

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

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*Letters Rogatory Hearing - Volume II*  
*Vol. 2*  
*April 20, 2012*

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VOLUME II  
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 in the above-entitled matter, as translated by CONSUELO BURRANCA and MARIA KISIC, INTERPRETERS, was continued on Friday, April 20, 2012, commencing at 10:23 a.m., at the Seventh Civil Circuit Court of Bogota, Colombia, before the Honorable Sergio Ivan Mesa Macias and Steven Poulakos, Notary Public.

REPORTED BY: Steven Poulakos

## 1 APPEARANCES:

2

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20

21 (APPEARANCES continued on next page.)

1 APPEARANCES:

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7

8 ON BEHALF OF THE WITNESS:

9 CIELO FONSECA SIERRA, ESQUIRE

10

11

12 ALSO PRESENT: Gustavo Trujillo Cortes, Prosecutor

13 Jack Sherman, Videographer

14 Consuelo Burranca, Interpreter

15 Maria Kisic, Interpreter

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Letters Rogatory Hearing

April 20, 2012

WITNESS: JOSE DEL CARMEN GELVEZ ALVARRACIN

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

1  
2 Whereupon,

3 CONSUELO BURRANCA, INTERPRETER,

4 Was called on for the translation of the examination by  
5 counsel of Jose Del Carmen Gelvez Alvarracin, and after  
6 being duly sworn according to the law, translated the  
7 testimony as follows:

8 MARIA KISIC, INTERPRETER,

9 Was called on for the translation of the examination by  
10 counsel of Jose Del Carmen Gelvez Alvarracin, and after  
11 being duly sworn according to the law, translated the  
12 testimony as follows:

13 THE VIDEOGRAPHER: We're on the record at  
14 10:23 a.m. This begins tape one.

15 THE COURT: We shall continue then to  
16 resume the declaration of Jose Del Carmen Gelvez  
17 Albarracin, and according to Letters Rogatory filed in  
18 this Court under number 2011311, and this is in  
19 accordance to the Letters Rogatory and the requirements  
20 of the Alabama court and according to file number  
21 709-cv-1041, and we are reminding the witness, that the

1 witness remained under oath and with the exceptions and  
2 indications that were set forth in that first session.  
3 That's it.

4 And with all the formalities that we  
5 have just completed we will give the floor to the  
6 attorney of the Defendants.

7 MR. JEFFRESS: Thank you.

8 FURTHER EXAMINATION BY MR. JEFFRESS:

9 Q Mr. Gelvez, good morning.

10 A Good morning.

11 Q When we stopped last time I was asking you  
12 about your declaration, which is Plaintiffs' Exhibit~1,  
13 and I'd like to hand you that exhibit.

14 If you would look at the Spanish version.

15 A Yes.

16 Q I was asking you about paragraph 2 of that  
17 declaration and you said that you had written those  
18 words; is that correct?

19 A The second, this one?

20 Q Yes, paragraph 2.

21 A Yes. Yes, sir.

1 Q And did you write in your words this entire  
2 declaration, not just paragraph 2, but the entire  
3 declaration?

4 A Yes, sir.

5 Q In Spanish?

6 A In Spanish, yes, sir.

7 THE VIDEOGRAPHER: I'm sorry, we're off the  
8 record at on 10:06.

9 (Proceedings recessed at 10:06 a.m.)

10 (Proceedings resumed at 10:07 a.m.)

11 THE VIDEOGRAPHER: We're back on the record  
12 at 10:07.

13 BY MR. JEFFRESS:

14 Q Mr. Gelvez, I'm going to read you from the  
15 English translation of your declaration, which is the  
16 first part of Exhibit~1. The second sentence of  
17 paragraph 2 in the English translation reads as  
18 follows, quote: I am confessing to participating in  
19 various crimes including murder. Is that sentence in  
20 the Spanish version?

21 A Where is that?



1           Q       I'm asking you -- I read from the English  
2 translation. Now, I'm asking you whether what I read  
3 from the English translation is in the Spanish  
4 declaration that you signed, paragraph 2?

5           A       What he's asking me is not.

6           Q       Is it true, Mr. Gelvez, that you are  
7 confessing to participating in serious crimes including  
8 murder?

9                   MR. COLLINGSWORTH: Objection.

10                  THE WITNESS: No.

11                  THE COURT: One moment. (Speaking in  
12 Spanish to prosecutor).

13                  THE PROSECUTOR: I just wanted to  
14 mention there is a caveat that he is not to be  
15 testifying in order to self-incriminate himself.

16                  MR. COLLINGSWORTH: And I would like to put  
17 an objection on the record, please, that Mr. Gelvez has  
18 testified that he wrote his declaration in Spanish and  
19 if there is an error in the English translation that  
20 would be the fault of the counsel for Plaintiffs and  
21 its team and not him. He should not know what's in

1 that English translation.

2 Can you translate my objection?

3 THE INTERPRETER: Yes, I will, Counsel; but  
4 she needs to -- she's typing still.

5 THE PROSECUTOR: We need to retake the  
6 administration of oath that we did when we had our  
7 first session.

8 MR. COLLINGSWORTH: Thank you.

9 MR. LINARES: (Speaking in Spanish).

10 THE COURT: During this stage of the  
11 proceeding we want to clarify that the declaration  
12 under oath that was taken from the witness was clearly  
13 indicated that only operated in the events -- in those  
14 events where the questions had no criminal  
15 implications.

16 So for his companion or wife or domestic  
17 partner or his family members up to the fourth  
18 degree of blood relations and second through other  
19 family members or first through civil status and  
20 that in such event has the constitutional right to  
21 remain silent.

1                   We shall continue with the questioning.

2                   THE WITNESS: Let the record reflect that  
3 in paragraph number 2 translated into Spanish says as  
4 follows: I make this truthful statement even though  
5 I'm aware that doing it is against my personal  
6 interest.

7                   Additionally, there is no doubt that  
8 through this declaration I'm exposing myself to  
9 great risk because I am linking very powerful people  
10 to the commission of serious crimes.

11                   These people in the context of Colombia  
12 will not hesitate to use violence and threats  
13 against me and my family in order to silence me or  
14 kill me.

15                   That's what the second paragraph says.

16                   BY MR. JEFFRESS:

17                   Q       And it's your testimony, Mr. Gelvez, that  
18 you wrote those words?

19                   A       Yes, sir.

20                   Q       Would it surprise you, Mr. Gelvez, that  
21 there are no fewer than seven other witnesses that have

1 given declarations to Mr. Collingsworth in whose  
2 declarations those exact same words appear?

3 MR. COLLINGSWORTH: Objection, no  
4 foundation.

5 THE WITNESS: I don't have to concern  
6 myself for the declarations of other people. Behaviors  
7 are individual, and this declaration I have given  
8 voluntarily with no kind of pressure, and the purpose  
9 of all this is for the country and interested parties  
10 of the American government have true knowledge of how  
11 these companies, multi-national companies, at the time  
12 in which I had knowledge about these events they should  
13 know firsthand what happened.

14 MR. JEFFRESS: I move to strike all  
15 testimony after his is not responsible -- after his  
16 answer that he is not responsible for the declarations  
17 of others.

18 BY MR. JEFFRESS:

19 Q Mr. Gelvez, in your prior testimony you  
20 described a meeting in 1996 I believe or possibly early  
21 '97 in the -- at the casino inside Drummond's mine that

1 you attended with a number of people from Prodeco and  
2 from Drummond. Do you recall that?

3 THE INTERPRETER: I'm sorry, Counsel,  
4 you're going to have to make shorter and more spaced  
5 questions because it's going to throw the  
6 interpreter off.

7 THE CLERK: Counsel, did you say with  
8 regards to Prodeco? Is that what you said to your  
9 question of --

10 MR. JEFFRESS: Attended by persons from  
11 Prodeco and Drummond.

12 BY MR. JEFFRESS:

13 Q Do you recall you're testifying about such  
14 a meeting?

15 A Yes, sir.

16 Q And that meeting occurred in what year?

17 A I don't have right now in mind the exact  
18 date.

19 Q It was no later than early 1997, correct?

20 A Yes, sir.

21 Q In paragraph 16 of your declaration --

1 would you look at paragraph 16, please?

2 A Yes, here. I have it.

3 Q All right. Now, in your declaration, Mr.  
4 Gelvez, you mentioned 12 people in addition to yourself  
5 who you say attended that meeting. Do you see that?

6 A Yes. Yes, sir.

7 Q Did you take notes at the time of this  
8 meeting of including the names of the participants?

9 A Yes, sir.

10 Q Do you still have those notes?

11 A At the time I took notes.

12 Q Do you still have those notes?

13 A No, no.

14 Q Did you have those notes at the time you  
15 prepared your declaration in November of 2011?

16 A No. The names of these people that are  
17 included therein so much so security personnel,  
18 Drummond security personnel, at Prodeco are difficult  
19 to forget.

20 Since I already mentioned previously I met  
21 and we shared with part of this personnel that attended

1 the first meetings that I mentioned previously.

2 Q So it's your testimony that you remembered  
3 the names of everyone who attended 15 years after the  
4 meeting because those names were hard to forget?

5 A Unfortunately for you, Your Honor, I suffer  
6 from Alzheimers -- I don't suffer from Alzheimers, and  
7 I have a very lucid memory and not easy can you forget  
8 things like those.

9 MR. LINARES: (Speaking in Spanish)

10 THE INTERPRETER: I apologize. Interpreter  
11 did mistranslate. Mr. Albarracin was also looking that  
12 way and interpreter failed to hear correctly what was  
13 said.

14 And what the witness said was: Easily you  
15 can forget things like that.

16 MR. LINARES: Let's clarify with the  
17 witness.

18 THE WITNESS: I said, with all due respect  
19 to Your Honor that I do not suffer from Alzheimer.

20 BY MR. JEFFRESS:

21 Q Yes, I understand that.

1           One of the people that you talk about here  
2 is Colonel Luis Carlos Rodriguez, and I want to ask you  
3 about your statement in paragraph 10. Look at  
4 paragraph 10 of your declaration.

5           Now, paragraph 10 of your declaration in  
6 the last sentence reads that many personnel from the  
7 military had close links with the AUC, in particular  
8 Manuel Gutierrez of Prodeco and Luis Carlos Rodriguez  
9 of Drummond.

10          A       Yes, sir.

11          Q       So were you well acquainted with Colonel  
12 Rodriguez in 1996 and 1997.

13          A       I only saw him at the meeting that took  
14 place at Drummond during the evening hours.

15          Q       Is that the only time you saw Colonel  
16 Rodriguez?

17               MR. COLLINGSWORTH: Objection, vague.

18               THE WITNESS: After the meeting at the  
19 Drummond's casino Mr. Manuel Gutierrez would tell me  
20 that he would coordinate with Rodriguez whatever had to  
21 do with the subject matter of that I mentioned in my



1 past declaration.

2 And I saw Rodriguez again at the Santa  
3 Marta intelligence battalion and we were together in  
4 a conversation of around four minutes at the offices  
5 of Colonel Lino Sanchez who at that time was the  
6 commander of the intelligence battalion.

7 This was around 40 days before the  
8 coming of the AUC to the area of Calenturitas, more  
9 specifically around a farm called El Silencio.

10 BY MR. JEFFRESS:

11 Q And at the time you had this four-minute  
12 conversation with Colonel Rodriguez in Santa Marta, was  
13 he a security employee of Drummond?

14 MR. COLLINGSWORTH: Objection, no  
15 foundation.

16 THE WITNESS: By that date -- by those  
17 dates we coincided. I was on that day delivering  
18 information about the activities that we were carrying  
19 out in intelligence and at the same time we were  
20 coordinating an operation against the guerilla by the  
21 zone or area of Poponte.

1 THE VIDEOGRAPHER: Off the record at 10:36.

2 (Proceedings recessed at 10:36 a.m.)

3 (Proceedings resumed at 10:42 a.m.)

4 THE VIDEOGRAPHER: We're back on the record  
5 at 10:42.

6 BY MR. JEFFRESS:

7 Q Mr. Gelvez, can you answer this question  
8 yes or no?

9 A Please, ask it again?

10 Q When you spoke to Colonel Rodriguez, was he  
11 working on for Drummond?

12 MR. COLLINGSWORTH: Objection, no  
13 foundation.

14 THE WITNESS: Yes, of course.

15 BY MR. JEFFRESS:

16 Q Would it surprise you, Mr. Gelvez, if Luis  
17 Carlos Rodriguez did not begin to work for Drummond  
18 until two-and-a-half years after you left Prodeco?

19 MR. COLLINGSWORTH: Objection, no  
20 foundation.

21 THE WITNESS: I don't know what would have

1 been Rodriguez's role in the years of '96 and '97.  
2 What it is true though is that he was with me in the  
3 meetings that I mentioned previously.

4 BY MR. JEFFRESS:

5 Q Concerning that meeting you also said that  
6 General Pena attended; is that correct?

7 A Yes, sir.

8 Q You testified last month --

9 THE INTERPRETER: Please, wait.

10 MR. JEFFRESS: Sorry.

11 BY MR. JEFFRESS:

12 Q You testified last month that General Pena  
13 said at that meeting that he would do what needed to be  
14 done in Bogota so that La Popa Battalion would help you  
15 with a company of soldiers.

16 Did General Pena say anything else in the  
17 course of that meeting that you've testified about?

18 A General Pena in that conversation, given  
19 the need of a military base at our Prodeco mine, he  
20 offered himself to do anything necessary before the  
21 Army command center to authorize La Popa Battalion to

1 assign military personnel for the base that was thought  
2 of being created.

3 And he said since the company, Prodeco,  
4 would assume the expenses of the creation and equipment  
5 of such facilities for the stay of such personnel, he  
6 saw it as feasible to assign such group of Army  
7 personnel to that platoon actually.

8 That's how intervened General Pena.

9 Q While you were in working at Prodeco, is it  
10 true that there was already a military base that was  
11 built and operating on Drummond's property?

12 A Yes, sir.

13 Q Now, I'd ask you to look at paragraph 4 of  
14 your declaration, Exhibit~1. Beginning the middle of  
15 that paragraph you say, my job was to detect  
16 guerillas -- your job -- I'm sorry -- strike that.

17 Beginning in the middle of that paragraph  
18 you say that your job, meaning at Prodeco, was to  
19 detect guerillas and subversives in the area and within  
20 the union at the mine. Do you see that?

21 A Yes.

1           Q       At the time was there a labor union  
2 representing workers at Prodeco's mine in Cesar?

3           A       Yes, sir.

4           Q       What was the name of that union?

5           A       If I'm not mistaken the name was  
6 SintraProdeco. However, at that time its port was  
7 situated at the Santa Marta Port, since the  
8 Calenturitas mine only was shown as the Calenturitas  
9 project and there was no personnel that was linked to  
10 such company, however; at La Jagua de Ibirico, Cesar  
11 where some Prodeco employees who were the ones in  
12 charge of coordinating and load in tractor trailers  
13 coal that Prodeco would buy to be able to meet export  
14 commitments. Likewise, there were other officers here  
15 in Cundinamarca at the Lenguaque mine, also  
16 unionized.

17          Q       Who were the leaders of this union?

18                   MR. COLLINGSWORTH: Objection, vague.

19                   THE WITNESS: In our intelligence summaries  
20 that must lie at RIME Uno. The people that led the  
21 union at the time must be recorded there in the La

1 Jagua de Ibirico. There was a man Elias. I don't  
2 remember the last name. The other names of the ones of  
3 Santa Marta and Lenguaque, I do not remember them at  
4 this time.

5 BY MR. JEFFRESS:

6 Q Did you, as part of your job with Prodeco,  
7 detect any guerillas or subversives within the union at  
8 Prodeco?

9 A I should not answer this question, but for  
10 you to know and for pertinent purposes at that time the  
11 union groups of employees in the country, their  
12 political inclinations and ideological inclinations  
13 were leftists.

14 Q Concerning the -- I want to ask you about  
15 two meetings that you testified about between Prodeco  
16 officials and AUC members.

17 First you said that you and Manuel  
18 Gutierrez and Luis Ochoa went to meet with Commander  
19 Lucho. Do you remember that?

20 THE INTERPRETER: Lucho?

21 MR. JEFFRESS: Commander Lucho, L-U-C-H-O.

1 THE WITNESS: Yes, sir.

2 BY MR. JEFFRESS:

3 Q And that was in 1996?

4 A Yes, sir.

5 Q You testified that meeting was on the way  
6 to Pailitas I believe; is that correct?

7 A Yes. Yes, sir, interest Pailitas.

8 MR. LINARES: In Pailitas.

9 MR. JEFFRESS: P-A-I-L-I-T-A-S.

10 THE WITNESS: Pailitas, Cesar.

11 BY MR. JEFFRESS:

12 Q Is Pailitas a town in Cesar that is south  
13 of Curumani?

14 A First we have Curumani and then follows  
15 Pailitas.

16 Q Going south, correct?

17 A Yes.

18 Q You testified that on the way to that  
19 meeting you called a cell phone number that you had  
20 been given, correct?

21 A Yes.

1 Q So it's your testimony that there was cell  
2 phone service available in that area of Cesar in 1996?

3 A Yes, sir. I remember that the cell phone  
4 was one of the very first Motorolas that had a cover.  
5 That line had been purchased in Valledupar. There was  
6 no signal in every single sector and there was some  
7 places where you would have a signal and then you could  
8 dial.

9 Q And the road to Las Pailitas was one such  
10 place?

11 MR. COLLINGSWORTH: Objection, vague.

12 THE WITNESS: I said in my prior  
13 declaration how. Can you repeat what I said?

14 THE CLERK: Okay.

15 THE WITNESS: I said it in my declaration  
16 how it was to get to the base located at the district,  
17 subdistrict of the Municipality of Ucrania ten minutes  
18 from Pailitas --

19 BY MR. JEFFRESS:

20 Q You also --

21 A -- and what were the methods and means to



1 get there.

2 Q Have you finished?

3 You also testified about a meeting with El  
4 Profe, correct, El Profe?

5 A Yes, sir.

6 Q And that was you and Manuel Gutierrez of  
7 Prodeco and --

8 A And Lucho.

9 Q And Lucho also of Prodeco, correct? I'm  
10 sorry -- strike that.

11 MR. JEFFRESS: Strike what I said about  
12 Lucho.

13 BY MR. JEFFRESS:

14 Q Was the meeting, Mr. Gelvez, you, Manuel  
15 Gutierrez, and Commander Lucho?

16 A Yes, sir.

17 Q And sometime after that meeting you  
18 learned --

19 THE INTERPRETER: Wait, please.

20 MR. JEFFRESS: Sorry. It's very difficult.

21 MR. COLLINGSWORTH: Welcome to my world.

1 THE INTERPRETER: Go ahead, Counsel.

2 BY MR. JEFFRESS:

3 Q And it was sometime after that meeting with  
4 El Profe -- Mr. Gelvez? Mr. Gelvez, you don't need to  
5 look at your declaration right now.

6 A No, but you gave it to me and I can look at  
7 it.

8 Q I wish you'd listen to my question.

9 A Okay.

10 Q Sometime after the meeting with El Profe  
11 you learned about another meeting in Santa Marta with  
12 El Profe that you did not attend, correct?

13 A Yes, sir.

14 Q At the meeting that you did attend, did  
15 Manuel Gutierrez provide to El Profe any money?

16 A No, sir.

17 Q Would you look at paragraph 12 of your  
18 declaration?

19 A (Witness reviewing document.)

20 Yes, sir.

21 Q The last sentence of that paragraph says,

1 when El Profe was lowered to the ground from the  
2 helicopter Manuel gave him the money. Do you see that?

3 A I believe that there is a mistake in the  
4 transcription because I said it in my declaration in  
5 regards to this question: Were the first time that El  
6 Profe came to the Calenturitas mine and that I brought  
7 a GPS to take the coordinates for the helicopter to  
8 arrive, I said that Mr. El Profe arrived with the  
9 helicopter's captain.

10 He got off and got into my truck and we  
11 took him to the first cabin that was built, the first  
12 house, and this first meeting was for El Profe to  
13 present a real account of how much would cost to equip  
14 200 men that had been budgeted to get into the El  
15 Silencio sector.

16 MR. JEFFRESS: I move to strike everything  
17 after his testimony that there must be an error in the  
18 transcription as nonresponsive.

19 BY MR. JEFFRESS:

20 Q Mr. Gelvez, since you say that you wrote  
21 this declaration, what do you mean by transcription?

1           A        Even though it is true that some money was  
2 given from Drummond and Prodeco to get weapons and  
3 equip 200 men was not, however, that day in which El  
4 Profe arrived to Calenturitas.

5                    And since I know what you're going to be  
6 saying that the answer that I'm providing to you does  
7 not satisfy the question you're posing, I said it in my  
8 previous declaration which were the steps one-by-one  
9 and how Manuel travels to Monteria and is taken through  
10 the Tera Alta Region for the delivery of this money.

11                   MR. JEFFRESS: I move to strike the whole  
12 answer.

13                   BY MR. JEFFRESS:

14           Q        Mr. Gelvez, my question is very simple.

15                   THE WITNESS: I believe, however, sir, with  
16 all due respect --

17                   THE CLERK: Wait, please.

18                   BY MR. JEFFRESS:

19           Q        Keep that.

20           A        If you think that my answers do not satisfy  
21 the answers -- I'm sorry -- the questions, and I'm

1 really getting tired here of repeating what I said in  
2 my prior declaration.

3 So then I conclude that my answers are not  
4 objective and, therefore, I allow myself to inform you  
5 that I do not wish to answer anymore questions because  
6 I'm getting tired and tiring and a certain amount of  
7 people -- it makes no sense to continue with this.  
8 Thank you.

9 BY MR. JEFFRESS:

10 Q Mr. Gelvez, I'm almost finished.

11 If I could just ask you to answer just the  
12 simple question: If you wrote this declaration  
13 yourself, what did you mean by an error in  
14 transcription?

15 THE COURT: Just a moment, please.

16 THE PROSECUTOR: Just, Your Honor, if  
17 you can specify for the witness and maybe there's a  
18 question, an issue with the language, but what --  
19 that what is that the witness means with the word  
20 transcription.

21 THE WITNESS: In my hands I have the

1 declaration that I gave in Spanish, and several times  
2 I've read it in detail, and there are like some  
3 interpretation errors that I have not said them, but  
4 that they are recorded right here and signed by all of  
5 us. If you allow me, I will show you some of those  
6 errors.

7 MR. JEFFRESS: I'm sorry. May I ask what  
8 the witness is looking at? Is that the declaration?

9 THE WITNESS: I found --

10 BY MR. JEFFRESS:

11 Q I'm not asking you anything about that  
12 document.

13 THE WITNESS: Yes, but I am --

14 THE COURT: This is a very specific  
15 question.

16 THE WITNESS: And I want to tell you,  
17 however, that the translation from Spanish into  
18 English and having recorded this over here,  
19 transferred it here, there are some words like you  
20 just mentioned like under number 2 and 6, and, yes,  
21 number 12. Since I made a very general draft not

1 specifically by point I think here that it's their  
2 transcription that makes them say it like this; but  
3 in the statement I gave on March 16th of 2012 I  
4 shall explain to all of the honorable people that  
5 are present right here at this place how did it take  
6 place.

7 BY MR. JEFFRESS:

8 Q Mr. Gelvez, I know you're getting tired.  
9 You're not responding to my question.

10 MR. COLLINGSWORTH: Can we take a  
11 five-minute break?

12 THE WITNESS: Let's take it.

13 BY MR. JEFFRESS:

14 Q I've only got one more question.

15 MR. COLLINGSWORTH: He has one more  
16 question. Can you answer that question?

17 THE WITNESS: No. Let's just give the five  
18 minutes then.

19 MR. JEFFRESS: Okay.

20 THE VIDEOGRAPHER: We're going off the  
21 record at 11:23.

1 (Proceedings recessed at 11:23 a.m.)

2 (Proceedings resumed at 11:30 a.m.)

3 THE VIDEOGRAPHER: We're back on the record  
4 at 11:30.

5 THE WITNESS: Your Honor, I want to -- you  
6 allow me that for you to know and before we continue  
7 I'd like to explain about this document.

8 BY MR. JEFFRESS:

9 Q This document is --

10 THE COURT: The first thing we should  
11 continue is to proceed with the formally with the  
12 hearing and asking you very specifically and in a very  
13 concrete way because the question that was posed to you  
14 was very specific and concrete.

15 THE WITNESS: However, sir --

16 THE COURT: Obviously in your answer you  
17 may provide any explanation that you deem pertinent,  
18 but, however, in principal you should proceed to answer  
19 the question as posed.

20 THE WITNESS: I've tried to be as clear as  
21 possible, but he's rejected all the answers, so.



1 MR. JEFFRESS: May I ask a question?

2 BY MR. JEFFRESS:

3 Q Will the interpreter read to Mr. Gelvez the  
4 last sentence of paragraph 12 of his declaration in  
5 Spanish?

6 THE INTERPRETER: (Complying)

7 BY MR. JEFFRESS:

8 Q My question to you, sir, is: Yes or no,  
9 did you write that sentence?

10 A In the writing that I provided that was  
11 written in my handwriting to Attorney Lorraine I made  
12 an account in a generalized way of what took place at  
13 the Prodeco mine during the years of '96 and '97.

14 I never itemized this document that I have  
15 in my hands from item 1 to item 20. It was done by  
16 them. I only submitted one whole document where I was  
17 narrating that El Profe, Vicente Castano, came by  
18 helicopter to the Calenturitas mine and that some  
19 writings existed that Vicente showed us in regards to  
20 how much did it cost at that time to equip and provide  
21 weapons for 200 men.

1 BY MR. JEFFRESS:

2 Q Can I interrupt? This is totally  
3 unresponsive. Can we go back to the question.

4 Do you understand that Ms. Leete wrote that  
5 sentence, not you?

6 MR. COLLINGSWORTH: Objection,  
7 mischaracterizes his testimony.

8 THE WITNESS: I will not answer the  
9 question. Just let's leave it at that.

10 MR. JEFFRESS: I have nothing further.

11 MR. COLLINGSWORTH: Your Honor, I have a  
12 few redirect questions. Just a few.

13 THE COURT: Plaintiffs' attorney has the  
14 floor and --

15 THE PROSECUTOR: Give me a second,  
16 please. The witness said that they had made the  
17 document. It would be important for him to clarify  
18 who is they. Who is they because it's floating in  
19 the room like that lack of precision?

20 MR. COLLINGSWORTH: I was planning on going  
21 into that with my questions.

1           THE COURT: At any rate, the record will  
2 reflect that the witness when he answered and referred  
3 to them signaled to where the Plaintiffs' side is  
4 located.

5           THE PROSECUTOR: That is correct.

6           THE COURT: It's okay. It is like that,  
7 isn't it, Mr. Gelvez?

8           THE WITNESS: Yes.

9           THE COURT: Let's continue then with the  
10 examination. The floor is of the Plaintiffs' attorney.

11          MR. COLLINGSWORTH: Thank you, Your Honor.

12          FURTHER EXAMINATION BY MR. COLLINGSWORTH:

13          Q       Mr. Gelvez, take that statement and just  
14 put it away. I want to ask you some questions.

15                 Did you, in fact, draft your own  
16 declaration and provide it to Ms. Leete?

17          MR. JEFFRESS: Objection, leading.

18          THE INTERPRETER: I'm sorry, Counsel, you  
19 need to repeat the question for the interpreter.

20          BY MR. COLLINGSWORTH:

21          Q       Did you, in fact, draft your own

1 declaration and provide it to Ms. Leete?

2 A Who is Ms. Leete?

3 Q Lorraine.

4 A Yes, sir, with my own handwriting.

5 Q Now, is it your testimony that she  
6 organized it, she put paragraph numbers on that are not  
7 in the original?

8 MR. JEFFRESS: Objection, leading.

9 THE WITNESS: Yes, and I said it a few  
10 minutes ago that I submitted a document where I was  
11 narrating what happened during my stay as a member of  
12 the Army at the Prodeco mine and Drummond.

13 Unfortunately, the day that they made  
14 this document here as it was provided to me by  
15 counsel, they tell me it's my declaration translated  
16 into English and Spanish; but I want the record to  
17 reflect that in my writing I didn't do it from item  
18 1 to item 20. The gentleman did it, and what I set  
19 forth in that initial document is what I declared in  
20 prior proceedings. That's it.

21 Q Is -- let's take a look at that document

1 again. Look at the last page, please. Is that your  
2 signature and thumbprint?

3 A Yes, sir.

4 Q Did you review the document before you  
5 signed it?

6 A I read it at a glance and I remember having  
7 been told that it was like a questionnaire that here  
8 Mr. Collingsworth was going to ask me in regards to  
9 whatever I wrote in that initial document.

10 I witness that everything that says here is  
11 true, but when they itemized it I believe that there  
12 are subject matters like the one of Vicente Castano  
13 that he got off the helicopter and right there we gave  
14 him the money.

15 That's why I'm saying that may be a  
16 transliteration mistake, but what I say here is  
17 everything that I said in that document that I  
18 handwrote.

19 Q When you say here, you're referring to  
20 Exhibit~1, your declaration?

21 A Yes, sir. Yes.

1           Q       Thank you. We're done with that. We can  
2 put that away. Just a few more questions, if you don't  
3 mind.

4                   Now, a few times in response to Mr.  
5 Jeffress' questions you tried to explain why you are  
6 testifying now and telling the truth, and he moved to  
7 strike you answer every time you said it.

8                   I want to ask you directly: Why are you  
9 testifying now and telling the truth about everything  
10 that you know that happened in Prodeco and Drummond in  
11 1996 and '97?

12                   MR. JEFFRESS: Objection to form.

13                   THE WITNESS: Well, I have been under the  
14 process of the Justice and Peace process, and after  
15 having taken an oath of telling the truth and for the  
16 country to have knowledge of how government entities  
17 and business sectors, political sectors, and some  
18 members of civil society they really got together with  
19 our organization and one way or another we had a  
20 relationship with members of the AUC through mass  
21 media, written and spoken, about what was happening in

1 regards to Drummond and the death of the union members.

2 At that time I didn't know Mr.

3 Collingsworth nor Lorraine nor Rameriz Francisco

4 Rameriz. I found myself in jail of Capita.

5 Mr. Charris, who had been convicted because of the

6 union members' deaths, I told him -- I'm sorry.

7 Charris told me about Attorney Francisco Rameriz who

8 was the person that was coordinating the statements

9 about these facts.

10 I told Charris that I was going to be

11 transferred to Bogota and he told me that he also

12 had it. So then I told him that I would like to

13 have an interview with Francisco to tell him about

14 some events of which I had knowledge and they were

15 going to serve as in order to help to clarify such

16 facts.

17 As a matter of fact, I believe Charris

18 called Francisco, and, as I said it in my previous

19 declaration, an attorney came, by sight not very

20 agreeable who caused me -- that surprised me that a

21 person with such features would be an attorney to

1 whom I did not provide any information.

2           Afterwards Francisco came presentable  
3 and I told him I tell him that in the years of '96  
4 and '97 some anomalies took place and I told him  
5 that I would like to be called to testify in such  
6 process.

7           BY MR. COLLINGSWORTH:

8           Q       Let's stop there and let me ask a different  
9 question. Thank you.

10           What is your objective? What do you hope  
11 to accomplish by telling the truth about the events  
12 that you've testified in this proceeding about?

13           MR. JEFFRESS: Objection, form.

14           THE WITNESS: As I said it before, I'm  
15 doing so voluntarily and because I want to, because I  
16 want for the victims who have been caused so much harm  
17 and who do not know the truth of what happened.

18           I want to have this peace within me  
19 since I have asked God for forgiveness of everything  
20 that I did so much so in the Army as in the AUC.

21           I'm not receiving any benefits,



1 financial benefits. I don't need them. Since I  
2 come from a good family, a good family of principles  
3 and it's not money what makes me talk about this.

4 I believe though that on the contrary  
5 telling about these facts and cooperating for the  
6 truth to be known in this country can cause me  
7 security problems for me and my family, but the  
8 country and the world must know the truth no matter  
9 what can happen to me, at the expense of what can  
10 happen to me, in clarifying these facts and of how  
11 at the sector of El Cesar these multi-national  
12 companies, Drummond and Prodeco, gave money to  
13 provide weapons and equip these people that came to  
14 El Silencio who committed several atrocious events,  
15 extortions, and killings, and I believe they should  
16 not remain without punishment.

17 MR. COLLINGSWORTH: Thank you, Mr. Gelvez.  
18 I have no further questions.

19 MR. JEFFRESS: Just one more thing.

20 FURTHER EXAMINATION BY MR. JEFFRESS:

21 Q Do you still have a copy of what you wrote

1 in your handwriting and gave to Lorraine Leete?

2 A I don't have a copy.

3 Q Would you have any objection if Ms. Leete  
4 gave me a copy?

5 MR. COLLINGSWORTH: Objection, no  
6 foundation.

7 THE WITNESS: No.

8 MR. JEFFRESS: That's all I have.

9 THE COURT: Since there is no other purpose  
10 to proceed with this proceeding, we will conclude this  
11 proceeding. It's 12:00 noon. And whatever  
12 documentation will be sent to pertinent courts.

13 MR. COLLINGSWORTH: Off the record.

14 THE VIDEOGRAPHER: Off the record at 11:58.

15 (Letters Rogatory Hearing concluded at  
16 11:58 a.m.)

17

18

19

20

21

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

| 1   | 3  | again (3)<br>128:2;129:9;148:1<br>against (3)<br>122:5,13;128:20<br>ago (1)<br>147:10<br>agreeable (1)<br>150:20<br>ahead (1)<br>137:1  | 152:14<br>attend (2)<br>137:12,14<br>attended (6)<br>124:1,10;125:5,21;<br>126:3;130:6<br>attorney (7)<br>118:6;144:11;145:13;<br>146:10;150:7,19,21<br>AUC (5)<br>127:7;128:8;133:16;<br>149:20;151:20<br>authorize (1)<br>130:21<br>available (1)<br>135:2<br>aware (1)<br>122:5<br>away (2)<br>146:14;149:2  | C   |
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|   |  |   |  |  |
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