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Due to dubious resolution from the SETENA

The Constitutional Court receives appeal on the grounds of unconstitutionality from mining company

- Industrias Infinito requests the rectification of all the irregular procedures that took place during the processing of the Environmental Impact Study

The Constitutional Court of the Supreme court of Justice received yesterday an appeal on the grounds of unconstitutionality against the SETENA, against the people who constitute its plenary committee, the secretary general, Eduardo Madrigal and the coordinator of the evaluation process, Sonia Espinoza, and it will proceed to study it.

According to the general manager of Industrias Infinito, Jesus Carvajal, the proprietary company of the Crucitas Project considers the process, that was characterized by multiple irregularities, has affected the constitutional principles of the right process, of prompt and fulfilled justice, of legality and legal security, apart from the non-retroactivity of the law.

Industrias Infinito SA, IISA, proprietor of the concession for mining exploitation # 2594, had to wait one year for the Secretariat to issue a resolution by which the Environmental Impact Study was rejected because they considered that “it does not fulfill its objectives”, as literally stated on resolution # 272-2003 from the SETENA.

“Alterations to the administrative record, concealment of reports from the company, lack of acts and recordings of the sessions where the Crucitas Project issue was discussed and the whether voluntary or not, whether direct or indirect pressure from the President of the Republic and the Minister of Environment, are part of the arguments that the Court will now have to judge” , Carvajal stated.

Another aspect being claimed on the Appeal is the concealment on the part of SETENA of both of the reports issued by three geologists and a team of sociologists authorized by the Universidad de Costa Rica, apart from the opinion of the Area de Conservación Arenal [Arenal’s Preservation Area]

Other actions

Last Friday, as established by law, Industrias Infinito filed before the SETENA the corresponding appeal against the resolution and they answered the arguments contained in the 9 pages of the resolution in 47 folios.

“We were able to determine that 25 percent of the observations are incorrect or false; 45 per cent of the observations lack any kind of scientific foundations and the remaining 30 per cent are observations on aspects that were not required by the SETENA in the terms

of reference for the elaboration of our Environmental Impact Study”, IISA’s Manager said.

“All of these actions are aimed at the defense of our rights because we have strictly complied with the Costa Rican legal framework for the development of this type of industries”, Carvajal concluded.