

[English Translation from Spanish Original]

International Centre for Settlement of Investment Disputes (ICSID)

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**Lupaka Gold Corp.**

*Claimant*

**v.**

**The Republic of Peru**

*Respondent*

ICSID Case No. ARB/20/46

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**Witness Statement of  
Esteban Saavedra Mendoza**

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15 March 2022

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1. My name is Esteban Saavedra Mendoza. I was born on 10 October 1949, in the city of Morropón (Piura) in the Republic of Peru (“**Peru**”). I am a Peruvian citizen, identified by National Identity Document No. 42848300, residing at Av. Arequipa No. 2450-606, Lima, Peru.
2. From October 2018 to November 2020, I was Vice Minister for Internal Order of the Ministry of Interior (“**MININTER**” [*Ministerio del Interior*]). While I held that office, I developed national policies for combating organized crime, drug trafficking, terrorism, illegal mining and the implementation of the Peruvian New Code of Criminal Procedure in the police jurisdictions of Northern Lima, Eastern Lima, Southern Lima and Central Lima.
3. In performing my duties as Vice Minister for Internal Order, I acquired knowledge of the social and environmental conflict that had arisen between the Parán Community and Invicta Mining Corp. S.A.C. (“**Invicta**”).
4. In performing my duties, I also participated in dialogue tables and technical meetings to resolve social conflicts in the mining, hydrocarbons and environmental sectors, such as the projects located in, among others, Apurímac, Cusco, Puno, Arequipa, Moquegua, Lima, Ancash, Madre de Dios and the *Oleoducto Nor Peruano* in the Rain Forest regions. In these social conflicts, the communities in the region always claimed that natural resource extraction projects have a negative environmental impact on them, affect their rights and they generally complain about the lack of work opportunities.
5. I submit this witness statement at the request of the Special Commission that represents the State in International Investment Disputes (“**Special Commission**”) attached to the Ministry of Economy and Finance of the Republic of Peru (“**MEF**” [*Ministerio de Economía y Finanzas*]), within the context of the international arbitration proceedings brought by the company Lupaka Gold Corp. (“**Lupaka**” or “**Claimant**”) against Peru, ICSID Case No. ARB/20/46 (“**Arbitration**”). This

witness statement is based on my personal knowledge of the facts, acquired on holding the office identified above.

6. I have read the parts that are relevant to my testimony of the Memorial filed by the Claimant on 1 October 2021 (“**Memorial**”), as well as the witness statement of Luis Felipe Bravo García dated 1 October 2021. I have also consulted several additional documents from the MININTER that I had in my possession.
7. The lawyers of Peru’s defense team have assisted me in preparing this witness statement. I confirm that this witness statement is a true and faithful reflection of my personal knowledge and account of the relevant facts and events.
8. This witness statement was drafted in Spanish. If I am called to testify at the hearing in this Arbitration, I reserve the right to testify in that language.

#### **I. PROFESSIONAL CAREER**

9. I am a retired Colonel of the Peruvian National Police (“**PNP**” [*Policía Nacional del Perú*]), an economist, a graduate of the Universidad Nacional Federico Villarreal in 1984, with a Master’s degree in Regional Development from the Universidad Mayor de San Marcos. I am a PhD Candidate in Economics from that same university. I trained as a police investigator at the Centre for Police Instruction in Investigations of Peru [*Centro de Instrucción de la Policía de Investigaciones del Perú*]. I am also a graduate of the Tenth Programme on Governance and Political Management of the [*Pontificia Universidad Católica del Perú*], taught in agreement with *George Washington University*, of Washington, D.C.
10. Before taking up office as Vice Minister for Internal Order of the MININTER, I held many positions in the public sector. As I said, I was a PNP Colonel for 32 years (from 10 April 1969 to 31 December 2001). In 2001, I took part in the Regular Course on National Defense provided by the Center for Higher National Studies [*Centro de Altos Estudios Nacionales*] (CAEN), retiring on 1 January 2002.

11. I then dedicated myself to providing my services as an independent professional. From 2006 to 2012, I was advisor on the design, structure and formation of the Security Division of the General Comptroller's Office of the Republic [*Contraloría General de la República*] and I then joined the Office of Advisors to the Minister of Interior and the Senior Management of the Ministries of Production and Justice and Human Rights.
12. In 2009, I advised the General Management of Compañía Minera Sulliden Shahuindo S.A. on security and risk management matters. From 2013 to 2014, I advised several entities, including the Organization of Supervision and Environmental Assessment ("*OEFA*" [*Organismo de Evaluación y Fiscalización Ambiental*]) on matters of gathering information on environmental damage caused by the exploitation of natural resources.
13. I am currently a consultant in the private sector, mainly on matters of security and risk assessment scenarios for investments in Peru. I am part of Empresa Consultora Seguridad y Desarrollo S.A.C.

## **II. ORGANIZATIONAL STRUCTURE OF THE MINISTRY OF INTERIOR FOR ADDRESSING SOCIAL CONFLICTS**

14. According to Legislative Decree No. 1266 of 2016 and Ministerial Resolution No. 1520-2019-IN approving the Rules on the Organization and Functions of the Ministry of Interior, the MININTER has exclusive competence at the national level on matters of internal order and public policy.<sup>1</sup> The MININTER has two Deputy Ministerial Offices, the Deputy Ministry of Internal Order and the Deputy Ministry of Public Security.<sup>2</sup> The functions of the MININTER include that of "formulating, managing, coordinating and evaluating policies for dealing with

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<sup>1</sup> **Ex. R-0059**, Legislative Decree No. 1266, 16 December 2016, Art. 4; **Ex. R-0101**, Ministerial Resolution No. 1520-2019-IN, 4 October 2019, Art. 1.

<sup>2</sup> **Ex. R-0101**, Ministerial Resolution No. 1520-2019-IN, 4 October 2019, Art. 5.

social conflicts within the scope of the competence of the Interior Sector,<sup>3]</sup> in coordination with the other Sectors or competent bodies.”<sup>4</sup>

15. For the correct performance of functions related to the management of social conflicts, the Deputy Ministry for Internal Order has the General Office of Public Order (“**DGOP**” [*Dirección General de Orden Público*]), the technical body of the MININTER responsible for facilitating the management of social conflicts in coordination with other competent sectors or entities depending on the social conflict in question.<sup>5</sup> More specifically, the DGOP is in charge of “[p]roposing, conducting, supervising and monitoring the application of policies, plans, programs, strategies and actions of the Interior Sector for the prevention and management of social conflicts within the framework of public order.”<sup>6</sup>
16. The DGOP is composed of (i) the Directorate for Rural Patrols [*Dirección de Rondas Campesinas*] (responsible for maintaining relations with the rural patrols and rural and native communities<sup>7</sup>) and (ii) the Directorate for the Prevention and Management of Social Conflicts [*Dirección de Prevención y Gestión de Conflictos Sociales*] (responsible for “[f]ormulating and proposing guidelines, strategies and actions that contribute to the prevention and management of social conflicts within the framework of public order.”)<sup>8</sup>.
17. It also includes the Directorate General for Intelligence [*Dirección General de Inteligencia*] in the Interior Sector for the production of strategic and tactical intelligence on internal order, public security and citizen security, as well as

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<sup>3</sup> **Ex. R-0059**, Legislative Decree No. 1266, 16 December 2016, Art. 2 (the Ministry of the Interior is the governing body of the Interior Sector; **Ex. R-0059**, Legislative Decree No. 1266, 16 December 2016, Art. 3 (“The Interior Sector includes the Ministry of the Interior, the National Police of Peru, the Public Bodies and Insurance Fund attached thereto.”)).

<sup>4</sup> **Ex. R-0101**, Ministerial Resolution No. 1520-2019-IN, 4 October 2019, Art. 3.2(j).

<sup>5</sup> **Ex. R-0101**, Ministerial Resolution No. 1520-2019-IN, 4 October 2019, Arts. 5, 91, 114 (j).

<sup>6</sup> **Ex. R-0101**, Ministerial Resolution No. 1520-2019-IN, 4 October 2019, Arts. 111(a).

<sup>7</sup> **Ex. R-0101**, Ministerial Resolution No. 1520-2019-IN, 4 October 2019, Art. 115.

<sup>8</sup> **Ex. R-0101**, Ministerial Resolution No. 1520-2019-IN, 4 October 2019, Art. 113.

providing intelligence information required by other State entities to perform their functions. The Directorate General against Organized Crime [*Dirección General contra el Crimen Organizado*] proposes the sectoral policy, strategies and activities for dealing with organized crime in its various forms, terrorism and the prohibition of illegal mining. The General Directorate for Interior Government [*Dirección General de Gobierno*] is responsible for managing and supervising the actions of the authorities designated as Prefects for the regions and Subprefects of provinces and districts at national level, and for participating in the prevention and settlement of social conflicts, the identification and prevention of risks to citizen safety affecting governance.

### **III. MY INTERVENTION IN AND KNOWLEDGE OF THE CONFLICT THAT AROSE BETWEEN THE PARÁN COMMUNITY AND INVICTA**

18. The first time I met the representatives of Invicta was towards the end of January 2019. I first heard the name Lupaka when the Ministerial Office ordered an urgent meeting to be arranged with its directors for 24 January 2019. During that meeting, the company representatives informed me that, since 14 October 2018, the Parán Community had initiated a protest on the access road to the Invicta mining project (the “**Project**”). The Parán Community alleged that it was within the area of direct impact of the Project and that it was suffering environmental damage, and it complained that Invicta had ignored the existence of that Community and had not even tried to establish dialogue with them. Instead—according to the Parán Community—Invicta had decided just to negotiate and sign agreements (during the years 2016 and 2017) with the two other communities that are within the area of direct impact of the Project: the Santo Domingo de Apache Community and the Lacsanga Community.
19. Regarding this matter, I learnt that other State entities of Peru, in exercising their competences, had become aware of the situation. For example, in November 2018, the Ombudsman’s Office reported the onset of the social conflict between the

Parán Community and Invicta.<sup>9</sup> Moreover, the Subprefecture of Huaura, a decentralized body that answers to the MININTER, had reported a potential environmental impact on the Parán Community with the Project.<sup>10</sup> The National Water Authority (“ANA” [*Autoridad Nacional del Agua*]) was investigating the potential contamination of the Community’s water sources and had already made site visits to verify whether the streams in the territory of the Community were affected.<sup>11</sup> Moreover, the General Office of Social Management (“OGGS” [*Oficina General de Gestión Social*]) of the Ministry of Energy and Mines of the Republic of Peru (“MINEM” [*Ministerio de Energía y Minas*]) was already facilitating dialogue opportunities between the Parán Community and Invicta, although at that time (i.e., January 2019) a dialogue table had not been formally initiated, but the company had already met the Community on the days following the 14 October 2018.

20. Informed of the situation and with a general knowledge of the measures that the various government entities had undertaken until then, on 24 January 2019 I met the following representatives of the company Invicta at the MININTER offices: Luis Felipe Bravo, General Manager of Invicta; Will Ansley, General Manager of Lupaka; and Jorge Arévalo, independent advisor; personnel of the General Directorate for Intelligence, of the Directorate for Public Order, of the Conflicts Office of the PNP, and advisors to my Office, among others. During this meeting, the representatives of Invicta stated their point of view on the conflict with the Parán Community and informed me that they had submitted several complaints to the Sayán Police Station against members of the Parán Community. They also informed me that, given their presence in the area, they had made efforts to maintain harmonious relations with the Parán Community, but they had always

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<sup>9</sup> Ex. R-0108, Ombudsman’s Office Report No. 177 on Social Conflicts, November 2018, pp. 59–60.

<sup>10</sup> Ex. R-0081, Official Letter No. 105-2018-DGIN-LMP-HUA from MININTER (S. Roman) to Ombudsman’s Office (W. Gutiérrez), 8 May 2018.

<sup>11</sup> Ex. R-0108, Ombudsman’s Office Report No. 177 on Social Conflicts, November 2018, p. 59.

faced opposition, which led them to seek alternatives with the communities in the area of the concession to facilitate the mining and transport of minerals. During this meeting, I explained to the representatives of Invicta and Lupaka how negotiations developed for the settlement of the conflict and the participation of the Interior Sector, the PNP and the State in that social conflict. Particularly, I explained to them that the State was responsible for ensuring dialogue, respecting human rights and complying with the legal formalities. I also tried to get them to understand the role of the Ministry of the Interior, and I pointed out that it was the Energy and Mining Sector that, according to the legal framework, had to deal with that matter directly.

21. After that meeting, I started a WhatsApp conversation with Mr. Bravo, General Manager of Invicta. My position, as Vice Minister for Internal Order, was always to try and promote open communication with the private sector. It was in this spirit that I communicated with Mr. Bravo. Among other things, a communication channel between Invicta and the Head of the Police in the Region of Lima, General Mario Arata, and the Head of the Police Division of Huacho, Colonel César Arbulú was facilitated to monitor any development in the conflict between Invicta and the Parán Community, and to avoid violent confrontations in the area of the Project. Moreover, employees of the DGOP, in performing their duties, maintained contact with Invicta, attended the meetings with the Parán Community and reported back to the MINEM and the Office for Social Management and Dialogue of the Presidency of the Council of Ministers (“**PCM**” [*Presidencia del Consejo de Ministros*]), who then adopted the corresponding measures to address the social conflict. I understood that, among other things, the PNP provided support and assistance to the Prosecutor’s Office to verify the events that had been reported by Invicta in its complaints.<sup>12</sup> I coordinated with General Arata to provide possible

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<sup>12</sup> Ex. C-0192, WhatsApp exchanges between Lupaka Gold Corp. (L. Bravo) and MININTER(E. Saavedra), 5 February 2019–20 February 2019, p. 1.

and reasonable support for Invicta, and I informed Mr. Bravo of the efforts made within the scope of responsibility of the Interior Sector since, given the circumstances at the time and the fact that negotiations were taking place, the PNP could not break off the dialogue.

22. Mr. Bravo requested my support to authorize the execution of a police operational plan, whereby PNP officers would use force to remove the Community members from the road.<sup>13</sup> Agreeing to that request not only exceeded the scope of my competence as Vice Minister for Internal Order, but was also contrary to the dialogue and consultation process in progress to promote a solution to the conflict. To that effect, on 15 February 2019 I told Mr. Bravo that the Parán Community had informed the MINEM of its desire to dialogue and that the PNP was awaiting the outcome of that dialogue.<sup>14</sup> I expressly informed Mr. Bravo that “the Police must not intervene and must respect the dialogue,” explaining that they had to act in that way “in line with the procedures that are followed in the treatment of this type of event.”<sup>15</sup>
23. From what I have been told, in his witness statement Mr. Bravo ignores the fact that I informed him of the need and importance to respect the channels of dialogue and due diligence with regard to the use of force, and the PNP’s obligations (such as respecting Human Rights) since he suggests that I told him that all that mattered for Peru were the media repercussions that a police intervention would imply.<sup>16</sup> That statement is not true; Mr. Bravo has distorted what I said.

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<sup>13</sup> **Ex. C-0192**, WhatsApp exchanges between Lupaka Gold Corp. (L. Bravo) and MININTER (E. Saavedra), 5 February 2019–20 February 2019, p. 2.

<sup>14</sup> **Ex. C-0192**, WhatsApp exchanges between Lupaka Gold Corp. (L. Bravo) and MININTER (E. Saavedra), 5 February 2019–20 February 2019, p. 2.

<sup>15</sup> **Ex. C-0192**, WhatsApp exchanges between Lupaka Gold Corp. (L. Bravo) and MININTER (E. Saavedra), 5 February 2019–20 February 2019, p. 2.

<sup>16</sup> **CWS-0004**, Witness Statement of Luis Bravo, 1 October 2021, ¶ 33.

24. Mr. Bravo fails to mention that in my communications I explained to him the way in which the authorities were trying and exercising their best efforts to facilitate a solution to the social conflict between Invicta and the Parán Community, measures that were consistent with the way in which Peru endeavored to resolve this type of social conflicts. The use of force was the *ultima ratio*, or measure of last resort, according to the procedures that regulate its use. While the channels for dialogue and communication remained open, police intervention would not be the appropriate way to try to resolve the conflict. In fact, the use of force may prove counterproductive when dialogue is taking place.
25. After the WhatsApp conversation held with Mr. Bravo, on 26 February 2019 we received a formal letter from him setting out Invicta's point of view on the development of the events and social conflict with the Parán Community.<sup>17</sup> The letter ended with the request that I ordered "the immediate intervention of the police forces to restore peace and order, as well as the principle of authority which must prevail in any civilised society."<sup>18</sup> He also affirmed that the situation "has already become a criminal problem that requires immediate State intervention to restore public order."<sup>19</sup> I recall receiving this letter and being surprised at its content, for several reasons:
- a. Mr. Bravo was ignoring the content of our WhatsApp conversation, in which I had informed him of the need to respect the process of dialogue and the existing protocol on the use of force.
  - b. The letter was received by the MININTER on the same day that the formal agreement between the Parán Community and Invicta was being signed.

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<sup>17</sup> Ex. C-0016, Letter from Invicta Mining Corp. S.A.C. (L. Bravo) to MININTER (E. Saavedra), 19 February 2019.

<sup>18</sup> Ex. C-0016, Letter from Invicta Mining Corp. S.A.C. (L. Bravo) to MININTER (E. Saavedra), 19 February 2019, p. 5.

<sup>19</sup> Ex. C-0016, Letter from Invicta Mining Corp. S.A.C. (L. Bravo) to MININTER (E. Saavedra), 19 February 2019, p. 5.

Invicta appeared to ignore the negotiation efforts, insisting on the use of force despite the progress made in the dialogue.

- c. If Invicta considered a “criminal problem” to have existed, that should have been resolved through the appropriate police, prosecution and judicial mechanisms, according to the Peruvian legal framework. They were aware of that, as demonstrated by the fact that they had filed criminal complaints against some of the members of the Parán Community at the time. In fact, in his communications, Mr. Bravo recognized that the PNP and the Prosecutor’s Office were liaising to investigate the events reported by Invicta.<sup>20</sup> The [Sayán] Police Station, a body of the PNP in the jurisdiction, dealt with the complaint filed by the company, as did the relevant Criminal Prosecutor’s Office, which are verifiable facts that the representatives of Invicta cannot ignore.
- d. Finally, but no less relevant, my competence and powers as Vice Minister for Internal Order did not include arranging, ordering or controlling the PNP intervention. The powers and competences of the Deputy Ministry for Internal Order are expressly set forth by law,<sup>21</sup> and do not include ordering the use of police force. By law, the PNP has administrative and functional autonomy and therefore does not have to and does not consult the Vice Minister for Internal Order on the execution of a plan or an order for operations and nor does the latter have authority over the PNP by law.

26. In his witness statement Mr. Bravo alleges that neither I nor anyone at the MININTER replied to his letter of 26 February 2019.<sup>22</sup> However, both Mr. Bravo and we were aware that, on the same day as the date of that letter, Invicta and the

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<sup>20</sup> **Ex. C-0192**, WhatsApp exchanges between Lupaka Gold Corp. (L. Bravo) and MININTER (E. Saavedra), 5 February 2019–20 February 2019, pp. 1, 2.

<sup>21</sup> **Ex. R-0101**, Ministerial Resolution No. 1520-2019-IN, 4 October 2019, Art. 11.

<sup>22</sup> **CWS-0004**, Witness Statement of Luis Bravo, 1 October 2021, ¶ 37.

Parán Community had reached an agreement. In that agreement, the parties undertook to formally install the dialogue tables and to confirm the representatives of each party in the next meeting. Moreover, Invicta, together with the Parán Community, undertook to establish the identification and location of the land surface affected in the Parán Community, by means of a topographical survey to be performed on 20 March 2019. The parties also agreed that the Parán Community would suspend all measures of force and would guarantee the development of Invicta's activities via the access road from the Parán Community, as from that day (i.e., 26 February 2019).

27. Moreover, as indicated in the letter from Mr. Bravo itself, received on 26 February 2019, the government entities constantly participated in the dialogue, mainly through the OGGS, but also through the Subprefecture of Huaura, the PCM, the Ombudsman's Office and the DGOP, among others.<sup>23</sup> I also know that PNP representatives attended those meetings, within the scope of their competences.<sup>24</sup> Their function was to maintain order and ensure that the dialogue would take place under peaceful conditions.<sup>25</sup>
28. Based on my communications with Mr. Bravo, my impression is that he did not understand or accept that the PNP could not intervene with the use of force in the

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<sup>23</sup> **Ex. C-0016**, Letter from Invicta Mining Corp. S.A.C. (L. Bravo) to MININTER (E. Saavedra), 19 February 2019, pp. 3-4.

<sup>24</sup> **Ex. R-0146**, Legislative Decree No. 1148, 10 December 2012, Art. 4 (noting that the PNP exercises police power "in its capacity as a public force, to ensure the protection, security and free exercise of the fundamental rights of people, the normal development of the activities of the population and to provide support for the other State institutions, within the scope of their competence and functions.").

<sup>25</sup> See for example, **Ex. R-0063**, Order No. 02-REGPOL LIMA/DIVPOL-HUACHO-OFIPLO, 26 January 2019, p. 1. ("ORDER OF OPERATIONS No. 02-REGPOL LIMA/DIVPOL-HUACHO-OFIPLO MEETING TO RESOLVE THE PROTEST AND OBSTRUCTION ON THE ACCESS ROAD FOR EMPRESA MINERA INVICTA MINING CORP SAC" of January 2019 to "establish cover by the police services for prevention, security, surveillance, protection . . . during the meeting on agreements and a solution to the problem . . . to be held in the auditorium at the offices of the District Municipality of Sayán . . . on Saturday 26JAN2019").

circumstances of the case, much less when talks and negotiations were taking place, and, also, that the PNP had protocols it had to follow to intervene with the use of force (actually, he had trouble understanding this reasoning). Mr. Bravo, and by extension Invicta, also failed to understand that the use of force could prove counterproductive and in fact could worsen the conflict with the Parán Community.

#### **IV. MY KNOWLEDGE OF AND EXPERIENCE IN POLICE INTERVENTIONS**

29. As I have stated in the previous section, I witnessed the insistence with which the representatives of Invicta requested the use of force against the Parán Community, demanding the implementation of a police operational plan to use force to remove members of that Community from the access road to the Project. According to my knowledge acquired as Colonel of the PNP and as Vice Minister for Internal Order, the use of force is regulated in the Peruvian legal framework and does not depend on the mere desire of an officer. Laws, legislative decrees, resolutions, directives and manuals exist, regulating the use of force.<sup>26</sup> The PNP is very cautious with the use of force, particularly in situations of social conflict.
30. Police intervention generally occurs on execution of police operational plans, drafted by the PNP itself. An operational plan is a written document created in anticipation of the police intervention, which sets out the police operation it intends to execute, detailing the circumstances of time, manner and place in which it is to be executed. These plans are drafted as a result of an intelligence assessment and a risk analysis, taking the specific factual circumstances into account.

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<sup>26</sup> **Ex. R-0060**, Legislative Decree No. 1186, 15 August 2015; *see also* **Ex. R-0147**, MININTER, “Manual de Derechos Humanos Aplicados a la Función Policial,” 14 August 2018; **Ex. R-0148**, PNP, “Manual de Operaciones de Mantenimiento y Restablecimiento del Orden Público,” 15 January 2013; **Ex. R-0149**, PNP, “Manual de Operaciones de Mantenimiento y Restablecimiento del Orden Público,” 22 March 2016; **Ex. R-0150**, Joint Submission between MININTER and PNP, “Cartilla para el personal policial que participa en operaciones de mantenimiento y restablecimiento del orden público,” 19 November 2013.

31. Operational plans are amended regularly, depending on how the facts develop in a particular situation. These plans are tentative and are subject to change, depending on the circumstances of the case. The plans themselves describe the circumstances which, if they arise, determine the viability of armed police intervention. The preparation of police operational plans does not mean that they will necessarily be executed, as the PNP plans its intervention in advance and drafts these plans preemptively, with the purpose of being prepared in case police intervention becomes absolutely necessary. It may happen—and it often does—that the plans are not executed, even in circumstances in which the entire police team is already in the area in which it is planned to intervene, and intervention is interrupted because the conditions have changed.
32. The operational plans or operational orders are not reviewed or approved nor submitted for consultation with the Deputy Ministry for Internal Order. I have acquired my knowledge of these plans and the functioning thereof through my experience as Colonel of the PNP.
33. In order to prepare my witness statement, I had the opportunity to review the document entitled “Order on Operations No. 002-2019-REGION POLICIAL LIMA / DIVPOL-H-CS.SEC ‘maintenance and restoration of public order, clearing of the access road to the camp of the mining company Invicta Mining Corp. S.A.C. – located in the Paccho and Leoncio Prado districts.’”<sup>27</sup> I had not seen that document before then. This document aimed to order police officers to remove the Community members involved in the protest to clear the entry to the Project. It is drafted using conditional language. That is, that plan provides that it shall be executed “on ‘D’ day at ‘H’ hours,” which suggests that the risk situation was still being assessed and evaluated. There was no specific date that indicated that it was to be executed imminently.

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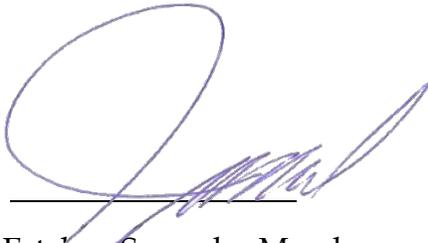
<sup>27</sup> Ex. C-0193, Order No. 002-2019-REGION POLICIAL LIMA/DIVPOL-H-CS.SEC, 9 February 2019.

34. I believe that I explained to Mr. Bravo that it is not strange that the PNP decided not to execute that plan. In my experience, the PNP itself does not intervene with the use of force if dialogue is in progress. In this case, dialogue tables were in progress with participants at the highest levels of Government, all with an absolute willingness to cooperate in resolving the conflict.

\* \* \*

I declare that, to the best of my knowledge and understanding, what I affirm in this witness statement is the truth and nothing but the truth and that it is in accordance with what I truly believe.

Lima, 15 March 2022



Esteban Saavedra Mendoza