

**In The Matter Of:**  
*Claudia Balcerro Giraldo, et al. vs.*  
*Drummond Company, Inc., et al.*

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*Letters Rogatory Video Hearing of Libardo Duarte*  
*April 16, 2012*

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
(Southern Division)

CLAUDIA BALCERO GIRALDO,  
et al.

Plaintiffs

vs.

Case No. 2:09-cv-1041-RDP

DRUMMOND COMPANY, INC.,  
et al.

Defendants

\_\_\_\_\_ /

The Letters Rogatory Video Hearing of  
LIBARDO DUARTE, as translated by CONSUELO BURRANCA and  
MARIA KISIC, INTERPRETERS, was held on Monday, April  
16, 2012, commencing at 9:00 a.m., at the Fifth Civil  
Circuit Court of Bogota, Carrera 9 Number 11-45, Barrio  
El Centro, Bogota, before The Honorable Manuel Galindo  
Arguello and Steven Poulakos, Notary Public.

REPORTED BY: Steven Poulakos

1 APPEARANCES:

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18

19 ALSO PRESENT: Jack Sherman, Videographer

20 Consuelo Burrenca, Interpreter

21 Maria Kisic, Interpreter

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## 1 P R O C E E D I N G S

2 THE CLERK: This is in Bogota, Colombia.  
3 The judge here at the 5th Circuit has let out the  
4 proceedings for the deposition of Libardo Duarte and  
5 this is in accordance to file 20113747.

6 THE COURT: Please raise your hand to be  
7 identified. That is Steven Poulakos with United  
8 States, passport 46439785 and he is here in the  
9 capacity of court reporter.

10 THE CLERK: John David Sherman with  
11 passport number 461229424 and in the capacity of  
12 videographer.

13 Jose Miguel Martinez as a representative  
14 of Drummond with ID number 79267044.

15 THE COURT: Mr. Linares, if you, please, is  
16 that document going to take a long time?

17 MR. LINARES: It can take some time.

18 THE COURT: For it to be sent it's in 72,  
19 so we will wait until it's brought here.

20 THE CLERK: Lorraine Margaret Leete,  
21 52110842. That's an American passport and she's a

1 representative of the Plaintiff.

2 THE COURT: Of the Plaintiffs, right,  
3 she's attorney for?

4 MS. LEETE: Yes.

5 THE CLERK: Bryan Henry Parr, Bryan H.  
6 Parr, right?

7 MR. PARR: Right.

8 THE CLERK: Bryan's passport number is  
9 43658203, United States passport, and he is an  
10 attorney for the Defendants.

11 THE COURT: You can raise your hand,  
12 please, so we know who you are. Thank you.

13 THE CLERK: Hugh Thomas Wells, the III.  
14 He's also an attorney for the Defendants. There is  
15 actually several attorneys for the Defendant, and  
16 Mr. Thomas Wells' passport number is 17432449, U.S.  
17 passport.

18 And also William Anthony Davis, passport  
19 number 456740440, and he's also an attorney for the  
20 Defendants.

21 Also Blake Edwards, passport 470848985.

1 He's also a representative for Drummond, and he's --

2 THE COURT: (Speaking in Spanish.)

3 THE INTERPRETER: -- in Colombia, and  
4 the parent company is in the U.S., and that's INC.

5 THE CLERK: Maria J. Kisic, interpreter,  
6 K22055060588-0. Consuelo Maria Burreanca, and that's an  
7 ID B65211352669, also an interpreter residing in  
8 Florida.

9 THE COURT: Is this person present?

10 THE INTERPRETER: Yes, Your Honor.

11 THE CLERK: Terrence Collingsworth and  
12 also an ID number 2118104, and he's also an attorney  
13 for the Plaintiffs.

14 Also Attorney Carlos Toro whose ID  
15 number is 10091266 and bar association number  
16 111205. He is a representative in the process of  
17 Justice and Peace for the Witness, Libardo Duarte.

18 THE COURT: We need to ask also, according  
19 to the representation of Mr. Toro it is criminal and we  
20 would like to know if Mr. Duarte is also going to  
21 appoint Mr. Toro as his attorney in this civil matter.



1           THE WITNESS: Your Honor, good morning.  
2 Since he is in the process of Justice and Peace and it  
3 is for me and actually necessary for him to be here in  
4 this proceeding since it's part thereof.

5           My name is Libardo Duarte and my ID  
6 number is 91489523 which was issued in Bucaramanga,  
7 Santander, and I was born in Medellin, Antioquia,  
8 and I was born on November the 15th.

9           THE COURT: That's enough. Can you provide  
10 us an ID?

11          THE WITNESS: Your Honor, we are deprived  
12 of our freedom and, therefore, we are not allowed to  
13 have any type of documentation, personal ID or other  
14 sorts.

15          THE COURT: We have been recognizing the  
16 representation for Mr. Toro to represent Mr. Duarte in  
17 this hearing.

18          THE WITNESS: Thank you, Your Honor.

19          THE CLERK: And through the code of  
20 criminal procedure 422 and according to also Law 266,  
21 267, the judge will swear the witness by which sworn-in

1 procedure he will tell the truth, only the truth, and  
2 nothing but the truth.

3 THE COURT: We will then proceed to swear  
4 the witness.

5 All the attendants should stand.

6 In accordance to the request of Letters  
7 Rogatories and of the Courts of Alabama and at the  
8 request of other attorneys present here you have  
9 been called to testify in this matter.

10 And in this hearing the judge will  
11 administer the oath. So you will swear to tell  
12 the truth in this hearing that is about to commence  
13 with the caveat that in regards to any questions  
14 that have to do with the penal proceeding or the  
15 penal matter, you are not bound to testify since,  
16 according to the constitution and the law of  
17 Colombia, you are not to testify against yourself or  
18 against any family member that is with the fourth  
19 degree of blood relationship or blood kinship.

20 And, Mr. Duarte, you are hereby -- your  
21 oath is to tell the truth, and if you do not tell

1 the truth that will be sanctioned by the Colombian  
2 law. And you are hereby sworn to tell the truth in  
3 front of the judge. You're being sworn in.

4 You know the responsibility that you  
5 have in front of the law and the judge. Do you  
6 promise to tell the truth and only the truth to the  
7 testimony that you will give?

8 THE WITNESS: I swear, Your Honor, that I  
9 will tell the truth and only the truth.

10 THE COURT: Thank you.

11 THE WITNESS: Thank you, Your Honor.

12 THE COURT: Let the record reflect that  
13 there is here a court reporter and also a videographer.  
14 Before having administered the oath we will have on the  
15 record that they are all here present. The attending  
16 individuals, let's put their names again.

17 THE INTERPRETER: Let the record reflect  
18 that the judge will administer the oath to the  
19 interpreters.

20 THE COURT: Do you authorize the  
21 interpreters to be here?

1 MS. LEETE: Yes.

2 THE COURT: The same attorney then has  
3 given authorization for the proceeding of Mr. Poulakos  
4 to proceed as court reporter and Mr. Sherman as the  
5 videographer.

6 MR. DAVIS: Speak up. We have a lot of  
7 noise. So look over this way when you talk also.

8 THE INTERPRETER: I will.

9 (INTERPRETERS SWORN)

10 THE INTERPRETER: Yes.

11 THE INTERPRETER: Yes.

12 THE COURT: Well, then we will proceed to  
13 ask Mr. Duarte to give us his personal information in  
14 accordance to law. Please give us your general  
15 information like your age and nationality and other  
16 pertinent information.

17 THE CLERK: Where were you born?

18 THE WITNESS: In Medellin, Counsel.

19 THE CLERK: Are you of age? You're of age?  
20 What's your status?

21 THE WITNESS: I am in a domestic

1 partnership.

2 THE CLERK: You reside where?

3 THE WITNESS: At La Picota jail in the City  
4 of Bogota.

5 THE CLERK: And the studies that you have  
6 also had, yes.

7 THE WITNESS: The high school is Marco  
8 Fidel Suarez of Medellin, and I also studied at  
9 university conflict resolution from the University of  
10 Antioquia and also public relations in the University  
11 of Luis Amigo during the process of Justice and Peace.

12 THE COURT: (Speaking in Spanish.)

13 THE WITNESS: Yes, Your Honor, and in the  
14 City of Medellin.

15 THE COURT: And any university studies?

16 THE WITNESS: In Ralitos I studied at the  
17 center, Your Honor. I don't know if that will count as  
18 such studies.

19 THE COURT: Do you have any type of kinship  
20 or blood relations with those people that are the ones  
21 that are suing, the Plaintiffs?

1           THE WITNESS: Not at all. My commitment is  
2 with the process of Justice and Peace, that everything  
3 has to do with compensation and justice.

4           THE COURT: Now, we have the part with the  
5 questions. Let's take a look at our file to make sure.

6           Counsel, questions for the Duarte case.  
7 (Conversing in Spanish.) Give us a second, please.

8           MR. COLLINGSWORTH: Now, go off.

9           THE VIDEOGRAPHER: We're going to go off  
10 the record at 10:40.

11           (Proceedings recessed at 10:40 a.m.)

12           (Proceedings resumed at 10:50 a.m.)

13           THE VIDEOGRAPHER: We are back on the  
14 record at 10:50.

15           Going off the record at 10:53.

16           (Proceedings recessed at 10:53 a.m.)

17           (Proceedings resumed at 10:54 a.m.)

18           THE VIDEOGRAPHER: Back on the record at  
19 10:54.

20           MR. COLLINGSWORTH: Are we ready to  
21 proceed?

1 THE CLERK: Your name?

2 MR. COLLINGSWORTH: Terrence Collingsworth.

3 THE COURT: We're going to give you the  
4 word just as you requested it.

5 MR. COLLINGSWORTH: Thank you, Your Honor.

6 THE CLERK: We will then proceed with the  
7 Rogatory examination that was requested by the Court,  
8 from the District Court, Northern District of Alabama  
9 of the United States in regards to the witness, Libardo  
10 Duarte; that the attorney for the Plaintiffs, according  
11 to the proceedings, will substitute the questions that  
12 are found in the Letters Rogatory which number is 158.

13 They will proceed to ask directly the  
14 questions and then asked by Mr. Terrence  
15 Collingsworth.

16 MR. COLLINGSWORTH: Thank you very much.  
17 And thank you, Your Honor, for allowing us to invade  
18 your space here with so many people. We appreciate  
19 your cooperation.

20 MR. DAVIS: May I, Your Honor, after  
21 Mr. Collingsworth rests Drummond will then ask its

1 questions?

2 THE COURT: That is right.

3 MR. COLLINGSWORTH: And, Your Honor, I want  
4 to put on the record a stipulation that I have with  
5 Mr. Davis, counsel for Drummond, that because the U.S.  
6 evidence rules will apply to this testimony we are not  
7 asking Your Honor to rule on any evidentiary  
8 objections.

9 THE COURT: It's an agreement that you have  
10 with the attorney, right?

11 MR. COLLINGSWORTH: Yes.

12 THE INTERPRETER: The judge is  
13 explaining on the record what you just manifested so  
14 he's putting it into an iteration.

15 THE COURT: (Speaking in Spanish.)

16 Any type of evidentiary issue will be  
17 dealt with according to the Court and agreed to the  
18 laws of the United States in accordance with  
19 attorney for Drummond, Inc.

20 All attorneys agree that, Your Honor,  
21 the judge will be relieved from any type of



1 resolving of objections. In this regard the  
2 judge -- it's feasible -- deems that it's feasible  
3 to authorize such request. However, clearly finding  
4 that and expressing clearly that the proceeding  
5 applied to this proceeding is going to be of a civil  
6 nature according to Colombian law to gather or  
7 obtain the requested testimonial evidence.

8 That is, that they have a right for the  
9 Court over there to assess evidence presented.  
10 However, we will follow here court of civil  
11 procedure here for gathering such evidence.

12 Then questioning may begin by Attorney  
13 Terrence Collingsworth.

14 MR. COLLINGSWORTH: Thank you, Your Honor.

15 EXAMINATION BY MR. COLLINGSWORTH:

16 Q Mr. Duarte, thank you for coming today.

17 A Okay.

18 Q Can you tell us any aliases that you have  
19 used?

20 A The aliases which I was known at the AUC  
21 was El Paisa, Mono Maicol, Maicol, and Bam Bam.

1 Q Thank you.

2 Can you tell us when you first joined any  
3 paramilitary organizations?

4 THE COURT: Precisely I want an observation  
5 about that. According to Colombian law you're trying  
6 to insinuate the answer with such question.

7 The question is, when did you join, like  
8 leading to believe that he always belonged to such  
9 organization. So we need to change that question.

10 We should ask rather if he was ever a  
11 part of a paramilitary group.

12 BY MR. COLLINGSWORTH:

13 Q Mr. Duarte, did you ever join a  
14 paramilitary organization?

15 A Since the age of nine years from the Uraba  
16 Antioqueno since my father was a co-founder with  
17 Mr. Fidel Castano of the AUC groups in Colombia.

18 Q What did you do as a nine-year old that  
19 involved the paramilitary group?

20 A As I said, my father was a co-founder of  
21 it. Since the age of nine years, since they killed my

1 father in the Uraba Antioqueno I ended up being raised  
2 by the Castano brothers.

3 Q What were the first names of the Castano  
4 brothers who raised you?

5 A Fidel Castano Gil and Carlos Castano Gil,  
6 who was my Godfather when I was born and also on my  
7 confirmation. That's it.

8 Q What was the name of the paramilitary group  
9 at the time you were nine-years-old that you were a  
10 member of?

11 A At that time they were called Los Rurales.  
12 These were groups that were operating in the lower  
13 parts of the Uraba Antioqueno and Cordoba and  
14 Antioquia.

15 After that it was called Los Tangueros,  
16 paramilitary group Los Tangueros until the year of  
17 1992. That took place, the first demobilization of all  
18 of these groups that were above the law, between Los  
19 Tangueros paramilitary group and the EPL from the  
20 guerillas.

21 After that they were called AUCCU which is

1 paramilitary farmer defense groups. In 1994 they were  
2 called AUCCU, which should be A-U-C-C-U, which those  
3 are the self-farmers defense groups of Cordoba and  
4 Uraba. And in 1996 they were called Autodefensas  
5 Unidas de Colombia.

6 Q While we're having this discussion today,  
7 if I say AUC, that's describing the final unity group  
8 in 1996 that came together; is that correct?

9 A What happened is that the AUC, the united  
10 defense groups of Colombia --

11 THE COURT: I'm sorry, what was the  
12 question? What was the question?

13 MR. COLLINGSWORTH: My question was: If I  
14 say AUC, is that accurately describing the paramilitary  
15 group that united in 1996 that you just talked about?

16 THE COURT: Did you understand the  
17 question?

18 THE WITNESS: Yes, Your Honor.  
19 Shall I answer it?

20 THE COURT: Yes, you may.

21 THE WITNESS: The AUC, the united forces of

1 Colombia, defense, defense of Colombia, always depended  
2 of the AUCCU which are the defenses of Cordoba and  
3 Uraba. And the general command post was at the Sante  
4 Catalina farm, and this was located at the  
5 Corregimiento San Pedro de Uraba, Antioquia.

6 The main commanders of the AUC, okay,  
7 from the main heads or main leadership it was Carlos  
8 Castano Gil, was the main commander, and Mr. Rodrigo  
9 00. He was the commander in chief of the military  
10 forces of the AUC. And Mr. Vicente Castano Gil was  
11 the commander and chief in the political and  
12 financial field of the AUC.

13 But I should highlight and mention that  
14 when the AUC were formed Mr. Fidel Castano was not  
15 part of this leadership anymore because he was put  
16 down in 1993. That's it.

17 MR. DAVIS: We move to strike as  
18 nonresponsive.

19 BY MR. COLLINGSWORTH:

20 Q And when you say put down, does that mean  
21 he was killed in 1993?

1           A       He disappeared.

2           Q       When was the first time that you had any  
3 involvement with Drummond, the Drummond Company?

4           A       It was probably around 1997, from 1997.

5           THE COURT:  Objection.  There was an  
6 objection from the Court.  This was asked in an  
7 assertive mode as if that had been asked, and that has  
8 been the case, but that, however, is not, since as it  
9 happened on prior occasion.

10           You should rather ask so we do not press  
11 upon the answer instead of when did you have  
12 participation did you ever have any participation so  
13 it can be admitted or not by the witness.

14           MR. COLLINGSWORTH:  Thank you, Your Honor.

15           BY MR. COLLINGSWORTH:

16           Q       Did you ever have any involvement with the  
17 Drummond Company?

18           A       For a long time.

19           Q       When was the first time you had involvement  
20 with the Drummond Company?

21           A       It's just, Your Honor, I could not tell you

1 the exact time because I wasn't to be only in one  
2 place, Your Honor, since I was at the same time the  
3 commander -- the political and financial commander and  
4 chief of the AUC, AUC group. But that's between 1997,  
5 Your Honor, and 2000, more or less, Your Honor.

6 THE COURT: More or less.

7 BY MR. COLLINGSWORTH:

8 Q Do you recall the events under which you  
9 first became involved with Drummond?

10 A Let's see. What happens is that in that  
11 region in the region of Cesar where the mine of  
12 Drummond is located at there was already -- they  
13 were -- they were already starting to get coal out of  
14 the mine that is located at the municipalities,  
15 actually Corregimientos of La Aurora and La Loma in  
16 El Cesar.

17 And some lands, some parts of land needed  
18 to be bought to --

19 THE COURT: Who needed to buy the land?

20 THE WITNESS: Drummond needed.

21 THE COURT: And Drummond needed to buy the

1 land?

2 THE WITNESS: To be much nearer to the  
3 railroad line that has been there from already 50 or 60  
4 years ago created by the Colombian government.

5 Before bringing this to the table, Your  
6 Honor, I would like to mention many -- many things  
7 that have happened against my person.

8 THE COURT: Let's go back to the question,  
9 the question that was asked by Mr. Terrence. What was  
10 the question? We should really not, you know, deviate  
11 from the context.

12 Do you remember the question, Counsel?

13 THE WITNESS: First I want to mention  
14 something of mine.

15 THE COURT: But what was the exact  
16 question? Shall we remind you the question,  
17 Mr. Terrence?

18 BY MR. COLLINGSWORTH:

19 Q The question was simply what was the first  
20 function or the first job that you had that involved  
21 Drummond.



1           A           To get the people out of those farms or  
2 those pieces of land where Drummond was going to lay  
3 their railroad line which were removed at a certain  
4 point in time in a very arbitrary way by Commander Jhon  
5 and Commander Tolemaida which were the ones that were  
6 in charge of the AUC in Colombia in that region.

7           THE COURT:   A little bit slower, please,  
8 because we're not able to type down the record. You're  
9 mentioning of removing people that were near the  
10 railroad line. Were you assigned that job by Drummond?  
11 At least that's the way you're saying it. Who took  
12 them out from there arbitrary? Who?

13           THE WITNESS:   No, not me.

14           THE COURT:   Not you?

15           THE WITNESS:   Not me. So my post was to  
16 remove these people, but I didn't do it. They did it  
17 in an arbitrary way, Commanders Jhon and Tolemaida.

18           MR. COLLINGSWORTH:   Objection as  
19 unresponsive.

20           THE COURT:   He asked what was his job. His  
21 job was to remove people that were at farms because

1 they needed to extend or have an access to railroad  
2 lines, but he didn't do it. Who did it? Was it  
3 Commander Jhon and Tolemaida? The answer is no good,  
4 but that's what he was asked.

5 THE WITNESS: Your Honor, maybe I'm not  
6 making myself clear. The ones in charge militarily of  
7 carrying out these displacements.

8 THE COURT: The ones in charge of carrying  
9 out these displacements --

10 THE WITNESS: -- and murders. And to take  
11 away arbitrary the pieces of land that were needed to  
12 be able to join the railroad line that was of Drummond  
13 with the railroad line here of Colombia were the men,  
14 alias Tolemaida, alias Jhon, alias Codazzi, who had  
15 been sent by Amaury or 611, who were the commanders of  
16 the Northern Bloc of the AUC.

17 BY MR. COLLINGSWORTH:

18 Q Mr. Duarte, we have --

19 THE COURT: He just wants to clarify the  
20 question and the answer. And since they're asking me  
21 to also take a pause for the Interpreter to interpret

1     them, I don't know. I want the explanation for why  
2     Counsel is not happy with such an answer.

3             THE WITNESS: That I don't know.

4             MR. COLLINGSWORTH: I don't either.

5             THE WITNESS: I cannot tell you, Your  
6     Honor.

7             MR. TORO: As the attorneys agreed not  
8     to deal with any objections, please, do not resolve  
9     that conflict and just let the record reflect that  
10    there is an objection. Since at the beginning of  
11    the hearing they mentioned, since the attorneys  
12    agreed not to deal with any objections here we will  
13    just note them for the record, but, Your Honor, we  
14    ask you not to deal with the objections.

15            THE COURT: Next question.

16            THE WITNESS: I'm sorry, Your Honor.

17            If you can be a little bit more precise  
18    and concrete with your questions, Counsel.

19            MR. COLLINGSWORTH: I will.

20            BY MR. COLLINGSWORTH:

21            Q     We're going to get into a rhythm here and

1 we're not in a hurry at all. And there's a long story  
2 to tell and I hope I can get to the whole story. So  
3 don't think about what you want to say. Just, please,  
4 answer the question that I ask.

5 A But tell him to be a little bit much more  
6 precise.

7 Q Okay. I will. I'm still learning.

8 Mr. Duarte, when you first went to Cesar  
9 was there already an AUC presence there?

10 A The presence of the AUC in the Department  
11 of Cesar and Magdalena and the entire Atlantic coast,  
12 they began or they come from 1992. At that time they  
13 were not called AUC. They were called the defense  
14 forces, farmer defense forces of Cordoba and Uraba and  
15 that was the circumstance in 1993 and 1994.

16 Their base was at the Corregimiento of  
17 Pueblo Nuevo in Cesar. That's located between the  
18 Bosconia municipality in Cesar and El Dificil  
19 Magdalena. And that's on the way from Bosconia towards  
20 Zambrano. That's it, Counsel.

21 Q In approximately 1997 when you went to

1 Cesar were there already AUC troops in the area?

2 A Of course. We were there specifically in  
3 the Department of El Cesar area. We were located south  
4 in the municipality of San Alberto and northwest and  
5 northeast from Valledupar with all its municipalities  
6 going north to south, and northwest from the Copey  
7 Cesar municipality going south. The municipalities  
8 that at that time were friendly with the AUC forces in  
9 El Cesar was from the main road on these  
10 municipalities: San Alberto, San Martin, Aguachica,  
11 Pelaya --

12 THE VIDEOGRAPHER: Going off the record at  
13 11:29.

14 (Proceedings recessed at 11:29 a.m.)

15 (Proceedings resumed at 11:31 a.m.)

16 THE VIDEOGRAPHER: We're back on the record  
17 at 11:31 --

18 THE WITNESS: As I was telling you, the  
19 southern area of El Cesar we had San Alberto, San  
20 Martin, Aguachica, Pelaya, El Burro, Pailitas,  
21 Curumani, Chiriguana crossing, La Aurora, Drummond's

1 mine, La Loma, La Loma del Balsamo, Cuatro Vientos,  
2 El Paso, Bosconia, El Copey, Tucurinca, Aracataca.

3 A On the other side of that Cesar Department  
4 geographically speaking we had Valledupar, La Paz, El  
5 Desastre, Los Brasiles, Codazzi, San Diego, Casacara,  
6 Becerril, La Jagua de Ibirico, Sabana de los Novillos,  
7 Estados Unidos, Bogonte, La Pailmita, Arenas Blancas,  
8 and Rinconhondo, and all the way until you get to the  
9 Chiriguana crossing.

10 And on the other side, geographically  
11 speaking, El Banco, Magdalena, San Sebastian,  
12 Tamalameque, Pueblo Nuevo, Cuatro Esquinas. And maybe  
13 I just will -- I don't remember very well others.

14 Your Honor, I want to make very clear  
15 that -- that the municipalities are not in their  
16 geographic order. If the parties would wish -- would  
17 wish me to do so I would do it very willingly.

18 BY MR. COLLINGSWORTH:

19 Q Mr. Duarte, the list of towns that you've  
20 just given us, are those towns that you were answering  
21 were places that the AUC had a base or a presence?

1           A           The only city there is the City of  
2 Valledupar which is the capital city of the Cesar  
3 Department. The rest of them are municipalities, some  
4 larger and some smaller, and at the same time you have  
5 Corregimientos, which are subdistricts, and where the  
6 AUC had presence throughout the entire region, that  
7 region.

8                   THE COURT: Just to clarify, for the  
9 record, you're saying that all of them had, instead of  
10 bases, they had presence in all of these places?

11                   THE WITNESS: The main base which was of  
12 the AUCCU.

13                   THE INTERPRETER: And that should be  
14 A-U-C-C-U.

15                   THE WITNESS: I said it before, it was in  
16 the Pueblo -- Pueblo Nuevo Municipality.

17                   THE COURT: Yes.

18                   THE WITNESS: Yes, Pueblo Nuevo, Cesar.

19                   THE COURT: There is --

20                   THE WITNESS: I already said what the  
21 location of Pueblo Nuevo is, is by Bosconia and

1 El Dificil, Cesar. That is by that route from Bosconia  
2 downwards.

3 BY MR. COLLINGSWORTH:

4 Q Let's focus on a time frame, let's say 1998  
5 and 1999. Did you visit any Drummond facility during  
6 the time period of 1998 to 1999?

7 A Of course, of course.

8 Q Can you tell us anything you remember about  
9 having visited one of the Drummond facilities in the  
10 years 1998 to 1999?

11 A Let's see, at that time I was already  
12 carrying out my tasks. I was at that time carrying out  
13 my post which consisted of -- I was supposed to guard  
14 the main road that goes from -- from the Drummond mine  
15 to La Loma and La Loma del Balsamo in Cesar.

16 THE INTERPRETER: I'm sorry, Interpreter  
17 needs to correct herself.

18 MS. LEETE: He said the mine was located  
19 between those areas, between La Loma and --

20 THE INTERPRETER: (Re-asking the question.)

21 THE WITNESS: Geographically speaking, the



1 Drummond mine is in the Corregimiento of La Aurora,  
2 Drummond, Loma del Balsamo, and La Loma. All is  
3 located to the right when you go from south to north  
4 from the main road.

5 BY MR. COLLINGSWORTH:

6 Q Now, did anyone assign you the task of  
7 guarding that road?

8 A Due to the fact that many things had been  
9 going on of which the drivers that were taking the  
10 trucks of the coal from the mine, they were taking it  
11 from the mine -- mine to Santa Marta, to the port of  
12 Prodeco in Santa Marta. They would steal the coal on  
13 the way there. Each trip they would steal 2 to 3 tons.  
14 That coal was bought by multiple oil companies that are  
15 along the way.

16 Aside from that, from the City of  
17 Barranquilla and Cartagena many trucks would travel  
18 towards the Drummond mine that were loaded with ACPM,  
19 loaded with Varvulina (ph).

20 THE INTERPRETER: And that's phonetic for  
21 the Interpreter. And the Interpreter does not know the

1 compound.

2 THE WITNESS: Also loaded with oil for  
3 Caterpillar engines used.

4 THE INTERPRETER: And Varvulina is  
5 V-A-R-V-U-L-I-N-A.

6 THE WITNESS: The Varvulina, it's the oil  
7 of Valvoline. It's the oil used in the transmission  
8 for the different trucks and -- and probably lifting or  
9 hoisting equipment. And the oil is for lubricating the  
10 engine.

11 The truck drivers that were transporting  
12 what I have just mentioned, that they would also  
13 steal fuel and lubricant. And at the same time they  
14 would sell whatever was stolen to other drivers.  
15 And the people from the towns would sell this to  
16 other drivers, to other truck drivers themselves.

17 At that time, Your Honor, you would see  
18 a lot of, you know, what they called invasions,  
19 people that come in without any type of  
20 authorization. That is, invasion in the perimeter  
21 of the Drummond mine.

1           Also since there were many accidents  
2 since there was so much work loading and unloading  
3 coal from the mine to Santa Marta on that road, the  
4 truck drivers would fall asleep because they were  
5 tired or others who would just stop and drink  
6 alcoholic beverages along the road.

7           And because of all of the accidents and  
8 all of the crimes already mentioned that were being  
9 committed, and through Alfredo Araujo at that time,  
10 and I don't know whether he still is, he was the one  
11 that would be like the boss for Drummond in  
12 El Cesar, an alliance was formed with Commander  
13 Amaury or 611.

14           He was a military commander of all auto  
15 defenses in the region and of the Northern Bloc of  
16 the AUC, together with Commander Omega who was the  
17 right hand of who was the maximum head of the AUC  
18 for -- who was Jorge Cuarenta for that region in  
19 Colombia.

20           BY MR. COLLINGSWORTH:

21           Q       In the Northern Bloc?

1           A        In the Northern Bloc.

2                    The work of Commander Omega within the  
3 Northern Bloc, he was the financier and public  
4 relations and political liaison.

5                    To counteract the work of what was -- has  
6 been mentioned that was already happening, Drummond, at  
7 that given time through Alfredo Araujo, there was a  
8 pact made that they would give financial aid to the  
9 Northern Bloc of the AUC so that the AUC themselves  
10 would put a stop to what was happening.

11                   MR. DAVIS: I want to move that was  
12 nonresponsive to his question.

13                   BY MR. COLLINGSWORTH:

14           Q        We're -- we're going to break this down  
15 into -- into smaller parts. You've given us a lot of  
16 information.

17                    So, again, in roughly 1998 to 1999 you were  
18 describing what you were doing. My first question is:  
19 Who told you to do it?

20           A        My answer is: Since we in Colombia, we are  
21 used to being very specific and not to do one single

1 thing, I ask you to please forgive me for the way I've  
2 answered my questions and I will try to do things as  
3 you request me to do and as things should be done.

4 As to the question asked by Counsel Terry,  
5 I was taken to that region by Commander Omega with whom  
6 we had an old friendship that dated a long way back.  
7 When I mention long way back, that means many years,  
8 for many years before.

9 Q So Commander -- was Commander Omega the  
10 person you reported to in 1998 and 1999?

11 A Exactly.

12 Q Did you have any reporting responsibilities  
13 with Carlos Castano at this time?

14 A I've always had it -- I've always had it  
15 because any time I go to any region, to any AUC's bloc  
16 of -- AUC --

17 THE COURT: Pardon. (Speaking in Spanish.)

18 THE WITNESS: I could get to any bloc at a  
19 national level but always under the national command of  
20 the AUCCU. That was Castano.

21 BY MR. COLLINGSWORTH:

1           Q       Thank you. That was perfect. You answered  
2 my question directly. And we're going to continue to  
3 try to ask you shorter questions and get precise  
4 answers.

5                   Now, in this time period, roughly 1998 to  
6 1999, what was Omega's function?

7           A       As I said before, Omega had the maximum  
8 trust from the maximum boss who was Jorge 40.  
9 Therefore, at that time he was in charge of the  
10 relationships of the AUC, with companies, AUC and the  
11 companies, for the funds as well. And the landlords in  
12 the area, landholders in the area, and the politicians  
13 of those same areas at that time.

14           Q       You mentioned that -- in -- in a prior  
15 answer -- that Alfredo Araujo had made some arrangement  
16 with Omega and the AUC. How did you know that?

17           A       The arrangement consisted of, due to all of  
18 the problems I already mentioned, there was a need to  
19 put an order to that. Immediately I was commissioned  
20 to take care of the road and also to provide security  
21 along the perimeter of the entrance to Drummond; make

1 sure that the coal was not stolen; make sure that  
2 drivers would not drive and drive in such a way.

3 And perhaps you ask yourselves, what does  
4 it have to do -- the drinking of the drivers has to do  
5 with Drummond. It happens that because of the many  
6 accidents that happened, that because drivers would  
7 fall asleep because of tiredness, victims of those  
8 accidents and the relatives, the party that they would  
9 sue would be Drummond.

10 Q Let me stop you there. Just let's get back  
11 to the very first part, please.

12 MR. DAVIS: Objection, move to strike as  
13 nonresponsive.

14 BY MR. COLLINGSWORTH:

15 Q You mentioned that Alfredo Araujo made an  
16 arrangement with Omega and the AUC. How do you know  
17 that?

18 A Let's see, I was a witness about two or  
19 three occasions. I was a witness in about two or three  
20 occasions of meetings that took place where Mr. Jaime  
21 Blanco attended, Alfredo Araujo --

1 THE INTERPRETER: Clarification.

2 THE WITNESS: -- and other important people  
3 of the region, important regions within the region,  
4 business people, cattlemen, where there is a  
5 municipality located on the outskirts of Valledupar, on  
6 the way to Bosconia, on the road to Bosconia, the Maria  
7 Angola Municipality. We attended several parties, as  
8 we say, where Omega directly with Alfredo Araujo and  
9 Commander Amaury negotiated the financial availability  
10 of Drummond with the AUC and simultaneously the support  
11 that they required from us.

12 It is worth mentioning that within the  
13 Drummond mine where there was military personnel  
14 from La Popa Battalion working there and us.

15 BY MR. COLLINGSWORTH:

16 Q Thank you, Mr. Duarte.

17 MR. DAVIS: Move to strike the last part.

18 BY MR. COLLINGSWORTH:

19 Q You mentioned you attended some meetings  
20 where Alfredo Araujo was present with Omega. How many  
21 meetings do you think you were present at?



1           A       Approximately two or three. And these were  
2 parties.

3           Q       But you mentioned that there were  
4 negotiations conducted during these meetings?

5                   THE COURT: (Speaking in Spanish.)

6                   THE WITNESS: Right in the middle of the  
7 party, informally these issues were touched upon, but  
8 as I have previously mentioned things would come to a  
9 more concrete point in meetings between them and  
10 Alfredo Araujo.

11                   BY MR. COLLINGSWORTH:

12           Q       By them you mean who? When you say them  
13 you mean Alfredo Araujo?

14           A       Commander Omega and Commander Jorge 40 and  
15 Commander Amaury, they were the only -- only ones from  
16 the Northern Blocs of the AUC of Colombia that where  
17 directly authorized to do direct negotiations with  
18 enterprises and cattle breeding businesses of the  
19 region.

20           Q       Did you ever see yourself, you were  
21 present, when Jorge 40 met with Alfredo Araujo?

1           A        In the specific meetings, that is, apart  
2 from the escorts and -- and bodyguards there could be  
3 absolutely nobody else present. At meetings that took  
4 place at the parties it was known, what was happening  
5 was known, because among the -- you know, between the  
6 drinking and all of that, the comings and goings of the  
7 party, Omega would hug Alfredo Araujo and he would tell  
8 us, or any businessman, and he would say, yes, well,  
9 this person is cooperating with us.

10                    At those parties there were no other people  
11 present that were not as commanders, as squad  
12 commanders or zone commanders. When I talk about a  
13 squad commander, I am referring to someone that is  
14 elected by the commander, zone commander, so that this  
15 person would be in charge of a counterguerilla group  
16 that would be compromised between 25 and 30 combatants.

17           Q        Now, at any of these parties/meetings that  
18 you described did Jorge 40 attend?

19           A        No, no. The ones I was at, at Maria  
20 Angola, I never saw him, but his representative was  
21 there, and that was Commander Omega.

1 THE COURT: Represent --

2 THE WITNESS: Commander Omega, and the  
3 other representative was Commander Amaury. If, for the  
4 counsels for both parties, necessary to clarify better  
5 the positions of commanders of the AUC in that area, I  
6 can tell you all of the orders of command battalion  
7 order.

8 BY MR. COLLINGSWORTH:

9 Q We'll get to that. Let me -- let me just  
10 ask a few more questions.

11 When did you leave the Cesar area?

12 A As I said before, I was commanded -- I was  
13 asked to carry out missions where I would last for  
14 about four to five straight months while I was  
15 organizing my work group; and I would leave the person  
16 under my command in charge so that I would go elsewhere  
17 because I had to do other work elsewhere. But I could  
18 not really leave that area or the work that was being  
19 done at that given time.

20 Q At some point did you permanently leave  
21 your -- your work in the Cesar provence?

1           A       Right. By the year 2000, by the end of the  
2 year 1999.

3           THE COURT: Pardon. (Speaking in Spanish.)

4           THE WITNESS: A more precise date is that  
5 it was about eight months after, after Prodeco started  
6 making the ramps work to unload the tractor-trailers.  
7 It is worth mentioning that by 1999 I went -- I left,  
8 but the person that was left in charge of that did not  
9 really fulfill the task with carrying out the order and  
10 the working that I was performing -- the work that I  
11 was performing. And they took me again to go back and  
12 reorganize that.

13                   And my final one was by the end of 1999,  
14 beginning of the year 2000. I was sent to northern  
15 Cucuta, Santander.

16           BY MR. COLLINGSWORTH:

17           Q       Thank you.

18                   When you left the area in late '99, 2000,  
19 was Omega still operating in the area around the  
20 Drummond mine?

21           A       Omega would never operate in the

1 surrounding areas of the Drummond mine because his  
2 hierarchical position within the AUC --

3 THE COURT: (Speaking in Spanish.)

4 THE WITNESS: -- because Omega had a status  
5 of command within the AUC's block. He did not have the  
6 power to handle surveillance perimeters within the mine  
7 or its surrounding areas because that work was  
8 delegated to Commander Amaury who was the military  
9 commander of the bloc. Those that worked around the  
10 Drummond mine, they were a/k/a Tolemaida --

11 BY MR. COLLINGSWORTH:

12 Q Let me ask that question so that the record  
13 is clear.

14 MR. WELLS: Just if we can interpose one  
15 request that the Interpreter's ability to interchange  
16 between the judge and Mr. Duarte, that is not  
17 translated and I don't think it's caught on the record.  
18 I would request that any time the judge speaks that  
19 it's translated so that it can be --

20 MR. DAVIS: Move to strike as  
21 nonresponsive.

1                   THE INTERPRETER: Interpreter will take  
2 note of that.

3                   BY MR. COLLINGSWORTH:

4           Q        When you left the area in late '99, 2000,  
5 can you describe the AUC's structure in terms of who  
6 was in charge and who were commanders in that area  
7 around Drummond?

8           A        Always until its demobilization and after  
9 being -- resorting to the Peace and Justice law, the  
10 Northern Bloc of the AUC was organized in the following  
11 fashion. The maximum commander was Jorge 40, followed  
12 by the second in command of the bloc, military  
13 Commander a/k/a Amaury, followed by financial and  
14 political Commander Omega whose work would fall into  
15 the political arena, who would delegate the political  
16 work to Commander a/k/a Canoso.

17                   There were the zone commanders that were in  
18 command of who were under the command of Commander  
19 Amaury. These were Commander Tolemaida, who had the  
20 area -- was in charge of the area of the entrance of  
21 the Corregimiento in Cesar, the township of Cesar,

1 Sabana de los Novillos, La Jagua de Ibirico,  
2 Rinconhondo, La Pailmita, Arenas Blancas, Chiriguana,  
3 crossing of Chiriguana, Curumani, San Roque, La Loma,  
4 La Loma del Balsamo, and Calenturitas.

5           And then would come Commander Jhon, who was  
6 in command of the zone of Cuatro Vientos, El Paso,  
7 Bosconia, Pueblo Nuevo, Cuatro Esquinas, San Angel,  
8 Copey, up to Aracataca, because from the toll from  
9 Aracataca which is called Tucurinca, from then on that  
10 was of Commander Tijeras.

11           Each and every one of them had to report  
12 all the military work -- when I say military work, the  
13 tasks that I'm referring to, the incursions to towns,  
14 massacres, killings, deployments -- the displacements,  
15 displacements, disappearances.

16           And in my case, that of Libardo Duarte,  
17 since I was already with the finance group, the one I  
18 had to report, so reports to, was Commander Omega.

19           Since that already within the structures of  
20 the AUC and the staff, each commander is responsible  
21 for the position they represent and no commander can

1 interfere with the work of any other commander unless  
2 he is ordered by the commander in chief of the bloc in  
3 its totality.

4 BY MR. COLLINGSWORTH:

5 Q Now, did Omega, himself, ever describe to  
6 you the financial relationship that he made with  
7 Drummond?

8 A On several occasions he told me that it was  
9 between 400 or \$500,000 a month. But as I have -- as I  
10 have said in previous occasions here, I cannot tell you  
11 precisely that amount since the finances that I was in  
12 charge ordered by Omega had nothing to do with the  
13 payment of Drummond to the organization.

14 Given my services rendered to Drummond,  
15 Drummond would pay for services rendered, which I  
16 clearly define it was not mandatory because when  
17 Alfredo Araujo was going to drink, go drinking, he had  
18 a lot of trust in us, a lot of joy, and a lot of  
19 sharing, just normal among all of us.

20 Q Thank you.

21 Is -- is Omega -- is Omega still alive?



1           A       No.

2           Q       What happened to Omega?

3           A       Omega was killed after we were demobilized.

4           THE COURT: (Speaking in Spanish.)

5           THE WITNESS: Yes, Your Honor, when we were  
6 demobilized.

7           THE COURT: That was in 2006/2007. You  
8 said he was killed, yes?

9           THE WITNESS: No, it was in 2006 because I  
10 was already in jail. I was already under the Justice  
11 and Peace process.

12          THE INTERPRETER: And the Witness had  
13 mentioned before Sante Fe de Ralito.

14          THE WITNESS: The order was given to kill  
15 Omega since he and I were going to start, together with  
16 attorney Eduardo Pizarro -- that at that time he was  
17 working as the director for the national compensation  
18 regarding the armed conflict. And we were going to  
19 start handing out the lists of all of the companies,  
20 cattle growers, farm owners, landowners of the  
21 Colombian northern region including the Department of

1 El Cesar.

2 MR. DAVIS: Move to strike.

3 BY MR. COLLINGSWORTH:

4 Q What -- what did that process of handing  
5 over the names have to do with the murder of Omega?

6 THE WITNESS: That is exactly where I would  
7 like Your Honor to allow me to explain a little bit  
8 more in detail what happened with that. What happens  
9 is that while we're in that commitment --

10 MR. DAVIS: Objection.

11 THE WITNESS: -- of taking care of that  
12 Justice and Peace that has very three very clear  
13 pillars in the law --

14 BY MR. COLLINGSWORTH:

15 Q This is going to make the record unclear.  
16 So if we can first answer my question and then I'll ask  
17 another question to allow you to talk about that.

18 A Omega was killed in order not to hand over  
19 the lists of the above-mentioned people. Because he  
20 and I were the very first candidates under the Justice  
21 and Peace law that we began with handing over all of

1 those lists to Colombian justice of foreign and local  
2 companies that collaborated with us financially for our  
3 own deployment throughout the Country of Colombian.

4 MR. DAVIS: Move to strike.

5 BY MR. COLLINGSWORTH:

6 Q Did you discuss this with Omega the  
7 preparing of the list?

8 A Of course. I had already been deprived of  
9 my freedom, given the order of Justice and Peace and  
10 under the order of the prosecutor's office. And since  
11 Omega had authorization of the national government,  
12 presiding NGO of demobilized individuals, we were  
13 holding the hands of justice to begin with the Justice  
14 and Peace, with its pillars, true justice and  
15 compensation.

16 MR. COLLINGSWORTH: I'm told that we're  
17 about to run out of the tape here. So we're going to  
18 have to take a break. And this would be a good time to  
19 ask Your Honor what your plans are for a lunch break or  
20 whatever you want to do.

21 THE COURT: What time do you have?

1 THE CLERK: 12:20.

2 THE COURT: At 1:00 we can take the lunch  
3 break. How long does it take to change the tape?

4 THE VIDEOGRAPHER: Five minutes. Going off  
5 the record at 12:21.

6 (Proceedings recessed at 12:21 p.m.)

7 (Proceedings resumed at 12:31 p.m.)

8 THE VIDEOGRAPHER: We are back on the  
9 record at 12:31 on tape two

10 MR. COLLINGSWORTH: Thank you, Your Honor.

11 BY MR. COLLINGSWORTH:

12 Q Do you know who gave the order to kill  
13 Omega?

14 A No, no. You cannot tell precisely because  
15 there were many cases, joint cases, and many people can  
16 be harmed by that. So much so that I cannot tell you  
17 precisely if it was Drummond or if it was Paco Perez or  
18 Mr. Ramos or -- that cannot be told precisely.

19 Q Did you ever personally enter the mine area  
20 of Drummond?

21 A At any time I will go in, in the morning,

1 at night, in the late night hours.

2 Q Now, we're only talking about the mine.  
3 Just focus on the mine for now. Not the port. We're  
4 talking about the mine.

5 A No problem.

6 Q Describe how you entered the mine.

7 A Okay. Let's see. At that time, Your  
8 Honor -- at that time, Your Honor, I want to talk to  
9 you, Your Honor, about 14 years ago about the structure  
10 of the mine because I saw it on television sometime ago  
11 and it's 100 percent different from when it was at that  
12 time.

13 At that time --

14 THE COURT: When you would go in --

15 BY MR. COLLINGSWORTH:

16 Q At that time, we're talking about 1998/'99,  
17 in that time frame; is that correct?

18 A Yes. But I just wanted to clarify, that  
19 from then on that has changed a lot.

20 Q That's clear. So, please, go on with your  
21 description of how the mine was set up in 1998 and

1 1999.

2           A           The door was -- the mine was located at --  
3 going from south to north, north on the right-hand  
4 side, and from north to south to the left you go  
5 through a Corregimiento. When you go from north to  
6 south you go through that Corregimiento that is called  
7 La Loma del Balsamo. When you just go after that town,  
8 just a little bit after the town, by car, maximum five,  
9 six minutes. It would be too much to say ten minutes,  
10 for instance.

11                    You get into the right-hand side --

12                    THE INTERPRETER: I'm sorry, I'm a lefty.  
13 That's why. You go into the left -- I apologize, the  
14 Interpreter corrects herself.

15                    THE WITNESS: Go to the left. We're coming  
16 from north to south. We're going from Santa Marta  
17 towards the mine. The door to the entrance of the mine  
18 is located at, from the main road, more or less 15,  
19 20 meters, if that much.

20                    It was a fence, more or less of this  
21 height. This height, more or less, a meter and a

1 half, 2 meters. Beside that fence, when I'm going  
2 to the mine, placing myself exactly in front of that  
3 door of the mine, to the right-hand side there is a  
4 booth, very little, where there is a guard with a  
5 brown colored uniform like a light brown color with  
6 distinctive markings of dark brown.

7 He opens the door for you. When you go  
8 through the door, right there diagonally there was a  
9 white container, a container of white color, very,  
10 very large.

11 Beside -- behind that container -- we're  
12 talking everything right inside after you enter the  
13 mine. Behind that container the silo was built.  
14 When they would come in with their train and its  
15 wagons and they would load the trucks at bulk. The  
16 coal comes to this large silo. It's a very wide  
17 transporter belt that transports the coal, throws it  
18 into that silo and then that silo loads the coal  
19 into the train.

20 We shall mention also that at that time  
21 as well we would also load their tractor-trailers.

1 Following that entrance, taking into account that  
2 container that we have to the right-hand side, all  
3 the way down, the road that goes all the way down to  
4 the end, to the left-hand side we had the mine as  
5 such where the tractor-trailer would move all the  
6 way down there to be able to load the coal. And  
7 they were loaded with some payloaders that were very  
8 large by three or four, just instances, they would  
9 load the truck.

10 At the entrance when you had the mine to  
11 the left, and if you go to the right you will find a  
12 lot of other containers that are all the way to the  
13 end. That's where you find the weighing station.  
14 You would weigh the tractor-trailers when they were  
15 being loaded with coal.

16 Aside from that, further to the right,  
17 more going over there, we had like a collecting  
18 station or a gathering station where we had those  
19 tractor-trailers that work within the mine.

20 THE INTERPRETER: I need to inquire with  
21 the Witness.



1           THE WITNESS: The guapos are like some  
2 machinery pieces which wheels are this high, my height.  
3 Those are also like would seem, according to  
4 Interpreter, like some payloaders.

5           We also have the shops. If the case may  
6 be and you need to fix or do something with a piece  
7 of machinery, you can do it there at those shops.

8           In the middle of those things that I  
9 mentioned we have the casino or dining hall. That's  
10 where we feed the workers.

11           At that time almost all of the  
12 containers were white in color and the windows were  
13 tinted with polarized film.

14           We shall also mention that we're talking  
15 about the time when they made -- that's when  
16 Drummond constructed the overpass that goes  
17 through -- that's the overpass that was built so the  
18 train from Drummond goes to the road and from the  
19 road goes to that other railroad line that was  
20 already constructed going through the mountain.

21           That's more or less what it is.

1 BY MR. COLLINGSWORTH:

2 Q Thank you.

3 Now, you mentioned the casino that Jaime  
4 Blanco had. Did you ever go inside of that casino?

5 A No. The casino was not Jaime Blanco's.  
6 When I was there Jaime Blanco was not yet working for  
7 Drummond when at the time he was in charge of feeding  
8 people.

9 He was in the process with Alfredo Araujo  
10 for him to be awarded the contract as such. We would  
11 meet with him because he was a friend of ours from  
12 Valledupar. That was a very normal thing.

13 THE COURT: It was with Jaime Blanco?

14 THE WITNESS: Yes, we were with Mr. Jaime  
15 Blanco.

16 BY MR. COLLINGSWORTH:

17 Q Did you ever meet with Jaime Blanco and  
18 Alfredo Araujo at the same time?

19 A As I said before, in those two, three  
20 parties that we had at Maria Angola. But aside from  
21 that, with Jaime Blanco, yes, we had a lot of meetings

1 on several occasions. We had meeting in Santa Marta or  
2 in Valledupar because, as I've already said, Jaime  
3 Blanco was a friend of ours. He was a close friend.

4 Q And by ours what do you mean?

5 A That is a very kind person which he likes  
6 to have friends like us and people that are above the  
7 law, that belong to organizations above the law, and  
8 for him to be able to take advantage of that friendship  
9 and to have access to many things in a violent manner.

10 Q But when you say us and we are you  
11 referring to the AUC or your organization?

12 A Yes, of course, of course.

13 Q Did Jaime Blanco ever give you money?

14 A All the time. When I was thereabout, when  
15 I would see him, he had a truck, a Toyota, a Bubble  
16 Toyota, red. Many times I would meet him there on the  
17 road with important business people from the region.

18 Since Jaime Blanco enjoys very high status  
19 within the hierarchy of society of Valledupar itself,  
20 when I would find him on the road I would stop him  
21 there with my truck.

1           I would tell him, give me something for  
2 sodas, I'm thirsty. He would give me a million, two  
3 million just depending on what he had in his pocket  
4 because he already -- he was already agreeing with  
5 Omega directly the payments to the AUC.

6           Q       Did you ever visit Jaime Blanco's office in  
7 Valledupar?

8           A       No, no. I mean, they wouldn't let me go  
9 into the City of Valledupar. They wouldn't let me go  
10 much. I would go there, party, and come back.

11          Q       Okay. You mentioned that -- when I first  
12 asked the question -- that you went to the Drummond  
13 mine many times.

14          A       Of course.

15          Q       What were the reasons why you would go to  
16 the Drummond mine?

17          A       First of all, we had free entrance to the  
18 mine because not even at the time, the Army was there  
19 in the mine they wouldn't even stop us for anything  
20 because the soldiers knew who we were. I would go in  
21 there very sporadically. Sometimes I would go and have

1 lunch there to eat. Maybe I would be -- maybe if I  
2 would be without any gas I would go there and fill my  
3 tank. The filling stations of fuel where other white  
4 helo trucks would go there and fill their trucks.  
5 Those trucks like in the back --

6 (Lights have gone out.)

7 (Recessed at 12:55 p.m. for lunch.)

8 A F T E R N O O N S E S S I O N

9 (Reconvened at 2:55 p.m.)

10 THE VIDEOGRAPHER: We're back on the record  
11 at 2:55. This begins tape three.

12 MR. LINARES: What does it depend on,  
13 the presence of the reporter? Is it only the  
14 parties? Or whose authorization?

15 THE COURT: She's only going to be  
16 observing. She is not going to have any questions. I  
17 will then consider that, but in agreement initially  
18 every agreement for the reporter to participate, that  
19 for the reporter to be as an observer, more than  
20 anything else an observer.

21 MR. COLLINGSWORTH: Yes. No, problem.

1           MR. DAVIS: For the record, we will object  
2 to her being here.

3           THE COURT: For the record?

4           MR. DAVIS: Right.

5           THE COURT: Within the hearing then she  
6 shall not be. But if she wants to be outside and maybe  
7 ask some questions later?

8           MR. DAVIS: She has a right to do that to  
9 ask questions after the hearing, but we would object to  
10 her being present in the hearing.

11           MR. COLLINGSWORTH: But the Plaintiffs'  
12 position, this should be an opening proceeding and the  
13 press is permitted to attend court proceedings and it's  
14 up to Your Honor.

15           THE COURT: We know it to be an  
16 inconvenience for the reporter to be here present as an  
17 observer.

18           MR. TORO: I believe that this is not  
19 subject to a legal preserve and then on the other  
20 hand it's of local interest for Colombia. So I do  
21 accept and authorize the passive presence of the

1 reporter and the media at this point.

2 THE COURT: You're not going to be able to  
3 intervene then.

4 BY MR. COLLINGSWORTH:

5 Q Okay. Before the various breaks I think we  
6 were in the middle of questions and I would like to  
7 just state the question again.

8 The question that was pending was: When  
9 you visited the Drummond mine what sorts of activities  
10 did you do there?

11 A I especially, with another eight colleagues  
12 from the AUC, my work task actually was guard the road  
13 that was going from Drummond to the mine to Santa  
14 Marta. On occasions when I would go into the mine  
15 there at Santa Marta or down there at La Loma, I would  
16 go in. Like I told you before, I would go and have  
17 lunch or go and eat or maybe to get gas.

18 Q You -- you were able to get gas from the  
19 Drummond pumps at the mine?

20 A Of course. As I said before, so much so in  
21 Santa Marta as in La Loma. But I need to clarify,

1     though, that was sporadically and that is when I -- on  
2     a -- on a needed basis.

3           Q        Now, you mentioned that when you go into  
4     the mine there is a guard there at the gate. What --  
5     what did you typically tell the guard to allow you to  
6     enter the mine?

7           A        No, no, no, no. They already knew the  
8     truck and they would just open and let us in.

9           Q        Can you --

10           THE COURT: What did you answer, the  
11     Witness?

12           THE WITNESS: No, Your Honor, we would just  
13     go in normal. I mean, they wouldn't ask us anything  
14     because the guard knew our trucks.

15           BY MR. COLLINGSWORTH:

16           Q        So in your personal experience you weren't  
17     questioned when you tried to get into the gate, they  
18     just waived you through?

19           MR. DAVIS: Objection to form.

20           THE WITNESS: No, I would put my truck  
21     there. The only thing I had to do is really wait for



1       them to open the fence and that's it.

2                       BY MR. COLLINGSWORTH:

3               Q       Either while you were inside the mine area  
4       or outside the perimeter of the mine did you run into  
5       soldiers from the Popa Battalion?

6               A       Of course, of course I did. At the La Loma  
7       mine with La Popa Battalion. And then in Santa Marta  
8       with the battalion over there of the Magdalena because  
9       Santa Marta is another jurisdiction different from  
10       El Cesar.

11              Q       Can you describe geographically where the  
12       Popa Battalion's base was in relation to the Drummond  
13       mine?

14              A       No. That's Valledupar. That's very far  
15       away. More or less that from Bosconia that's like  
16       around two-and-a-half hours, from Bosconia. That's --  
17       that's far away from the mine. That's in Valledupar.

18              Q       Did you see Popa Battalion soldiers around  
19       or in the mine area?

20              A       What happens is that the district belongs  
21       to the La Popa Battalion in the Department of El Cesar.

1 Likewise, as we the AUC there is a main base and now  
2 there are other bases that are department center bases  
3 and also the governing in those bases.

4 Q Where was the nearest grouping of soldiers  
5 from the Popa Battalion in relation to the Drummond  
6 mine?

7 A Oh, no, they had a base there by the side  
8 of the mine. We always -- there was always a squadron  
9 there. A squadron, military speaking, here in Colombia  
10 is between 15 and 20 soldiers which are alternated  
11 every 15 days and that depends on the commander of the  
12 battalion.

13 Q Where was that squadron based in relation  
14 to the Drummond mine that you described?

15 A It's not a base like you would make a house  
16 made out of bricks or something like that, no. They  
17 make the base where there is equipment because that's  
18 what the Army does here.

19 For instance, they will go in a school and  
20 they will camp out in a school of a town. And in the  
21 mine they would just do it in different strategic

1 points around the mine. It just depends.

2 There are camps and there are hammocks and  
3 they would put their tents and all of that camping  
4 equipment there and that's it.

5 Q Was it inside or outside of the fence that  
6 you've described that you have to go through to get to  
7 the mine?

8 A No, no, no, no. That's inside the fence.  
9 That's inside the wiring from there on, not outside.

10 THE COURT: That means inside the mine?

11 THE WITNESS: Yes, sir.

12 BY MR. COLLINGSWORTH:

13 Q As a commander of the AUC how would you  
14 describe your relationship with the military,  
15 particularly the Popa Battalion?

16 A No. They cooperated with us. Also at the  
17 time colonels and lieutenants that were there at the  
18 time, they cooperated like now as well because of the  
19 alliance that they have with the AUC.

20 Q How would you describe that alliance?

21 A No friends and friendly and very tolerant

1 as well. We would do joint operations, military joint  
2 operations. Tolerant. And not only in the mine or  
3 El Cesar but throughout Colombia.

4 Q Did you ever physically go inside the  
5 Drummond port facility near Santa Marta?

6 A It's just that at that time there were  
7 two -- because the tractor-trailers, they would unload  
8 at Prodeco. And the train would get to -- much before  
9 Prodeco there is like one of these seesaws, a black  
10 seesaw, and that would be unloaded all the way down to  
11 the boats.

12 At that pace --

13 MR. DAVIS: Objection.

14 THE WITNESS: -- the tractor-trailers were  
15 not able to come in because that was very narrow. So  
16 they had to -- the tractor-trailers had to unload at  
17 Prodeco because of that reason.

18 BY MR. COLLINGSWORTH:

19 Q Let's focus on the --

20 MR. DAVIS: Move to strike, nonresponsive.

21 BY MR. COLLINGSWORTH:

1           Q       Let's focus on the area where the trains  
2 were unloaded. Did you ever go inside that area?

3           A       Yes, sir.

4           Q       Can you describe from the road how you got  
5 in and what you saw?

6           A       Perfectly well.

7           Q       Please do so.

8           A       You get -- you get to the crossing where  
9 you go to Magdalena and Santa Marta --

10           THE INTERPRETER: Sorry. Interpreter  
11 corrects herself. It's Magdalena. And there is  
12 another road for Barranquilla.

13           THE WITNESS: In Colombia with those  
14 bifurcations, we call them the Y. If you go to the  
15 right you go from north to south. You go through kind  
16 of a toll booth that is for the road police, that it's  
17 right there when you enter. As soon as you make that  
18 curve to the left you immediately see the ocean there.

19                    You continue more or less like from  
20 there to over there, between eight and ten minutes,  
21 by car 15 minutes. To the left there's a black

1 fence.

2           Your Honor, I want to clarify that this  
3 is during the period of '98 and '99.

4           There was a black gate. You go through  
5 it in to the left as soon as you went through the  
6 gate. They are all the way to the bottom. At night  
7 they turn on these posts with lights, a bunch of  
8 yellow lights, posts with like lamps, yellow lamps.  
9 There are also like a series of containers there.  
10 There are some that are orange and some that are  
11 white.

12           And lower, because geographically  
13 speaking this terrain is kind of flat, but then it  
14 kind of goes descending. It goes down. Down there  
15 you see that black seesaw, the black one that I told  
16 you about, slide. That's where the train stops  
17 after that slide. They transport the coal to those  
18 boats that are going to go to the ship further in.

19           To the right-hand side of the entrance,  
20 at the entrance you just make a little turn like  
21 this to the right, and there are four pumps for

1 diesel and gasoline. Colors yellow with white. And  
2 there's like a little roof, like a little house in  
3 there. I don't know if they have it there -- I  
4 don't know what they are keeping there. That's also  
5 white. That's it.

6 BY MR. COLLINGSWORTH:

7 Q Is there a guard station to get into this  
8 area that you've described where the trains are  
9 loaded -- unloaded?

10 A Yes. It's the man that opens the gate, of  
11 course, but that is placed a little bit to the left of  
12 the gate.

13 But the uniform there of those guards, the  
14 color was very different from the color of the guard at  
15 the Drummond mine.

16 Q What was the difference?

17 A It was kind of greenish, kind of green.

18 Further going in through that main road to  
19 the left there's another military base there, the one  
20 that is in charge of taking -- of guarding all of those  
21 areas of Drummond, Prodeco, and Santa Marta airport.

1           Q       Did you have to show any sort of  
2       identification to get through the gates going down  
3       through this port area?

4           A       No. I -- sporadically when I could I liked  
5       to go all the way over there because so much technology  
6       and so much of that it really just seemed very  
7       interesting for us. We liked it. But that was very  
8       sporadically. That was when a guide that had a hardhat  
9       and a red shirt and a white pants, he would let us in.  
10      He had a radio.

11                   THE INTERPRETER: Jeans. I am sorry.  
12      Interpreter corrects herself. Not white pants but  
13      jeans.

14                   THE WITNESS: But we will always also go in  
15      to get gas in those pumps.

16                   BY MR. COLLINGSWORTH:

17           Q       I'm going to show you a photograph that  
18      I've marked as Exhibit 1.

19                   (Duarte Exhibit 1 was marked for purposes  
20      of identification.)

21                   MR. COLLINGSWORTH: I'd like to see if the



1 camera can pick that up.

2 BY MR. COLLINGSWORTH:

3 Q Can you identify the person in that  
4 photograph?

5 A Your Honor, I was going to ask you if you  
6 could maybe help me because I don't know. This is --  
7 this -- this is a picture that I don't know if it's  
8 recent or not. It's been many years.

9 THE COURT: Pardon, could you explain this?  
10 Do you know that number?

11 THE WITNESS: I don't know that number.

12 THE COURT: Could you, please, explain what  
13 the number consists of?

14 MR. COLLINGSWORTH: That's an internal  
15 number that stands for Drummond 20482. It's just the  
16 number of the document.

17 THE COURT: But does it refer to an  
18 individual as such that has a nickname or maybe an  
19 alias?

20 MR. COLLINGSWORTH: No. It's just a  
21 document.

1 MR. DAVIS: We object.

2 MR. COLLINGSWORTH: I object to both of you  
3 objecting here. You're speaking, Tony.

4 MR. DAVIS: We object to the discussion  
5 here.

6 THE COURT: It just means that you are  
7 supposed to focus your attention. Do you or do not  
8 recognize that picture and if you do recognize or not  
9 the individual that is depicted therein? That's it.  
10 If you know him or you don't know him.

11 THE WITNESS: That's what I wanted you to  
12 help me since this was -- since this was so long ago it  
13 just seemed to me that it was the gringo guy that was  
14 there at the Santa Marta mine. According to the  
15 position that he had, one would see he was, as we used  
16 to call him, the tough one, El Duro, E-L D-U-R-O.

17 (A discussion was held off the record.)

18 THE WITNESS: So, Your Honor, as I was  
19 telling you when I refer to that term, El Duro, he is  
20 the one that is the boss of everything. What was his  
21 name? Mike, Mike, Mike.

1 THE COURT: Is it Mike as in Mike?

2 THE WITNESS: Mike Tracy, Mike Tracy.

3 Something like that.

4 BY MR. COLLINGSWORTH:

5 Q Okay. Is the photo Mike Tracy? That's the  
6 question.

7 A That's why I'm telling you since that was  
8 so long ago and that picture I don't know if it's  
9 recent or not. But not at the time when I was there  
10 because he has very changed a lot, right? But, yes,  
11 his face features, yes, it does look like the  
12 gentleman. But since, Your Honor, that was a long time  
13 ago.

14 Q Did you know Mike Tracy?

15 A Like I said here before, on two or three  
16 occasions. We never had a relationship like -- you  
17 know, because that man, when you would see him he would  
18 be there at Prodeco or Drummond. All those workers  
19 there were not very kind of close necessarily to us.

20 Once, I don't remember the date, he was in  
21 Prodeco when Prodeco made some ramps when the

1 tractor-trailers are supposed to unload. These ramps  
2 can always -- almost go like this, horizontal. And  
3 that's where they would unload the coal that would come  
4 from the mine in La Loma to the tractor-trailers.

5 And I approached the man. We were not --  
6 we didn't have a lot of good transportation at the  
7 time. We were short of trucks. I myself told him if  
8 there was a possibility for them to give us as a gift,  
9 a truck.

10 Afterwards with time, I don't know if 20  
11 days later or a month later, Alfredo gave some money to  
12 Omega -- Alfredo Araujo -- for I would go to Antioquia  
13 to a friend of ours, he was also a friend of ours from  
14 the AUC, at Teleco to buy a Toyota.

15 One second. I shall clarify that. I don't  
16 know if it was Mike, you know, that said, well -- the  
17 money was given was by Alfredo. Afterwards I met him  
18 at a party --

19 MR. DAVIS: Objection, move to strike,  
20 nonresponsive.

21 THE WITNESS: -- one of those high society

1 meetings there in Santa Marta.

2 BY MR. COLLINGSWORTH:

3 Q Let me break the question down a little bit  
4 so --

5 MR. DAVIS: Move to strike the entire  
6 answer as nonresponsive. It's not directed to the  
7 question.

8 MR. COLLINGSWORTH: We're not going to have  
9 speaking objections. Just object to the form of the  
10 question. That's what we've been doing.

11 BY MR. COLLINGSWORTH:

12 Q But let me break this down. So the  
13 original question was: Did you know Mike Tracy?

14 A Yes, ma'am.

15 Q And you were telling then a story of how  
16 you got a truck. Can you explain to us how you  
17 obtained a truck after a conversation with Mike Tracy?

18 MR. DAVIS: Object to form.

19 THE WITNESS: As I said previously, after  
20 15 or 20 days that I approached the man at Prodeco,  
21 which I myself did approach him, and Alfredo Araujo and

1 Omega, for us to go and buy the pickup truck at  
2 Antioquia which was a dealer that was at the  
3 Municipality of Teleco which is a friend of mine.

4 So that's where I clarify that I cannot  
5 certify if it was Mr. Mike Tracy, the one who gave  
6 the money to buy such a car.

7 BY MR. COLLINGSWORTH:

8 Q When you approached Mike Tracy how were you  
9 dressed?

10 A No, no, no. Always at the AUC I was always  
11 in civilian clothing. Since my job was to always have  
12 a relationship with the population obviously I could  
13 not be in camouflage. When I was in Uraba at the  
14 central command, from respect to Carlos Castano, the  
15 commander, we had to be, camouflaged clothing and with  
16 our AUC armbands. But working we wouldn't do that.

17 Q At the time you approached Mike Tracy to  
18 talk about the truck what was your understanding of his  
19 position, his job?

20 A No, no. As I said, with him there was a  
21 man, thin, on the thin side, black hair, had a mole

1 here, who is the one who when I would speak to him he  
2 would speak to Mr. Mike.

3 I got to know that he was the boss,  
4 El Duro, because in the middle of our curious nature of  
5 seeing how those ramps unload onto the tractor-trailers  
6 I started, you know, to take pictures and like the man  
7 saw us and he had us take -- our camera got taken away.

8 I suppose that it was El Duro because we  
9 would go in and he wouldn't tell us anything, but that  
10 man did say something.

11 MR. DAVIS: Objection, move to strike as  
12 nonresponsive.

13 THE WITNESS: I remember that they were  
14 like in one of those golf carts, a little golf cart,  
15 white golf cart. So it was funny to us. And then we  
16 left. And then 15 days later, 20 days later they gave  
17 us to be able to purchase the pickup truck.

18 BY MR. COLLINGSWORTH:

19 Q Let me ask a question. After that meeting  
20 that you're describing did you ever socialize with or  
21 attend a function where Mike Tracy was also present?

1           A        As I said, that in the beginning I didn't  
2       have a relationship with the man like that. One time  
3       at the Golden Mendihuaca Caribbean Resort, these are  
4       some condominiums that are around when you leave Santa  
5       Marta to go towards Riohacha, there was like a social  
6       function. It was like a type of a gathering with the  
7       high society of Santa Marta.

8                    The Genecos were there, Colonel Mune,  
9       Mauricio Sanabria. It was also the manager of a  
10      transporter San Cespolo, Alfonso Escobar, and many  
11      other important people from there, from Magdalena, from  
12      Santa Marta, El Cesar, and the man was there.

13           Q        Which man, be clear?

14           A        Mr. Mike, Mike. I'm showing you the  
15      picture because that's where he's at.

16                    He was there, but he never invited us or we  
17      never invited him, not at all. He was there Omega and  
18      Commander Jorge 40 was there because for no one it is a  
19      secret that -- that Commander Jorge Cuarenta used to  
20      frequent all of the very, very best clubs of the entire  
21      coast.



1                   MR. DAVIS:  Objection, move to strike,  
2 nonresponsive.

3                   BY MR. COLLINGSWORTH:

4                   Q        So you've described the scene and Mr. Tracy  
5 was there and named all of these other people who were  
6 there.  Yes or no?

7                   A        Yes, of course.

8                   Q        Did you see Mike Tracy speak to Jorge 40 or  
9 Omega or did he speak to you?

10                  MR. DAVIS:  Objection to form.

11                  THE WITNESS:  That's where I want to bring  
12 about the fact that all of those people that I  
13 mentioned except the gringo Mike at this very moment  
14 here in Colombia have been detained because of some  
15 collaboration, actually collaboration between --  
16 conspiracy of paramilitary groups and their workings.

17                  MR. DAVIS:  Objection, strike,  
18 nonresponsive.

19                  BY MR. COLLINGSWORTH:

20                  Q        Did you see Mike Tracy speak to any of  
21 these paramilitary people?

1 MR. DAVIS: Object to form.

2 THE WITNESS: They were there in a social  
3 gathering just sharing amongst each other. But, once  
4 again, at that time those people where a part of the  
5 most important social strata of the El Cesar Department  
6 and Santa Marta. It was found out later on that they  
7 were associated with us, that is, the AUC --

8 MR. DAVIS: Objection, strike.

9 THE WITNESS: -- after -- after we started  
10 giving our free version at -- in the Justice and Peace  
11 process.

12 MR. DAVIS: Object, strike.

13 THE INTERPRETER: From the year 2006 on.

14 MR. DAVIS: I am sorry, the last part?

15 THE INTERPRETER: From the year 2006 on.

16 BY MR. COLLINGSWORTH:

17 Q You mentioned earlier this morning that you  
18 and Omega were working with Eduardo Pizarro to put  
19 together a list of companies that you were aware were  
20 cooperating with the AUC. Did you ever produce such a  
21 list?

1           A       Exactly, I have already handed it over to  
2 the -- the Supreme Court and the -- the prosecutor's --  
3 general prosecutor's office.

4           Q       Do you recall the name of any particular  
5 person who has this list?

6           A       Of course the parties can request that to  
7 the national directorate of Justice and Peace.

8           Q       Go ahead.

9           A       Where starting from December 15th of 2008  
10 we started giving our free versions before the  
11 prosecutor's -- the State's prosecutors. Precisely  
12 that would be -- that would be precisely on the  
13 statement given in 2008, that would be December 15th,  
14 16th, and 18th of 2008. Those statements were given  
15 before the Justice and Peace prosecutor.

16                   It would be Counsel Alberto Chavarro in the  
17 City of -- Alberto -- Alberto -- Alberto Chavarro --  
18 Albeiro, Albeiro Chavarro in the City of Medellin.  
19 That can be requested to the lady director of Peace and  
20 Justice here in Bogota. That would be Attorney Alba  
21 Beatriz.

1 Q Thank you.

2 A Elba, Elba Beatriz, Elba Beatriz.

3 Q Did you put Drummond's name on this list?

4 MR. DAVIS: Object to form.

5 THE WITNESS: In different statements given  
6 by myself and my colleagues of the AUC of the aid given  
7 by Drummond to the AUC.

8 BY MR. COLLINGSWORTH:

9 Q Did -- what was the first time that you  
10 remember mentioning Drummond in any testimony or in any  
11 statement as one of the companies that supported the  
12 AUC?

13 A That would be in -- on the statements of  
14 dates that I already provided of December 15th, 16th,  
15 17th, 18th of 2008. The last one was when we had to go  
16 before Prosecutor Rosy Casallas here in Bogota. Was  
17 that last year? It was around this time last year.

18 Q And did you ever grant an interview to a  
19 Reporter Gonzalo Guillen and in that context speak  
20 about Drummond?

21 A Gonzalo Guillen --

1 MR. DAVIS: Object to form.

2 THE WITNESS: -- that would be the New  
3 Harold of Miami.

4 BY MR. COLLINGSWORTH:

5 Q When did you give this interview to  
6 Mr. Guillen?

7 A Well, it's not that we grant interviews to  
8 them. What happens is that the free statements, we  
9 were before the Peace and Justice tribunal, before the  
10 Supreme Court of Justice, before the prosecutor's --  
11 general prosecutor's office, and the media has full  
12 access to all of that.

13 Q Did you ever meet with this reporter  
14 Guillen face to face?

15 A Of course, with Arnulfo Mendez of Noticias  
16 Uno and the lady journalist from El Universal from  
17 Mexico.

18 Q Did you mention Drummond in this discussion  
19 with the reporters?

20 A Let's say -- say that it was not only  
21 Drummond. In these interviews we would talk about the

1 alliance at the national level, of the low -- of an  
2 order of public forces about the individuals, companies  
3 that helped us to -- in a very satisfactory manner --  
4 to the AUC of Colombia.

5 Q And did you include Drummond in that  
6 discussion?

7 MR. DAVIS: Object to form.

8 THE WITNESS: Of course, of course, in all  
9 of them I mentioned Drummond, Chiquita brand, Dole,  
10 Prodeco, El Cerrejon, Pacific Rubiales, and many other  
11 companies. They -- domestic or foreign.

12 BY MR. COLLINGSWORTH:

13 Q Do you remember when was the first time you  
14 met me?

15 A It was last year.

16 Q 2011?

17 A It was through the National Compensation  
18 Commission. That through Peace and Justice copies  
19 [sic] of us were requested to tell you about the  
20 relationship of Drummond, which is the only thing the  
21 two of us have talked about. And up to today the times

1 we've met have been three times including today. And  
2 the same with Attorney Lorraine.

3 (Witness confers with counsel.)

4 And always before the presence of my  
5 attorney. And whenever my attorney has not been  
6 present he has always sent Attorney Luz Dari,  
7 representative from his law firm to also be  
8 represented. The meetings have been held with the  
9 previous authorization of myself and the directors of  
10 the jail where I am currently confined.

11 Q After you spoke to Gonzalo Guillen about  
12 Drummond did you experience any threats against your  
13 life?

14 A Well, I have been a victim of many things.  
15 I have become a victim of many things, many things that  
16 I cannot say or say with precision that these threats  
17 come from Drummond since I am a witness of many cases  
18 that had -- that had very high connotation in this  
19 country. Have been well known in this country. Such  
20 as being a witness, main witness for parapolitics and  
21 dismantling of outlaw groups.

1           But there has been something that is very  
2 serious from the department, that by the end of last  
3 year, around November of last year, a man by the name  
4 of Jose Fernando Neira --

5           Can I get my appointment book?

6           MR. DAVIS: We're going to object to that.

7           THE WITNESS: -- of the law firm that that  
8 attorney represents.

9           THE COURT: Can you admit it to just --  
10 (speaking Spanish).

11          THE WITNESS: The thing is it's in English  
12 and I don't know English.

13          MR. TORO: I would like to say that  
14 according to Colombian law the Witness can consult  
15 documents to check on dates and names, exact dates  
16 and names.

17          MR. DAVIS: Wait --

18          THE COURT: He is only authorized to check  
19 the name.

20          MR. DAVIS: We object to his looking at  
21 anything in writing.



1           THE WITNESS: There are no pictures or  
2 anything. I just need to look.

3           THE COURT: You remember the name?

4           THE WITNESS: The name of the individual I  
5 know it fully. The name of Jose Fernando Neira, who,  
6 in a suspicious manner, say alleging that he was part  
7 of the two attorneys of Drummond, he sent on different  
8 occasions the petitions or requests to the, at that  
9 time, director of La Picota jail. At that time he was  
10 Retired Colonel Alvaro Valencia Isaza.

11           In a very suspicious manner this man,  
12 Fernando Neira, Your Honor, he requested to the  
13 director of the jail personal information on myself  
14 and my family. When he did not get an answer to  
15 that, this man, then he presented a complaint about  
16 Mr. Valencia from the jail by saying that the man  
17 was not -- he was not answering our request, a right  
18 to this request.

19           On the last letter that this man Jose  
20 Fernando Neira sent to the jail the director of the  
21 jail himself took me to the director's office to ask

1 me whether this man was my attorney.

2 At the time then when I found out about  
3 that, the name was Jose Fernando Neira, the one that  
4 was signing that letter, I got in touch with my  
5 attorney and my attorney immediately came to the  
6 jail and wrote down the name of the man, Your Honor.  
7 And we were able to answer through the way of the  
8 page, of the Superior Court page.

9 And this institution is the institution  
10 in Colombia that is like the bar association that  
11 includes all the names of all of the attorneys  
12 practicing in Colombia. That -- and we found out  
13 that the man was not at any time an attorney.

14 Immediately I took legal action. I  
15 filed a suit in jail through the judicial police and  
16 through the media, through Noticias Uno, through  
17 journalist Arnulfo Mendez, saying that if anything  
18 happened to me or any member of my family I was  
19 going to make directly responsible of that  
20 Mr. Fernando Neira and Drummond because supposedly  
21 this man is part of the group of Drummond attorneys.

1                   Besides that --

2                   BY MR. COLLINGSWORTH:

3           Q       Let's stop there.

4                   MR. DAVIS: We move to exclude all of that  
5 as nonresponsive.

6                   BY MR. COLLINGSWORTH:

7           Q       Why -- how did you conclude that this man  
8 was claiming to be a part of the Drummond lawyers'  
9 team?

10                   MR. DAVIS: Object to the form.

11                   THE WITNESS: Because in the letter that  
12 the attorneys can have access to it if they wish to  
13 they can ask for that to Dragoneante Fajardo -- they  
14 can ask for that to Dragoneante Fajardo, head of the  
15 internal investigation office of the La Picota jail  
16 here in Bogota.

17                   BY MR. COLLINGSWORTH:

18           Q       What -- but what about this letter caused  
19 you to think that Drummond's -- that he claimed to be  
20 part of Drummond's legal team?

21                   MR. DAVIS: Objection, form.

1           THE WITNESS: It says so explicitly in the  
2 letter. Unfortunately, it has the name written there,  
3 but since they don't allow us to bring that here -- and  
4 I also wrote down the telephone numbers of the man's  
5 office.

6           BY MR. COLLINGSWORTH:

7           Q       Do you know a lawyer name Bocanegra?

8           A       Yes, sir.

9           Q       Has he visited you recently?

10          A       To me directly, no, but another colleague  
11 he has.

12          Q       What other colleague did he visit?

13          A       Well, what happens is that Attorney  
14 Bocanegra is an attorney of the AUC in the Justice and  
15 Peace process. What happens is that the AUC commanders  
16 that have been deprived of their freedom, they have for  
17 us a group of attorneys to whom we can have access to  
18 if at any time we get to need them.

19                   I make a clarification, Attorney Carlos  
20 Toro is not part of that group of attorneys.

21          Q       Did you receive any message from Bocanegra?

1           A           Of course, last year he was at the Court  
2           visiting El Oso, a paramilitary commander, and Amaury.  
3           Is it last year or the year before? I cannot tell you  
4           exactly when. I cannot remember was it last year or  
5           year before.

6                        In any case he was there and he approached  
7           me saying that -- alleging that Drummond, more  
8           explicitly Alfredo Araujo and Reinaldo, the manager of  
9           the Sanchez Polo Company, saying that they were -- I  
10          was going to -- they were going to give me some money  
11          for me not to give these statements.

12                      MR. DAVIS: Objection, move to strike,  
13          nonresponsive.

14                      BY MR. COLLINGSWORTH:

15           Q           How did you -- how did you respond to this  
16          offer from Bocanegra?

17                      MR. DAVIS: Objection, form.

18                      THE WITNESS: I have not received money  
19          from anybody so far. Thank God. I also mention the  
20          threat. I have stopped briefly because the attorney --  
21          Counsel stopped me briefly.

1 BY MR. COLLINGSWORTH:

2 Q Let me ask a new question. Did you or your  
3 family receive any other threats following your  
4 testimony for your release of your declaration to me?

5 MR. DAVIS: Object, form.

6 THE WITNESS: After Mr. Fernando Neira,  
7 Mr. Bocanegra could not achieve what at that time  
8 pretended to obtain. Myself, my family, especially me,  
9 the impact has increased the level of risk inside the  
10 jail for me. At this time I have special surveillance  
11 and I am in a different cell apart from all other  
12 prisoners.

13 And my wife last year she was approached  
14 in the city where we lived before. It was a black  
15 pickup truck --

16 THE INTERPRETER: A truck?

17 THE WITNESS: It was a black truck, a  
18 truck. It was a black truck where she was -- from  
19 where she was told explicitly was the man from that  
20 truck. He was coming from the school bringing the girl  
21 back from the school. She was told that if I continued

1 with this thing, this Drummond thing, something could  
2 happen to her.

3           Again, I repeat everything. The ones  
4 that have done all of those things have been  
5 Mr. Bocanegra and the man that supposedly is part of  
6 the group of attorneys for Drummond, Jose Fernando  
7 Neira. The prosecutor's office, the protection  
8 witness program, they gathered my whole family and  
9 they took them outside of the country.

10           I immediately called Attorney Lorraine  
11 through my attorney. In that communication I told  
12 her voluntarily that until my condition improved  
13 within that security prison that I would better not  
14 continue, that I would better not be interviewed.

15           BY MR. COLLINGSWORTH:

16           Q       Did you ultimately get your family --

17           MR. DAVIS: Move to strike all of that  
18 testimony.

19           BY MR. COLLINGSWORTH:

20           Q       Did you -- did you ultimately get your  
21 family to a safer place?

1 MR. DAVIS: Object to form.

2 BY MR. COLLINGSWORTH:

3 Q Don't tell us where, just yes or no.

4 A Yes. No, no, no, I don't even know where  
5 they're at. General prosecutor's office took them  
6 away.

7 Q Thank you.

8 Let me ask you if you ever attended any  
9 public event or any event where you saw Gary Drummond?

10 A Not me. Once when we were in Santa Marta a  
11 man came. He seemed to be able to be a higher boss  
12 than Mike, but I don't know who that man was.

13 Q Was he American?

14 A Of course, he was a gringo. But there was  
15 never a point in socializing, no, no, not for any  
16 reason.

17 Q But what did you see? What was the reason  
18 why you were there?

19 A Well, it just happened that we were there  
20 by chance because it happens that a driver, trailer  
21 truck driver, he had run over a girl in San Pablo, a



1 township in Magdalena, that is, before getting to the  
2 unloading place for Prodeco. And since he has fled --  
3 he had fled from the scene, we had gotten there to  
4 catch him. When they told us about it he was already  
5 at Prodeco when that man was there.

6 Q Do you recall a time when some union  
7 leaders who represented Drummond workers were murdered?

8 THE COURT: We will have to switch the  
9 question so to not understand the question as being a  
10 leading question. He could be asked whether he knows  
11 or knows the individual, if he knows that there were  
12 people that were killed so that he can admit or not  
13 admit.

14 BY MR. COLLINGSWORTH:

15 Q Do you know of the fact that some leaders  
16 of the Drummond union were murdered?

17 A Yes, sir.

18 Q Were you given any role by the AUC to look  
19 into that incident?

20 MR. DAVIS: Object to the form.

21 THE WITNESS: That was between the years of

1 2000 and 2002 approximately that two people were  
2 killed, two individuals had had high positions within  
3 the Drummond workers union.

4 BY MR. COLLINGSWORTH:

5 Q And did you then have some role in  
6 investigating those murders?

7 MR. DAVIS: Objection, form.

8 THE WITNESS: Well, it happens that when  
9 those killings took place there was a lot of us  
10 civilian population.

11 (Witness confers with counsel.)

12 How do we say in our own - in our own  
13 jargon how would we say -- the way we say it. The  
14 civilian population they made known their  
15 disapproval, their -- of the manner these people had  
16 been killed.

17 And for that time, in that area of the  
18 Cesar, Mr. Carlos Castano, he was carrying out some  
19 work with the civilian population with Mr. Jorge  
20 Cuarenta to start some projects. These were  
21 productive projects of African palm and rubber. On

1 seeing the people's reaction he sent me from Uraba  
2 because I was not in that area any longer, for me to  
3 do an investigation.

4 BY MR. COLLINGSWORTH:

5 Q Let's stop right there one second. When  
6 you say he, who are you referring to?

7 A Commander Carlos Castano.

8 Q What did he tell you to do? What did  
9 Carlos Castano tell you to do?

10 MR. DAVIS: Object to form.

11 THE WITNESS: To go there and find out what  
12 had truly happened.

13 BY MR. COLLINGSWORTH:

14 Q Who did you speak to about this when you  
15 were conducting your investigation?

16 A Well, I met with Omega since I was coming,  
17 having direct orders from Carlos Castano to find out  
18 about that issue. So I absolutely had to ask no  
19 permission to anyone to carry out my investigation.

20 Q Who did you speak to in the course of  
21 conducting your investigation?

1 MR. DAVIS: Objection, form.

2 THE WITNESS: I arrived to La Loma del  
3 Balsamo. I talked with some people from the area  
4 because as you know I had been -- as they all knew they  
5 had already been working there. They told me about the  
6 facts, how the facts were.

7 BY MR. COLLINGSWORTH:

8 Q But who were you speaking to? Let's get  
9 some names.

10 MR. DAVIS: Objection to form.

11 THE WITNESS: The civilians. This is  
12 the -- well, this is the civilian population in  
13 general. After I spoke with the civilian population I  
14 spoke with a/k/a El Tigre. I talked with a/k/a  
15 Samario, and I even spoke with a/k/a Amaury to match  
16 the two versions to compare the two versions and then  
17 come up with a conclusion of what actually happened.

18 BY MR. COLLINGSWORTH:

19 Q Did you speak to Tolemaida? Tolemaida.

20 MR. DAVIS: Object to form.

21 THE WITNESS: Commander Tolemaida, when

1 those times took place, Commander Tolemaida was  
2 degraded in that area as a commander of that zone by  
3 orders of AUC -- AUC duty commander staff, joint staff.

4 MR. DAVIS: Move to exclude, nonresponsive.

5 BY MR. COLLINGSWORTH:

6 Q Let's just take the simple question: Did  
7 you speak to Tolemaida?

8 MR. DAVIS: Objection to form.

9 THE WITNESS: No. Because since he was the  
10 main person suspicious -- that was under suspicion of  
11 that fact, first of all, I have to find out what had  
12 happened.

13 BY MR. COLLINGSWORTH:

14 Q What did you find out in the course of your  
15 investigation?

16 A That these two gentlemen from the union,  
17 when they were fighting really actively against  
18 Drummond where they were when they were demanding  
19 better wages, to have wage increases, to have better  
20 treatment, and there was a problem with the food -- it  
21 is worth mentioning that Jaime Blanco, already among us

1 from the AUC, his a/k/a was Fosforito, match, because  
2 of the matchstick, because of his hair.

3 Further on, if I refer to Fosforito, I am  
4 specifically referring to Jaime Blanco because, Your  
5 Honor, as you know that we basically did not go by  
6 names. What we use was a/k/a, aliases. So I could  
7 really bring a situation of confusion that could be  
8 even counterproductive to myself.

9 THE COURT: (Speaking in Spanish.)

10 THE WITNESS: Yes. So that from now on I  
11 can just keep on just referring to aliases.

12 And that there was a problem because of  
13 the food where Drummond had granted the contract for  
14 the provision of food of the mine workers to  
15 Mr. Jaime Blanco. I said Drummond because he worked  
16 inside the mine, but the one that helped him was  
17 Alfredo Araujo for that purpose. Also Omega and  
18 Amaury asked Alfredo Araujo cooperation for that.

19 Given all those problems, labor -- of a  
20 labor nature for Drummond these union men on many  
21 occasions they had called labor strikes, which would

1 be to stop work from such time to such time or to  
2 proceed with the Turtle Plan, make it appear that  
3 this were to be only direct Drummond workers.  
4 Because contractors such as Jaime Blanco, such as  
5 Fosforito, such as Mr. Eliseo, such as Mr. Pedro  
6 Leguas, they did not stop work or any of the like  
7 because they were contractors inside the mine. They  
8 worked inside the mine.

9 BY MR. COLLINGSWORTH:

10 Q So going back to or letting me refocus my  
11 question --

12 MR. DAVIS: Move to strike the entire  
13 answer.

14 BY MR. COLLINGSWORTH:

15 Q -- who did you conclude was responsible for  
16 the murders of the union leaders?

17 MR. DAVIS: Object to form.

18 THE WITNESS: Tolemaida, who was the one  
19 that gave the orders to get -- to get the -- he was the  
20 one that gave the orders to get the men off the bus to  
21 subsequently kill them.

1 BY MR. COLLINGSWORTH:

2 Q Did you reach a conclusion about why  
3 Tolemaida decided to kill the union leaders?

4 MR. DAVIS: Object to form.

5 THE WITNESS: Because Mr. Jaime Blanco,  
6 together with Mr. Alfredo Araujo, they were displeased,  
7 they were mad because of all of the losses that they  
8 had been experiencing because of all the strikes.  
9 Because it's no secret to anyone that a ship that  
10 arrives to be loaded with coal comes for a period of  
11 10, 15 days and after when -- after those days, every  
12 day after that it means -- is worth many dollars. And  
13 so the company is the one that then loses.

14 And Jaime Blanco would lose on the  
15 feeding issue. And in addition to that the  
16 contractors that have the tractor-trailers take it,  
17 extracting it, the coal from inside the shaft of the  
18 mine, they are also affected financially because of  
19 that because there would be nothing for them to do.  
20 They cannot make money either.

21 Besides that, the owners of the



1 tractor-trailers that transport the coal, they were  
2 also affected by that stop because of the  
3 tractor-trailers, they would take about 17 to 19  
4 hours to load inside the mine to then go on and  
5 unload it in Santa Marta.

6 In addition to that, the Sanchez Polo  
7 Company, the manager of it is Mr. Reinaldo -- your  
8 Honor, at that time, that is -- it was also damaging  
9 for them because if the tractor-trailers were not  
10 loaded with coal they had nothing to collect.

11 MR. DAVIS: Objection, move to strike.

12 BY MR. COLLINGSWORTH:

13 Q Did you go back to Carlos Castano and  
14 report this finding that you just described to us that  
15 was the result of your investigation?

16 MR. DAVIS: Object, form.

17 THE WITNESS: Indeed so. For that reason  
18 Commander Tolemaida was relegated from -- relieved from  
19 his zone and sent to a different one.

20 BY MR. COLLINGSWORTH:

21 Q What is your understanding of what

1 Tolemaida did that was wrong that caused Carlos Castano  
2 to demote him?

3 MR. DAVIS: Object to form.

4 THE WITNESS: To kill those two union  
5 members. And then under the orders of Jorge 40 and  
6 Amaury or Omega because due to that, the productive  
7 projects that they had in mind to carry out with the  
8 civilian population were truncated.

9 BY MR. COLLINGSWORTH: There might be a  
10 translation correction that he said -- according to  
11 Lorraine, he said that Tolemaida did it without the  
12 prior authorization; is that correct?

13 THE INTERPRETER: Without the prior?

14 MR. COLLINGSWORTH: Authorization of  
15 Jorge 40 or --

16 THE WITNESS: From Jorge 40 established in  
17 my investigation.

18 THE INTERPRETER: Correct. The interpreter  
19 stands corrected.

20 BY MR. COLLINGSWORTH:

21 Q Did you mention Alfredo Araujo's name in

1 your report to Carlos Castano?

2 MR. DAVIS: Object to form.

3 THE WITNESS: Commander Carlos Castano knew  
4 every single move of the AUC, names, places.

5 BY MR. COLLINGSWORTH:

6 Q Yes. But when you went back to him to  
7 report on your investigation did you mention the name  
8 Alfredo Araujo?

9 MR. DAVIS: Object to form.

10 THE WITNESS: Of course. I made the  
11 reports in writing. Alfredo Araujo was mentioned,  
12 Fosforito was mentioned, Pedro Leguas was also  
13 mentioned, Eliseo, that possibly they were the ones  
14 that they -- that they paid Tolemaida, gave money to  
15 Tolemaida, they led Tolemaida, they provided money to  
16 Tolemaida to commit those crimes.

17 Can we have a recess?

18 MR. DAVIS: We're going off the record at  
19 4:25.

20 (Proceedings recessed at 4:25 p.m.)

21 (Proceedings resumed at 4:30 p.m.)

1                   THE VIDEOGRAPHER: We are back on the  
2 record at 4:30. This begins tape four.

3                   BY MR. COLLINGSWORTH:

4           Q       Mr. Duarte, I just have a few more  
5 questions. Thank you for your patience today.

6           A       That's what we're here for.

7           Q       You said that you submitted a written  
8 report to Carlos Castano about your investigation of  
9 the murder of the Drummond union leaders; is that  
10 correct?

11          A       Yes, sir.

12          Q       Do you know where that report is?

13          A       All those reports -- when Mr. Carlos,  
14 Commander Carlos was killed, all that is recorded in  
15 USBs, that unfortunately we -- because of security  
16 reasons they have been getting extracted or getting --  
17 how would you say that -- slowly taking it out since  
18 all of them are right now in certain zones that at the  
19 present are full of guerillas.

20                   THE INTERPRETER: And Interpreter needs to  
21 inquire.

1 THE WITNESS: And criminal groups.

2 BY MR. COLLINGSWORTH:

3 Q Can you identify any name that you provided  
4 in the report that you gave to Carlos Castano about who  
5 was responsible for the Drummond murders, the murder of  
6 the Drummond union leaders, any name that you  
7 identified that you concluded had paid Tolemaida?

8 MR. DAVIS: Object to form.

9 THE WITNESS: What do you mean? I don't  
10 understand you.

11 BY MR. COLLINGSWORTH:

12 Q Please identify any names that were in your  
13 report as people you thought had paid Tolemaida or  
14 encouraged Tolemaida to murder the union leaders.

15 MR. DAVIS: Object to form.

16 THE WITNESS: Of course, as I told you  
17 previously, I mentioned them. He was Fosforito, and  
18 Alfredo Araujo, Pedro Leguas, this other man that I  
19 already forgot about him, Mr. Eliseo.

20 BY MR. COLLINGSWORTH:

21 Q When you said you --

1           A           And Reinaldo, the one from Sanchez Polo.

2           Q           When you interviewed the civil community,  
3 who were you referring to there when you were doing  
4 your investigation?

5           A           Within the agencies there were people, in  
6 my case that we had to socialize with people to calm  
7 down the people, to calm the waters down when certain  
8 things would happen that one way or another would not  
9 allow for peace to be around the people that were  
10 living there.

11                   MR. COLLINGSWORTH: Thank you. I have no  
12 further questions.

13                   THE WITNESS: Now we go the other ones.

14                   MR. DAVIS: May it please the Court --

15                   THE COURT: As the examining attorney you  
16 have concluded your examination? You don't have any  
17 more questions?

18                   MR. COLLINGSWORTH: Well, no, Your Honor.  
19 But in our procedure after Drummond has its opportunity  
20 I would get a brief opportunity to reexamine, but I  
21 have concluded my primary questions.

1           THE COURT: So you're going to concede the  
2 word to Mr. Davis?

3           MR. COLLINGSWORTH: Yes.

4           MR. DAVIS: May it please the Court, we  
5 would -- we would ask that the Court adjourn today and  
6 that we resume at the new setting or the continued  
7 setting in May. We have -- we have several hours.

8           THE COURT: With no prejudice that you're  
9 going to be asking some questions right now? Without  
10 prejudice to the fact that you're going to be asking  
11 some questions right now? Or you're not going to be  
12 questioning right now?

13          MR. DAVIS: We would -- we would ask  
14 that -- that we adjourn for the day and that we resume  
15 at another setting so that we could start off --

16          THE COURT: Let's see. There is another  
17 date that we have here for the 19th for testimony. I  
18 think that the testimony is for Jaime Blanco.

19          MR. DAVIS: Right.

20          MR. COLLINGSWORTH: The 19th, yes.

21          THE WITNESS: I wanted to say something

1 else. I wanted to add something.

2 MR. COLLINGSWORTH: Sure.

3 THE COURT: It could be May the 9th.

4 MR. COLLINGSWORTH: I cannot be here May  
5 the 9th.

6 MR. DAVIS: I'm available on the 9th.

7 THE COURT: It could be before or after.  
8 Before we have no availability. It will be the 16th of  
9 May, Wednesday.

10 MR. DAVIS: Wednesday suits me.

11 MR. COLLINGSWORTH: Well, no, we are having  
12 a hard time.

13 THE COURT: You were saying that you have  
14 some statements over there in some other court?

15 MR. COLLINGSWORTH: Yes. We have another  
16 hearing.

17 THE COURT: The 16th of May?

18 THE WITNESS: I can.

19 MR. TORO: I think that he needs is for  
20 you to, please, provide a document to the judge of  
21 Justice and Peace because he has some proceedings



1 lined up for the Justice and Peace process. But  
2 since this process is really Justice and Peace the  
3 prosecutor allows me to come, but he has to have  
4 supporting documentation for that, Your Honor.

5 THE COURT: And the Plaintiffs?

6 MR. COLLINGSWORTH: We have a conflict with  
7 the 16th. Your Honor, I believe we are talking to you  
8 about May 18th for Colonel Mejia. Maybe we could  
9 finish him on the 18th and pick some other date for  
10 Colonel Mejia?

11 THE COURT: The 18th we don't have it here.  
12 It's not programmed for May 18th.

13 MS. LEETE: But do you have any  
14 availability with your agenda?

15 THE COURT: No, I don't.

16 THE WITNESS: We're all full. Definitely  
17 there's plenty of work.

18 THE COURT: May the 7th. The 7th was  
19 Colonel Mejia in accordance to your last request. The  
20 date has not been postponed. There was somebody else.  
21 Also that is the one that was for Jaime Blanco.

1 MR. COLLINGSWORTH: No, we want Jaime  
2 Blanco.

3 THE COURT: 23rd of May.

4 MR. COLLINGSWORTH: I suppose we can.

5 MR. TORO: Let me check my own agenda.

6 MR. PARR: Your Honor, what about the  
7 14th of May?

8 THE COURT: Totally booked May 14th.

9 MR. COLLINGSWORTH: 15th?

10 THE COURT: I'll tell you about the 18th.  
11 May the 30th is another date.

12 MR. COLLINGSWORTH: Is the 23rd okay?

13 MR. DAVIS: The 23rd is good.

14 THE COURT: It's on Wednesday, May the  
15 23rd.

16 MR. TORO: 23rd, no problem. No issue.  
17 No problem.

18 THE WITNESS: Thank you very much.

19 MR. COLLINGSWORTH: Your Honor, while we  
20 have your calendar out, is there a day, the 24th or  
21 25th, where we could do Colonel Mejia?

1           THE COURT: No. We have the 23rd because  
2 Colonel Mejia, we booked him for the 19th. No for the  
3 7th, but he can't. It was postponed. Colonel Mejia is  
4 scheduled for May the 7th by Dr. Lorraine and Attorney  
5 Collingsworth. They were not postponed.

6           The 10th of May?

7           MR. COLLINGSWORTH: We were told that  
8 bill -- that week is no good. Sorry.

9           THE COURT: Which week, Counsel?

10          MR. COLLINGSWORTH: Well, the week of the  
11 21st of May?

12          THE INTERPRETER: No, which one you said  
13 that it couldn't happen.

14          MR. COLLINGSWORTH: The week of May 7th.

15          THE CLERK: We will postpone it for that  
16 date because you guys requested it as such.

17          THE COURT: You have already been organized  
18 for May the 7th. It's even in here. It's for May the  
19 7th.

20          MR. COLLINGSWORTH: Well, can you speak up  
21 here?

1 MS. LEETE: (Speaking in Spanish.)

2 The 23rd of May.

3 THE COURT: If you want we can continue  
4 with this proceeding on May the 23rd. Let's book that.

5 MR. COLLINGSWORTH: Yes.

6 THE COURT: That date is possible, right?

7 MR. DAVIS: Right.

8 THE COURT: Very well. Then on this date  
9 we will continue with the statement of Mr. Libardo  
10 Duarte for the 23rd of May. How shall we do to issue  
11 for him -- for the prosecutor's office so he's  
12 authorized to come?

13 MR. TORO: I will send you a memo with  
14 specific information.

15 THE COURT: Request for that to be as soon  
16 as possible.

17 MR. TORO: I will do it and send it.

18 THE WITNESS: It's just that is for  
19 Prosecutor Guevara.

20 THE COURT: At 9:00 in the morning we shall  
21 start.

1 MS. LEETE: Is there any availability for  
2 the 25th?

3 THE INTERPRETER: The judge is putting this  
4 discussion on the record.

5 MR. COLLINGSWORTH: We can go off the  
6 record.

7 THE VIDEOGRAPHER: Going off the record at  
8 4:45.

9 (Letters Rogatory Video Hearing concluded at  
10 4:45 p.m.)

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1 District of Columbia,

2 At Large, to wit:

3 I, Steven Poulakos, a Notary Public of  
4 the District of Columbia, do hereby certify that the  
5 within-named witness personally appeared before me  
6 at the time and place herein set out, and after having  
7 been duly sworn by me, according to law, was examined  
8 by counsel.

9 I further certify that the examination was  
10 recorded stenographically by me and this transcript  
11 is a true record of the proceedings.

12 I further certify that I am not of counsel  
13 to any of the parties, nor in any way interested in  
14 the outcome of this action.

15 As witness my hand this 30th day of April,  
16 2012.

17  ———

18 Steven Poulakos,

19 Notary Public

20 My commission expires:

21 May 31, 2013

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