

Declaration of Jimmy Rubio

1. My name is Jimmy Rubio. I am an adult individual, and I have personal knowledge of the following facts. I gave this declaration in Spanish and it was translated into English by Nora Ferm. Nora Ferm then read this declaration back to me in Spanish, and I certify that this declaration is a true and accurate reflection of my knowledge as conveyed to Nora Ferm and Daniel Kovalik.

2. I am a Colombian citizen now in exile. I began working at a mining company known as the United Mining Consortium in Valledupar, Colombia from around 1990 until 1997. In 1997, I began working for the Drummond mining company in La Loma as a truck operator, and I actively worked for Drummond until January 27, 2003. I was an active member of the SINTRAMIENERGETICA union at Drummond from the time I started working at Drummond.

3. I stopped actively working for Drummond at that time when my sister, Marjlis Hinojosa was murdered by the AUC paramilitaries. I was elected treasurer of the SINTRAMIENERGETICA, El Paso Section, on May 1, 2002. When I left the region in early 2003, my position was changed to Secretary of Education for the union.

4. Meanwhile, while working at the United Mining Consortium, one of my jobs was to provide services for the Colombian Armed Forces unit which protected this mining operation. For example, I brought this unit food and water. As a result, I had a good relationship with this military unit. At the same time, my entire family, including myself, were placed on the assassination list of the paramilitary group known as the AUC. We were placed on this list because of my niece's alleged participation in the FARC. I know this because, in 1996, AUC Comandante Tolemaida intercepted me at a

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roadblock and he showed me this list. I was listed third from the top on this list.

Comandante Tolemaida then began to lead me off to kill me, as he had killed the three other individuals stopped at this roadblock. However, before he was able to carry out this killing, he was phoned by an officer of the Colombian army who told him to let me go. This officer interceded on my behalf because of my relationship with the military described above.

5. After this incident, I approached Alexander Pianeta Vargas, the sub-regional chief of the AUC, to try to convince him to halt the AUC's hunting down of my family. Sr. Vargas's region includes the La Loma area in which Drummond operates its mining operations. Sr. Vargas was himself a member of the Colombian Armed Forces at one-time. I was successful in prevailing upon Sr. Vargas to back off of my family. [REDACTED]

[REDACTED] During these years, which included my time at Drummond, I got to know the inner workings of the paramilitaries in the region and a number of leaders and members of the paramilitaries.

6. On a number of occasions, while I was employed by Drummond, I witnessed Alexander Vargas on Drummond mining property. Specifically, I saw him receiving fuel and water from Drummond at the Drummond mining premises. On one occasion, I asked him how he managed to enter these premises, and he told me that "this was arranged from above." Approximately 20 days before the murders of Valmore Locarno and Victor Orcasita, I saw Sr. Vargas coming out of the central, administrative offices for Drummond in Valludepar. A number of Drummond officials, including Alfredo Araujo, who was and continues to be the Community Relations officer for

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Drummond, worked in these offices at the time and continue to work in these offices. On this occasion, I asked Sr. Vargas what he was doing at the offices and he told me that he was there to collect his "quota", meaning payment. And, on this occasion, Sr. Vargas showed me two checks made out to him in the amount of 8 million and 4 million pesos, respectively. Both of these checks were made out to Sr. Vargas by Alfredo Araujo whose signature/endorsement appeared on these checks. I got a very good look at these checks, and even wrote down the cedula number of Sr. Vargas which appeared on the checks. This number is 772225194 and the checks indicated that this cedula number was issued in Barranquilla. On other occasions, Sr. Vargas told me that Alfredo Araujo and his family were responsible for helping to set up and support the paramilitaries in the region.

7. A few days before the murder of Victor Orcasita and Valmore Locarno, I was [REDACTED] the town of Bosconia with Alexander Vargas and fellow AUC paramilitary leaders from the same AUC sub-region as Vargas, including Nicolas Capitolino. At this meeting, Capitolino bragged how they, the AUC, were experts at getting rid of trade unionists and how they had killed some leaders of the USO, an oil union in Colombia. Vargas then stated that there was going to be a big "vuelta," meaning attack or operation. Meanwhile, shortly before the murders of Victor and Valmore, I was at a meeting with Augusto Jimenez when he told me and other trade unionists that "the fish dies who opens his mouth."

8. About a month after the assassination of Victor Orcasita and Valmore Locarno, [REDACTED] paramilitaries Nicolas Capitolino, Comandante Daniel and Jose Fernando Jaimes [REDACTED] told me that they personally participated in the abduction and murder of Valmore Locarno and Victor Orcasita. These individuals were

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all leaders of the same sub-regional AUC group along with Alexander Vargas. During this meeting, Nicolas Capitolino pulled out a side arm which he said was Valmore Locarno's -- a gun which he said he took from Valmore at the time he and the other paramilitaries captured and then killed him. This weapon was of the same make which I had seen Valmore carrying before his death. I asked Capitolino at this time how they coordinated the capture and murder of Valmore and Victor. Capitolino, who actually carried out the assassinations, told me that someone "from inside" Drummond had told them which bus Valmore and Victor were riding on. In addition, at this meeting, the paramilitaries laughed about how they tortured Victor; how they pulled out his fingernails, how they pushed an iron bar into his side, and how he was screaming.

9. About 3 weeks after the murder of Gustavo Soler, AUC leader Jose Fernàndo Jaimiès told me that he had planned the murder of Soler, and that this murder was part of the same "package" of the murders of Valmore and Victor; that they were given orders to kill all the high-level trade unionists. He said this order came from the Chief of the AUC paramilitaries for the Department of Cesar, Oscar Ospino Rivera Pacheco, otherwise known as "Tolemaida" or Comando 16. At this same meeting, Jaimies told me that AUC paramilitary Calisto Lopez Gonzalez, Cedula Number 10900105, actually carried out the murder, accompanied by paramilitaries Juan Jose Benitez (alias JJ) and Comando Cebolla.

10. Sometime after the killings of Valmore, Victor and Gustavo, I went with Alexander Vargas to the official Colombian military base of Battalion de Artilleria No. 2 La Popa in Valledupar. This is the very same Battallion which protects the Drummond

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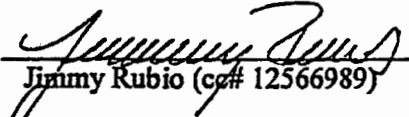
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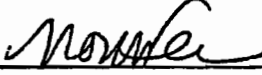
mining operations. On this trip to the base, I witnessed Vargas obtain permits from the military to carry weapons.

11. ~~_____~~

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12. I give this declaration voluntarily and under the penalty of perjury under the laws of the United States.


Jimmy Rubio (cp# 12566989)

Witnessed this 13th day of May, 2004: 

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