

Declaration of Libardo Duarte

I, Libardo Duarte, declare under penalty of perjury of the laws of the United States of America, and the State of Alabama, that:

1. I am over 18 years of age, am of sound mind, and have no disabilities that would prevent me from providing truthful facts based on my personal knowledge that are in this Declaration. I do not speak English fluently so I have provided this Declaration in Spanish, my native tongue, and I understand that it will be translated into English to be used in the federal District Court in the State of Alabama for a case against the Drummond Company for human rights violations committed in Colombia.
2. I make this truthful statement despite my knowledge that doing so is against my personal interest. I am confessing to participating in very serious crimes, but as part of the Justice and Peace process, I have a commitment to the truth, justice, and reparations under the Justice and Peace Law 975 of 2005. I surrendered voluntarily and it is my obligation to tell the truth about all that I did and about the acts of the United Self-Defense Forces of Colombia (hereafter "AUC").
3. Additionally, there is no doubt that through this declaration, I am exposing myself to great risk by linking very powerful people to serious crimes. These people, in the context of Colombia, will not hesitate to use violence and threats against me and my family to silence me, or kill me. In fact, just recently, in early January, 2011, there was an attack on my life. I gave an interview to a journalist, Gonzalo Guillen, who videotaped the interview. This was the first time I had declared in public that, as an AUC Commander, I collaborated with Drummond. Right after an excerpt of the interview was played on the radio, I was attacked while I was on the patio outside the cellblock. Another prisoner attacked me with a knife. I had my back to him, but turned around just in time to block the attack and hit the assailant in the chest. Following this attack, I was moved to the high security wing of the Picota prison, where I am now highly restricted in my movements. I don't know if Drummond was behind the attack, but I do know that I was nearly killed while in prison and I now live in great fear for my life.
4. I was a member of and ultimately became a Commander of the AUC. My father, along with the brothers Carlos and Fidel Castaño, was a founder of the first armed group in Uraba, the Tangers. This group fought the FARC and the EPL in Uraba and Antioquia. The Tangers existed until 1991 when Fidel Castaño made the first peace agreement with the commander of the guerrilla group, the Popular Liberation Army ("EPL"), Bernardo Gutierrez, and they formed the Autodefensas Campesinas de Urabá ("ACU"). In the period of 1995-96, Carlos Castaño united several small armed groups and formed the Autodefensas Campesinas de Córdoba y Uraba ("ACCU"), the predecessor to the AUC. The AUC were formed between 1998 and 1999, and their principal vision and ideology was to regain the lands dominated by the guerrillas with the help of the government, the military, ranchers, businessmen, police, multinationals, and politicians.

5. When I was 6 years old, my father was killed in battle. Fidel Castaño then became my guardian. I joined the Castaños' forces when I was 12 years old. I later began serving as a leader of a Special Forces Unit for Carlos Castaño. He would send me on important missions, and I had his trust. I was responsible for public relations and financing and I was in charge of selling the image of the ACCU and AUC as the only solution to the guerrillas, who had oppressed a large part of the country, the government and business groups. I served in the ACCU and then the AUC until April 28, 2006, when I voluntarily turned myself in to the Colombian authorities under the protection of the Justice and Peace Law 975 of 2005. As an AUC Commander, like most leaders of this armed movement, I used various aliases. The most common that I used were "Bam Bam," "Maicol," and "Paisa."
6. After the formation of the ACCU, Carlos Castaño sent me to Santander to raise funds for the ACCU. I also stole gasoline in large quantities while there to provide transport fuel for the ACCU.
7. Sometime in 1995-96, I became aware that the Drummond Company had taken over the large coal mine outside of La Loma in Cesar Province Colombia.
8. In the later part of 1998 or early 1999, I was sent by Carlos Castaño to work with Drummond. There were other AUC Commanders already working with Drummond when I arrived. The work of the AUC was very coordinated and each Commander had his own specific operation and jurisdiction. My main job was to patrol the roads of the area to make sure that the trucks carrying Drummond's coal to Prodeco, where it was loaded onto ships, was safe. I was tasked with making sure there were no FARC attacks, and I also became a manager of sorts to ensure that the truck drivers were sober, that they did not drive recklessly, and that no one robbed Drummond's coal on the way to Prodeco. At the time I was doing this, I had a crew of eight men, including me, and we operated with two pickup trucks to patrol the roads.
9. Other AUC Commanders who I was aware of who were working with Drummond at this time included "Jhon," who was a commander in San Angel and was in charge of monitoring the area where Drummond's railroad would be built. Drummond's train left the Drummond mine passing through La Loma, Cuatro Vientos, Cruce del Paso, Bosconia, Copey, Fundación, Aracata, El Reten and other towns until it arrived in Prodeco in Santa Marta. Jhon was also in charge of forcing people to sell their land where Drummond's railroad would be built. Jhon displaced, disappeared, and killed the property owners who did not want to sell or who did not agree with the amount Drummond offered for the land, so that Drummond's railway could pass through this area. I understand that here in Colombia several complaints were filed against Jhon and the AUC for having participated in these acts, which for some strange reason were never successful. Another AUC Commander, Tolemaida, at that time, was also working in a different area in charge of the security and protection from attacks by the guerilla. Tolemaida was working in la Jagua de Ibirico, La Palmita, Rincon Hondo, Chiriguana, La Loma, La Loma de Balsamo, La Aurora, and Calenturitas, including areas where the railroad passed. Another AUC Commander, whose name I don't recall at this time, was based in Fundacion. There was a warehouse in a parking lot in

Fundacion where Drummond had rails that were used to build the railroad. This site was protected by the AUC of Fundacion.

10. While I was part of a special force that took orders from Carlos Castaño, my immediate AUC supervisor was "Omega." He coordinated our patrol and security work with Drummond. Omega joined the Justice and Peace process at about the same time I did. He was released from jail and was killed in Medellin in about 2007. My understanding is that Jorge 40 had him killed because he was about to testify about his operations with Drummond within the Justice and Peace process.
11. My commander Omega's primary contact at Drummond was Mike Tracy, who was a senior manager of some sort for Drummond. Tracy was responsible for making all the deals and payments that Drummond arranged with the Northern Block of the AUC. I learned all of this through Omega. I also witnessed on several occasions meetings between Omega and Mike Tracy where they talked about their arrangements. I don't know Mike Tracy's exact title, but I do know that all of the Drummond workers jumped when he told them to do something. His job appeared to be managing the entire operation, and he was focused in 1998-99 on completing the construction of the new rail line and the new facility for loading coal from the train to the barges in the port. I have not seen him in several years, but I would certainly recognize him if I saw him again or if I saw a photograph.
12. I saw Mike Tracy regularly. I drank in local bars with him and other guys, and I even visited an apartment in Santa Marta with Mike Tracy, where Mike sometimes stayed when he was in Santa Marta, that was rented from a Colombian named Mauricio Avellaneda, a coal transporter. The apartment was located on the avenue at the entrance to Santa Marta after the La Paz neighborhood in front of the Ecopetrol station. The building is six or more stories high and the apartment where we went was on the 5th floor
13. I mainly saw Mike Tracy at the Drummond operations area in Prodeco. I spoke to Mike Tracy directly several times in Prodeco when I entered to fill the gas tanks of my cars. He asked me how I was, and he knew who I was and what my job was. Mike never said anything against my work for the AUC. I regularly drove into the Prodeco facilities, with my men, with full arms. We would be waived through the gate by the military security guards. They knew me very well. I would often see Mike Tracy in a golf cart, driving around the facilities with two bodyguards. On one occasion, I used my camera to photograph the construction of the new facility to load coal onto the barges and Mike Tracy came over to me and said no one was allowed to take photos and he took my camera away.
14. I recall specifically having drinks with Mike Tracy at a condominium on the road from Santa Marta to Riohacha called the Golden Mendihuaca Caribbean Resort. On one occasion we had a party there which was attended by Mike Tracy and I, Reynaldo the director of Sanchez Polo (the company hired to transport Drummond's coal by truck), and Pedro Leguas, who also worked transporting coal. We had some drinks there, and I introduced Mike to a female friend of mine. He danced and drank with the girl.

15. I recall that Mike Tracy particularly enjoying having a local drink made from Zapote juice with no seeds, and very cold milk.
16. On one occasion I asked Mike Tracy for an example of American money, just to see what it looked like. He gave me a \$50 bill, which I rolled up and saved.
17. Mike Tracy was fully aware of my role in keeping the roads secure for Drummond's trucks and protecting them from robbery. I recall a specific conversation in which he told me to make sure I stopped people from stealing coal from the trucks. Some of the drivers would stop en route to the port to sell the coal. A big problem in this regard was that there were major palm oil producers in the area who were willing to buy the coal illegally from the drivers as they needed it to produce palm oil. I increased AUC surveillance along the transport routes and supervised directly the truck drivers. I instituted a system in which I regularized the workforce of drivers. I required them to wear uniforms including white or sky blue shirts that said "Drummond." I prohibited them from drinking and driving. I did all of these things in my capacity as an AUC commander.
18. After a request from Drummond, I also required the drivers to keep exact track of the time it took to complete the route from the mine to the port, and I did not allow them to do the route in less than five hours. Since they were paid by the load, some drivers would drive recklessly and make the trip in as fast as three hours. They caused many accidents on the road, and Drummond was faced with claims from those who were injured or whose livestock was killed as result of the reckless driving of the truckers. My new system reduced the number of accidents substantially.
19. Mike Tracy also specifically told Reynaldo of Sanchez Polo to stop people from stealing fuel and other supplies from the Drummond facilities. I learned of this order from Mike, as always, through Omega and Reynaldo. Of course I responded and increased security over the supplies.
20. I maintained an informal and positive relationship with Mike Tracy. Once, I drove to the Drummond facility at Prodeco, and my truck was backfiring and clearly had problems. Mike commented on the bad condition of my truck. I told him he should buy me a new one. Mike said he would see what he could do. A short time later, Reynaldo told me to pick up my new Toyota truck at Auto Empresa Antioquia, which I did. I don't remember the exact words, but it was clear that Mike Tracy paid for my new truck.
21. I recall the setup of Drummond's facility at Prodeco as I went there many times. I could easily draw a diagram of said facilities. Once you clear the front gate, where there is a watchtower, and the guards always waved me through because they knew me and knew that I was AUC, the road curves to the right. The Drummond offices are there on the left side.
22. I also frequently drove to the area of the Drummond mine. Again, the military guards let me in automatically. They knew who I was. The military guards and the AUC

- interacted frequently. Once inside the main gate, the area where the trains are loaded with coal is on the left. If you go down the road and take the first left, this is the road to the pit. On the right are mobile homes for the Drummond managers. I frequently used Drummond's fuel pumps to fill up the tank on my truck. Drummond employees managed the pumps and provided me with free fuel.
23. The AUC in Drummond's area worked for Drummond. While we were all part of the AUC force that drove the FARC out of Drummond's area, and pacified the local population, we also carried out specific jobs for Drummond. "Jhon," who I mentioned earlier, was the main person in charge of driving people off the land that Drummond wanted for its rail line or other operations. This included killing and displacing people who refused to leave or sell their land. I recall one situation in which a family owned land along the rail line that also included a creek that ran out of a canyon, near the town of Copey. The family refused to leave their land. Jhon killed the son of the family first, and then when they did not leave immediately, he also killed the father. Drummond owns this land today.
 24. The AUC helped a lot of politicians. We wanted to have our people in office. In the town of Copey that I mentioned earlier, we helped elect Juancho Pumarejo as mayor in 2005. Juancho Pumarejo was a large landowner and he helped Jhon and the AUC identify the landowners of the land we wanted for Drummond so that we could force them to give up the land. It is my understanding that Jhon is still an armed actor and is associated with the Black Eagles, an offshoot of the AUC.
 25. I have met and socialized with other Drummond managers. For example, I met with Alfredo Araujo on several occasions. I specifically recall seeing him at a party at Mariangola. He was there with Jaime Blanco, who is a good friend and from the same town as Alfredo Araujo, and half-brother of the former Solicitor General, Edgardo Maya Villazon. Other members of the AUC were there, including Omega and "6-11", whose name is Amauri. I also recall that Colonel Muña and Luca Gneco were there. They were both owners of trucking businesses that contracted with Drummond and provided direct support to the AUC, as discussed in paragraphs 31-32 below. We were all together having drinks. I did not speak directly with Alfredo Araujo at this gathering, but I did see him speak with Omega. On several occasions, Omega told me that Araujo specifically told him that he was very happy with the work I was doing.
 26. I also met Alfredo Araujo at the Hurtado River, a place outside Valledupar where there is a bar and restaurant on the river. Here too there were other AUC guys and we were having drinks and socializing. My men and I all had our arms with us and it was clear that we were AUC members.
 27. I also attended several parties where Alfredo Araujo and Jaime Blanco were present. For example in 2000, I attended a party in Chiriguana celebrating a bullfight, where a vallenato band, Los Hermanos Zuleta, played. In addition to Alfredo Araujo, Jaime Blanco, and I, the paramilitaries Omega, Jhon, and my bodyguard, Guajaro, were present. It is difficult to remember the exact reason for the party because we celebrated together for any reason.

28. In Valledupar, the AUC was very powerful and we worked closely with friendly politicians to help them get elected. I acted as a sort of community relations person for Carlos Castaño and attended many events to support politicians. At one event at a farm, in the municipality of Curumani, in front of the Puente Rio Animito, in 2001 at which the AUC was raising funds and support for local politicians, I was present with Omega. Alfredo Araujo and his son were also present.
29. The AUC, Drummond managers, and the Colombian military all interacted and cooperated. We often met at Jaime Blanco's casino at La Loma, which was our regular hangout. As discussed in paragraphs 33-35 below, Jaime Blanco's place was our hangout because he got the contract to run the Drummond casino precisely because he was closely aligned with the AUC.
30. Sometime in 1999, I learned from Omega that Drummond had a major agreement with the AUC, and that Drummond paid the AUC about \$500,000 (U.S.) per month. This covered our operations – payments for the soldiers, equipment, transport, supplies, food, and drinks. Whatever was left over went up the line to Jorge 40 and Carlos Castaño. Drummond also gave us gasoline at the mine when we needed it.
31. The other major way that Drummond provided major funding to the AUC was to contract with other businesses, and as a requirement of getting Drummond's business, these contractors had to make payments to the AUC. When I arrived at Drummond, the previously discussed Reynaldo, of the Sanchez Polo Company, which has its headquarters in Barranquilla at via 40, had a contract with Drummond to coordinate the transport of coal by truck from the mine to the port. He made substantial payments to the AUC as part of his agreement with Drummond. I think Reynaldo still works with Drummond.
32. As discussed above, Sanchez Polo was in charge of the company that transported Drummond's coal by truck. Several other individuals had contracts with Sanchez Polo to transport Drummond's coal by truck from the mine to the port or to provide other services to support the trucking companies (until the rail line and the new offloading facilities were completed, Drummond transported coal by truck from the mine to Prodeco). These included Colonel Muñe, Pedro Leguas, Luis Vera, Gerardo Villareal, Miguel Tabera, and a company, Los Genecos, owned by the Geneco family. I had regular interaction with these people because of my responsibility for securing the road for the coal trucks, and as previously mentioned, I, acting on behalf of Drummond, imposed new rules on the drivers to improve safety, reduce theft and increase the professionalism of the drivers. All of these people made substantial payments to the AUC as part of the understanding they had with Drummond.
33. The best example of how Drummond strategically used its leverage with its contractors to require them to make payments to the AUC is the award of the contract for the "casino" (essentially a cafeteria for the Drummond mine) to Jaime Blanco. When I arrived to work with Drummond, Hugo Guerra operated the casino. Colonel Muñe, who I mentioned as one of the supporters of the AUC who ran a Drummond trucking company, came to me and said that the AUC needed to help get the casino

- contract awarded to Jaime Blanco, who was a good friend of the AUC. Omega and I then went to visit Mike Tracy at his apartment in Santa Marta, and he too said that he wanted Jaime to have the contract. Mike said he wanted “friends” to have any Drummond contracts. Thereafter, “Pitalua,” who was an AUC member who reported to El Tigre, killed Hugo Guerra, and afterwards Drummond awarded the casino concession to Jaime Blanco, and the casino then became the hangout for the AUC.
34. Omega told me that Jaime Blanco provided direct financial support to the AUC and made payments to Tolemaida. He also made direct payments to me. Every time I went to the casino, I collected money from Jaime, which he knew that I was using for food, supplies and drinks for me and my crew. Even after I was transferred out of the region, when I came back to visit, Jaime Blanco gave me money when I asked him for it.
 35. About 3 months after Jaime took over the casino, Carlos Castaño assigned me to Cucuta for other work, but I returned frequently to La Loma and Santa Marta to visit Omega and socialize with my friends. I went frequently to Jaime Blanco’s casino and saw him there.
 36. In 2001, after Locarno, Orcasito, and Soler, the three Drummond union leaders, were executed, Carlos Castaño sent me back to the area to investigate what happened as the plan was not cleared with Castaño. I spoke with several people including Tolemaida and Jaime Blanco. Tolemaida said that he was paid by Drummond and Jaime Blanco to assassinate the unionists.
 37. As I stated earlier, I am currently in the Picota prison outside Bogota. Jaime Blanco is in the same prison as me as last year he was charged for his role in the murder of the three Drummond union leaders. Last November, he was in the same cellblock as me for about fifteen days. Shortly after Jaime arrived, on a Saturday, which is the normal visiting day at the prison, I saw that he was visited by Augusto Jimenez, the President of Drummond Company Limited, and Jaime’s son. I have no idea why Mr. Jimenez was visiting, but the following Tuesday, Jaime approached me while I was out in Patio B of our cellblock. He told me that I should work with him and Tolemaida to make sure that he, Tolemaida, and Drummond, are cleared of any involvement with the AUC and the unionist murders. He offered me a specific amount, 300 million Colombian pesos, to “keep quiet about Drummond.” I told him that I was in the Justice and Peace process and that my goal was to tell the full truth so that I could get out of jail under the rules of the system. I said that money would do me no good in jail. That was the last time I spoke with him.
 38. The AUC was a fighting force that banded together to fight the FARC and other guerilla groups. We were aligned with the Colombian military, and also those who owned land and businesses, and wanted to drive the FARC out of our country. This was our mission and I supported it. In doing my duty with the AUC, I often worked with large businesses that had an interest in eradicating the FARC, and to do so, they supported us, and joined our side in the civil conflict in Colombia that pitted the AUC and the Colombian military against the FARC. In addition to my work with

Drummond, described in detail above, I worked with and provided armed assistance to drive out the FARC and maintain order for other companies, including DOLE, Cerrejon and Occidental Petroleum.

Executed this 27th day of February, 2011, in the Picota prison, Bogota, Colombia.

[Signature]

Libardo Duarte (alias "Bam Bam," "Maicol," and "Paisa")