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Mining Company is Supported by New Judgment of Constitutional Court

- Magistrates indicate that SETENA violated the fundamental rights during the first environmental evaluation process.

Even though SETENA is currently analyzing Crucitas Project Environmental Impact Study within a more transparent framework and in good faith, last August 25th the Constitutional Court resolved an appeal on the grounds of unconstitutionality that Industrias Infinito S.A. (IISA) had presented on March 10th 2003 against the way in which SETENA was conducting the review process.

After one year and five months, the Constitutional Court magistrates determined that the mining company was right in two aspects: that SETENA had contravened the fundamental rights of “access to the administrative information and a prompt and completed administrative process”, pointed out on resolution # 2004-09220, of the Constitutional Court.

“At that moment we chose the appeal on the grounds of unconstitutionality in order to protect the mining company interests. This triumph is added to a chain of efforts for the Crucitas Project defense, and it originates a positive caselaw for us and all those who are developing projects that need to undergo an environmental permit process”, indicated IISA’s General Manager, Jesús Carvajal.

In summary, the Constitutional Court orders SETENA to include all the external and internal technical reports used during the environmental impact study evaluation process on the administrative file for them to be assessed by the person in charge of the development.

Several technical reports were deliberately hidden from the company during the first evaluation process that was annulled by the Minister of Environment and Energy on October 20th 2003.

In addition, the constitutionalist judges are analyzing the nature of the administrative processes and what they consider reasonable terms. “When a public body or sector exceeds the terms, is harming the right of a prompt and completed justice. As it is established on article 41 of the Political Constitution”, the judgment says and further on it adds: “This Court has confirmed an excessive duration, out of any reasonable term, on the trial of the procedure, thus, the appeal is sustained based on that”, it concludes.