

In The Matter Of:

*Claudia Balcerro Giraldo, et al. vs.
Drummond Company, Inc., et al.*

*Letters Rogatory Video Hearing: Jairo de Jesus Charris
Castro
Vol. 1
May 16, 2012*

*Gore Brothers Reporting & Videoconferencing
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VOLUME I
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 JAIRO DE JESUS CHARRIS CASTRO, as translated by CONSUELO BURRANCA and JAIME FATASHELD, was held on Wednesday, May 16, 2012, commencing at 9:30 a.m., at the Second Civil Circuit Court of Popayan, Colombia before The Honorable Gloria O. Bonilla de Diaz and Steven Poulakos, Notary Public.

REPORTED BY: Steven Poulakos

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Letters Rogatory Hearing

May 16, 2012

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1 PROCEEDINGS

2 THE CLERK: In Popayan, Republic of
3 Colombia, on May 16th, 2012, at 9:30 in the morning at
4 2nd Civil Court of Popayan begins the proceeding for
5 the taking of the sworn statement under -- pursuant to
6 Letters Rogatory of Mr. Jairo de Jesus Charris Castro,
7 the bearer of ID number 876120 for the case of
8 followed -- in compliance with the requirement for
9 international judicial assistance under Letters
10 Rogatory of the District Court of the United States,
11 Northern District of Alabama, Southern Division for
12 Case Number 709-cv-1041-RDP of Claudia Balcerro versus
13 Drummond Company, Inc., Drummond Limited.

14 Since the hearing will be held in
15 English and Spanish and Spanish and English, the
16 interpreters that will be in this case will need to
17 be sworn in. That is Ms. Consuelo Burranca and Mr.
18 Jaime Fatas.

19 THE COURT: Do you swear or affirm to truly
20 interpret what is going to be said in these
21 proceedings?

1 THE INTERPRETER: Yes, I do.

2 THE INTERPRETER: Yes, I do.

3 THE CLERK: We will proceed now with
4 swearing in of Mr. Claudia de Jesus Charris Castro
5 pursuant to Section 228 of the Code of Civil Procedure
6 under 442 of the code of Criminal Procedure.

7 Please, raise your hand.

8 THE COURT: Mr. Claudia de Jesus Charris
9 Castro, do you swear to give -- to say the truth and
10 only the truth in this statement under oath that you
11 are about to give?

12 THE WITNESS: I will. I have always told
13 the truth and I will tell the truth in this public
14 hearing. I have -- I have always told the truth and
15 always the truth in this case with the Drummond Company
16 before the Colombian justice system.

17 I swear before God, before the Colombian
18 justice system, before the United States justice
19 system, before the relatives of the victims, before
20 the working class of Colombia, this
21 Sintramienergetica Union of Drummond for them to

1 know the truth and only the truth and the crimes
2 committed of officials from the Drummond Company
3 headed -- named by Mr. Garry Drummond, Mr. Mike
4 Tracey, Mr. Jim Adkins, Mr. Augusto Jimenez, Mr.
5 Alfredo Araujo Castro, Colonel Luis Carlos Rodriguez
6 who are violators of human rights of union members
7 in Colombia.

8 At this hearing I'm only going to tell
9 the truth and only the truth so that the American
10 justice, Colombian justice, since I was convicted
11 with 30 years of prison for the death of the union
12 leaders, Mr. Valmore Carlos Rodriguez, president of
13 the Sintramienergetica Drummond Company, Colombia,
14 Mr. Victor Hugo Orcasita Maya, vice-president of
15 Sintramienergetica Drummond Company, Colombia, and
16 on October 7th of the same year, 2001, Mr. Gustavo
17 Solar Mora was also killed. He was the successor of
18 Mr. Valmore as president of Drummond who was killed
19 on October 7th in Chiriguana.

20 THE CLERK: We, please, ask the person
21 giving the statement to, please, speak slower so that

1 the person taking all the proceedings can do it
2 properly.

3 THE WITNESS: Yes, sir.

4 THE CLERK: Could you, please, repeat the
5 information given after October the 7th of 2001?

6 THE WITNESS: On October 7th, 2001,
7 Mr. Gustavo Solar Mora was killed with weapons of the
8 AUC. He was president. He was the president of the
9 Sintramienergetica Union, Drummond, and he was a person
10 who replaced Mr. Valmore Locarno Rodriguez.

11 Thank you very much.

12 THE CLERK: We now give word to the
13 Plaintiffs' attorney to proceed with the interrogation
14 of the person present.

15 MR. COLLINGSWORTH: Thank you, Your Honor.
16 I am Terry Collingsworth and I represent the Plaintiffs
17 in this matter.

18 THE CLERK: Counsel, we will ask you for
19 your personal information, your data, your name, date
20 of birth.

21 MR. COLLINGSWORTH: I am Terry

1 Collingsworth. I represent the Plaintiffs in this
2 matter and I'm here with Lorraine Leete who is my
3 co-counsel in this matter.

4 THE CLERK: We will first take the personal
5 information of Mr. Charris.

6 Mr. Charris, please, give us your full
7 name and last name?

8 THE WITNESS: Name only, name?

9 THE CLERK: Yes.

10 THE WITNESS: My name is Jaime de Jesus
11 Charris Castro, the bearer of identity card number
12 86763120 issued in Soledad Atlantico, Barranquilla.

13 THE CLERK: Could you, please, tell us your
14 age?

15 THE WITNESS: I was born in June 2nd, 1964.

16 THE CLERK: Where were you born?

17 THE WITNESS: In Barranquilla.

18 THE CLERK: Your marital state, please?

19 THE WITNESS: I am in the common-law
20 marriage with my wife, Claudia Elaine Pinzon.

21 THE CLERK: What was your profession?

1 THE WITNESS: Security.

2 THE CLERK: Studies?

3 THE WITNESS: Secondary school studies.

4 THE CLERK: Counsel, you may proceed with
5 Interrogatory [sic].

6 MR. COLLINGSWORTH: Thank you, Your Honor.
7 Again, my name is Terry Collingsworth and with me
8 Lorraine Leete. I represent the Plaintiffs in this
9 matter.

10 Consuelo, wait a minute, you have to pay
11 attention to the microphone. If the light is not
12 on, it is not on.

13 Your Honor, just one procedural matter
14 that we have done in all of these other hearings.
15 We are not going to ask you to rule upon any
16 evidentiary questions. We are reserving these for
17 the Court in Alabama.

18 EXAMINATION BY MR. COLLINGSWORTH:

19 Q Mr. Charris, I'm going to be asking you a
20 number of questions, and then when I'm done counsel for
21 Drummond will also ask you some questions.

1 A Yes, sir.

2 Q If I ask you any question that you don't
3 understand or it's not clear for any reason at all,
4 please, ask me to clarify and I will do so.

5 A Yes, sir.

6 MR. COLLINGSWORTH: And, Consuelo, it's
7 been pointed out to me when your light is on mine is
8 off. So we have to be careful about pushing the button
9 too early.

10 THE INTERPRETER: Yes, Counsel.

11 THE WITNESS: Yes, sir.

12 BY MR. COLLINGSWORTH:

13 Q So, Mr. Charris, you are currently in a
14 high security prison here in Popayan; is that correct?

15 A I am under custody in the medium and high
16 security prison of San Isidro Popayan Cauca, that there
17 are preventative measures, preventative security
18 measures, pursuant to what was agreed by the prosecutor
19 number 12 of human rights in Bogota, the prosecutor's
20 office in Bogota, the Superior Tribunal of Bogota,
21 before the general directorate of INPEC, yes.

1 BY MR. COLLINGSWORTH:

2 Q It appears that you're wearing a
3 bulletproof vest today; is that correct?

4 A That is a requirement made by the general
5 directorate of INPEC as this case with Drummond is a
6 very sensitive case so that my life is not in danger.

7 Q As you're sitting here today, do you feel a
8 security risk? Do you feel a danger in testifying in
9 this case?

10 MR. JEFFRESS: Objection.

11 THE WITNESS: First of all, I trust in the
12 members -- I trust the members of INPEC that are here
13 present at this public hearing. Second, in the
14 national police that is in this room, I have been in --
15 I have been in danger from the time I've started
16 clarifying the facts as to the death of the union
17 members.

18 For this reason, and for this reason,
19 Drummond headed by Mr. Garry Drummond and Mr. Adkins
20 would not really rest until they would put me down
21 inside or outside the jail, and this danger would be

1 extended to my family members as well because there
2 are too many powerful people such as Drummond in
3 general and a former commander of the AUC, Oscar
4 Jose Ospino Pacheco, alias Tolemaida; Mr. Jorge 40,
5 who is Mr. Rodrigo Tovar Pupo; and Mr. Jaime Blanco
6 Maya, the brother of the former attorney general for
7 the nation, Edgardo Maya Villazon.

8 MR. COLLINGSWORTH: You said the last thing
9 in Spanish.

10 THE INTERPRETER: Edgardo Maya Villazon.

11 BY MR. COLLINGSWORTH:

12 Q As far as you know, were you the first
13 person who testified about the link between Drummond
14 officials and the murders of the Drummond union
15 leaders?

16 A Yes, sir.

17 Q Since that testimony, have you received
18 threats because in your mind of the testimony that you
19 gave linking Drummond to the AUC and the murders of the
20 union leaders?

21 MR. JEFFRESS: Objection, leading,

1 foundation.

2 THE WITNESS: Inside the jails in Colombia,
3 where I have been, such as Copita; Picota, Bogota;
4 Modelo, Bogota; rumors were always heard that were
5 against any attack against my person. I would like to
6 say to the attorneys of multi-national Drummond who are
7 present at this hearing that the only enemies that I
8 have are the persons, the gentlemen that I have
9 mentioned at this hearing.

10 BY MR. COLLINGSWORTH:

11 Q What is the first job position that you
12 held that brought you into contact with Drummond?

13 A In the year 1998 and part of 1999 I had a
14 position within the premises of the mine of Drummond
15 Company Colombia as coordinator, as an employee of the
16 contractor for surveillance. The name of that company
17 was Viginorte.

18 THE CLERK: Please, go slower because
19 testimony has to be taken down.

20 What was the last part, please?

21 THE WITNESS: A coordinator for Viginorte

1 which was a contracting in Barranquilla. My job was as
2 security coordinator inside the Drummond mine. My
3 responsibility was to be in charge of supervising the
4 interests -- of protecting the interest and property of
5 Drummond as well as the personnel that worked daily
6 within the Drummond mine.

7 BY MR. COLLINGSWORTH:

8 Q What on a day-to-day basis, what were your
9 responsibilities?

10 A My responsibility as coordinator for
11 Drummond was to be in charge of supervising all
12 security in all strategic points handled by Drummond,
13 since inside the mine there were many Americans in the
14 production as well as in the administrative areas.

15 In those mine sites there are three
16 military bases there. Within the facilities of the
17 Drummond's mine there are three military bases. One is
18 called Virginia. It is located within a hundred meters
19 of the main road. The other base is called Borrego and
20 it was within the administrative area within the
21 Drummond mine. The another one is called Centro de

1 Entrenamiento. That is within the area that leads
2 towards Aguas de Bitirico, Las Palmitas, Rincon Centro
3 and other areas within the Cesar Municipality.

4 Well, my activities within the Drummond
5 mine as coordinator of the security services were to
6 give specific instructions to all of the security
7 guards in their details as required by the special
8 instructions that I had received specifically from
9 Mr. Jim Adkins and from General Pena Rios.

10 THE CLERK: Please do repeat these names
11 and speak slowly so our court reporter can keep up with
12 it, please.

13 THE INTERPRETER. Interpreter, with the
14 permission of the Court interpreter will be able to
15 repeat the last statement.

16 THE JUDGE'S COURT REPORTER: It would be
17 very helpful to me when the attorneys are asking
18 questions, please, before you respond give me a
19 little time for me to keep up with the pace.

20 MR. COLLINGSWORTH: So you were going to
21 repeat the names.

1 THE INTERPRETER: The interpreter will
2 repeat the names with the permission of the Court.

3 THE COURT: Yes.

4 THE INTERPRETER: As required by special
5 instructions by Jim Adkins and General Pena Rios.

6 BY MR. COLLINGSWORTH:

7 Q How many staff did you have reporting to
8 you when you were the coordinator of Viginorte for
9 Drummond Company?

10 A Eighty-four security guards.

11 Q Can you, please, explain the different
12 functions between what you and your 84 security guards
13 from Viginorte did versus what Drummond's in-house
14 security did versus what the military did in providing
15 security on the Drummond facilities?

16 THE CLERK: Just one minute, please.
17 Proceed, please.

18 THE WITNESS: Well, the facts of the
19 Drummond security forces was merely preventative. The
20 Army also was just a window dressing operation because
21 they really do nothing. They were involved sometimes

1 in transporting Americans inside the mine.

2 When Americans were transported outside
3 the mine, I received direct orders from Jim Adkins.
4 When they were being transported to the Descanso
5 mine of the Drummond Company, I coordinated with the
6 AUC, and specifically with one of their commanders
7 called El Tigre.

8 BY MR. COLLINGSWORTH:

9 Q In what functions did you coordinate with
10 El Tigre who was an AUC commander that you've
11 mentioned?

12 A Commander El Tigre was a commander of the
13 Juan Adrian Alvarez Front.

14 THE COURT: That was?

15 THE INTERPRETER: Juan Andres Alvarez
16 Front. That was interpreter's mistake.

17 THE WITNESS: My function was assigned
18 directly by Jim Adkins and through direct order of
19 Garry Drummond was that when Americans had to go to
20 El Descanso they will not have any problems in their
21 journey and that the Army also be aware and

1 coordinated with the AUC that this was going to
2 happen.

3 BY MR. COLLINGSWORTH:

4 Q What was the danger or the risk as the
5 chief of Viginorte security you were preventing, you
6 were trying to keep from happening when the Drummond
7 officials were transported within the mine area?

8 THE INTERPRETER: (Speaking in Spanish)

9 THE WITNESS: Well, there's something that
10 I need to clarify here. In that area the guerilla was
11 always operating. It was a strong presence of the
12 guerilla. Specifically of Front 41 of the FARC and
13 also the group Martin Quiroz from the Elenos.

14 Well, Drummond -- well, Drummond today,
15 specifically headed by Mr. Garry Drummond and
16 Mr. Jim Adkins, and all their -- and allow me to use
17 this expression, henchmen, was that to make sure
18 that Commander El Tigre will be present when
19 Americans move in the mine in the area and around
20 specifically in some sections of the railway when
21 they had to or they were driving or moving to the

1 Santa Marta section.

2 Well, their presence and El Tigre
3 commander was in order to counteract or to
4 neutralize the activity and the presence of the
5 guerilla, specifically the Elenos; but the actions
6 were not only geared towards the activities of the
7 FARC, but also the AUC as well were Mr. Drummond,
8 Mr. Jim Adkins, Mr. Augusto Jimenez, Luis Carlos
9 Rodriguez, Alfredo Araujo must be held responsible
10 by all the selective deaths and killings of the
11 innocent people that were carried out by the AUC
12 specifically in the areas by the group Juan Andres
13 Alvarez Norte in the municipalities of the El Copey,
14 Bosconia, La Aurora, Cienaga, Magdalena, y
15 Fundadion.

16 Well, those were selective killings,
17 killings of campesinos, campesinos who were on the
18 railway. And so the AUC who demonstrated, who
19 showed to Alfredo Araujo who is a white-color
20 criminal who Drummond through Adkins that those
21 individuals were campesinos, not guerillas.

1 Drummond, Jorge Cuarenta, Jaime Blanco
2 Maya they knew and Drummond must pay the same way
3 that I pay for all the things and all of the
4 killings that happened there.

5 BY MR. COLLINGSWORTH:

6 Q During the years you were with Viginorte,
7 1998 to '99, was your primary contact at Drummond Jim
8 Adkins?

9 MR. JEFFRESS: Objection, leading.

10 THE WITNESS: Yes, sir.

11 BY MR. COLLINGSWORTH:

12 Q How during these years, 1998 and '99, how
13 frequently would you meet with Jim Adkins to discuss
14 security issues?

15 A Well, let's talk about the criminal plan.
16 I will.

17 MR. JEFFRESS: I'm sorry, I couldn't
18 understand that.

19 THE INTERPRETER: The interpreter will
20 repeat statement.

21 THE WITNESS: Let's talk about the criminal

1 plan. I will. There was a criminal plan against the
2 union members, the people close to the villages in the
3 Cesar area, the Cesar that was covered by the AUC.

4 During the year 2000 and part of the
5 year 2001 before the killing of the union leaders
6 Jim Adkins always called me on the radio to talk to
7 me about union issues, pressure, and also internal
8 labor conflicts.

9 All the year 2000 and the year 2001
10 there were many plans against the union. There was
11 a labor conflict there and that was because
12 Americans, Drummond, only wanted to ship out the
13 coal from the mine to international markets.

14 Well, in order to meet demands of the
15 international coal clients markets Drummond and Jim
16 Adkins, who received direct orders from Drummond,
17 from Garry Drummond, was to end up to finish up the
18 union and to end up with any problems that had
19 anything to do with the railway.

20 BY MR. COLLINGSWORTH:

21 Q Let me -- because we're possibly going get

1 confused about time frames here. Let me first ask that
2 you've twice now said that Adkins was getting direct
3 orders from Garry Drummond. How do you know that?

4 A Yes, sir.

5 THE JUDGE'S COURT REPORTER: Could you
6 kindly repeat the question?

7 THE INTERPRETER: Do you want me to repeat
8 the whole question?

9 THE JUDGE'S COURT REPORTER: Yes, sir.

10 THE INTERPRETER: (Repeating the question)

11 THE WITNESS: Well, that I know because of
12 the frequent meetings that I had with --

13 THE INTERPRETER: Excuse me, that was the
14 interpreter's mistake.

15 THE WITNESS: I know because of the
16 frequent meetings that Jim Adkins had with me and
17 with Jaime Blanco Maya inside Drummond's mine,
18 specifically in the special service operations that
19 they had there, and all criminal plans against the
20 union came out from that office.

21 BY MR. COLLINGSWORTH:

1 Q But, again, I'm going to try to direct you
2 with more specific questions. Let's deal with just one
3 fact here and that is: How do you know that Garry
4 Drummond was giving orders to Jim Adkins?

5 A Well, I continued those direct orders from
6 Garry Drummond to Jim Adkins were for safety, for the
7 ideology of the extreme right that Jim Adkins had for
8 Garry Drummond.

9 Everything, everything that Jim Adkins
10 discussed will be told to me at the special service
11 office inside the mine. And I was manipulated and
12 bribed because of the death of one of the union
13 leaders, and Jim Adkins and Jaime Blanco Maya this
14 actually, this fact, this event, was a timing bomb for
15 them because the mine had to stop operations for eight
16 days and everything came directly from Garry Drummond
17 and Jim Adkins.

18 Q Let me just try to focus on this very
19 precise point.

20 In what way did Jim Adkins tell you or
21 communicate to you that he was receiving these orders

1 from Garry Drummond?

2 THE JUDGE'S COURT REPORTER: (Speaking in
3 Spanish)

4 THE INTERPRETER: Garry Drummond.

5 THE WITNESS: Jim Adkins of the special
6 services office always assured me, confirmed that to me
7 that it was a direct order from Garry Drummond because
8 they were going through a crises, a collapse, due to
9 the guerilla attacks to the locomotive, the engines,
10 and the cars of the railroad.

11 BY MR. COLLINGSWORTH:

12 Q Do you know how Jim Adkins communicated
13 with Garry Drummond? Was it face-to-face? Was it by
14 telephone? Did he ever explain to you how he
15 communicated with Garry Drummond?

16 MR. JEFFRESS: Objection, compound, lack of
17 foundation.

18 MR. PARR: (Speaking in Spanish)

19 THE INTERPRETER: That was the
20 interpreter's mistake. The interpreter entered the
21 Defendants' attorney as the prosecutor and it should be

1 El Abogado del Acusado.

2 Thank you very much for the correction.

3 BY MR. COLLINGSWORTH:

4 Q Let me just rephrase.

5 Do you know how Jim Adkins and Garry
6 Drummond communicated with each other?

7 MR. JEFFRESS: Objection, lack of
8 foundation.

9 THE INTERPRETER: If I may, the interpreter
10 would like to switch with his colleague.

11 MR. JEFFRESS: If the Court, please, can we
12 request a two-minute break?

13 THE COURT: Are you in agreement?

14 MR. COLLINGSWORTH: Sure.

15 THE COURT: Okay. The Court is in recess.

16 (Hearing recessed at 10:30 a.m.)

17 (Hearing resumed at 10:40 a.m.)

18 (Whereupon the following portion of the
19 testimony was repeated by the Court Reporter:

20 "QUESTION: Do you know how Jim Adkins and
21 Garry Drummond communicated with each other?"

1 THE WITNESS: Jim Adkins would travel
2 frequently, every 25 days, to Alabama. He would meet
3 directly with Garry Drummond to agree on everything
4 that Adkins had to do. These were direct
5 communications at the Drummond office in Alabama.

6 BY MR. COLLINGSWORTH:

7 Q Did Jim Adkins, when he returned from these
8 frequent trips to Alabama, did he tell you that he had
9 met with Garry Drummond on these trips?

10 MR. JEFFRESS: Objection, leading.

11 THE WITNESS: Yes, sir.

12 BY MR. COLLINGSWORTH:

13 Q Now, so that the record is not confusing, I
14 want to go back and just focus on 1998 and 1999 when
15 you were with Viginorte and ask some questions about
16 that. Do you understand that we're going to focus on
17 that time frame?

18 A I have a lot, I have a lot for '98 and '99.

19 Q I'm going to ask you some questions about
20 1998 and '99 when you were with Viginorte and then
21 we're going to focus on the subsequent time frame when

1 you had a different position. Okay?

2 A Yes, sir.

3 THE JUDGE'S COURT REPORTER: (Speaking in
4 Spanish)

5 BY MR. COLLINGSWORTH:

6 Q During the time --

7 A Yes, sir.

8 Q During the time that you were with
9 Viginorte, 1998 to 1999, typically who did you meet
10 with at Drummond to discuss and coordinate your work?

11 MR. JEFFRESS: Objection.

12 THE JUDGE'S COURT REPORTER: I'm sorry, I
13 did not hear the question.

14 THE INTERPRETER: I will repeat.

15 THE WITNESS: With Jim Adkins.

16 BY MR. COLLINGSWORTH:

17 Q Now, you testified previously that during
18 this time when you were with Viginorte in 1998 and 1999
19 you coordinated with El Tigre. Did you discuss that
20 with Jim Adkins?

21 A Jim Adkins -- the intermediary between Jim

1 Adkins and El Tigre was myself.

2 Q What sorts of issues or directions did you
3 get from Jim Adkins to discuss with El Tigre?

4 THE JUDGE'S COURT REPORTER: (Speaking in
5 Spanish)

6 THE WITNESS: The specific order was
7 about Drummond's security and the railroad pack.

8 BY MR. COLLINGSWORTH:

9 Q What direction did Jim Adkins give you in
10 this regard?

11 A Jim Adkins, on this specific point he was
12 very specific on security matters and the commitment,
13 international commitments that Drummond had.

14 Q What do you mean by international
15 commitments?

16 A The trade of -- call of trade that Drummond
17 exports so that they do well with their international
18 customers.

19 Q What was El Tigre's role in helping
20 Drummond to keep its international commitments that
21 you've described?

1 A The commitment that El Tigre, Jim Adkins,
2 and myself had was to increase the forces of the AUC.
3 It was -- the purpose was to increase the staff and to
4 have a successful security of the mine, the railroad
5 lines, and the purchase of weapons that El Tigre had so
6 that he could be able to fulfill or cover all
7 commitments with Drummond.

8 Q Are you aware of any financial arrangements
9 whereby Drummond provided funds to El Tigre and the
10 AUC?

11 A Drummond, Drummond through Jaime Blanco
12 Maya, who is confined at the Picota Prison, would give
13 Jaime -- would have an arrangement with Jaime Blanco
14 Maya whereby Jaime Blanco Maya would send fictitious
15 invoices for the amount, in the amount of 30 million
16 pesos, where 25 million pesos were for El Tigre and the
17 remaining 5 million were for Jaime Blanco Maya.

18 THE JUDGE'S COURT REPORTER: (Speaking in
19 Spanish)

20 THE WITNESS: But that is not all. All
21 fronts of the Northern Bloc wanted finances from

1 Drummond, such as Tolemaida, Commander Omega, and the
2 people from the Magdalena.

3 BY MR. COLLINGSWORTH:

4 Q Thank you.

5 A The Northern Bloc became more, sound more,
6 was strengthened, and the selective massacres took
7 place when Drummond had already provided the funds to
8 the Northern Bloc. And even as a facade, Commander
9 Tolemaida and Attorney Jose Alfredo Daza Ortiz,
10 attorney for the Northern Bloc, they organized a
11 surveillance company called Secolda. And that was the
12 money that Alfredo Maya Ortiz would provide -- Alfredo
13 Maya Ortiz --

14 MR. LINARES: Alfredo Daza --

15 THE WITNESS: -- received for Tolemaida.

16 THE INTERPRETER: Could you repeat the
17 question?

18 MR. COLLINGSWORTH: It was not a new
19 question, he was continuing his answer.

20 THE WITNESS: It was the money that the
21 attorney for the Northern Bloc, Jose Alfredo Daza

1 Ortiz. This was the money given to him by Attorney
2 Alfredo Araujo Castro to finance the operations for
3 that front.

4 BY MR. COLLINGSWORTH:

5 Q Let me focus on the security tasks that
6 Viginorte performed. And while you were the
7 coordinator, did you place some of your men on the
8 actual trains that transported the coal for Drummond?

9 THE JUDGE'S COURT REPORTER: (Speaking in
10 Spanish)

11 THE INTERPRETER: (Speaking in Spanish)

12 THE WITNESS: Those security guards that
13 rendered services to the locomotives, the trains, the
14 cars, those were sent directly from the office of
15 Viginorte, Barranquilla.

16 And we have one security guard at the
17 unit of the special services that would monitor all
18 the route of the train throughout the rail path from
19 Drummond.

20 THE JUDGE'S COURT REPORTER: (Speaking in
21 Spanish)

1 THE INTERPRETER: (Speaking in Spanish)

2 THE WITNESS: This surveillance person
3 coordinated that with the security guards that were
4 giving security services to Drummond.

5 BY MR. COLLINGSWORTH:

6 Q Do you know if the security guards on the
7 trains coordinated with the AUC in any way?

8 A Yes, sir.

9 Q How did they coordinate with the AUC and
10 the security forces on the trains?

11 THE JUDGE'S COURT REPORTER: (Speaking in
12 Spanish)

13 THE INTERPRETER: (Speaking in Spanish)

14 THE WITNESS: When Drummond started
15 transporting coal it was done by mule, by the Sanchez
16 Polo Company, and subsequently it was transported by
17 train.

18 MR. COLLINGSWORTH: You said mule. That
19 can't be right.

20 MR. JEFFRESS: Truck.

21 THE INTERPRETER: (Speaking in Spanish)

1 THE WITNESS: This is a carbon transporting
2 trucks.

3 MR. COLLINGSWORTH: Thank you.

4 THE WITNESS: There is a retired colonel
5 from the police by the name of Jorge Garzon and a
6 supervisor for the railroad track whose name is
7 supervisor Miranda.

8 All that park that was the surveillance
9 of the railroad path, that was between the AUC and
10 the security guards for the trains, these were under
11 the orders of Colonel Garzon following Jim Adkins'
12 orders. All this was coordinated between Colonel
13 Jorge Garzon, the AUC, and Mr. Jim Adkins.

14 BY MR. COLLINGSWORTH:

15 Q Thank you.

16 What services or function did the AUC have
17 in providing, helping with the security for the trains?

18 MR. JEFFRESS: Objection, foundation.

19 THE WITNESS: This was one objective, that
20 the whole railroad path be surveilled by the Northern
21 Bloc.

1 BY MR. COLLINGSWORTH:

2 Q Do you know if names of people or other
3 information was provided to the AUC by the security
4 guards on the trains for Drummond?

5 MR. JEFFRESS: Objection, foundation.

6 THE JUDGE'S COURT REPORTER: (Speaking in
7 Spanish)

8 THE INTERPRETER: (Speaking in Spanish)

9 THE WITNESS: It was only that you
10 can -- had to render the security services for the
11 railroad line.

12 BY MR. COLLINGSWORTH:

13 Q During the time that you were the
14 coordinator for Viginorte 1998 and 1999, did you have
15 complete access to the Drummond facilities?

16 A Fully. As a coordinator I had to be in
17 charge of all perimeters around the mine.

18 Q Did you have a chance to meet or observe
19 the Drummond management team?

20 THE JUDGE'S COURT REPORTER: (Speaking in
21 Spanish)

1 THE INTERPRETER: (Speaking in Spanish)

2 THE WITNESS: The Drummond management
3 inside the mine, that was my -- the activity that I had
4 to do to provide security for their safety.

5 BY MR. COLLINGSWORTH:

6 Q I'm now going to show you a couple of
7 photos to see if you can identify some of the Drummond
8 managers for us.

9 (Plaintiffs' Exhibit 1 was marked for
10 purposes of identification.)

11 BY MR. COLLINGSWORTH:

12 Q I'm going to hand you what we've marked as
13 Exhibit 2 and ask if you can identify that? Sorry,
14 Exhibit 1.

15 A (Witness reviewing document.)

16 Do I write it down?

17 Q No. If you can tell us who that is.

18 A Do I say it?

19 Q Please.

20 A The name is Alfredo Araujo Castro, Attorney
21 Araujo Castro.

1 Q Thank you.

2 Can I ask you to hold the photo up so the
3 camera can get a picture of the photo?

4 A (Witness complying)

5 (Plaintiffs' Exhibit 2 was marked for
6 purposes of identification.)

7 BY MR. COLLINGSWORTH

8 Q I'm now going to hand you Exhibit 2 and ask
9 you if you can identify the person in this photo?

10 A This person's name is Augusto Jimenez,
11 president of Drummond Company Colombia.

12 (Plaintiffs' Exhibit 3 was marked for
13 purposes of identification.)

14 BY MR. COLLINGSWORTH:

15 Q I'm going to hand who you another photo,
16 Exhibit 3, and ask you if you can identify that person?

17 A This person's name is Mike Tracey,
18 president of all Drummond operations throughout the
19 world.

20 (Plaintiffs' Exhibit 4 was marked for
21 purposes of identification.)

1 BY MR. COLLINGSWORTH:

2 Q And last Exhibit 4 is another photo. If
3 you can identify him?

4 A The name of this person is Mr. Garry
5 Drummond.

6 Q Thank you.

7 Can I ask: Have you ever met Garry
8 Drummond?

9 THE INTERPRETER: With the Court's
10 permission?

11 THE WITNESS: Well, the most important
12 instructions that we receive at Drummond's mine
13 regarding security was that when this individual
14 arrived to the mine we had to strength security.

15 BY MR. COLLINGSWORTH:

16 Q During 1998 and '99 when you were the
17 coordinator of the security with Viginorte, roughly how
18 many times would you say Garry Drummond visited the
19 mine?

20 A Gary Drummond would arrive three times
21 every year. Most frequently, most frequent visits were

1 those of Mr. Jim Adkins who would visit the mine every
2 25 days, 20 days or so.

3 Q Back to Garry Drummond. When he visited
4 roughly three times a year, did you coordinate his
5 security with El Tigre?

6 MR. JEFFRESS: Objection, leading.

7 THE INTERPRETER: Just one second. The
8 interpreter needs to clarify something with the court
9 reporter of the Colombian court.

10 THE JUDGE'S COURT REPORTER: (Speaking in
11 Spanish)

12 THE INTERPRETER: (Speaking in Spanish)

13 THE WITNESS: Well, those visits from Garry
14 Drummond to the mine were notified beforehand to El
15 Tigre because actually Alfredo Araujo came to the mine
16 too and Alfredo Araujo had a contact with Jorge
17 Cuarenta, who was El Tigre.

18 BY MR. COLLINGSWORTH:

19 Q I'm sorry, could you clarify the
20 relationship between El Tigre and Jorge Cuarenta?

21 A El Tigre was right -- Jorge Cuarenta's

1 right hand in the Front, Jose Andres Alvarez.

2 MS. LEETE: He said the Juan Andres Alvarez
3 Front.

4 THE INTERPRETER: The interpreter will
5 correct the record. That was interpreter's mistake.
6 The name of the front is Juan Andres Alvarez Front.
7 Thank you.

8 BY MR. COLLINGSWORTH:

9 Q How do you know that when Garry Drummond
10 visited the mine that both El Tigre and Jorge 40 were
11 given notice in advance?

12 THE JUDGE'S COURT REPORTER: (Speaking in
13 Spanish)

14 THE INTERPRETER: (Speaking in Spanish)

15 THE WITNESS: Will you, please, repeat the
16 question?

17 THE INTERPRETER: The interpreter can
18 repeat the question. Repeating the question.

19 THE WITNESS: That was learned through
20 Mr. Jim Adkins and Mr. Araujo Castro, Alfredo Araujo
21 Castro.

1 BY MR. COLLINGSWORTH:

2 Q And were you present when these discussions
3 occurred that required notice to be provided to Jorge
4 40 and El Tigre for a visit by Garry Drummond?

5 MR. JEFFRESS: Objection, leading.

6 THE WITNESS: Jim Adkins always told me
7 that everything related to the self-defense work around
8 the mine was okay as it squared out.

9 MR. JEFFRESS: Was what?

10 THE INTERPRETER: Squared out.

11 BY MR. COLLINGSWORTH:

12 Q Did you ever observe at any time Alfredo
13 Araujo having a discussion with Jorge 40?

14 THE JUDGE'S COURT REPORTER: (Speaking in
15 Spanish)

16 THE WITNESS: Well, when I was the chief of
17 security of ISA, the Empresa Industrial de Servicios de
18 Alimenticios, and it will be the industrial company for
19 food services for which was owned by Jaime Blanco Maya.

20 Jaime Blanco Maya and Alfredo Araujo
21 Castro before me, would talk to me, of the

1 sociopolitical alliances that were happening with
2 the AUC, and this happened at the office of the
3 Valledupar Portal del Valle, and this alliances were
4 specifically with Jorge Cuarenta.

5 THE JUDGE'S COURT REPORTER: (Speaking in
6 Spanish)

7 THE WITNESS: Well, that was -- that was
8 not hiding the relationship that existed between Jaime
9 Blanco Maya, Alfredo Araujo with Rodrigo Tovar Pupo,
10 alias Jorge Cuarenta. The link existed between Rodrigo
11 Tovar Pupo, alias Jorge Cuarenta, and the AUC, but
12 through Alfredo Araujo.

13 BY MR. COLLINGSWORTH:

14 Q What basis do you have for saying that
15 there was a link between Alfredo Araujo and Jorge 40?

16 A Well, the basis is the whole handling of
17 the security operations that I had with Drummond and
18 the base of Jaime Blanco Maya.

19 THE JUDGE'S COURT REPORTER: (Speaking in
20 Spanish)

21 THE WITNESS: Jaime Blanco Maya, who is the

1 half brother of the ex-attorney general Edgardo Maya
2 Villazon, has to show the fictitious invoices --

3 MR. JEFFRESS: Has to what?

4 THE INTERPRETER: Has to show the
5 fictitious invoices.

6 And interpreter would like to modify the
7 name, to correct the record, the name of Ricardo
8 Maya Villazon as Edgardo Maya Villazon.

9 THE WITNESS: -- has to show the fictitious
10 invoices to pay the AUC and same way the payment were
11 made to Colonel Jorge Garzon, and those are his
12 possession, and Alfredo Araujo Castro with Jorge
13 Cuarenta, 40.

14 BY MR. COLLINGSWORTH:

15 Q Can you explain more what you mean between
16 the relationship of Jorge 40 and Alfredo Araujo?

17 MR. JEFFRESS: Objection, foundation.

18 THE JUDGE'S COURT REPORTER: (Speaking in
19 Spanish)

20 THE WITNESS: Well, there was a
21 relationship between Alfredo Araujo Castro and Jorge

1 Cuarenta, and there was a commander from the FARC Front
2 41 whose name was Ricardo Palmera, alias Simon
3 Trinidad, who was part of the FARC's secretariate.
4 That was one of the best bank managers in the
5 Valledupar area.

6 Where are we at?

7 MR. COLLINGSWORTH: Let me ask a new
8 question. I think we have to change the tape. So if
9 we can quickly do that.

10 (Hearing recessed at 11:30 a.m.)

11 (Hearing resumed at 11:34 a.m.)

12 THE VIDEOGRAPHER: We're back on the record
13 at 11:34 with tape number two.

14 BY MR. COLLINGSWORTH:

15 Q Do you know if Alfredo Araujo created a
16 financial relationship with Jorge 40 on behalf of
17 Drummond?

18 MR. JEFFRESS: Objection, leading.

19 THE WITNESS: Yes, sir.

20 BY MR. COLLINGSWORTH:

21 Q Can you describe what you know about this

1 financial relationship?

2 A Well, the financial relationship of Alfredo
3 Araujo with the AUC on the part of Drummond, all that
4 was told me by Mr. Jim Adkins and the same fashion by
5 Jaime Blanco Maya.

6 Q What was the nature of the financial
7 relationship?

8 MR. JEFFRESS: Objection, lack of
9 foundation.

10 THE WITNESS: So the AUC of the Northern
11 Bloc will have to take whatever security measures at
12 the Drummond mine, Santa Marta, and the Drummond mine
13 in Cesar.

14 BY MR. COLLINGSWORTH:

15 Q Did you know what Alfredo Araujo's role was
16 in creating this relationship?

17 A Well, Alfredo Araujo Castro, his role as
18 relations manager for Drummond in Valledupar. One of
19 his main roles was to be in good terms with Jorge
20 Cuarenta and Tolemaida.

21 Q Do you know whether Alfredo Araujo and

1 Jorge 40 had a personal relationship prior to Jorge 40
2 joining the AUC?

3 MR. JEFFRESS: Objection, foundation.

4 THE JUDGE'S COURT REPORTER: (Speaking in
5 Spanish)

6 THE WITNESS: The relationship between
7 Jorge Cuarenta and Alfredo Araujo was prior, preceded
8 this because all of the ranchers at the Cesar area live
9 at the Nobalito neighborhood and they had a prior
10 relationship. They knew each other.

11 BY MR. COLLINGSWORTH:

12 Q Going back to Exhibit 3, you identified as
13 Mike Tracey. Can you tell me how often did Mike Tracey
14 visit the mine in 1998 and 1999 when you were the
15 coordinator of security for Viginorte?

16 A Well, Mike Tracey, perhaps he was one of
17 the Americans that I met in Puerto Drummond in Santa
18 Marta. And during '98 and '99 he would visit the mines
19 sporadically.

20 Q When he did visit the mine, did you
21 coordinate his security?

1 A In the same way that I would coordinate it
2 when Garry Drummond arrived.

3 Q So the record is clear though, with whom
4 would you coordinate security when Mike Tracey would
5 visit the mine?

6 A Well, with Colonel -- at that time it was
7 Colonel Ricardo Minero Gonzalez.

8 THE INTERPRETER: Excuse me, interpreter
9 would like to correct, Lineros Gonzalez.

10 BY MR. COLLINGSWORTH:

11 Q Did you also coordinate with the AUC?

12 MR. JEFFRESS: Objection, leading.

13 THE WITNESS: All of that was coordinated
14 with El Tigre's AUC. Always when high important
15 Drummond officers like Mike Tracey, Jim Adkins, Garry
16 Drummond, and Augusto Jimenez, all of that was
17 coordinated with El Tigre.

18 BY MR. COLLINGSWORTH:

19 Q You mentioned that Mike Tracey had his
20 office in Puerto Drummond. Did you ever visit Puerto
21 Drummond to see Mike Tracey?

1 THE JUDGE'S COURT REPORTER: Could you
2 please repeat the answer?

3 THE WITNESS: Well, I provided services as
4 supervisor of security for Viginorte in Puerto Drummond
5 and I met Mike Tracey there and there, back then, the
6 chief of security was Edgar Ruiz.

7 BY MR. COLLINGSWORTH:

8 Q Did you ever see any members of the AUC in
9 or around the port area for Drummond when you visited
10 there?

11 A No. Puerto Drummond, no; but mine
12 Drummond, I would enter the mine when I was with Jaime
13 Blanco Maya when I work as chief of security for the
14 mine.

15 THE JUDGE'S COURT REPORTER: Could you
16 please repeat the answer?

17 THE WITNESS: Well, to mine Drummond, yes,
18 I would enter with paramilitary forces, but not to
19 Puerto Drummond.

20 BY MR. COLLINGSWORTH:

21 Q After you left Viginorte, what was your

1 next position that you took?

2 A Chief of security as services inside ISA
3 which were owned by Jaime Blanco Maya.

4 Q What were your duties as the head of
5 security for ISA?

6 A As chief of security of ISA I had clear
7 instructions regarding security.

8 THE JUDGE'S COURT REPORTER: (Speaking in
9 Spanish)

10 THE WITNESS: When I was chief of security
11 for Jaime Blanco Maya that was by order of Colonel
12 Ricardo Lineros Gonzalez and Jim Adkins. I had to
13 control -- well, it was to control everything, and this
14 was by specific instructions of Ricardo Lineros
15 Gonzalez and Jim Adkins and then later on the Carlos
16 Rodriguez to control the presence of paramilitary
17 forces in the area as well as the state security forces
18 so they will not have anything to do with the railroad.

19 I would like to continue.

20 Well, that authorization to provide
21 safety services for ISA, Alfredo Araujo, Jim Adkins,

1 Ricardo Lineros was with the specific purpose of
2 surveying the activities of union members and
3 leaders inside ISA and then report periodically to
4 Jim Adkins. That will be ISA specifically at the
5 casino, the restaurant, food services.

6 BY MR. COLLINGSWORTH:

7 Q So while you were the head of security of
8 ISA, which you said is owned by Jaime Blanco Maya, is
9 your testimony that part of your responsibility was to
10 provide information about the Drummond union to Alfredo
11 Araujo and Jim Adkins? Is that what you just said?

12 MR. JEFFRESS: Objection, leading.

13 THE WITNESS: Yes, sir.

14 Q Who gave you that -- who gave you the
15 direction to provide information about the Drummond
16 union and give that information to Alfredo Araujo and
17 Jim Adkins?

18 A All that was said to me at the meetings to
19 which I was called by Mr. Jim Adkins.

20 Q Did anyone explain -- strike that.

21 Was Jaime Blanco present for these

1 discussions?

2 A Jaime Blanco Maya, we always went to talk
3 to Jim Adkins regarding those activities.

4 Q What were the issues or problems with the
5 union that you were directed to observe and report on?

6 A Well, Drummond's management had Jim Adkins,
7 was internal labor conflict they had with the union for
8 the pressure that American and Colombian supervisors
9 were asserting on the peek area because they were not
10 giving enough time, rest time, downtime, to the daily
11 shifts.

12 The union was complaining about the
13 presence of AUC inside the dining hall, the casino,
14 also about the bad quality of the food that was
15 provided by Jaime Blanco Maya.

16 Inside the Drummond -- at the Drummond's
17 mine the daily shift workers were slaves of the
18 Americans because they were not given any rest and that
19 represented a labor conflict between the union and
20 management of the Drummond Company.

21 THE JUDGE'S COURT REPORTER: (Speaking in

1 Spanish)

2 THE WITNESS: Well, those -- the very same
3 paramilitary personnel -- and I'm going to name the
4 names here for the record. Alias Leonis, alias El
5 Chino, whose name was Dario Jose Aristides; alias El
6 Guache.

7 Those people, who were members of the
8 AUC, entered with me inside the Drummond mine
9 company.

10 Well, the union inside Drummond's
11 company could see the presence of those paramilitary
12 forces and Jim Adkins called was that they could see
13 whether the union leaders in order to prepare what
14 was going happen or what happened on the 12th of
15 March of the year 2001.

16 BY MR. COLLINGSWORTH:

17 Q Let me ask you a new question.

18 So prior to, you mentioned a date,
19 March 12th, 2001 -- let's be clear on the record. What
20 happened on that date? Just what was the event of that
21 date?

1 And to be clear, I don't want you to tell
2 me the whole story. I just want to know what was the
3 event in your mind causes March 12th, 2001, to stand
4 out.

5 A Well, the 12th of March of the year 2001,
6 what makes that day special -- I want to tell you
7 something about that. The 6th of March of the year
8 2001 happened obviously before that. It was a Tuesday.
9 That was the last time that I met with Jaime Blanco
10 Maya, Jim Adkins, and myself at the office of the
11 special services.

12 Q We're going to talk about March 6th as
13 well. Just, please, identify for the record what
14 happened on March 12th that caused it to be referenced
15 by you here?

16 A March 6th?

17 Q Twelfth?

18 A Well, the 12th of March I was asked by
19 Pedro Maya, who is the first cousin of Jaime Blanco
20 Maya and the supervisor of human resources of Drummond
21 mine.

1 Q No. Please, we're going get to the
2 details. Just what was the ultimate event that
3 occurred on March 12th, 2001? Was there an ultimate
4 event?

5 A The event on the 12th of March was the
6 death of the two union members.

7 Q Thank you. And can you identify their
8 names, what are the two union leaders' names that were
9 murdered on March 12th, 2001?

10 THE JUDGE'S COURT REPORTER: (Speaking in
11 Spanish)

12 THE WITNESS: Valmore Locarno Rodriguez was
13 the president of union at Drummond's company and Victor
14 Orcasita was the vice-president the same year.

15 BY MR. COLLINGSWORTH:

16 Q Thank you very much. You were about to
17 talk about a meeting that occurred on March 6th, 2001.
18 Can you, please, describe what happened at that
19 meeting?

20 THE JUDGE'S COURT REPORTER: Will you
21 please allow me to type the question?

1 THE WITNESS: Of course.

2 THE JUDGE'S COURT REPORTER: Thank you.

3 THE INTERPRETER: (Speaking in Spanish)

4 THE WITNESS: At meeting of March 6th,
5 2001, which took place at the office of special
6 services at Drummond mine, there Jim Adkins, Ricardo --
7 Jaime Blanco Maya, and Jairo de Jesus Charris, myself,
8 that we had to carry out the killings of the two union
9 leaders on March 12th, 2001.

10 That meeting on March 6th, 2001. That
11 was -- that took place by specific orders of
12 Mr. Garry Drummond to James Adkins that Garry
13 Drummond and him did not see the union as union
14 leaders, but considered them guerillas.

15 And this was a direct order from Garry
16 Drummond to Jim Adkins that they had to comply with
17 the demands of the international market, for which
18 reason the union was going to -- because of the
19 presence of the paramilitaries in the area of the
20 mine, the casino, and the surrounding area they were
21 going to stop activities in that area.

1 Jim Adkins put it very clearly to me
2 that everything that I knew that this I had to -- I
3 would not have to incriminate and that I, myself, my
4 family, were going to be safely sent to Alabama so
5 that this would not be known.

6 BY MR. COLLINGSWORTH:

7 Q Was Jim Adkins asking you to participate in
8 the murder of the union leaders?

9 A Yes, sir.

10 Q And in what context did he mention sending
11 you and your family to the United States?

12 THE JUDGE'S COURT REPORTER: One moment.

13 THE WITNESS: When he told me he would send
14 me and my family to Alabama, the United States, it was
15 because he did not want me to turn myself to the
16 justice system and tell the truth about what happened
17 in Colombia.

18 The point that Mr. Jim Adkins was
19 discussing, among the points that he discussed was
20 that there was a suit against him in Washington when
21 he was a former CIA agent. That was when he was in

1 Nicaragua. And that's a meeting on March 6th
2 Mr. Jim Adkins gave me all of the names of all of
3 the members of the union.

4 BY MR. COLLINGSWORTH:

5 Q Just a clarification. Did he give you the
6 names of all of the members of the union?

7 THE JUDGE'S COURT REPORTER: (Speaking in
8 Spanish)

9 THE WITNESS: Jim Adkins handed to me all
10 of the names of all the director, the leaders of the
11 union.

12 BY MR. COLLINGSWORTH:

13 Q And when he gave you the list what did he
14 say? What did you understand he gave the list for?

15 THE JUDGE'S COURT REPORTER: (Speaking in
16 Spanish)

17 THE WITNESS: The list was for me to give
18 it to Commander Tolemaida in San Angel, Magdalena, and
19 that was the leaders of the union. The first one to be
20 killed was the president and vice-president on
21 March 12th, 2001.

1 The vice-president was Victor Orcasita
2 and the president was Valmore Locarno.

3 BY MR. COLLINGSWORTH:

4 Q Do you remember any of the other names that
5 were on this list?

6 A Yes. In addition to the Valmore Locarno
7 Rodriguez and Mr. Victor Hugo Orcasita Maya, there were
8 the names of Raul Sosa and Yuri Rodriguez -- Yuri
9 Pareja, Mr. Gustavo Soler Mora and Mr. Victor Guerra
10 Uztariz and Mr. Alejandro Vergara.

11 The policy, the policy, the criminal policy
12 of Jim Adkins under the direction of Garry Drummond was
13 to do away with the union because they would tell me
14 that they had to fully comply with the international
15 contracts for the sale of coal and that the union could
16 not make production go down because they had to comply
17 with the demands of the international markets.

18 BY MR. COLLINGSWORTH:

19 Q At the time of this meeting in March 6th,
20 2001, when Jim Adkins handed you the list of the union
21 leaders to pass on to Tolemaida, was there a actual

1 labor dispute going on between Drummond and the union?

2 MR. JEFFRESS: Objection, foundation.

3 THE WITNESS: Drummond was really going
4 through a bad moment because the railroad tracks had
5 been blown, and in 2002 there was also another incident
6 because of bad maneuvering between Ferrovia, the
7 special Drummond services, because 84 train wagons
8 derailed at the Drummond mine.

9 BY MR. COLLINGSWORTH:

10 Q But at the time of this meeting, March 6th,
11 2001, was there a conflict between the union and
12 Drummond that you were aware of?

13 MR. JEFFRESS: Objection, no foundation.

14 THE JUDGE'S COURT REPORTER: (Speaking in
15 Spanish)

16 THE INTERPRETER: The question was -- could
17 you repeat the question?

18 I repeat the question.

19 THE WITNESS: Yes, sir.

20 BY MR. COLLINGSWORTH:

21 Q What facts are you aware of relating to

1 this dispute between the union and Drummond on
2 March 6th, 2001?

3 A That the food supply contract to Jaime Maya
4 would be canceled, that when Jim Adkins would come to
5 the mine to talk to the shift, the shift there, that he
6 was not only going to come to talk to the personnel
7 there, that he was also going to cancel the contract
8 for supplying the food.

9 Q As a result of this March 6th, 2001,
10 meeting where you've testified Jim Adkins gave you the
11 list and the names of the union leaders to pass on to
12 Tolemaida, did you take any action after the meeting?

13 A The result of the meeting of March 6th was
14 the deaths of the two union leaders at the place on
15 March 12th of 2001.

16 On March 12th I received a call at
17 approximately 1810, 1815 hours in the afternoon from
18 Colonel Luis Carlos Rodriguez --

19 THE JUDGE'S COURT REPORTER: (Speaking in
20 Spanish)

21 THE WITNESS: -- in that phone call Luis

1 Carlos Rodriguez, as head of security of Drummond, let
2 me know that the union leaders were going on the first,
3 on the first and second bus, and for me to -- and for
4 me to let the Commander Tolemaida know about this and
5 also to Commander Adinael, who was the area, to inform
6 them about the exiting of the union leaders from the
7 mine.

8 BY MR. COLLINGSWORTH:

9 Q So what did you do in response to receiving
10 this call from Colonel Rodriguez, with this information
11 about the union leaders and their position on the bus?

12 THE CLERK: There's a computer problem. So
13 we will take the lunch recess at this time to fix the
14 computer problem and that will be about an hour.

15 MR. COLLINGSWORTH: So we should reconvene
16 about 1:30?

17 THE CLERK: From 12:30 to 1:30.

18 MR. COLLINGSWORTH: Thank you.

19 THE VIDEOGRAPHER: Going off the record at
20 12:30.

21 (Recessed at 12:30 p.m. for lunch)

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

(Reconvened at 1:47 p.m.)

THE CLERK: Can we continue with the proceedings?

MR. COLLINGSWORTH: Yes. Thank you.

Could I ask the court reporter read back, please, the last question.

(Whereupon the following portion of the testimony was repeated by the Court Reporter:

"QUESTION: So what did you do in response to receiving this call from Colonel Rodriguez, with this information about the union leaders and their position on the bus?")

THE WITNESS: He called back Colonel Ricardo Rodriguez. I called back to Colonel Ricardo Rodriguez and tell him that in accordance with the conversation that we had on the 6th of March of the year 2001 with Jim Adkins, Jaime Blanco Maya, and myself, Jim Adkins would give the order to Colonel Luis

1 Carlos Rodriguez so he would give this information by
2 phone to the Adinael or Tolemaida.

3 That same day on the 6th of March
4 Mr. James Adkins gave Jaime Blanco Maya the numbers
5 for Colonel Ricardo Rodriguez to get in touch with
6 the commanders. That very same day Jaime Blanco
7 Maya gave the numbers to Colonel Ricardo Rodriguez,
8 the numbers with which he would have to communicate
9 with the commanders in order to tell them
10 information about the departure of the union
11 leaders.

12 BY MR. COLLINGSWORTH:

13 Q Do you know if Colonel Rodriguez on
14 March 12 called either Tolemaida or Adinael to give
15 either of them this information about the location of
16 the union leaders?

17 MR. COLLINGSWORTH: March 12 not 6th.

18 THE INTERPRETER: Excuse me. Interpreter
19 will correct the record. That's the 12th of March and
20 not the 6th.

21 THE JUDGE'S COURT REPORTER: (Speaking in

1 Spanish)

2 THE WITNESS: The 12th of March, excuse me,
3 when the assassination of the union leaders took place,
4 Mr. Luis Carlos Rodriguez by specific orders of Jim
5 Adkins was to call the commanders and my job was to
6 call Adinael to confirm that Luis Carlos Rodriguez had
7 told me.

8 BY MR. COLLINGSWORTH:

9 Q Did you do that did you make that call on
10 March 12th?

11 A The 12th of March to confirm about the call
12 from Luis Carlos Rodriguez I made a call to Adinael to
13 confirm, and specifically he confirmed the fact that
14 Luis Carlos Rodriguez had called him.

15 Q How did you personally receive the news
16 that Locarno and Orcasita had been assassinated on
17 March 12th?

18 THE JUDGE'S COURT REPORTER: (Speaking in
19 Spanish)

20 THE INTERPRETER: Interpreter can repeat
21 the question.

1 THE WITNESS: Well, that was clear from the
2 meeting that took place on the 6th of March with Jim
3 Adkins that the execution of the union leaders would
4 take place on the 12th of March during the day shift,
5 the first shift, which was the shift where the union
6 leaders work.

7 BY MR. COLLINGSWORTH:

8 Q Thank you. Well, let me ask a new
9 question.

10 How did you learn after the union leaders
11 were executed that they had, in fact, been executed?

12 THE JUDGE'S COURT REPORTER: (Speaking in
13 Spanish)

14 THE WITNESS: At La Loma Port, that is the
15 supply center for ISA, that is the industrial food
16 supply company, there are many children that have
17 nervous problems.

18 That day of the 12th of March the same
19 children to which I will give food supplies and also
20 Drummond's workers that live at La Loma were the
21 ones who informed that the union leaders had been

1 killed.

2 My security department working with ISA
3 had security officer whose name is, was Edwin Angulo
4 Blanco. That security officer was a man who
5 identified the union leaders when they were in the
6 van or pickup truck the day that they were executed.

7 The 20th of March of that same year,
8 same month, Commander Adinael called me to the food
9 hall, the casino, by phone and then he told me that
10 he needed to talk to me urgently at the Bodega de
11 Vadelco, that it was the base of the AUC.

12 BY MR. COLLINGSWORTH:

13 Q Let me ask a new question then.

14 So on March 20th you heard from Adinael and
15 he asked you to meet him. Is that what you were just
16 testifying to?

17 MR. JEFFRESS: Objection, leading.

18 THE WITNESS: Yes, sir.

19 BY MR. COLLINGSWORTH:

20 Q Did you meet Adinael that day, March 20th?

21 A Yes, sir.

1 Q What did you discuss with him?

2 A What he known about the operation with the
3 union leaders.

4 Q Anything else that was discussed?

5 A Well, that same day asked me who was this
6 Colonel Rodriguez and I specified and then I tell him
7 that he was the chief at Drummond's mine. That not
8 Colonel Adinael told me that that colonel was the one
9 who called for the exit of the union leaders, and also
10 Commander Adinael told me how much money Drummond gave
11 to carry out that job, to the assassination of the
12 union leaders.

13 Q What did he say about the payment of the
14 assassination about the union leaders? What did
15 Adinael say about the payment of the assassination of
16 the union leaders?

17 A Commander Adinael told me that Drummond
18 gave a lot of money to get rid of those union leaders
19 and, therefore, so they will not mess with the work at
20 the mine.

21 THE JUDGE'S COURT REPORTER: (Speaking in

1 Spanish)

2 THE WITNESS: In that same day Adinael told
3 me that an extensive amount of money had been given by
4 Drummond to Jaime Blanco Maya so he will delivery that
5 money to Commander Tolemaida.

6 BY MR. COLLINGSWORTH:

7 Q Do you know what happened with those funds
8 that Adinael told you about?

9 MR. JEFFRESS: Objection, foundation.

10 THE WITNESS: Well, Jaime Blanco Maya told
11 me that that money was given to Commander Tolemaida and
12 not only that, but that Dr. Jose Alfredo Daza Ortiz, to
13 Dr. Jose Alfredo Daza Ortiz, who was a commander -- who
14 was the attorney for the Northern Bloc front.

15 Dr. Ortiz on the 11th of August of the
16 year 2007 at the council of Cesar that was
17 prerecorded at Valledupar told me I had to go to
18 Bogota to the place where Jaime Blanco Maya had
19 there because there was an order to cease and
20 capture me because of the death the killings of the
21 union leaders.

1 BY MR. COLLINGSWORTH:

2 Q Thank you.

3 Going back to your conversation with
4 Adinael on March 20, 2001, did he say to you whether he
5 had received any funds?

6 A No. That's why he wanted to see me because
7 he was asking Tolemaida about what he did with the
8 union leaders.

9 Q Do you know where Adinael is today?

10 A Well, Mr. Adinael was assassinated by the
11 very same Commander Tolemaida. So his case has to do
12 with the assassination of the union leaders who have
13 now to go without punishment.

14 Q Do you know where Dr. Daza is today?

15 A Dr. Jose Alfredo Daza Ortiz was also killed
16 by Commander Tolemaida.

17 Q Going back to March 12, 2001, do you know
18 if on that day Locarno had to work in the mine?

19 A Yes, sir.

20 Q Do you know what Locarno was doing in the
21 mine that day?

1 MR. JEFFRESS: Objection, foundation.

2 THE WITNESS: Yes, sir.

3 BY MR. COLLINGSWORTH:

4 Q Can you tell us, please, what Locarno was
5 doing in the mine that day?

6 THE JUDGE'S COURT REPORTER: (Speaking in
7 Spanish)

8 Excuse me, I didn't get previous
9 question.

10 THE INTERPRETER: The interpreter can
11 repeat the question.

12 THE JUDGE'S COURT REPORTER: Okay.

13 THE INTERPRETER: The interpreter will
14 continue with the answer of the witness.

15 THE WITNESS: Mr. Pedro Maya received the
16 order of Jim Adkins and (speaking in Spanish) because
17 the leader was a president of the union had a leave of
18 absence for approximately three months. He had been
19 absent for approximately three months.

20 Why did Mr. Locarno have to go to the
21 mine? Well, it was all planned out because that way

1 he will have to leave the mine with Victor Orcasita
2 in order to be taken down by the AUC.

3 BY MR. COLLINGSWORTH:

4 Q I'm sorry, I'm still not clear. What was
5 Locarno then doing at the mine that day?

6 MR. JEFFRESS: Objection, no foundation.

7 THE WITNESS: Well, that was a set up. So
8 Pedro Maya and Jim Adkins would call Locarno Rodriguez
9 to a meeting at the mine so they will discuss the food
10 problem and the internal problems that they were having
11 with Drummond.

12 BY MR. COLLINGSWORTH:

13 Q How do you know about this plan that you've
14 described where Pedro Maya and Jim Adkins had Locarno
15 come to the mine that day?

16 THE JUDGE'S COURT REPORTER: I couldn't get
17 that.

18 THE INTERPRETER: Interpreter will repeat
19 the question.

20 THE WITNESS: That was discussed on the 6th
21 of March, Jim Adkins, Jaime Blanco, and myself.

1 BY MR. COLLINGSWORTH:

2 Q Do you know if Alfredo Araujo was aware of
3 the plan to kill the union leaders on March 12, 2001?

4 MR. JEFFRESS: Objection, no foundation.

5 THE INTERPRETER: Was interpreter's
6 mistake.

7 THE WITNESS: Yes, sir.

8 BY MR. COLLINGSWORTH:

9 Q What do you know about his knowledge of the
10 plan?

11 A Well, I know about the plan, is when went
12 to the offices of special services Jaime Blanco told me
13 that he had to meet with Alfredo Araujo Castro in
14 Valledupar to tell him about what was discussed at the
15 meeting because he wanted to take care of that job as
16 fast as possible.

17 Q What meeting are you referring to in your
18 answer?

19 THE JUDGE'S COURT REPORTER: (Speaking in
20 Spanish)

21 THE WITNESS: March 6th. That was the last

1 meeting that took place about the criminal plan
2 regarding the union leaders.

3 BY MR. COLLINGSWORTH:

4 Q Prior to March 6th, 2001, had you ever
5 personally participated in a discussion or were present
6 during a discussion when Alfredo Araujo expressed
7 concerns about the union leaders?

8 A Well, Alfredo Araujo always had his opinion
9 about the union that they were the worst guerillas.
10 Well, the same way, by direct order of Jaime Blanco
11 Maya and Alfredo Araujo.

12 Flyers were prepared that I had to
13 distribute at the village of La Loma in which union
14 members were described as members of the guerilla by
15 the direct order of Jim Adkins, Jaime Blanco Maya, and
16 Alfredo Araujo.

17 Q Did Alfredo Araujo ever express any plans
18 or intentions to participate in the executions of the
19 union leaders?

20 A Yes, sir.

21 Q Can you tell us what you recall about any

1 expressions of that sort that he made?

2 A Well, ISA's office in Valledupar, Alfredo
3 Araujo always went to see Jaime Blanco Maya with one
4 single goal in mind, he didn't want to see the union
5 members at Drummond.

6 Q Do you recall anything specific he said
7 about how to solve that problem?

8 A Well, since they couldn't get rid of them
9 legally, according to the union rules, Alfredo Araujo
10 told Jaime Blanco Maya that they will to have kill them
11 by means of the AUC.

12 Q Do you know if Alfredo Araujo and Jaime
13 Blanco were friends?

14 A Yes, sir.

15 Q So were they friends?

16 A They are close friends.

17 Q Do you know where Jaime Blanco's office was
18 in relation to Alfredo Araujo's office in Valledupar?

19 THE JUDGE'S COURT REPORTER: Pardon me?

20 THE INTERPRETER: The interpreter will
21 repeat the question. The interpreter will now provide

1 the answer.

2 THE WITNESS: Drummond's office in
3 Valledupar is at the Portal del Valle building. Well,
4 that's where the office is at at that building, the
5 Portal del Valle building. On the fourth floor, that's
6 where Drummond's office is, and then on the second
7 floor, back then was where ISA's office was located.

8 BY MR. COLLINGSWORTH:

9 Q In terms of your own observations, how
10 frequently did Jaime Blanco and Alfredo Araujo meet in
11 each others offices, let's say, in the year 2000?

12 A Very frequently.

13 Q Was it on a daily basis, a couple of times
14 a week? What's your observation?

15 A Well, you know, as I said before, they
16 talked frequently, every 15 days, monthly, and they
17 also at the Novalito, that is the Casa de Adobo, that
18 is Jaime Blanco's house.

19 Q You mentioned earlier a person named
20 Peinado. Can you tell us whether he had a position
21 with ISA?

1 THE JUDGE'S COURT REPORTER: (Speaking in
2 Spanish)

3 THE WITNESS: Yes, sir.

4 BY MR. COLLINGSWORTH:

5 Q What was his -- what was Peinado's position
6 at ISA?

7 A Jose Peinado was an assistant. He has had
8 many tasks.

9 Q Did he report to you or -- let's just say
10 that. Did he report to you?

11 A Yes, sir.

12 Q Did you -- what tasks did you assign him to
13 do?

14 THE JUDGE'S COURT REPORTER: Pardon?

15 THE WITNESS: The order I gave Jose Peinado
16 was to keep an eye, analyze what the union leaders were
17 saying or they were discussing.

18 BY MR. COLLINGSWORTH:

19 Q I think you mentioned earlier that Peinado
20 was a member of the AUC. Was he a member of the AUC
21 while he was working for you at ISA?

1 A The year 2002 he started to work for the
2 AUC.

3 THE JUDGE'S COURT REPORTER: Excuse me,
4 please. I would like to remind you to make a little
5 pause after interpreter provides -- or when you get the
6 question because I'm lagging behind and I need some
7 time to transcribe.

8 THE INTERPRETER: The interpreter can
9 repeat the answer.

10 THE WITNESS: I want to correct that. I
11 want to correct that. It wasn't the year 2002, it was
12 the year 2000.

13 BY MR. COLLINGSWORTH:

14 Q So the answer then is, yes, while he was
15 working for you at ISA he was also in the AUC?

16 A Yes, sir.

17 Q Did he have any coordinating role between
18 you and the AUC while you were his supervisor at ISA?

19 A Yes, sir.

20 Q Can you describe what that role was for
21 him?

1 THE JUDGE'S COURT REPORTER: (Speaking in
2 Spanish)

3 THE INTERPRETER: Interpreter just repeated
4 the last question for the Court's stenographer.

5 The interpreter will interpret now the
6 beginning of the answer.

7 THE WITNESS: Jose Peinado's role when he
8 had a free time because he worked on a 24 by 6 days of
9 vacation or time off was to go to San Angel, Magdalena.
10 That is a paramilitary base to work with Mr. Adinael.

11 BY MR. COLLINGSWORTH:

12 Q Did he, did Peinado give you information
13 about the activities of the AUC?

14 A Yes, sir.

15 Q What year were you arrested for your
16 alleged role in the murder of the union leaders?

17 A I was captured on the 14th of July of the
18 year 2008 in northern Bogota.

19 Q Since your arrest in 2008, have you had any
20 discussions with Tolemaida about the repercussions of
21 the union murders?

1 A Yes, sir.

2 Q Can you tell us -- first of all, was there
3 one or more than one discussion?

4 A I had several conversations with Tolemaida.

5 MR. JEFFRESS: I'm sorry, what was the
6 answer to that?

7 THE INTERPRETER: I had several
8 conversations with Tolemaida.

9 MR. COLLINGSWORTH: Several.

10 MR. JEFFRESS: Several.

11 BY MR. COLLINGSWORTH:

12 Q Can you tell us the substance of those
13 conversations?

14 THE JUDGE'S COURT REPORTER: (Speaking in
15 Spanish)

16 THE INTERPRETER: Juan Andres Alvarez
17 Front.

18 THE WITNESS: Well, on the 16th of March of
19 the year 2010, the 17th of March, the 18th of March,
20 and the 19th of March at the office of the third
21 prosecutor's of Justice and Peace, which is the office

1 in charge of the Northern Bloc of the AUC, we met
2 Tolemaida, Alveiro Guisaos, alias El Amiguito, alias
3 James; Jose Aristides Peinado, alias El Guache; and
4 Jairo Jesus Charris Castro to talk about issues and
5 coordinate a platform of the Juan Andres Alvarez Front.

6 THE INTERPRETER: The interpreter would
7 like to request permission to switch.

8 MR. COLLINGSWORTH: Sure.

9 Going forward just go ahead and switch.

10 BY MR. COLLINGSWORTH:

11 Q So you've described this period of time in
12 March 2010 when you met with Tolemaida. What was
13 discussed specifically about the union murders and
14 Drummond?

15 MR. COLLINGSWORTH: She has to hear you.

16 THE INTERPRETER: (Interpreter repeating
17 the question)

18 THE WITNESS: All in general, all the
19 criminal plans carried out by that Front, the Juan
20 Andres Alvarez Front.

21 BY MR. COLLINGSWORTH:

1 Q Did Tolemaida give you any direction about
2 how you should talk about what happened?

3 THE JUDGE'S COURT REPORTER: (Speaking in
4 Spanish)

5 THE WITNESS: Tolemaida has always wanted
6 to manipulate.

7 MR. JEFFRESS: To?

8 THE INTERPRETER: Manipulate.

9 BY MR. COLLINGSWORTH:

10 Q Please, continue.

11 A Tolemaida has always wanted to clear
12 Drummond from these process offering me benefits,
13 bribes, money by me assuming all responsibility for the
14 deaths of the union leaders.

15 Tolemaida told me at this summons at the
16 third prosecutor's office, there he told me if I
17 presented myself as the person that had committed this
18 crimes that he would seek money from Drummond to pay me
19 for all, for presenting me in this fashion.

20 Q Please continue.

21 A Mr. Tolemaida told me that Drummond has a

1 lot of power and that he also has people outside that
2 still obey the orders that he gives.

3 To me this was a threat because he also
4 told me that attorneys that were involved in this
5 procedure against Drummond that they would also be
6 killed as the union leaders had been.

7 He even told me that Attorney Ivan Otero,
8 that they were not going to leave things just at rest
9 until they either found him in jail or killed.
10 Tolemaida has always wanted to get Drummond clear from
11 this procedure.

12 There is a process, and I invite the
13 general national prosecution and the prosecution for
14 Justice and Peace, to force Commander Tolemaida to tell
15 the truth and only the truth so that the victims would
16 be pleased with this as well as their families.

17 Q How did you respond to all of these things
18 that Tolemaida told you?

19 A The only thing that I have always said to
20 Tolemaida is to tell the truth so that the victims
21 would know and that justice of Colombia can then

1 proceed -- the justice system of Colombia can then
2 proceed to give him the legal and other benefits that
3 the law grants them.

4 Q Thank you.

5 Do you know an AUC member named Alexander
6 Pianetta, Alexander Pianetta?

7 A That is not the name. I do know who he is.

8 Q Please, correct me. What's the name that I
9 almost pronounced?

10 A His name is Alexander Pianetta.

11 Q Did he have a role in the murder of the
12 union leaders?

13 MR. JEFFRESS: Objection, foundation.

14 THE WITNESS: Yes, sir.

15 Q What was his role, do you know?

16 A Pianetta is a retired second lieutenant of
17 the Army. He would coordinate all communications for
18 Tolemaida.

19 Q Do you know where he is today?

20 A He was also killed by Commander Tolemaida.

21 Q Can you describe, list for us all of the

1 AUC people who you believe had a role in the union
2 murders who were subsequently assassinated by
3 Tolemaida?

4 MR. JEFFRESS: Objection, foundation.

5 THE WITNESS: The first one was Commander
6 Adinael who carried out the operation. The second was
7 a lady commander by the name of Yolanda who was killed
8 as well. Alias Alexander Pianetta who was also killed.
9 The attorney for the Northern bloc, Attorney Jose
10 Alfredo Daza Ortiz, Mr. Javier Lopez, alias El Canoso.

11 BY MR. COLLINGSWORTH:

12 Q Who was Javier Lopez? What was his role in
13 the AUC?

14 A Javier Lopez, alias El Canoso, was the
15 finance head for Jorge 40 and alias Tolemaida.

16 Q Why do you think Tolemaida had all of these
17 people killed?

18 MR. JEFFRESS: Objection.

19 THE WITNESS: Very simply. Two people,
20 Adinael had told me that Drummond had given a lot of
21 money for the deaths of the union leaders, and,

1 likewise, Jose Alfredo Daza Ortiz who said that
2 Drummond had given a lot of money for the death of the
3 union leaders.

4 All of those who had knowledge about the
5 plan to kill the union leaders were just in the way
6 of Tolemaida, and that was the reason why he had
7 them killed.

8 BY MR. COLLINGSWORTH:

9 Q Thank you. I just have a few more
10 questions and then I'll be wrapping up.

11 Do you know a person named Christian
12 Vergara? And forgive me if I pronounced that wrong
13 too.

14 THE JUDGE'S COURT REPORTER: How is the
15 name?

16 MR. COLLINGSWORTH: Christian Vergara.

17 THE WITNESS: I will, correct.

18 BY MR. COLLINGSWORTH:

19 Q Please.

20 A His name is Christian Vergaras.

21 Q And who is Christian Vergaras. He was a

1 retired mayor?

2 A He was the second person for the
3 services -- he was the second person in command of the
4 office of special security services at the Drummond
5 mine.

6 This gentleman, Christian Vergaras, who was
7 the second person in command of special services, he
8 had a lot of knowledge of the AUC -- of the presence of
9 the paramilitary.

10 Q Did he discuss this with you?

11 A Mayor Christian Vergaras, during the time
12 that I worked at the Port of Drummond, we started doing
13 the surveillance and security there. He would tell me
14 then that he had problems with Alfredo Araujo,
15 Ricardo -- Jim Adkins, and Ricardo Lineros Gonzalez.

16 Q What was the nature of the problems he told
17 you he had with Jim Adkins, Alfredo Araujo, and Colonel
18 Lineros?

19 A Mayor Christian knew about the presence and
20 the activities of the paramilitary and he was not in
21 agreement with the criminal activities of Alfredo

1 Araujo, Jim Adkins, and Colonel Gonzalez.

2 MS. LEETE: Who was the last person?

3 THE INTERPRETER: Colonel Ricardo Lineros
4 Gonzalez.

5 BY MR. COLLINGSWORTH:

6 Q Do you know where Christian Vergaras is
7 today?

8 A Yes, sir.

9 Q Where is he?

10 A He was killed by the AUC of the Juan Andres
11 Alvarez Front.

12 Q When roughly was he killed?

13 THE JUDGE'S COURT REPORTER: One moment.

14 THE WITNESS: That was approximately in
15 '98.

16 BY MR. COLLINGSWORTH:

17 Q Do you know a person -- and, again, I might
18 get this wrong -- Ben Curry, Ben Curry?

19 A The name is Ben Curry.

20 Q And who is Ben Curry?

21 A Ben Curry is a German individual,

1 supervisor at the Hiki area at Drummond.

2 Q Do you know if he had any relationship with
3 the AUC or provided the AUC with assistance?

4 MR. JEFFRESS: Objection, foundation.

5 THE WITNESS: Yes, sir.

6 BY MR. COLLINGSWORTH:

7 Q What do you know about any assistance Ben
8 Curry provided to the AUC?

9 A Ben Curry and his father, they both had a
10 farm at Popontas that was located in the Popontas town.
11 This farm was the permanent base for Commander Omega to
12 counteract the activities of the guerilla at Las
13 Palmitas, Rincon Hondo and Las Parcelas de Michoacan.

14 Q Who is Commander Omega?

15 A Commander Omega was in charge of the whole
16 zone, the Popontas hill, the whole area of the Sierra,
17 everything that was from Chiriguana, Agua Chica,
18 Pailita, Velaya, San Alberto, El Burro, La Mata,
19 Chimichagua, El Carmen. All that was under the command
20 and had as its maximum head Commander Omega.

21 Q And Omega were all perhaps assuming this,

1 but Omega was part of the AUC?

2 A Commander Omega was the second person, the
3 second person of the Northern Bloc that was under
4 Commander Jorge 40.

5 Q Do you know where Commander Omega is today?

6 A He was also killed by the AUC.

7 Q Roughly when was he killed?

8 A I do not recall the date. I do not recall
9 the date. There is a commander at Justice and Peace,
10 the name of him is Rafa, who could provide the name.

11 Q How do you know that Ben Curry provided his
12 farm at Poponte for Omega's base?

13 A When I was the head of security for ISA I
14 was in charge of buying cattle from Mr. Ben Curry, and
15 I would do this through Mr. Manuel Palomino, who was
16 the manager of the farm.

17 And when I was the coordinator for the Juan
18 Andres Alvarez Front I had to go and check all those
19 towns, including the Poponte farm.

20 Q So did you personally see the base that
21 Omega had there?

1 A Yes, sir.

2 Q Did anyone besides Tolemaida offer you
3 money to keep quiet about Drummond's role in the union
4 murders?

5 MR. JEFFRESS: Objection.

6 THE WITNESS: Only Tolemaida.

7 BY MR. COLLINGSWORTH:

8 Q Do you know of a place called Rancho Pelu?

9 A Yes, sir.

10 Q What is Rancho Pelu?

11 THE JUDGE'S COURT REPORTER: (Speaking in
12 Spanish)

13 THE WITNESS: Rancho Pelu is a cattle
14 breeding farm where they have milk and fattening cows
15 which is located at the back of the Gecolsa camp which
16 is where they are to do the maintenance for the
17 Caterpillar equipment.

18 That ranch is in the name of Rafael
19 Arrango, a famous man in Medellin. By that ranch
20 and its surroundings, all of that area was the
21 corridor for the AUC.

1 Q What do you mean by the corridor for the
2 AUC?

3 A That was the pathway where the AUC
4 circulated.

5 Q Was Mr. Arrango cooperating with the AUC?

6 A Mr. Rafael Arrango was a very good friend
7 of all of the Americans at Drummond and all the special
8 services personnel. He did cooperate. He did
9 cooperate with the AUC, and where the farm was located
10 that was the area where the guerilla and the AUC
11 conflict took place.

12 Q Did you know Mr. Arrango's wife?

13 A I did not get to know her, but Jaime Blanco
14 Maya told me that she worked in the administrative area
15 of Drummond.

16 Q Do you know General Pena?

17 A Yes, sir.

18 Q Who is General Pena in relation to
19 Drummond?

20 A General Rafael Pena Rios was in the
21 position of head of special services at Drummond

1 Colombia.

2 Q Do you know if he knew about the plan to
3 kill the union leaders on March 12, 2001?

4 MR. JEFFRESS: Objection, foundation.

5 THE WITNESS: The meeting took place on
6 March 6. I asked Jim Adkins that in addition to Mr.
7 Garry Drummond and Mike Tracey who else knew about the
8 plan for the killings and he told me Alfredo Araujo,
9 General Pena, Augusto Jimenez, Luis Carlos Rodriguez,
10 Colonel Garzon, that they all were in agreement about
11 the death of the union leaders.

12 BY MR. COLLINGSWORTH:

13 Q Let me ask you a good question then, that
14 on March 6th, 2001, who did Jim Adkins tell you among
15 the Drummond management was aware of the plan to kill
16 the union leaders?

17 MR. JEFFRESS: Objection, asked and
18 answered.

19 THE JUDGE'S COURT REPORTER: (Speaking in
20 Spanish)

21 THE WITNESS: Jim Adkins would tell me

1 about this not only on March 6th, but on all of the
2 occasions that he would come to the Drummond mine.

3 THE JUDGE'S COURT REPORTER: (Speaking in
4 Spanish)

5 THE INTERPRETER: The court reporter in
6 Spanish is asking for the question to be repeated in
7 Spanish so that she can proceed to enter this into the
8 record.

9 (Repeating the question)

10 THE WITNESS: Jim Adkins told me this
11 and told this to Jaime Blanco Maya at the office of
12 special services.

13 BY MR. COLLINGSWORTH:

14 Q And this was on March 6th, 2001?

15 A On March 6th, 2001, and also on dates
16 previous to that one as well.

17 Q So that the record is clear, which of the
18 Drummond managers did Jim Adkins tell you were aware of
19 the plan to kill the union leaders on March 12?

20 A All the people that were of the utmost
21 trust of Drummond. All of the people of their utmost

1 trust, such as Augusto Jimenez, Alfredo Araujo Castro,
2 General Rafael Pena Rios, Colonel Luis Carlos
3 Rodriguez, Colonel Jorge Garzon, Alfredo Araujo Castro,
4 Mike Tracey, Pedro Maya, Ricardo Urbina as somebody
5 from the staff that was of utmost trust of Drummond.

6 BY MR. COLLINGSWORTH:

7 Q How did this discussion come up at the
8 March 6th meeting? Why were you going through a list
9 of which Drummond officials were aware of the plan?

10 THE JUDGE'S COURT REPORTER: (Speaking in
11 Spanish)

12 THE WITNESS: Through Mr. Jim Adkins.

13 BY MR. COLLINGSWORTH:

14 Q But how did it come up? Did you ask a
15 question? Did Jaime Blanco ask a question? Why was
16 this being discussed?

17 THE WITNESS: From all this, of all of this
18 plan, this criminal plan, to murder these two union
19 members, the president of the union and the
20 vice-president of the union, there had to be something
21 else besides the voice or the opinion of Garry Drummond

1 and Jim Adkins. There had to be more people behind
2 this. Other officials had to know. It was those that
3 I just mentioned.

4 BY MR. COLLINGSWORTH:

5 Q Sorry, I just need to be clear on this
6 though. We understand the list. You've been very
7 clear about that, but why did Adkins give you that list
8 of Drummond officials who were aware of the plan? Was
9 it in response to a question? Was he making a
10 statement? Please try to remember how that information
11 came out.

12 A Well, Jim Adkins was very cautious. He was
13 very cautious of the plan against the leaders that was
14 being put together. He would not leave any clues, any
15 traces about the deaths of the union leaders.

16 Q So why did he give you the names of all of
17 the Drummond officials who were aware of the plan?

18 MR. JEFFRESS: Asked and answered.

19 THE WITNESS: Well, everything, because all
20 management had to know about the plan for killing the
21 union leaders because it was a time bomb that would

1 have national repercussions too.

2 BY MR. COLLINGSWORTH:

3 Q I'm sorry, I'm still not clear. I need to
4 understand.

5 Did you or Jaime Blanco ask Jim Adkins the
6 question of who knew or how or why did Adkins recite
7 this list of the Drummond management who knew about the
8 plan.

9 MR. JEFFRESS: Objection, asked and
10 answered.

11 THE WITNESS: Well, it was myself and Jaime
12 Blanco to James Adkins as to who was in agreement with
13 this criminal operation.

14 MR. COLLINGSWORTH: Thank you very much,
15 Mr. Charris. I have no further questions. I'm
16 going turn you over to Mr. Jeffress from the
17 Drummond Company.

18 THE WITNESS: Please, if I may, could I go
19 to the men's room?

20 MR. COLLINGSWORTH: Of course.

21 THE CLERK: Well, we are ready to continue

1 with the questioning, and that would be the Defendants
2 attorney.

3 MR. JEFFRESS: The witness requested to go
4 to the men's room.

5 THE COURT: We couldn't hear you.

6 THE CLERK: Yes, yes, my permission, of
7 course.

8 THE VIDEOGRAPHER: Let the record we're off
9 the record at 3:25.

10 (Hearing recessed at 3:25 p.m.)

11 (Hearing resumed at 3:31 p.m.)

12 EXAMINATION BY MR. JEFFRESS:

13 Q Mr. Charris, my name is William Jeffress
14 and I represent Drummond and I have some questions for
15 you this afternoon.

16 Is it your testimony that during this
17 meeting on March 6th jim Adkins told you that Drummond
18 wanted to murder leaders of the union and that Garry
19 Drummond, Mike Tracey, Augusto Jimenez, General Rafael
20 Pena, Colonel Luis Carlos Rodriguez, Colonel Jorge
21 Garzon, Alfredo Araujo, Pedro Maya, and Ricardo Urbina,

1 all were in agreement with that order?

2 THE INTERPRETER: Would you, Counsel, be so
3 kind as to read the list again.

4 MR. JEFFRESS: Garry Drummond, Mike Tracey,
5 Augusto Jimenez, General Rafael Pena, Colonel Luis
6 Carlos Rodriguez, Colonel Jorge Garzon, Alfredo Araujo,
7 Pedro Maya, and Ricardo Urbina.

8 THE CLERK: Would you be so kind, Mr.
9 Jeffress, to press the button when you speak so we can
10 get your statement through the PA? Thank you.

11 THE WITNESS: Those were the Drummond
12 employees that had Garry Drummond's trust as well as
13 James Adkins.

14 BY MR. JEFFRESS:

15 Q But Mr. Adkins told you -- Mr. Adkins told
16 you, Jairo de Jesus Charris, that all of these
17 executives of Drummond Company approved the murder of
18 human beings?

19 A Yes, sir.

20 Q And having given you that information --
21 having given you that information, you say that

1 Mr. Adkins offered to move you and your family to the
2 United States so that you wouldn't reveal it to anyone?

3 A Well, Jim Adkins offered me all kind of
4 benefits, financial benefits, to send me to Alabama in
5 the United States.

6 Q And did you ever move to the United States?

7 A Well, if I had gone to the United States,
8 as Jim Adkins told me, I wouldn't be here at this
9 public hearing.

10 Q Did Drummond ever provide you any money,
11 you or your family any money?

12 A Well, Jim Adkins offered me all kind of
13 good things, financial good things, if I were to go to
14 Alabama or to another country to prevent this
15 information from reaching the public.

16 Q What monies did you, Jairo de Jesus
17 Charris, ever receive from Drummond Company?

18 A Well, I received some sums, some pocket
19 money, to put it in plain Spanish, and a digital
20 calculator given to me by Jim Adkins. And then after
21 the term was completed with the two union leaders he

1 would accepted me to Alabama and then he would give me
2 the promises.

3 Q Did Drummond Company ever provide you any
4 money, assistance, to move to the United States?

5 MR. COLLINGSWORTH: Objection, asked and
6 answered.

7 THE WITNESS: No.

8 BY MR. JEFFRESS:

9 Q Before your arrest for the murders of the
10 union leaders, did you try to extort money from
11 Drummond Company?

12 A No.

13 Q Now, let's back up, Mr. Charris. At the
14 time of the murder of the union leaders in March 2001,
15 you were employed by a company, ISA, that was owned by
16 Jaime Blanco, correct?

17 A Yes, sir.

18 Q And Jaime Blanco's company, ISA, had a
19 contract with Drummond to provide meals to all of the
20 workers, correct?

21 A Yes, sir.

1 Q And as you mentioned --

2 MR. JEFFRESS: Sorry.

3 BY MR. JEFFRESS:

4 Q And as you mentioned this morning, the
5 union, the labor union, in particular Valmore Locarno,
6 was seeking to force Drummond to terminate that
7 contract, correct?

8 THE JUDGE'S COURT REPORTER: Mr. Who?

9 THE INTERPRETER: Mr. Locarno.

10 THE WITNESS: It wasn't only Valmore
11 Locarno, it was a whole union Sintramienergetica.

12 BY MR. JEFFRESS:

13 Q Sintramienergetica was the labor union
14 representing most of the Drummond hourly workers,
15 correct?

16 A Yes, sir.

17 Q Now, in 2007 -- well, strike that.

18 As a result of the murders of Locarno and
19 Orcasita, did ISA lose its contract to provide food for
20 the workers at Drummond?

21 MR. COLLINGSWORTH: Objection, no

1 foundation.

2 THE JUDGE'S COURT REPORTER: Excuse me,
3 please. I did not understand the question.

4 THE INTERPRETER: The interpreter will
5 repeat the question.

6 THE WITNESS: Yes, sir.

7 THE INTERPRETER: There was an objection
8 from counsel that perhaps the court reporter wants to
9 include also in the Spanish court reporting.

10 THE JUDGE'S COURT REPORTER: Thank you very
11 much.

12 THE INTERPRETER: Thank you, Mr. Jeffress.

13 BY MR. JEFFRESS:

14 Q After ISA lost the Drummond contract, did
15 you join the AUC as a paramilitary?

16 A In 2003 I was part of the Northern Front,
17 the Juan Andres Alvarez.

18 Q In 2003 after you joined the AUC, were you
19 arrested by the police?

20 A Yes, sir.

21 Q Did you spend seven months in prison?

1 A Yes, sir.

2 Q When you were released, did you go back to
3 work for the AUC?

4 A No, sir.

5 Q In the year 2007, did you learn that there
6 was an arrest warrant outstanding for you relating to
7 the murder of the Drummond union leaders?

8 A Yes, sir.

9 Q Were you aware that that arrest warrant was
10 based, at least in part, on testimony of Javier Ernesto
11 Ochoa who said you had admitted to him that you
12 participated in planning the murders and pointing out
13 the union leaders to the murders?

14 A I don't know. I don't know. I don't know
15 about Javier Ernesto Ochoa Quinones' testimony about
16 the union in the case of union leaders.

17 I met Ernesto Ochoa Quinones when he was
18 not even a member, he was a tractor mule and a mechanic
19 of the Javier de Ibirico.

20 Q Were you aware of Mr. Ochoa's statements to
21 Semana, the magazine, that Jaime Blanco had had the

1 union leaders murdered to save his contract with
2 Drummond?

3 A First, I learned about it. I learned about
4 Javier Ochoa's statement through a Drummond worker who
5 had a copy of the magazine, *Semana*, that Ochoa had made
6 some misstatements against me.

7 MR. JEFFRESS: May the record reflect that
8 that was a thunder clap and nothing occurring in the
9 court.

10 BY MR. JEFFRESS:

11 Q After you learned about the arrest warrant,
12 Mr. Charris, did you contact Jaime Blanco?

13 A Yes, sir.

14 Q And for the next eight months did Jaime
15 Blanco hide you out in an apartment in Bogota?

16 A Yes, sir.

17 Q Did he make clear that he was hiding you
18 out to keep you from telling the truth to the
19 authorities?

20 MR. COLLINGSWORTH: Objection, no
21 foundation.

1 THE WITNESS: Yes, sir.

2 BY MR. JEFFRESS:

3 Q Now, I asked you earlier whether you
4 attempted to extort Drummond and you said no, correct?

5 A Yes, sir.

6 MR. JEFFRESS: May I approach the witness,
7 Your Honor?

8 (Defendants' Exhibit JC6 was marked for
9 purposes of identification.)

10 BY MR. JEFFRESS:

11 Q Mr. Charris, I've handed you what I've
12 marked as Exhibit JC6 which is a Spanish original and
13 English translation of an e-mail apparently sent
14 April 2nd, 2008, from Jairo Charris to Augusto Jimenez
15 and Jose Miguel Linares and forwarded from Augusto
16 Jimenez to Edgard Ruiz. Do you recognize that e-mail?

17 MR. COLLINGSWORTH: Objection, no
18 foundation.

19 THE JUDGE'S COURT REPORTER: (Speaking in
20 Spanish)

21 BY MR. JEFFRESS:

1 Q Do you recognize this e-mail?

2 A I answered that question. I answered that
3 question through the attorneys of Drummond Company.
4 This e-mail, questions about this e-mail, were already
5 answered in front of the 12 prosecution office, human
6 rights office of the prosecutor in Bogota.

7 Well, that Jose Alfredo Ortiz on the 11th
8 of August of 2007 told me that you had to go to Bogota
9 to Jaime Blanco Maya's while we solve this problem with
10 Drummond, but you're not to surrender yourself to the
11 Colombian justice because otherwise we will end up, all
12 of us, in jail.

13 MR. JEFFRESS: I move to strike that answer
14 and ask you to answer my question.

15 BY MR. JEFFRESS:

16 Q Do you recognize this e-mail; yes or no?

17 MR. COLLINGSWORTH: Objection, no
18 foundation.

19 THE WITNESS: Yes, that e-mail, yes, I am
20 familiar with it because it was prepared by Jaime
21 Blanco Maya at the Conjunto Residencial Picata 3,

1 Bogota North.

2 Yes, this e-mail was prepared by Jaime
3 Blanco and by his son, Roberto Blanco Maya. This
4 e-mail you mentioned was sent by Roberto Blanco from
5 Valledupar -- excuse me -- to Augusto Jimenez and it
6 was mailed from there since Jaime Blanco Maya in
7 Bogota could not send it.

8 Well, this e-mail was prepared as he
9 deemed fit by Jaime Blanco Maya and he exonerated
10 himself completely from any responsibility with the
11 union.

12 Also Jaime Blanco Maya told me that he
13 had to do it this way so Drummond will make good as
14 promised on the 6th of March of the year 2001.

15 BY MR. JEFFRESS:

16 Q So, Mr. Charris, Jaime Blanco and his son,
17 Roberto Blanco, wrote this e-mail; is that correct?

18 A Yes, sir.

19 Q Did you know they were writing it?

20 A Yes, sir. It was prepared by them in an
21 apartment where Jaime Blanco Maya had a computer in a

1 room, a desktop computer.

2 Q Did you say or did this e-mail say --
3 sorry. Start over.

4 Did this e-mail say that you, Jairo
5 Charris, had coordinated the operation that was carried
6 out against the unionists?

7 A This e-mail, the only thing that is lacking
8 here is the responsibility that Jaime Blanco Maya has
9 about the death of the union leaders. This document --
10 Jaime Blanco Maya always wanted to get out of this
11 process, so this e-mail, so Drummond could deliver as
12 Drummond promised through Jim Adkins.

13 Q Well, Mr. Charris, this e-mail says, quote,
14 I coordinated the operation that took place, correct?

15 A I repeat. I will repeat. All this e-mail
16 was prepared as he deemed fit by Jaime Blanco Maya.

17 Q And it does say, and it does say what I
18 just read to you, correct?

19 A Well, all this here, the only thing that is
20 missing here is Jaime Blanco Maya's responsibility.
21 The rest as the responsibilities of Drummond's company

1 with regards to union leaders is correct.

2 Q And, Mr. Charris, this e-mail says that you
3 want to make clear that Jaime Blanco had nothing to do
4 with that job, correct, did not agree with that job,
5 correct?

6 A Jaime Blanco Maya with regards to
7 Drummond's case and the death of the union leaders, no,
8 he will never self-incriminate himself. That he never
9 killed a union leaders, he's not going say that. That
10 must be said by other people who participated in this
11 case.

12 Q The statement in this e-mail that Jaime
13 Blanco had nothing to do with that job, was that true
14 or was that false?

15 A That is false. Jaime Blanco Maya also
16 participated in the deaths of the union leaders.

17 Q Now, Mr. Charris, you say -- or, I'm sorry.
18 This e-mail says that regarding the death of Mr. Hugo
19 Guerra, Mr. Jim Adkins gave me a check to pay
20 commander, alias El Tigre, for that job. Do you see
21 that?

1 MR. COLLINGSWORTH: I'm just generally
2 going to object once to this entire line of
3 questioning. He said he didn't write this e-mail. I'm
4 not sure how you're going about this content or its
5 meaning.

6 MR. JEFFRESS: I object to a speaking
7 objection. If you have an objection, just say form and
8 we'll go far.

9 THE WITNESS: Same objection.

10 BY MR. JEFFRESS:

11 Q Was that statement true or not true?

12 A Well, that statement -- look, the first
13 contractor who provided food services for Drummond was
14 Hugo Guerra. Well, the second contractor Drummond
15 canceled that contractor and it was given to Jaime
16 Blanco Maya.

17 Well, between Jaime Blanco Maya and Hugo
18 Guerra there was a conflict there because Jaime Blanco
19 Maya said that he was a guerilla member and Jaime
20 Blanco Maya ordered Jhon Jairo Esquivel Cuadrado to
21 kill him.

1 This actually was clarified together with
2 Commander El Tigre in a statement we provided at the
3 12th prosecutor's office in Bogota.

4 Q Mr. Charris, this e-mail begins by saying
5 to Dr. Jimenez, I am sending you this letter to solve
6 this problem I'm having, and it ends in the last
7 paragraph with a statement that you are not doing well
8 economically and you say, please, don't take this as
9 extortion, it's just reality, correct?

10 MR. COLLINGSWORTH: Object to the form.

11 MR. JEFFRESS: Extortion.

12 THE INTERPRETER: The interpreter would
13 like to correct the last part of the statement where
14 the interpreter said don't take this as an insult. The
15 interpreter should have said this is not extortion,
16 just reality.

17 THE JUDGE'S COURT REPORTER: Would you
18 please repeat the whole question? I need to hear the
19 whole question.

20 MR. JEFFRESS: I will repeat the question.

21 THE INTERPRETER: Interpreter is very sorry

1 for the delay in the questioning. Thank you.

2 BY MR. JEFFRESS:

3 Q Mr. Charris, this e-mail begins by telling
4 Dr. Jimenez that you are sending the letter for him to
5 solve this problem I am having; is that correct?

6 MR. COLLINGSWORTH: Object, form.

7 BY MR. JEFFRESS:

8 Q Just answer that part.

9 A I will state it again. This e-mail was
10 prepared by Jaime Blanco Maya for Augusto Jimenez. Why,
11 because I was Jaime Blanco Maya's residence just with
12 one goal that I will not surrender myself to justice.

13 MR. JEFFRESS: I move to strike the answer.

14 BY MR. JEFFRESS:

15 Q And I'll ask you again, Mr. Charris. Does
16 this e-mail begin by telling Dr. Jimenez that you are
17 sending him this letter for him to solve this problem I
18 am having?

19 MR. COLLINGSWORTH: Same objection to form.

20 THE WITNESS: I repeat, repeat, Jaime
21 Blanco Maya prepared this e-mail as he deemed fit.

1 BY MR. JEFFRESS:

2 Q But you knew he was doing it?

3 MR. COLLINGSWORTH: Objection, no
4 foundation.

5 THE WITNESS: Yes, I knew about all the
6 preparations, about all the preparations for this
7 e-mail that Jaime Blanco Maya with his son, Roberto
8 Blanco Maya, were doing in order to send it to Augusto
9 Jimenez.

10 Q And does the last paragraph of this e-mail
11 then tell Dr. Jimenez that you, Jairo Charris, are not
12 doing well economically and have no money? Can you
13 answer that?

14 MR. COLLINGSWORTH: Object to form.

15 THE WITNESS: Well, Drummond's counsel,
16 with all due respect, in order find the answer to that
17 question talk to Jaime Blanco Maya.

18 BY MR. JEFFRESS:

19 Q Mr. Charris, did you call Edgard Ruiz on
20 his cell phone on April 17th, 2008, about two weeks
21 after sending this e-mail?

1 THE JUDGE'S COURT REPORTER: (Speaking in
2 Spanish)

3 THE INTERPRETER: I will repeat the
4 question.

5 THE WITNESS: Yes, sir.

6 BY MR. JEFFRESS:

7 Q And did you tell Edgard Ruiz that you
8 urgently needed to communicate with Augusto Jimenez, Jim
9 Adkins, or Alfredo Araujo?

10 A Yes, sir.

11 Q And that, Mr. Charris, was not Jaime Blanco
12 making that call, that was you making that call,
13 correct?

14 A Yes, sir.

15 Q On May on 30th, 2008, did you call Colonel
16 Garzon on his cell phone?

17 A Well, I started to call Edgar Ruiz and
18 Colonel Garzon from Bogota because I was ordered by
19 Jaime Blanco Maya, since I was desperate I wanted to
20 turn myself in, and Jaime Blanco Maya told me that as
21 long as he had Edgardo Maya Villazon, who was the

1 attorney general, not myself, not himself would go to
2 jail.

3 Q Did you say, Mr. Charris, that when Jaime
4 Blanco was hiding you out you wanted to go turn
5 yourself in?

6 A Yes, sir.

7 Q When you were arrested, did the Fiscalia
8 ask you questions over two days immediately after you
9 were arrested?

10 A Will you repeat the question, please?

11 THE INTERPRETER: Interpreter can repeat
12 it.

13 BY MR. JEFFRESS:

14 Q After you were arrested on July 14th, 2008,
15 did the Fiscalia question you over two-year period on
16 the 16th and 17th?

17 MR. JEFFRESS: Excuse me, I think there's
18 an error in the translation. The dates were the 16th
19 and 17th of June when the questioning took place -- I'm
20 sorry, July.

21 THE WITNESS: 16th and 17th of March 2010

1 with Tolemaida.

2 THE INTERPRETER: The interpreter would
3 like to state for the record that the interpreter says
4 that statement and the translation, interpretation were
5 correct and that the dates stated were the 14th of July
6 the year 2008 and the interrogation took place on the
7 16th and the 17th.

8 On this point the interpreter is a
9 little confused.

10 BY MR. JEFFRESS:

11 Q Let me show you a document.

12 (Defendants' Exhibit JC7 was marked for
13 purposes of identification.)

14 (Defendants' Exhibit JC8 was marked for
15 purposes of identification.)

16 MR. JEFFRESS: May I approach the witness,
17 Your Honor?

18 THE COURT: Yes.

19 BY MR. JEFFRESS:

20 Q Mr. Charris, what I've put before you I've
21 marked as Exhibit JC7 and JC8 which are reports of an

1 interview of you on June 16th -- I'm sorry, July 16 and
2 July 17 of 2008.

3 Is that your signature, Mr. Charris, on the
4 last page of each of those documents?

5 MR. COLLINGSWORTH: Excuse me. You've only
6 given me one document. Is that the 16th or the 17th?

7 THE WITNESS: Yes, sir.

8 BY MR. JEFFRESS:

9 Q And is it true -- and is it true, Mr.
10 Charris, that when you talked to the Fiscalia two days
11 after your arrest you said nothing about Drummond
12 Company, Jim Adkins, or Jaime Blanco having anything
13 whatsoever to do with the murders, correct?

14 A Mr. Attorneys, when I went to the
15 prosecutor's office, the prosecutors of human rights
16 and that I lasted eight days there with the
17 prosecutors, Jaime Blanco Maya sent me an attorney, an
18 attorney in who he fully trusted. It was Attorney
19 Jaime Tolosa Contreras, Noel Elias Tolosa Contreras.

20 THE INTERPRETER: Clarification by the
21 interpreter of the name of the attorneys. Robert Elias

1 Tolosa Contreras.

2 THE WITNESS: That day, that day that I had
3 the assistance of Attorney Roberto Elias Tolosa
4 Contreras I could not talk, I could not talk about the
5 participation of Drummond or the participation of Jaime
6 Blanco because he had sent this attorney to assist me.

7 Attorney Roberto Robert Tolosa,
8 everything that I said, everything that I said
9 before the prosecutor he would tell Jaime Blanco.

10 That is when I talked with the
11 prosecution and I said that in order for me to break
12 this silence, to stop this silence, that they have
13 to offer me all safety measures for me and my family
14 and me inside the Colombian jails.

15 BY MR. JEFFRESS:

16 Q Who did you tell that to?

17 A To the number 12 human rights prosecutor's
18 office before Attorney Claudia Milena Suarez Martinez
19 was the prosecutor for that office.

20 Q Mr. Charris, before you said that you were
21 wanting to contact authorities to tell them the truth.

1 I was asking you about a call you made to Colonel
2 Garzon on his cell phone on May the 30th, 2008. Do you
3 remember making that call?

4 A Yes, sir.

5 Q And did Colonel Garzon hang up on you?

6 A Colonel Garzon told me that he did not want
7 to talk to me about the death of the union leaders with
8 me and he hung up on me.

9 Q Did you the next day send Colonel Garzon a
10 text message saying that if Drummond did not help you
11 financially you would go to the prosecutor's office and
12 turn yourself in?

13 A That is correct, attorneys.

14 Q And then let me show you another exhibit
15 which I will mark as --

16 MR. JEFFRESS: May I approach the witness,
17 Your Honor? May I approach the witness, Your Honor?

18 THE COURT: Yes.

19 (Defendants' Exhibit JC9 was marked for
20 purposes of identification.)

21 BY MR. JEFFRESS:

1 Q Mr. Charris, I put before what you I've
2 marked as Exhibit JC9. Is that an e-mail that was sent
3 in your name again to executives of Drummond?

4 A I repeat. This is an e-mail that Jorge
5 Blanco Maya prepared to send to Augusto Jimenez. Just
6 have it clear that Mr. Linares, I do not know
7 Mr. Linares.

8 Q Did you write this e-mail?

9 A It was written by Jaime Blanco Maya.

10 Q Did you know Jaime Blanco Maya was writing
11 it and sending it?

12 A That answer had already been given that
13 that report was prepared by Jaime Blanco Maya and
14 Roberto Maya in a room at an apartment at Picata 3, the
15 apartment complex.

16 Q Where you were living, correct? Where you
17 were living, correct?

18 A I was residing at that residential complex.

19 Q And does this e-mail say, quote, what I
20 want is for the company, Drummond, to help me
21 economically just as they sent me to do the job on the

1 union leaders, end quote? Does it say that in part?

2 A I repeat. That has to be said by Jaime
3 Blanco Maya. I repeat. Jaime Blanco Maya was very
4 fearful because I would frequently leave the complex
5 while his orders were for me not to leave and because I
6 left often I was sent to a farm between Temple and
7 Targo, and that farm belonged to Juan Carlos Avendan.

8 Q In the PS at the bottom of this e-mail does
9 the e-mail threaten Alfredo Araujo that you would send
10 a message to the attorney general of the nation telling
11 him what happened if Dr. Araujo does not respond as
12 soon as possible?

13 MR. COLLINGSWORTH: Object to form.

14 THE WITNESS: I repeat. I repeat. Talk
15 with Jaime Blanco Maya everything that is contained in
16 this e-mail.

17 BY MR. JEFFRESS:

18 Q So Jaime Blanco Maya and not Jairo de Jesus
19 Charris was attempting to extort Drummond in these
20 e-mails?

21 MR. COLLINGSWORTH: Object to form.

1 THE WITNESS: Jaime Blanco would tell me
2 that these e-mails were not extortion, that Drummond
3 had to comply with what it had promised through Jim
4 Adkins; because of the death of the union leaders that
5 they had to provide for me economically and send me and
6 my family to the United States.

7 BY MR. JEFFRESS:

8 Q Did you become aware, Mr. Charris, that
9 promptly upon receiving these e-mails Drummond turned
10 them over to the prosecutor?

11 MR. COLLINGSWORTH: Objection, no
12 foundation.

13 THE JUDGE'S COURT REPORTER: (Speaking in
14 Spanish)

15 THE INTERPRETER: There's a request to
16 repeat the question.

17 THE WITNESS: I did not find out, but in a
18 proceeding before the prosecutors, the lady prosecutor
19 asked me about what had happened with those e-mails.
20 That was taken in the records that are with the
21 prosecutor's office.

1 The lady prosecutor, by what Jaime
2 Blanco Maya said, was that he had to tell Prosecutor
3 Claudia Milena Suarez Martinez about my whereabouts.

4 The prosecutor's office was looking for
5 me everywhere. The prosecutor's office was looking
6 for me everywhere, in Valledupar, in Barranquilla,
7 and I was arrested in Bogota.

8 I know, I know of a report that was sent
9 by, I don't know which one of the Drummond
10 attorneys, congratulating the Colombian justice
11 system for having sent me to do 30 years in prison.

12 Could it be Drummond attorneys that
13 Mr. Garry Drummond, Mr. Mike Tracey, and Mr. Jim
14 Adkins, and all the people that cooperate with them
15 on exploiting a coal mine in Colombia, and you take
16 the profits at the same time from these operations
17 and you simultaneously sent people to kill union
18 leaders, you sent this letter to the Colombian
19 justice system for the 30 years that were given to
20 me.

21 Would it be that you attorneys who were

1 sent by Garry Drummond and Mike Tracey to defend
2 them from all the problems, legal problems, that
3 they have here in Colombia and that me with the 30
4 years that I have been sent to prison for, with the
5 30 years that the prosecutor's office gave me before
6 the 11th Court of the Circuit of Bogota, Drummond is
7 happy because I was condemned to that 30-year prison
8 term.

9 Drummond has to respond. Drummond has
10 to respond before the court of the State of Alabama
11 and before the Colombian justice, the 11th Circuit
12 Court, Criminal Circuit Court, and the international
13 of all IT.

14 BY MR. JEFFRESS:

15 Q Mr. Charris, what question are you
16 answering?

17 A What is related to the Drummond case.

18 Q If would you, please, listen to my question
19 and simply ask the question, this will go much more
20 quickly.

21 MR. JEFFRESS: I move to strike the

1 witness' response.

2 BY MR. JEFFRESS:

3 Q Mr. Charris, you were tried by the 11th
4 Special Criminal Court in Bogota for participation in
5 the murders of Valmore Locarno and Victor Orcasita,
6 correct?

7 A I have been condemned by those two judges
8 for the death of those two union members.

9 THE CLERK: We will have a five-minute
10 break.

11 THE VIDEOGRAPHER: Going off the record at
12 4:54.

13 (Hearing recessed at 4:54 p.m.)

14 (Hearing resumed at 5:30 p.m.)

15 MR. JEFFRESS: For the record, after
16 consultation with the judge and INPEC and Mr.
17 Collingsworth we are breaking for the day at 5:30 and
18 resuming tomorrow, May the 17th, at 9:00 a.m.

19 (Letters Rogatory Hearing adjourned at
20 5:30 p.m.)

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

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