production in accordance with the standards set by the laws of Peru. As part of the EIA preparation process, information and consultation workshops (citizen participation) mandated by law were held in the communities that could potentially be impacted by our mill operations. In our December 21st, 2023 reply, we attached the final report of the Citizen Participation Plans (“PPC”) carried out in 2018 to convey information and consult the communities in the area about the construction and operation of our mill.</p>
12	4	<p>“[...] la empresa habría generado división dentro de la comunidad con el objetivo de sobreponerse a cualquier resistencia a sus operaciones, y de conseguir mayor control y expansión en el territorio ancestral de la comunidad.</p>	<p>Not true. In addition to their falsehood, these statements reveal our radical ethical disagreement with the claimants: for us, the indigenous peoples of the region in which we operate are individuals and groups with full discernment and self-determination capabilities, with whom we relate on the basis of the recognition of their equality and their inalienable rights. For the claimants, they appear to be subjects lacking these attributes, and therefore can be manipulated to act against their will and interests to serve the political interests of outside actors. This worldview of the complainants is unethical, deserves our strong rejection, and we respectfully caution the United Nations Special Rapporteurs from endorsing it.</p>

	<p>Particularmente en los últimos años, la empresa habría dividido internamente la comunidad acercándose a varios y varias dirigentes, pero no a las propias instituciones representativas de la comunidad [...]”.</p>	<p>Once again, we cannot act as supposed spokespersons for the indigenous peoples of the location in which we operate, and in particular for the Santa Clara de Uchunya Native Community, as this would be unethical. We respect their autonomous will, expressed through the democratic processes of the election of their leaders and the deliberations in general assemblies, and we strongly reject the claimants' intent to impose their own political agenda over the free will and sovereignty of the members of indigenous communities.</p> <p>We insist on the need for the United Nations Special Rapporteurs who have signed the letter we received to enter into dialogue directly with the democratically elected leaders of the Santa Clara de Uchunya Native Community, and not with those who claim to represent them without having the legitimacy or legal basis to do so.</p> <p>The Santa Clara de Uchunya Native Community only has a single representative mechanism, enshrined in its statutes and in internationally accepted democratic practices, which is its governance structure: the General Assembly, and their Leadership Board elected by universal vote of its members. There are no other “community representative institutions” overlapping with such sole legitimate governance structure, as the complainants advocate.</p> <p>Ocho Sur has excellent relations with the Santa Clara de Uchunya Native Community, as well as with all its other neighbors. We invite you to visit our YouTube channel (https://www.youtube.com/c/ochosur) so that you can see and hear for yourselves about these good relationships.</p> <p>Ocho Sur fully recognizes and respects the General Assembly of community members as the highest authority of the Santa Clara de Uchunya Native Community as we do for the other communities in our region. Any agreement between Ocho Sur and the community is made, fully respecting the competence of that highest governance body, as well as that of its democratically elected Leadership Board legally recognized by the authorities of the Peruvian State, and we never enter into agreements with individual community leaders.</p> <p>Again, we respond here that it is simply not true that the plantations or facilities of Ocho Sur are located in the territory or ancestral property of any native community, as has been demonstrated in responses to <i>items 7 and 8</i>. Ocho Sur's property at its Tibercocha farm is located on private property that is legally recognized and officially registered by the Peruvian Government.</p> <p>Since its creation, Ocho Sur has not deforested a single square meter of land. We have not expanded the extent of our palm crops in the slightest. On the contrary, we have reforested and increased the areas of forests with native species within our farms, as has already been answered in <i>item 8</i>.</p>
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			<p>Contrary to what you have been told by the claimants, it is they, the NGOs ██████████ who are unsuccessfully trying to sow division among the members of the Santa Clara de Uchunya Native Community, intending to deny them their human rights to freely elect their own leaders and to decide their own future democratically and sovereignly.</p> <p>See this report from the independent press medium SUDACA that explains the real situation of the community: https://www.youtube.com/watch?v=9kN16kaZZxc .</p> <p>The use of the name of the Santa Clara de Uchunya Native Community to promote complaints against Ocho Sur, without the approval of the communal General Assembly, has been publicly denounced by the Community in local media and through its official Facebook page.</p> <p>It is also paradoxical that ██████████, one of the few former community leaders who now personally subscribes to the allegations of the NGOs ██████████, in 2016 - when he was still a community leader - signed a letter disaffiliating from FECONAU (a regional indigenous federation sponsored by ██████████) for its “forgetfulness and lack of concern regarding the needs and aspirations of the Santa Clara de Uchunya Native Community for more than 40 years.”</p>
13	4	<p>“Ello ha afectado la constitución interna de la Comunidad Nativa [Santa Clara de Uchunya], siendo así que líderes y lideresas han denunciado la ilegalidad de la elección de una nueva Junta Directiva [...]”.</p>	<p>Not true. The undemocratic conduct of the claimants, who refuse to recognize the results of electoral processes carried out by the members of the Santa Clara de Uchunya Native Community in full compliance with internationally established standards of electoral transparency and legality is reprehensible.</p> <p>Once again, in radical contrast with the claimants, we cannot and do not act as supposed spokespersons for the Santa Clara de Uchunya Native Community, as this would be unethical. We respond to this allegation based on publicly available information.</p> <p>In October 2022, the members of the Santa Clara de Uchunya Native Community issued a public statement approved by the General Assembly of the community, denouncing the NGOs ██████████ for attempting to ignore their democratically expressed sovereign will and denying their right to self-determination by not accepting the result of the electoral process in which a new communal Leadership Board was elected.</p> <p>The allegation filed by the claimants (EXP Nº 000048-2022-35-2406-JR-CI-01) has not been endorsed by any administrative or judicial authority of the Peruvian Government. Against the attacks sponsored by ██████████ the community has carried out massive mobilizations to defend their rights to free determination and the democratic election of their leaders. In August 2023, the last instance of the Peruvian judicial system</p>

		<p>dismissed the lawsuit of [REDACTED] promoted by the NGOs [REDACTED] intending to challenge the results of the community election.</p> <p>In our December 21st, 2023 reply, we attached additional information on the response of the leaders and other members of the Santa Clara de Uchunya Native Community to the undemocratic and illegal allegations of [REDACTED] promoted by the NGOs [REDACTED]:</p> <p>a) Link to video of a press conference held in the same native community to celebrate the final decision of the judiciary. https://www.youtube.com/watch?v=5F4cUqPaF1A .</p> <p>b) Press Release https://www.gacetaucayalina.com/2023/08/cn-santa-clara-de-uchunya-celebro-fallo-judicial-que-anulo-ilegal-merida-cautelar.html .</p> <p>Additionally, the competent administrative authorities of the Peruvian Government analyzed the situation and confirmed the lack of factual and legal foundations of the allegations made by [REDACTED] and promoted by the NGOs [REDACTED]. Both the Prefecture (representative of the National Executive Branch) and the National Police carried out inspection visits to the Santa Clara de Uchunya Native Community to obtain direct and objective information about the situation:</p> <p>a) Link to the interview carried out with the sub-prefect in the Pucallpa press after the visit of the prefect and the sub-prefect himself (representatives of the national Executive Branch) to the Community and their meeting with 70 community members to confirm the sovereign and democratic electoral decision of them: https://www.youtube.com/watch?v=6kF9guuxefE</p> <p>b) Link to a journalistic note on conclusions reached by the Prefecture: (https://www.gacetaucayalina.com/2022/11/subprefecto-de-campo-verde-eleccion-de-jefe-de-santa-clara-de-uchunya-fue-legitima.html)</p> <p>c) Report made by the National Police of Peru, in October 2022.</p> <p>It is also untrue that a (non-existent) division within the Santa Clara de Uchunya Native Community allegedly caused by Ocho Sur “has affected the internal constitution of [it] [...]” The governing bodies of this community continue to function normally. General assemblies are periodically held among its members, respecting democratic canons, with the solitary dissidence of [REDACTED] encouraged by the NGOs [REDACTED].</p>
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(e) Replies concerning “deforestación de los bosques y contaminación de fuentes de agua”

ITEM	PAGE	STATEMENT	REPLY
14	4	<p>“Asimismo, en una audiencia celebrada el 9 de marzo de 2022, por solicitud del Ministerio Público, el Cuarto Juzgado de Investigación Preparatoria Nacional de Lima decidió incluir en la investigación por delitos ambientales a las empresas Plantaciones de Pucallpa SAC y a Ocho Sur P SAC [...] por presuntamente cometer delitos contra los bosques en perjuicio de la Comunidad indígena de Santa Clara de Uchunya y del Estado Peruano. Este proceso sigue en su fase de Investigación Preparatoria [...]”.</p>	<p>Ocho Sur vigorously denies such accusation against it, since, as has already been repeatedly pointed out, since the date of its legal creation as a company it has not deforested a single square meter of land. It is not our responsibility to respond to accusations made against the other subjects investigated in this case, but we emphasize that any possible crime against the forests that may be established by the prosecutorial investigation would have occurred before Ocho Sur was legally created as a company, and without our participation, that of our shareholders, or our officials. Ocho Sur believes that such alleged crimes must be investigated, tried, and if confirmed, punished, respecting the guarantees of due process.</p> <p>Ocho Sur is certain that, as has already happened in the numerous other legal cases brought against it by the claimants, the truth will prevail and the absence of liability on the part of the company will be determined. Under such conviction, Ocho Sur's lawyers have appealed to the Supreme Court of Peru the judicial order incorporating them into this investigation. A ruling is still pending. Additionally, Ocho Sur's lawyers have filed a constitutional Amparo request against the actions of the prosecutor in charge of the preparatory investigation, due to the numerous irregularities that he has been perpetrating against the company's rights.</p>
15	4	<p>“La empresa no habría cumplido con la legislación ambiental y forestal. No cuenta con estudio de calificación de suelo, ni una autorización de cambio de suelo, ni una certificación ambiental para realizar sus actividades económicas”.</p>	<p>Not true. As preamble to our answer, it is necessary to contextualize that Peruvian environmental and forestry legislation is in certain aspects confusing and ambiguous, and that it is therefore interpreted in an inconsistent and discordant way by the different competent governmental agencies. Without prejudice to this, Ocho Sur complies within the limit of its capabilities with all environmental and forestry regulations in force in Peru.</p> <p>Ocho Sur DOES COMPLY with current national legislation, managing its environmental adequacy instrument (PAMA) according to the legally established procedure. The PAMA is not required to operate, as it is an instrument for adapting pre-existing productive activities. The company has been diligently processing this certification since 2016, however, due to political pressure from the claimants, the competent authorities have not yet granted it. However, the evident the legality under which Ocho Sur has been carrying out its</p>

			<p>activities, have ensure that these authorities do not deny it a PAMA certification or demand that it cease its operations, even as they have greatly exceeded the established and reasonable deadlines to complete this administrative procedure. A legal opinion from the Estudio Grau law firm was attached in our December 21st, 2023 reply.</p> <p>Since 2016, Ocho Sur HAS a soil study approved in accordance with law by the competent governmental authority, the General Directorate of Agrarian Environmental Affairs, of the then applicable Ministry of Agriculture (General Directorate Resolution No. 653-2016-MINAGRI-DVDIAR-DGAAA). This study has since been updated with more detailed information and the update has also been approved by the Ministry of Agriculture.</p> <p>Since 2019, Ocho Sur HAS an authorization to change land use from the competent governmental authority, the Forestry and Wildlife Resources Management Office, of the Regional Government of Ucayali (Regional Management Resolution No. 233-2019-GRU-GGR -GERFFS).</p>
16	4	<p>“Por esos hechos, en 2015, la Dirección General de Asuntos Ambientales Agrarios (DGAAA) del Ministerio de Agricultura ordenó la paralización inmediata de las actividades de la empresa”.</p>	<p>Misleading. Although it is not our responsibility to respond to an allegation referring to a previous owner of the land that is now our property, and with whom we have no relationship, according to publicly available information the DGAAA resolution referred to by the claimants was revoked when the approval of soil studies was fulfilled, i.e., the so-called Land Classification by Its Capacity for Greater Use (CTCUM).</p>
17	5	<p>“Asímismo, se alega que, por consecuencia de la actividad aceitera en la comunidad, lagunas de agua han sido contaminadas, en particular la laguna Cocha Garza, y que los ríos han sido desviados, lo que ha generado escasez de agua e inundaciones”.</p>	<p>Not true. The area in question is very far from Ocho Sur P SAC, the Santa Clara de Uchunya Native Community and our extraction plant. There is no oil industrial activity in the aforementioned area, and as can be seen in the map attached in our December 21st, 2023 reply, our extraction plant is located at approximately 24 kms away, i.e. our plant is very far from the Community. The alleged contamination has no causal link with the activity of Ocho Sur P SAC. Furthermore, the impossibility that such contamination can be attributed to us can be verified through a simple inspection of the waste disposal systems of our company.</p> <p>Furthermore, as a result of the false allegations previously filed by the claimants against our company, the national government entity specialized in the supervision of water resources management, the National Water Authority (ANA), conducted an <i>in-loco</i> inspection and issued a Supervision Minute, in which it is stated that Ocho Sur does not operate in the area referred in the allegations, and that the contamination of lagoons is the result of the activities of the San Juan de Tahuapoa village and the construction of a country road there.</p>

			Furthermore, the generality of these accusations (“water lagoons have been contaminated”; “rivers have been diverted”; “it has generated water shortages and floods”), the lack of specific factual references and the total lack of contexts, unduly limit our ability to respond with greater rigor, and this once again harms our right to due process.
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(f) Replies concerning “ataques e intimidación a personas defensoras”

ITEM	PAGE	STATEMENT	REPLY
18	5	<p>“Como ha sido resaltado en las comunicaciones AL PER 9/2020 y AL PER 8/2022, personas lideresas indígenas y defensoras han sufrido amenazas, intimidación, actos de hostigamiento y ataques desde 2014 por reclamar el respeto a los derechos ambientales y territoriales en ese contexto”.</p>	<p>Not true. Ocho Sur has no involvement in the actions being alleged here. In addition, the claimants have not presented any evidence that could lead to attribute any responsibility to our company for the occurrence of such alleged events, and the local police and public prosecutors have not found it either.</p> <p>It is not Ocho Sur’s role to respond to communications that the United Nations Special Rapporteurs have sent to the authorities of the Peruvian Government. Nor is it our responsibility to respond regarding alleged events that may have taken place under the Government’s sole responsibility, or that may have occurred prior to our legal existence as a company.</p> <p>Ocho Sur has very clear policies rejecting all forms of violence and has zero tolerance for such kind of unlawful acts by our workers or contractors. These policies are based on the ethical convictions of our shareholders and officials, but they are also an essential factor for the normal execution of our own operations.</p> <p>We emphasize that this allegation reinforces the importance of our repeated request for dialogue with the complainants, since through the respectful exchange of information and points of view we could agree on actions that could improve the security conditions in Ucayali, for the benefit of everyone.</p> <p>Although, we insist that we cannot and do not act as spokespersons for the Santa Clara de Uchunya Native Community because this would be unethical, it is public knowledge that they have rejected these allegations as false and have stated that the claimants only seek to create conflict and division where there is peace, friendship, and good neighborly relations. Furthermore, the community members have voiced their concern that such ill-founded allegations damage their reputation. In our December 21st, 2023, reply, we attached letters published by the community contesting the claimants’ allegations.</p> <p>Additionally, in response to the allegations of the claimants, the national government entity in charge of ensuring human rights protection and enforcement, the National Ombudsman, carried out an inspection visit to the Santa Clara de Uchunya Native Community, and in their final report it was determined that the NGOs [REDACTED] are the ones who unsuccessfully seek to divide and create conflicts within it.</p> <p>See also: https://web.facebook.com/ComunidadNativaSantaClaradeUchunyaOficial/</p>

			<p>posts/pfbid0gRMoGPGez14VzXZCrNmwdePFZhUhrzD2mXH31D5g89avvq7LUc6EtdesQ6vPEreil?locale=es_LA and https://web.facebook.com/ComunidadNativaSantaClaradeUchunyaOficial/posts/pfbid02BvF8r9Jrz4QzMinT9Gdax9JrDnmp9ezTWe88AJhTvPtDH6vPcxhzZewUyg1abGDcl?locale=es_LA .</p> <p>We attach a link to the video from the independent journalistic portal SUDACA regarding the real situation of the Santa Clara de Uchunya Native Community. https://www.youtube.com/watch?v=9kN16kaZZxc .</p>
19	5	<p>“En particular, los Señores Carlos Hoyos Soria y Efer Silvano Soria, y la abogada, la Señora Linda Vigo han sido criminalizados”.</p>	<p>Not true. Despite being the victim of repeated unfounded accusations based on notoriously false facts by the three people mentioned in this allegation, Ocho Sur has not filed any criminal complaint against them.</p> <p>But, again, excessive generality is used in formulating this imputation (What does “they have been criminalized” specifically mean?); specific factual references are not included, and it is not contextualized, thus limiting our ability to respond with greater rigor, we point out that this once again violates our due process rights.</p> <p>Under any scenario, Ocho Sur is totally unaware of this “criminalization”, and as part of its corporate policy on human rights it rejects any illegitimate action of intimidation or violence against human rights defenders, and more specifically against those who defend the rights of indigenous peoples and fight for the preservation of the environment. At the same time, Ocho Sur demands that said defenders respect the rights of others (including those of our company) and abide to a strict commitment to the truth, since their work is delegitimized if it is based on the dissemination of evident and deliberate false information.</p>
20	5	<p>“Además, las organizaciones de derechos humanos que dan asistencia técnica a la Comunidad Nativa [Santa Clara de Uchunya] y un portal de periodismo independiente han denunciado que han recibido cartas notariales por parte de la empresa Ocho Sur P SAC”.</p>	<p>It is surprising that an allegation contrary to the exercise of a basic right of any person, including our company (requiring the rectification of evident and deliberate false information by the recipients of notarial letters) is voiced in your communication. This allegation shows a distorted understanding of the balance that must exist within a democratic system between rights and duties, and of the ethical duty to respect the truth on the part of those who claim to advocate for the rights of others.</p> <p>Ocho Sur vindicates its human rights, and those of its shareholders and workers, for the respect of its reputation and honor. Furthermore, Ocho Sur understands that its commitment to democratic values must be expressed in an energetic defense of the truth, particularly within a global context in which matters of public interest are constantly being contaminated by fake news and defamatory behavior. This commitment is consistent and complementary with our corporate policy on human rights, in which the rejection of any illegitimate action of intimidation or violence against human rights defenders is boldly stated, and more specifically against those who defend the rights of indigenous peoples and fight for the preservation of the environment.</p>

			<p>The aforementioned notarial letters have been sent in strict respect of freedom of expression and the right to demand rectification of false information, in accordance with the provisions of international human rights standards and of the Constitution of Peru. Copies of the notarized letters sent were attached to our December 21st, 2023, reply. Furthermore, Ocho Sur has not filed any lawsuit against the recipients of the aforementioned notarial letters, although it could have sued them for defamation.</p> <p>Everything expressed here shows that Ocho Sur's conduct is balanced, fully legal, respectful of the freedom of expression of those who oppose its operations, while rigorous in demanding respect for the truth of the facts, and expressive of its clear commitment to human rights and democratic values.</p>
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(g) Replies concerning “situación laboral de las y los trabajadores de Ocho Sur P SAC”

ITEM	PAGE	STATEMENT	REPLY
21	5	<p>“Según la información proporcionada, las personas trabajadoras de la empresa Ocho Sur P SAC no cuentan con el material y equipo de seguridad adecuados para protegerse con los riesgos relacionados al trabajo, vulnerando las normas de seguridad e higiene en el trabajo, además de no adoptar las medidas preventivas necesaria [sic.] para evitar la generación de riesgos propios del trabajo que realizan”.</p>	<p>Not true. As we have already pointed out before, this accusation is formulated with such a level of generality that it limits our ability to respond to it with greater rigor, and thus affects the exercise of our due process human rights. The allegation does not provide any context, including the fact that around 80% of the jobs in the Ucayali region (where Ocho Sur operates) are performed informally and without respect for any labor rights; and that Ocho Sur is the main formal employer in Ucayali and the entire Peruvian Amazon, providing decent employment and secure income directly to around 2,000 workers (many of them from neighboring communities), and indirectly to several thousands more. There is not a single worker at Ocho Sur whose labor rights are being violated by Ocho Sur.</p> <p>Our company frequently receives inspection visits by the National Superintendency of Labor Inspection (SUNAFIL), and there is no report from this entity that confirms the claimants’ allegations.</p> <p>In accordance with international best practices, Ocho Sur has adopted and implements various labor protection policies (see link https://www.ochosur.com/pages/reportes) and is developing additional documents and procedures to strengthen them.</p>
22	5	<p>“Adicionalmente, según la información recibida, en la empresa trabajarían personas con tuberculosis, las cuales</p>	<p>Not true. As we have already pointed out before, this allegation is presented with such a level of generality, due to a lack of factual evidence, that it limits our ability to respond to it with greater rigor, and thus affects the exercise of our due process human rights. The allegation is also raised without providing any context, including the fact that, according to the National Center for Epidemiology, Prevention and Disease Control,</p>

	<p>presuntamente cohabitan en condiciones de hacinamiento, sin recibir un adecuado tratamiento médico o acceso a una asistencia médica, causando la propagación de esta enfermedad infecciosa”.</p>	<p>of the Ministry of Health, Ucayali is the region in Peru with the second highest prevalence and morbidity from tuberculosis. (see: http://www.dge.gob.pe/portal/docs/tools/teleconferencia/2022/SE272022/03.pdf).</p> <p>Ocho Sur implements very high standards for the health care of its workers, and we exceed the requirements of Peruvian legislation in this matter, thus setting a high standard for the region and for the rest of the country. We comply with and exceed labor regulations in this regard, and we are an exemplary case in the Peruvian Amazon.</p> <p>The company has a health center within Ocho Sur P SAC’s facilities, and within its extraction plant, with medical care available 24 hours a day by qualified professionals according to legally required standards. We provide all care and medicines free of charge to all our workers.</p> <p>Additionally, we have a fully equipped ambulance, purchased, and operated by Ocho Sur, to transport patients to the city of Pucallpa. This ambulance also provides free support to neighboring communities in case of emergencies.</p> <p>Ocho Sur has also contracted a local clinic that operates in strict compliance with all the requirements that the law demands, and which provides us with permanent health personnel in our facilities.</p> <p>Ocho Sur carries out annual medical examinations for all its workers. It also carries out periodic screening campaigns for tuberculosis and other diseases endemic in the Ucayali region, in coordination with the authorities of the national social security system ESSALUD, and those of the Ucayali Regional Health Management Directorate (GERESA).</p> <p>In summary, Ocho Sur operates in full compliance with Peruvian legislation and internationally applied standards regarding occupational health and safety.</p> <p>In our December 21st, 2023, reply we attached the latest report prepared by the specialized clinic that provides health services to our operations, which explains the procedure and treatment of the very rare cases of tuberculosis among our workers, all of which is executed based on strict protocols according to the Peruvian legislation. According to the law, in these rare cases the worker-patient is immediately isolated and transferred to the city of Pucallpa, outside our facilities, to receive specialized treatment. The monitoring of these cases is carried out by the authorities of the national social security system ESSALUD; Ocho Sur grants paid leave to these worker-patients until their full recovery, which is validated by the health authorities.</p>
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			<p>In 2023, among our more than 2,000 workers, only 5 cases of tuberculosis infection have been reported to date, which represents a very low rate of 0.25%.</p> <p>Ocho Sur's effective commitment to the health of its workers and neighboring communities was recognized by the highest health authority of the Ucayali region, Diresa (Regional Health Directorate), in 2022 for its excellent management outside and within its operations, in the fight against COVID-19. Attached is a link to the video of the award given to Ocho Sur for its impeccable public health management during the pandemic:</p> <p>https://www.youtube.com/watch?v=5bTQPnVAOD4&t=110s .</p>
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Replies to seven specific requests of information by the UN Special Rapporteurs

<p>1. <i>Proporcionar cualquier información o comentario adicional en relación con las alegaciones mencionadas</i></p>	<p>Given the seriousness of the allegations made against Ocho Sur by the claimants, and the undue dissemination that the United Nations Special Rapporteurs have given them, we insist on the need that:</p> <p>a) The Special Rapporteurs carry out an on-site visit to the location in which Ocho Sur operates, to collect direct and objective information from the members of the neighboring native communities, from government authorities, from our workers, and from other important actors within Ucayali.</p> <p>b) The Special Rapporteurs use their good offices to promote a dialogue between Ocho Sur and the claimants, and in particular the NGOs [REDACTED], as well as with their operators in Ucayali.</p> <p>c) The Special Rapporteurs initiate a dialogue process with our managers, which could begin through a videoconference, as soon as possible.</p>
<p>2. <i>Sírvase proporcionar información sobre las políticas y procesos de debida diligencia en materia de derechos humanos establecidos por su empresa para identificar, prevenir, mitigar y rendir cuentas sobre como abordan las consecuencias negativas de sus actividades sobre los derechos humanos de conformidad con los Principios Rectores de las Naciones Unidas sobre las Empresas y los Derechos Humanos.</i></p>	<p>Ocho Sur has a clear commitment to protecting and respecting human rights, and remediating any violations thereof, in accordance with the United Nations Guiding Principles on Business and Human Rights.</p> <p>There are enormous concerns regarding human rights and the environment in our Ucayali region, which we share, and with respect to which we implement various concrete actions. Where we operate, poverty is extreme for the majority, access to basic services is non-existent for many, agricultural practices - mostly informal and non-compliant with basic legal and technical standards - are disastrous for the environment. It is difficult to briefly summarize all our activities aimed at mitigating these deplorable realities caused by circumstances and events beyond our control. But to give you an idea about them, below is a partial list of our recent impacts on human rights, and on social and environmental sustainability in the Ocho Sur environment.</p> <p><u>During just the 60 days that you gave us to respond to your letter:</u></p> <ul style="list-style-type: none"> • We have provided more than 275,000 balanced and nutritious meals to our workers and our neighbors. Providing healthy food, free of charge, to our workers and the communities around us is not a legal obligation. It is

	<p>simply tangible evidence of our commitment to the health and well-being of the people of Ucayali.</p> <ul style="list-style-type: none">• More than 10,000 people have benefited from the maintenance of roads and external infrastructure carried out by our company. Without this community service from Ocho Sur, the heavy rains in the region during the month of November would have severely impacted or completely cut off access for many of these people, preventing them from receiving school education and health services, and from being able to transport their products to the markets. The emergencies that occurred during these days would have been left unattended.• 3,000 monthly salaries have been paid, 50% more than the minimum wage required by national laws, to our workers. These formal salaries, rare in our region, benefit not only our workers, but also the 6,000+ members of their families who, without this income, have little to no sustainable economic income or access to banking services.• More than 6,500 metric tons of CO₂e have been captured and sequestered in biomass within our operations thanks to our rigorous application of best regenerative agricultural and agroforestry practices.• 35,000 native trees and flowering shrubs have been planted by our teams of environmental, agricultural and agroforestry experts. Not a single one of them is oil palm. All of this activity aims to restore native biodiversity in a region that is rapidly losing it.• 2,000 hectares of natural and recovering forests have been protected by Ocho Sur. Ucayali has lost more than 20,000 hectares of forest each year for the last 20 years. That trend is increasing. In our part of the Ucayali region, the areas around us lose about 3% of their forests each year due to the region's destructive migratory agricultural practices. Without our intervention, during these 60 days alone, the forests we now protect would have lost more than 10 hectares of their forest cover if we had not protected them.• In a world where, unfortunately, daily food security is not a certainty for the poorest, Ocho Sur has produced enough edible oil (which nutritionists tell us should represent between 20% and 35% of our intake daily calorie) in our
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	<p>farms every day to meet the nutritional needs of almost 2,000,000 people in different parts of the world.</p> <ul style="list-style-type: none">• 800 free medical services have been provided to our neighbors in the new medical center built last year by Ocho Sur in a native community near our area of operations.• More than 2,000 medical services have been provided by our medical professionals who work in the medical centers within our operations, serving our own workers and additionally neighbors in need.• If previous month's averages are future predictors, during these 60 days, our company's fully equipped ambulance will have transported 5 seriously ill or injured people from our region to a hospital. Without our ambulance, there is no other service of this type available. Many lives are saved each year thanks to this service, which is provided free of charge to our neighbors.• 180 students have been educated in school buildings built by our company in communities near us.• Many hundreds of members of neighboring communities have celebrated religious rites of their choice in churches, or gathered in community centers, built with materials, engineering and technical support from Ocho Sur.• 2,475 children from poor communities around us have received a Christmas gift donated by Ocho Sur.• 490 men and women from neighboring low-income communities have participated in the only organized traveling soccer championship that has ever existed in our region, sponsored entirely by Ocho Sur.• 4 of the soccer teams, two men's and two women's, brought home important cash prizes from the championship to their communities, for them to use in projects that benefit all their members.• Hundreds of members of our vibrant and valued LGBTQ+ community in Ocho Sur have lived and worked under the active and public support they receive within our facilities,
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	<p>with the certainty of being able to maintain their sexual identity free of violence, intimidation or discrimination.</p> <ul style="list-style-type: none"> • 2,500 people in the region, including many school-aged children, have accessed high-speed Internet thanks to Starlink and other Internet access systems installed and provided free of charge by Ocho Sur. • Thousands of residents of neighboring communities have had clean water to drink, thanks to the numerous drinking water systems financed and installed by Ocho Sur. • Thousands of residents of surrounding communities have electricity in their homes and communities thanks to Ocho Sur's electrification programs. • More than 1,000 people from our own workforce lived the entire 60 days using exclusively solar energy and/or electricity produced in a renewable way from our own renewable energy installations at Ocho Sur. These are the people with some of the lowest carbon footprints in Peru. <p>If your question had been rephrased to ask what we are doing to mitigate conditions that existed in the region before our arrival, but that we consider unsustainable, our response could have included these elements. We believe that our activities are very much in line with the 17 UN SDGs, but we certainly welcome suggestions for improvement.</p> <p>However, at Ocho Sur we are aware that we must continue moving forward to operate more efficiently, and that there are always needs and opportunities to improve our environmental and social sustainability. This is why Ocho Sur is currently reviewing its Corporate Policy on Human Rights, to have a more robust system of standards, procedures, and audit mechanisms on the matter. This process is scheduled to be completed around May 2024.</p>
<p>3. <i>Sírvase proporcionar información sobre las medidas que su empresa ha adoptado o tiene previsto adoptar para abordar las</i></p>	<p>Ocho Sur reiterates that the most effective way to address the allegations made by the complainants is through direct dialogue, to identify vulnerability factors and possibilities for improvement on the part of the company, as well as to clarify allegations and concerns of those we believe are unfounded.</p>

<p><i>preocupaciones mencionadas y proporcionar medidas correctivas para hacer frente a los impactos negativos a los derechos humanos y al medio ambiente causados por sus actividades.</i></p>	<p>Ocho Sur will continue to insist on inviting complainants to open and maintain a direct and respectful dialogue, within which the conditions will be generated to address any allegation from complainants.</p>
<p><i>4. Sírvase proporcionar información sobre las medidas correctivas que su empresa ha tomado o planea tomar para abordar los impactos negativos sobre derechos humanos</i></p>	<p>Ocho Sur does not generate negative impacts on human rights. However, it is currently reviewing its Corporate Policy on Human Rights, to have a more robust system of standards, procedures, and audit mechanisms on the matter. This process is scheduled to be completed around May 2024.</p>
<p><i>5. Sírvase facilitar información de como su empresa está cumpliendo con la regulación nacional para garantizar el respeto al medio ambiente limpio, saludable y sostenible, incluso realizando un estudio de calificación de suelo, sometiendo una solicitud de autorización de cambio de suelo y certificación ambiental.</i></p>	<p>In our December 21st., 2023, reply to your communication, we have attached official documents attesting our compliance with varied regulations related to Ocho Sur P. SAC, such as:</p> <ul style="list-style-type: none"> - The environmental management plan (PAMA) - Soil quality analysis - Submission of our request for approval in 2016 of the environmental management plan (PAMA) - SAP's ISO 14001, 45001 certificates - Carbon footprint analysis - Legal reports from our counsels.
<p><i>6. Sírvase proporcionar información sobre políticas de seguridad y salud en el trabajo, así como</i></p>	<p>In our December 21st., 2023, reply to your communication, we have attached official documents attesting our compliance with varied regulations related to Ocho Sur P. SAC, such as:</p>

<p><i>indicar situación laboral, sindical y de servicio al acceso sanitario de las personas dentro del territorio donde realiza sus operaciones</i></p>	<ul style="list-style-type: none"> - Reports on on-site inspections performed within our facilities by the national labor supervisory board (SUNAFIL), the social security authority (ESSALUD), and the regional health authority (DIRESA) - Recognition awarded by the regional health authority (DIRESA) for our contributions to the provision of public health services to our surrounding communities. - Etc.
<p>7. <i>Sírvase facilitar información sobre las políticas que su empresa ha adoptado o tiene previsto adoptar para garantizar la protecciones de las personas defensoras de los derechos humanos y de los grupos que puedan encontrarse en situación de vulnerabilidad como los pueblos indígenas</i></p>	<p>In our December 21st., 2023, reply to your communication, we have submitted information attesting our corporate policies and compliance, such as:</p> <ul style="list-style-type: none"> - Code of Ethics - Corporate Human Rights Declaration - Community relations policy - Confidential whistleblowing phone service. <p>The duty of protection constitutes a primary governmental responsibility, in which Ocho Sur participates subsidiarily within its area of operations and under its framework of operations to guarantee that no action attributable to the company, its workers or its contractors, generates risks to protection of human rights defenders and groups that may be in a vulnerable situation, such as indigenous peoples.</p> <p>No complaints have been received through our ethics line (https://www.lineaeticaochosur.com), operated independently by the international auditing company EY, and under strict anonymity standards to protect complainants, regarding the involvement of workers or contractors of Ocho Sur in acts that could represent intimidation or violence against defenders of human rights or the rights of indigenous peoples, or who could otherwise be in a vulnerable situation. The police authorities in the area have also not found any evidence that involves Ocho Sur, its workers or contractors in any actions of such kind.</p> <p>Information about the availability of our ethics line to transmit complaints against workers, contractors, or operations of Ocho Sur will be reinforced among neighboring communities.</p>

	<p>Ocho Sur reiterates that the most effective way to address the allegations made by the complainants is through direct dialogue, in order to identify vulnerability factors and possibilities for improvement on the part of the company, as well as to clarify allegations and concerns.</p> <p>Ocho Sur will continue to insist on inviting complainants to maintain a direct and respectful dialogue. Within such framework adequate conditions can be created to address any allegation from the complainants on which the company could eventually act, including specific ways in which we can collaboratively assist competent governmental entities to improve the personal security situation within the region in which we operate. We insist: the creation of a climate of broad personal security constitutes an objective that, we are convinced, we share with the claimants, since it is essential both for them and for us, to enable us all to carry out our respective activities with total normality and without fear.</p> <p>Ocho Sur continues to implement diverse activities to build on its peaceful, respectful and constructive relationship with the legitimate representatives and members of the native communities that live around its area of operations.</p>
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We trust that the preceding information will allow you to clarify the true facts regarding the allegations that have been submitted by the complainants, and to recognize the enormous efforts that Ocho Sur has been making within a very complex social, political and environmental context, to affirm the values of personal dignity, as well as to contribute to ensuring the full respect of human rights for all.

As the highest executive authority of Ocho Sur, I am fully available to provide you with any additional information that you may require to fulfill your important functions.

Yours sincerely,



Michael Spoor
CEO