

Under the applicable laws 50561461ara,

It follows from paragraphs 10 and 33 of the facts of the case that the extraction phase of the Wirikuya project will not be carried out in Orifuna territory, or in any part of the Republic of Madrugá. Although the extraction will take place exclusively on land located in Santa Clara, the authorities of that country have identified potential impacts on the territory of the Orifuna people, which is located entirely in the Atlantic region in the northern part of the Republic of Madrugá.

The communities that make up the Orifuna people are engaged in the economic activities specified in paragraph 10 of the facts of the case.

The petition for a constitutional remedy (*amparo*) mentioned in paragraph 46 of the facts of the case was ruled inadmissible by the Supreme Court of Madrugá on the grounds that Catalina Coral lacked standing to represent the interests of the communal Orifuna landholdings.

Article 20 of the 1998 Law of Extraterritorial Jurisdiction over Corruption and Human Trafficking establishes that acts of corruption committed by citizens or corporations headquartered in Santa Clara are subject to the jurisdiction of the courts of Santa Clara if they have taken place abroad.





The Wirikuya project remains at the exploration phase. The exploitation or extraction phase is anticipated to begin in July 2016. According to the applicable law in Santa Clara, before that phase of the mining project can begin, it is necessary to issue a new SEIS and conduct a new prior, free, and informed consultation process with the potentially affected indigenous and/or tribal peoples.

According to the pertinent laws of Santa Clara, the constitutional appeal alleging error on the part of the lower court seeks to challenge the appeal decisions issued by the Civil Divisions on constitutional matters. The purpose of the appeal filed by Ricardo Manuín, described in paragraph 40 of the facts of the case, was to appeal, before the Supreme Court of Santa Clara, the decision of the Civil Division dismissing the petition for a constitutional remedy (*amparo*) described in paragraph 39.

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The diplomatic cable published by Wikileaks in February 2006, mentioned in paragraph 25 of the facts of the case, indicates that the three meetings between members of Los Olivos and David Nelson took place between the years 2001 and 2003. There is no information on the exact dates of those meetings.

According to the ancestral traditions of the Pichicha people, its Assembly is the highest political authority and sole body with jurisdiction to make decisions relating to the management of the Pichicha territory.

In keeping with the ancestral traditions of the Orifuna, its DYcd`Yq 5ggYa V`m is the sole entity authorized to make decisions about the management of the Orifuna territory. The Assembly is comprised by a representative from each communal landholding and a President, and its decisions are always adopted by consensus.

See the answer to question 9 above.

See the answer to question 14 above.



The Federal Water Authority (FWA) is the administrative entity responsible for the distribution of potable water in the State of Santa Clara. Under the applicable law, the FWA is authorized to take urgent measures, including allowing its officials to gain temporary access to private property, in order to guarantee the supply of potable water to populations affected by environmental disasters.

Official Letter No. 001.2962 was issued by the Foreign Ministry of the Republic of Madrugá for purposes of informing the judicial authorities of Santa Clara of the status of the criminal investigations into the murder of members of the Camana Osorio family. The letter was issued pursuant to a letter rogatory from the Civil Courts of Santa Clara that heard the judicial actions described in paragraphs 27 and 28 of the facts of the case.

See the answer to question 5 above.

The Madrugan authorities have not been able to determine, in a final court judgment, who was responsible for the December 12, 1994 murder of the members of the Camana Osorio family. The only information regarding the identity of the direct perpetrators of the crime is described in section III of the facts of the case and in the answer to clarification question 16 above.

For several years now, national and international human rights organizations have been claiming that mining companies operating in the region have paid bribes to members of the Office of the Prosecutor to encourage impunity for the widespread violence in northern Madrugá. Those organizations maintain that the mining companies—most of which are subsidiaries of companies headquartered in Santa Clara—are the ones who benefit the most from the acts of harassment, threats, and murder carried out by the unlawful armed militias that operate in northern Madrugá.

No member of the Pichicha people or the communities surrounding Pampulla Lake ever consumed water that was contaminated by the residues spilled in the May 15, 2011 accident. The main impact on the health of the affected persons consisted of the rationing of the potable water supply for a few days until the Federal Water Authority was able to resume supplying water from alternative sources other than the Pampulla Lake.

See the answer to question 34 above.

See the answer to question 39 above.

The April 2008 report of the Office of the Undersecretary for Intercultural Affairs of Santa Clara stresses that the entire