



CMLP-PRE-AB-2024-0027

Quito, May 14th, 2024

To: Mrs.
Beatriz Balbin
Chief
Special Procedures Branch UN

C.c.: Mr.
Stephen Potter
Ambassador
Embassy of Canada in Ecuador

Re: Rebuttal to Misleading Assertions in UN News Release Regarding Environmental Consultation Process in Ecuador

I am writing to address the recent UN News Release dated May 13th, 2024, which voiced concerns over the Environmental Consultation Process administered by the Ministry of Environment, Water and Ecological Transition (MAATE) of Ecuador and its implications for our company's reputation.

In light of the gravity of the accusations levied therein and the potential repercussions on our Ecuadorian personnel and stakeholders, Compania Minera La Plata (CMLP) has deemed it necessary to publicly counter some of the erroneous and misleading information disseminated in your release. We have identified several inaccuracies and misleading assertions contained therein, and wish to provide clarifications on the following points:

1. **Regarding the purportedly false statement:** "However, a number of potentially affected Indigenous Peoples and communities were excluded and information provided was incomplete."
 - a. It is a matter of record that Palo Quemado does not constitute an indigenous community, which is a transcendental matter that should not be taken shallowly. The history of the inhabitation of Palo Quemado has been documented by non-related third parties and we invite you to consider before issuing such an inaccurate assertion.
 - b. Furthermore, it is disconcerting that your experts seem to have failed to recognize that the informational phase of the environmental consultation process explicitly allows for public inquiries regarding project details if deemed necessary. We welcome such inquiries to ensure community members' right to comprehensive information. It



CMLP-PRE-AB-2024-0027

is notable that CMLP is not -and may not be- in charge of the environmental consultation, which is decisive for the final analysis. This means that the Ecuadorian state, which is guarantor of the fundamental rights of all the residents of the country, must apply technical parameters to define the people subject to consultation according to the area of influence of the project. However, any person who considers themselves affected by the public decision regarding the project may require to be included according to the Regulations to the Environmental Code, which prevents any unlawful exclusion of participants.

2. **Concerning the reported false statement:** "More than 70 human rights defenders, including Indigenous leaders, have been criminally charged.."
 - a. Palo Quemado is demonstrably not an indigenous community, as mentioned above, which must be stressed out.
 - b. CMLP has indeed presented charges against only 10 individuals, contrary to the inflated 70 cited in your News Release. The persons charged are now being processed according to the law, not for having rendered public demonstrations, but for having attacked other persons as well as destroying private and public property, facing charges that include "theft" and "intimidation". The pacific people of Palo Quemado deserve to be protected from any attacks to their integrity, property, and constitutional rights.
 - c. Over the past five years, substantial evidence, including audiovisual materials and social media content, has been amassed corroborating instances where these individuals:
 - Intimidated employees of various companies across multiple provinces, employing violence and coercion as their modus operandi.
 - Menaced independent journalists, law enforcement personnel, municipal officials, and public servants on multiple occasions.
 - Published threats and incited violence via social media platforms.
 - Are under investigation, along with their immediate relatives, for involvement in illegal mining activities and association with organized crime.
 - d. As a Canadian entity, we adhere to the highest operational standards, abide by host country regulations, and have filed charges against 10 individuals with substantial evidence. We trust in the impartiality of the Ecuadorian justice system to dispense appropriate justice.
3. **Regarding the alleged false statement:** "Discontent in the communities has been exacerbated by the temporary deployment of dozens of police and military personnel in Palo Quema, causing clashes between the security forces and community members."



CMLP-PRE-AB-2024-0027

- It is imperative to rectify this assertion, considering that the deployment of police and military personnel in Palo Quemado was at the behest of community leaders, following an assault by violent groups from outside the community during the distribution of informational materials by community members and MAATE officials in the context of the environmental consultation.

4. Regarding the reported false statement: "The experts have previously engaged with the Governments of Ecuador and Canada, as well as the involved companies on these issues."

- To the best of my knowledge, neither CMLP nor the Canadian Embassy in Quito has engaged in discussions with the Group of Experts regarding the matters outlined above.

Furthermore, we express profound dismay at the UN Special Procedures Branch's decision to proceed publicly without affording CMLP the opportunity to respond adequately, despite the initial notification provided on April 17th. which granted CMLP sixty days to gather and provide evidence and information that, in light of your eminent press release, will be devoid of purpose. It concerns us that such a unilateral action would undermine principles of fairness and due process.

In consideration of the above, we urgently request the following:

1. Prompt provision of evidence supporting the assertions made in your release.
2. Clarification on the procedures the UN Special Procedures Branch must adhere to in rectifying misinformation disseminated in prior public releases.

The longer these misleading statements persist unaddressed, the greater the potential for community alarm and harm to our relationships with local communities, academia, and governmental bodies. It is imperative to note the potential ramifications of defamatory and groundless social media content that may proliferate following the dissemination of misleading information, adversely affecting CMLP.

While we welcome external scrutiny and prioritize transparency, we view the coordinated dissemination of misinformation as way to sway legal proceedings and besmirch both the Ecuadorian government and responsible mining industry.

We shall furnish additional evidence and information derived from extensive documentation, including video recordings, audio transcripts, photographic evidence, and testimonies from Palo Quemado residents, social media platforms, and official sources, to facilitate an informed conclusion.

Furthermore, we extend a formal invitation for your team to visit our project site and engage directly with the Palo Quemado community beyond the confines of politicized narratives and misinformation campaigns.



LA PLATA
ATICO MINING CORPORATION

CMLP-PRE-AB-2024-0027

I eagerly await your expeditious response to this communication, trusting that you will act promptly and judiciously in line with your Code of Ethics of Special Procedures and the Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials, and Experts on Mission, as well as with the stated commitment to effective responses.

Yours sincerely,

Alain Bureau, P.Eng.
President
Atico Mining Corporation