

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

Jane Doe 1, et al.)	
)	Case No. 7:09-cv-1041-RDP
Plaintiffs,)	
)	
v.)	
)	
)	
Drummond Company, Inc.;)	
Drummond Ltd; Augusto Jimenez;)	
Alfredo; and James Adkins,)	
)	
Defendants.)	

FIRST AMENDED COMPLAINT

In compliance with this Court’s November 9, 2009 Memorandum Opinion on Defendants’ Motion to Dismiss (“Order”),¹ Plaintiffs hereby Amend their Complaint and allege as follows:

I. INTRODUCTION

1. Plaintiffs are all lawful legal representatives for and wrongful death beneficiaries of the 67 decedents described herein who were executed by the Juan

¹ This First Amended Complaint is completely redrafted to reflect the issues raised by the Court in the Order as well as facts that were not previously included in the initial Complaint, which was drafted prior to the Supreme Court’s decision in *Iqbal v. Ashcroft*, 139 S.Ct 1937 (2009) and therefore was based on notice pleading rules in effect before the new pleadings rules announced in *Iqbal*. Thus, it is not possible to highlight by delineation the changes made.

Andres Alvarez Front of the Northern Block of the United Self Defense Forces of Colombia (“AUC”), the umbrella paramilitary group in Colombia. Plaintiffs, in their capacities as legal representatives of the estates of the decedents, bring claims for war crimes, extrajudicial killings and crimes against humanity under the Alien Tort Statute (“ATS”) and for extrajudicial killing under the Torture Victim Protection Act (“TVPA”), 28 U.S.C. § 1350, against Defendants Drummond Company, Inc. (“DCI”); Drummond Ltd. (“DLTD”); the President of DLTD, Augusto Jiménez; Alfredo Araujo, Vice President of DLTD; and James Adkins, former Director of Security for DLTD (hereinafter collectively referred to as “Drummond” or “Defendants” unless otherwise specified).

2. Drummond’s Colombian coal mine is located in La Loma, Cesar Province, and “Puerto Drummond”, where it ships the coal is located 120 miles away in Santa Marta, Magdalena Province. Drummond obtained the mining rights in the mid 1980's, but did not start real production until 1995. By then, both mine and port areas were essentially under the control of the main leftist guerilla group in Colombia, the FARC (the Revolutionary Armed Forces of Colombia). From the outset of its operation, Drummond, like virtually all landowners and large businesses in these areas of Colombia, suffered attacks by the FARC. As a communist-inspired organization, the FARC sought to overthrow the Colombian

government with violent means, seize large private lands and privately-owned natural resources, such as Drummond's vast coal mine, and redistribute this wealth to the Colombian peasants who lived in poverty.

3. The AUC began establishing a presence in Cesar and Magdalena for the sole purpose of attacking and defeating the FARC in these areas where there were important and powerful business interests and where the FARC had established a significant foothold. By 1997, the areas of Cesar and Magdalena became embroiled in the civil conflict that had engulfed Colombia as the Colombian military and the AUC joined forces to battle the FARC.

4. Drummond initially stated that it would remain neutral in the civil conflict between the leftist guerillas, particularly the FARC, and the Colombian military and its AUC paramilitary proxies. In a September 13, 1995 memo from Defendant Adkins to Mike Tracy, the President of Drummond, Adkins as head of security for Drummond indicated that he was perplexed as to why the guerillas had yet to make a significant attack on Drummond. He suggested that the short run goal for the company should be to keep its head down and mine coal. However, according to Drummond security reports, the company was formally declared a military target by the guerillas.

5. After considering the various options, Drummond chose to enter the

conflict. By no later than 1999, Drummond formally took a side in the civil conflict and joined with the AUC to defeat the FARC and drive its remnants out of Cesar and Magdalena Provinces. For its part, Drummond financed a significant expansion of the AUC's Juan Andres Alvarez Front, based in Cesar Province. Along with providing this Front funds to arm and supply over 165 new soldiers, Drummond provided it with its day-to-day operating expenses.

6. Further, Drummond re-prioritized and directed the strategy of the Front, conditioning ongoing support on requiring it to focus on defeating the FARC and eliminating its supporters and sympathizers in the area of Drummond's railroad line going through Cesar and Magdalena Provinces. During the first year of Drummond's formal relationship with the AUC, Drummond escalated its own role and began coordinating the collection of funds from other companies and individuals in the area. Drummond provided funds directly to the AUC and also to Popa Battalian Commander Colonel Mejia, who was in charge of the official Colombian military troops on the Drummond property. Colonel Mejia then distributed the funds supplied by Drummond to AUC leaders based on confirmed executions of suspected guerilla supporters.

7. As a result of Drummond's direct intervention in the civil conflict in these areas, hundreds of people living in Drummond's railroad corridor were

executed as the AUC utilized its well-known scorched earth methodology as a way to terrorize the local population and ensure they would no longer support or sympathize with the FARC. Among those killed by the AUC in these operations were Plaintiffs' decedents described herein. These executions were war crimes, crimes against humanity and extrajudicial killings in violation of the ATS, as well as extrajudicial killings under the TVPA.

8. The Justice and Peace process, which started yielding new facts in 2007, changed the dynamic of the prior bond and shared mission between the AUC, the Government of Colombia and the business community operating in Colombia, including Drummond. Many of the AUC leaders are now speaking freely about their relationship with the elites of the Colombian business community, particularly the Drummond Defendants, and their direct collaboration with the Colombian military, because, among other things, the AUC leaders have expressed that they were betrayed by their former government and business partners. The AUC leaders are in prison for their role in a shared crime, while the businessmen and politicians who were their partners remain free and are enjoying the substantial fruits of their criminal enterprise.

9. The key AUC leaders and members who worked directly with Drummond are now in custody or have already served their time as part of the

Justice and Peace process in Colombia, and are giving testimony and speaking to government and human rights lawyers about their alliance with Drummond. These include Salvatore Mancuso, the former head of the AUC, Rodrigo Tovar Pupo, alias “Jorge 40,” the leader of the AUC’s Northern Block, Jhon Jairo Esquivel Cuadrado, alias “El Tigre,” a former commander of the Juan Andres Alvarez Front assigned to Drummond, Alcides Manuel Mattos Tabares, alias “Samario”, a former subcommander of Juan Andres Alvarez Front, Jairo Jesus Charris Castro, a former AUC member who was just sentenced to 30 years in prison for his role in murdering the union leaders at Drummond, and Rafael Garcia, a high official of the Colombian Administrative Department of Security (Spanish Acronym: DAS; similar to the FBI), who was also a political advisor to the top leaders of the AUC. While many of these and other witnesses have expressed concern that they or their family members will suffer violent retaliation for speaking out about Drummond’s relationship with the AUC, they have provided new details about Drummond to allow justice to be served. The evidence continues to mount, but the facts alleged by Plaintiffs herein at this time are more than sufficient to state their claims against Drummond.

II. JURISDICTION AND VENUE

10. This Court has federal jurisdiction pursuant to 28 U.S.C. §1331, based on the ATS and TVPA, 28 U.S.C. §1350, for the violations of international human rights law. Supplemental jurisdiction exists over the claim for wrongful death under Colombian law, pursuant to 28 U.S.C. §1367, although the Court has declined to exercise this jurisdiction. Order at 34-35.

11. Venue properly lies in this Judicial District pursuant to 28 U.S.C. §1391(b) and (c) as Defendants Drummond Company, Inc. and Drummond Ltd. are Alabama corporations, with their principal places of business in Alabama.

III. EXHAUSTION OF REMEDIES FOR TVPA CLAIMS

12. This Court has already confirmed that the law in the Eleventh Circuit is that the ATS has no requirement to exhaust local, Colombian remedies. *See* Order at 33, n. 23. Conversely, the TVPA has an express exhaustion requirement, and Defendants have the burden of raising and establishing lack of exhaustion as an affirmative defense. Plaintiffs have met their initial burden of articulating that they had no local remedies that were not futile. *See id.* at 33-34.

13. Plaintiffs do not have access to an independent or functioning legal system within Colombia to raise their TVPA complaints. Any efforts by Plaintiffs

to seek redress would be futile because those seeking to challenge official or paramilitary violence, including prosecutors and prominent human rights activists, are at great risk of retaliation. In particular, there is almost complete legal impunity for murders committed in Cesar Province by the AUC.

14. In fact, the collaboration between the AUC and the government of Colombia goes to the highest levels and ensures that no serious action will be taken to bring to justice in Colombia those involved in the murders alleged herein. Indeed, the administration of Colombian President Alvaro Uribe is under pressure from outside Colombia, including from the U.S., due to the ongoing “para-political” scandal which has implicated numerous high-ranking government officials, including 60 congressional representatives aligned with Uribe, and high-ranking military officers in collaborating with paramilitaries and shielding paramilitaries from justice. However, within Colombia, it is business as usual. According to a Human Rights Watch (HRW) report issued in November, 2008, entitled, *Breaking the Grip? Obstacles to Justice for Paramilitary Mafias in Colombia*, Human Rights Watch explains that

In Colombia, more than in almost any country in the Western hemisphere, violence has corroded and subverted democracy. Too often, killings and threats - not free elections or democratic dialogue - are what has determined who holds power, wealth in the country. Nowhere is this more evident than

in the relationship between paramilitary groups and important sectors of the political system, the military and the economic elite.

Paramilitary groups have ravaged much of Colombia for two decades. Purporting to fight the equally brutal guerillas of the left, they have massacred, tortured, forcibly 'disappeared,' and sadistically killed countless men, women, and children. Wherever they have gone, they have eliminated anyone who opposed them, including thousands of trade unionists, human rights defenders, community leaders, judges and ordinary civilians.

15. In this same report, HRW blames the “para-political” phenomenon for the extensive paramilitary violence throughout the country. As HRW explains, **"[t]he close military-paramilitary collaboration in several regions allowed the paramilitaries to commit massacre after massacre of civilians largely unimpeded and with impunity."** HRW further relates that President Uribe himself has been a major obstacle to the efforts of the Colombian Supreme Court to investigate and punish government officials for collaborating with the paramilitaries. As HRW states, “President Uribe has [r]epeatedly launched personal attacks on the Supreme Court and its members in what increasingly looks like a concerted campaign to smear and discredit the Court; [o]pposed and effectively blocked meaningful efforts to reform the Congress to eliminate paramilitary influence; [p]roposed constitutional reforms that would remove the 'parapolitics' investigations from the jurisdiction of the Supreme Court.”

16. Wholly apart from the danger of retaliation and the likelihood of undue influence in any case that might be brought by Plaintiffs in Colombia, the legal process in Colombia also makes it impossible to bring a civil action for tort damages against a corporation, and any civil action that could possibly be brought against individual Drummond Defendants would require first that they be present in Colombia and that the Colombian authorities first bring a criminal case against these individuals. Neither of these conditions was met at the time Plaintiffs filed their initial Complaint in this Court. Thus, Plaintiffs had no local Colombian remedies that could have been exhausted.

IV. PARTIES

A. Plaintiffs

17. All of the decedents described herein are among the hundreds, or even thousands, of persons murdered by the AUC's Juan Andres Alvarez Front in furtherance of its agreement with Drummond to confront the FARC, pacify the areas where the FARC had a foothold, and otherwise ensure that the civilian population in and around the Drummond mine and its railroad line would not in any way provide support or cooperation to the FARC or other leftist rebels. The following Plaintiffs in this action, as the legal representatives of the estates and the

wrongful death beneficiaries of the decedents, seek damages for war crimes, extrajudicial killings and crimes against humanity under the ATS and TVPA committed against their relatives who were innocent civilians murdered in furtherance of the civil conflict between the AUC and the FARC. All legal representatives of the decedents have standing to bring these claims, including under the ATS and TVPA, 28 U.S.C. § 1350.

18. Jane Doe 1 is the wife and legal representative of the Estate of John Doe 1 under the laws of Colombia, and is also a legal heir to John Doe 1 under the laws of Colombia. Peter Doe 1 and Peter Doe 2 are John Doe 1's children and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 1. John Doe 1 was disappeared on March 9, 2000 in Mingillo, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. John Doe 1 worked as a crime specialist in dactylography with the Cuerpo Técnico de Investigación (Technical Investigation Team)(hereinafter "CTI").² John Doe 1 was working on

² The CTI is a division of the *Fiscalía General de la Nación* (Office of the Attorney General of Colombia). The CTI advises the Attorney General on policies and strategies regarding criminal investigations, forensic and genetic services, and in the management of technical and legal information as relevant to criminal investigations.

an exhumation of the body of Mr. Tiberio Rivera Palencia on the farm of “La Holandesa.” Men under the command of Juan Andrés Álvarez Front leader El Tigre arrived and disappeared John Doe 1 along with the other CTI colleagues who were present. He was officially proclaimed dead on March 9, 2002.

19. Jane Doe 2 is the wife and legal representative of the Estate of John Doe 2 under the laws of Colombia, and is also a legal heir to John Doe 2 under the laws of Colombia. Peter Doe 3 is John Doe 2's son; Jane Doe 3, Jane Doe 4, Peter Doe 4, Peter Doe 5, Peter Doe 6 are John Doe 2's siblings; and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 2. On March 9, 2000, John Doe 2 was killed in Mingillo, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. John Doe 2 worked as legal technician with the CTI. John Doe 2 was working on an exhumation of the body of Mr. Tiberio Rivera Palencia on the farm of “La Holandesa.” Men under the command of Juan Andrés Álvarez Front leader El Tigre arrived and disappeared John Doe 2 along with the other CTI colleagues who were present. He was officially proclaimed dead on March 9, 2002.

20. Jane Doe 7A is the wife and legal representative of the Estate of John Doe 3 under the laws of Colombia, and is also a legal heir to John Doe 3 under the laws of Colombia. Jane Doe 5, Jane Doe 6, Peter Doe 7 are John Doe 3's siblings; Jane Doe 7 is John Doe 3's mother; Peter Doe 8 is John Doe 3's nephew; Jane Doe 7B is John Doe 3's child; and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 3. On March 9, 2000, John Doe 3 was killed in Mingillo, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. John Doe 3 worked as a dental surgeon with the CTI. John Doe 3 was working on an exhumation of the body of Mr. Tiberio Rivera Palencia on the farm of "La Holandesa." Men under the command of Juan Andrés Álvarez Front leader El Tigre arrived and disappeared John Doe 3 along with the other CTI colleagues who were present. He was officially proclaimed dead on March 9, 2002.

21. Jane Doe 9 is the wife and legal representative of the Estate of John Doe 4 under the laws of Colombia, and is also a legal heir to John Doe 4 under the laws of Colombia. Jane Doe 8 is John Doe 4's mother; Peter Doe 9 and Peter Doe 10 are John Doe 4's siblings; Peter Doe 10A is John Doe 4's son; and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his

Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 4. On March 9, 2000, John Doe 4 was killed in Mingillo, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. John Doe 4 worked as a legal investigator with the CTI. John Doe 4 was working on an exhumation of the body of Mr. Tiberio Rivera Palencia on the farm of "La Holandesa." Men under the command of Juan Andrés Álvarez Front leader El Tigre arrived and disappeared John Doe 4 along with the other CTI colleagues who were present. He was officially proclaimed dead on March 9, 2002.

22. Jane Doe 11 is John Doe 5's domestic partner and legal heir. Jane Doe 12 is also John Doe 5's domestic partner and legal heir. They act jointly as the legal representatives of the Estate of John Doe 5. Jane Doe 10, Jane Doe 13, Jane Doe 14, and Peter Doe 11 are John Doe 5's children, and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 5. On February 19, 2001, John Doe 5 was killed in Cruce De Chiriguana, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. John Doe 5 was murdered in front of his home at 1:45am. Paramilitaries from the Juan Andrés

Álvarez Front knocked down the front door of John Doe 5's residence, pulled him outside and shot him multiple times.

23. Jane Doe 15 is the mother and legal representative of the Estate of John Doe 6 under the laws of Colombia, and is also a legal heir to John Doe 6 under the laws of Colombia. Jane Doe 16, Jane Doe 17, Peter Doe 12, and Jane Doe 17A are John Doe 6's siblings, and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 6. On November 24, 2000, John Doe 6 was killed by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. Members of the Juan Andrés Álvarez Front arrived at John Doe 6's residence at 1:45am, knocked down the door and pulled him out of his house. They tied him up and later murdered him where the road forks between Santa Isabel and San Roque, Cesar, Colombia.

24. Peter Doe 15 is the son and legal representative of the Estate of Paula Doe 1 under the laws of Colombia, and is also legal heir to Paula Doe 1 under the laws of Colombia. Jane Doe 18 is Paula Doe 1's mother; Jane Doe 19 and Peter

Doe 13³ are Paula Doe 1's children; Peter Doe 14 is Paula Doe 1's brother; and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are wrongful death beneficiaries of Paula Doe 1. On April 2, 2003, Paula Doe 1 was killed on an unmaintained road known as Siberia in Bosconia, Cesar by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. At 1:00pm Paula Doe 1 was traveling on a bus from Bosconia, Cesar, Colombia to the town of Valledupar, Cesar, Colombia, when members from the Juan Andrés Álvarez stopped the bus, pulled her off and shot her multiple times in the head.

25. Peter Doe 15 is the son and legal representative of the Estate of John Doe 7 under the laws of Colombia, and is also a legal heir to John Doe 7 under the laws of Colombia. Peter Doe 15 is the wrongful death beneficiary of John Doe 7. On April 2, 2003, John Doe 7 was killed on an unmaintained road known as Siberia in Bosconia, Cesar by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. At 1:00pm John Doe 7 was traveling on a bus from Bosconia, Cesar, Colombia to the

³Plaintiff had been previously assigned a female pseudonym. He will be referred to hereinafter as Peter Doe 13.

town of Valledupar, Cesar, Colombia, when members from the Juan Andrés Álvarez stopped the bus, pulled him off and shot him multiple times in the head.

26. Peter Doe 16 is the brother and legal representative of the Estate of John Doe 8 under the laws of Colombia, and is also a legal heir to John Doe 8 under the laws of Colombia. Jane Doe 21 is John Doe 8's sister, and is also his legal heir under the laws of Colombia, but does not act as legal representative of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 8. At 7:00pm John Doe 8's friend arrived in a white car to John Doe 8's residence. His friend told him that there was a car that had broken down on the side of the road and that the owners were in the car. John Doe 8 accompanied his friend, but when he arrived he was assaulted, tortured and his arm was broken when he struggled for his life. He was shot three times in the head, once in the thorax and once in the spinal cord. His family found him the next day at 9:00am.

27. Jane Doe 22 is the domestic partner and legal representative of the Estate of John Doe 9 under the laws of Colombia, and is also a legal heir to John Doe 9 under the laws of Colombia. Jane Doe 23, Jane Doe 24, Jane Doe 25, and Jane Doe 26 are John Doe 9's children, and are also his legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 9. On March 24,

2002, John Doe 9 was disappeared on the road leaving Rinconhondo, Cesar, Colombia going towards Curumani, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. John Doe 9 needed to travel to Curumani to get money for an operation. He chartered a car to drive him from Rinconhondo to Curumani, but when the car arrived at 4:00pm there was no sign of him. John Doe 9 was never seen or heard from again.

28. Jane Doe 27 is the domestic partner and legal representative of the Estate of John Doe 10 under the laws of Colombia, and is also a legal heir to John Doe 10 under the laws of Colombia. Jane Doe 27 is the wrongful death beneficiary of John Doe 10. On July 17, 2004, John Doe 10 was killed in Poponte, Chiriguana, Cesar by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. At 10:00pm two men from the Front arrived at John Doe 10's residence and knocked on his door. John Doe 10 opened the door and the men told John Doe 10 that he needed to leave with them. The men took him and within 15 minutes his family heard the fatal shot that took John Doe 10's life. The following day the men came back to the house and told John Doe 10's family that he was dead and to go pick up the body.

29. Jane Doe 28 is the domestic partner and legal representative of the

Estate of John Doe 11 under the laws of Colombia, and is also a legal heir to John Doe 11 under the laws of Colombia. Peter Doe 17, Jane Doe 29, Jane Doe 30 are John Doe 11's children and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 11. On May 5, 2005, John Doe 11 was disappeared on Santa Isabel Farm in Curumani, Cesar by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. John Doe 11 left for work the night before with his son, John Doe 12, and never returned home. When his family went to look for him the next day on the farm they encountered the AUC Northern Block's Juan Andrés Álvarez Front. They knew it was the AUC because the members wore armbands that said AUC. They detained the family along with John Doe 11 and then separated them; taking John Doe 11 and John Doe 12 out of town. Neither was seen or heard from again.

30. Jane Doe 28 is the mother and legal representative of the Estate of John Doe 12 under the laws of Colombia, and is also a legal heir to John Doe 12 under the laws of Colombia. Jane Doe 28 is the wrongful death beneficiary of John Doe 12. On May 5, 2005, John Doe 12 was disappeared on Santa Isabel Farm in Curumani, Cesar by the AUC Northern Block's Juan Andrés Álvarez Front,

which received knowing and substantial assistance from Drummond. John Doe 12 left for work the night before, with his father, John Doe 11, and never returned home. When his family went to look for him the next day on the farm they encountered the AUC Northern Block's Juan Andrés Álvarez Front. They knew it was the AUC because the members wore armbands that said AUC. They detained the family along with John Doe 12 and then separated them; taking John Doe 12 and John Doe 11 out of town. Neither was seen or heard from again.

31. Jane Doe 31 is the daughter and legal representative of the Estate of John Doe 13 under the laws of Colombia, and is also a legal heir to John Doe 13 under the laws of Colombia. Jane Doe 32 is also John Doe 13's daughter, and legal heir under the laws of Colombia, but does not act as legal representative of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 13. On July 29, 2002, John Doe 13 was killed in Poponte, Chiriguana, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. At 9:00pm that evening John Doe 13 was accosted and assassinated. His body was taken and left in a field.

32. Jane Doe 34 is the domestic partner and legal representative of the Estate of John Doe 14 under the laws of Colombia, and is also a legal heir to John

Doe 14 under the laws of Colombia. Jane Doe 33 and Peter Doe 18 are John Doe 14's parents; Jane Doe 35 is John Doe 14's daughter; and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 14. On March 12, 2002, John Doe 14 was killed in Rinconhondo, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. At 6:00am two men arrived at John Doe 14's residence with the story that they would take him to a man that owed him money. They took John Doe 14 to a site called Los Tupes and shot him.

33. Peter Doe 19 is the son and legal representative of the Estate of John Doe 15 under the laws of Colombia, and is also a legal heir to John Doe 15 under the laws of Colombia. Jane Doe 36 is John Doe 15's mother; Jane Doe 37 is John Doe 15's daughter; and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 15. On January 14, 2001, John Doe 15 was killed 5 meters from his home on El Hatillo Path in Rinconhondo, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. At 7:00pm John Doe 15 went out to close the gate to his home. There he was grabbed by two men

and pushed 5 meters from his home where he was shot twice in the mouth, the bullets exiting through the back of the brain.

34. Jane Doe 38 is the mother and legal representative of the Estate of John Doe 16 under the laws of Colombia, and is also a legal heir to John Doe 16 under the laws of Colombia. Jane Doe 39, Jane Doe 40, and Peter Doe 20 are John Doe 16's siblings, and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 16. On August 19, 2003, John Doe 16 was disappeared in Poponte, Chiriguana, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. John Doe 16 left the house at 7:00pm to look for work. The following day the family heard from witnesses in the area that John Doe 16 had been taken away by members of the AUC. John Doe 16 was never seen or heard from again.

35. Jane Doe 41 is the domestic partner and legal representative of the Estate of John Doe 17 under the laws of Colombia, and is also a legal heir to John Doe 17 under the laws of Colombia. Jane Doe 42 is John Doe 17's daughter, and is also a legal heir under the laws of Colombia, but does not act as a legal representative of his Estate in this lawsuit. Plaintiffs herein are all wrongful death

beneficiaries of John Doe 17. On August 22, 2000, John Doe 17 was killed in Rinconhondo, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. At 8:00pm John Doe 17 was asleep at his residence with his family. Members of the AUC arrived at his residence and banged on the door. John Doe 17's domestic partner opened the door and the AUC members entered and threw John Doe 17 face down on the floor, hitting and injuring him. They took John Doe 17 and threw him in a car and drove to an area called Los Chorros in Rinconhondo where the AUC members shot him.

36. Jane Doe 43 is the niece and legal representative of the Estate of John Doe 18 under the laws of Colombia, and is also a legal heir to John Doe 18 under the laws of Colombia. Jane Doe 43 is the wrongful death beneficiary of John Doe 18. On February 5, 2003, John Doe 18 was disappeared in Rinconhondo, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. At approximately 6:30pm, three AUC members arrived on a motorcycle at John Doe 18's residence in Rinconhondo. They entered the home and turned off all the lights and remained inside with John Doe 18 for a half hour. The AUC members then left on the motorcycle and returned with a white car and then left again after 5 minutes. After

they left Jane Doe 43 and her family went to John Doe 18's residence, but he was no where to be found. John Doe 18 was never heard or seen from again.

37. Jane Doe 44 is the mother and legal representative of the Estate of John Doe 19 under the laws of Colombia, and is also a legal heir to John Doe 19 under the laws of Colombia. Jane Doe 44 is the wrongful death beneficiary of John Doe 19. On October 24, 2004, John Doe 19 was disappeared in Rinconhondo by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. Desperate for work, John Doe 19 left with a man who said he could get him a job. John Doe 19 was never seen or heard from again.

38. Peter Doe 21 is the son and legal representative of the Estate of John Doe 20 under the laws of Colombia, and is also a legal heir to John Doe 20 under the laws of Colombia. Jane Doe 45 and Jane Doe 46 are John Doe 20's daughters, and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 20. On August 22, 2000, John Doe 20 was killed in Rinconhondo, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. The AUC arrived at John Doe 20's residence at 7:30pm. They pulled

him from his home, beat him and forced him into a truck. At 5:30 the next morning, his family found his dead body.

39. Jane Doe 47 is the domestic partner and legal representative of the Estate of John Doe 21 under the laws of Colombia, and is also a legal heir to John Doe 21 under the laws of Colombia. Jane Doe 48 and Peter Doe 22 are John Doe 21's children, and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 21. On November 2, 2002, John Doe 21 was killed on the Pacho Prieto Path in Chiriguana, Cesar by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. At 5:00pm John Doe 21 left his residence for work. While on his way to work, on the road, he came across two members of the AUC who took him further down the road, past where he was going. At 12:00pm they assassinated him with two shots to the head.

40. Jane Doe 49 is the domestic partner and legal representative of the Estate of John Doe 22 under the laws of Colombia, and is also a legal heir to John Doe 22 under the laws of Colombia. Peter Doe 23, Jane Doe 50, Jane Doe 51, Peter Doe 24, Peter Doe 25, Peter Doe 26 are John Doe 22's children, and are also legal heirs under the laws of Colombia, but do not act as legal representatives of

his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 22. On August 19, 2000, John Doe 22 was killed between Santa Isabel and San Roque, Rinconhondo, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. The AUC arrived at John Doe 22's residence at 11:30pm. They beat him, cracked his skull, tied him up, put him in a vehicle and took him away. They shouted at his domestic partner and put a gun to her head. Then the AUC members locked John Doe 22's domestic partner and their children in the house and tied them up so they couldn't leave. The next day, in the earlier hours of the morning, John Doe 22's domestic partner, Jane Doe 49, was able to escape and found John Doe 22's corpse in an area which lies between Santa Isabel and San Roque, Rinconhondo, Cesar.

41. Jane Doe 52 is the mother and legal representative of the Estate of John Doe 23 under the laws of Colombia, and is also a legal heir to John Doe 23 under the laws of Colombia. Jane Doe 53, Jane Doe 54, Jane Doe 55 and Peter Doe 27 are John Doe 23's siblings, and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 23. John Doe 23 was killed on August 19, 2000 between the townships of Santa Isabel and San

Roque, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. John Doe 23 left his house at 8:30 in the evening to attend a dance. He was walking along the highway when the AUC stopped and forced him into their truck. They brought him to a political event where other people were forced into the truck. They were then all taken to Curumani, Cesar, Colombia where John Doe 23 was shot in the head.

42. Jane Doe 56 is the mother and legal representative of the Estate of John Doe 24 under the laws of Colombia, and is also a legal heir to John Doe 24 under the laws of Colombia. Jane Doe 56 is the wrongful death beneficiary of John Doe 24. John Doe 24 was killed on March 29, 2003 in Santa Isabel, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. It was 9:00 pm when John Doe 24 was murdered by the AUC. He was playing in a billiards club with some friends and from there eight AUC members of the Juan Andrés Álvarez Front took him to a place about a kilometer outside of Rinconhondo, Cesar, Colombia and assassinated him.

43. Peter Doe 28 is the father and legal representative of the Estate of John Doe 25 under the laws of Colombia, and is also a legal heir to John Doe 25

under the laws of Colombia. Jane Doe 57 is John Doe 25's mother; Jane Doe 58, Jane Doe 59, Jane Doe 60, Jane Doe 61, and Peter Doe 29 are John Doe 25's siblings; and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 25. John Doe 25 was disappeared on March 9, 2000 in Minguillo, La Paz, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. John Doe 25 was a member of CTI. John Doe 25 was working on an exhumation of the body of Mr. Tiberio Rivera Palencia on the farm of "La Holandesa." Men under the command of Juan Andrés Álvarez Front leader El Tigre arrived and disappeared John Doe 25 along with the other CTI colleagues who were present. He was officially proclaimed dead on March 9, 2002.

44. Jane Doe 63 is the domestic partner and legal representative of the Estate of John Doe 26 under the laws of Colombia, and is also a legal heir to John Doe 26 under the laws of Colombia. Peter Doe 30 and Jane Doe 64 are John Doe 26's children; Jane Doe 65 is John Doe 26's mother; Jane Doe 66, Jane Doe 67, Jane Doe 68 are John Doe 26's siblings; and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 26. John Doe 26

was disappeared on March 9, 2000 in Minguillo, La Paz, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. John Doe 26 was a member of CTI. John Doe 26 was working on an exhumation of the body of Mr. Tiberio Rivera Palencia on the farm of "La Holandesa." Men under the command of Juan Andrés Álvarez Front leader El Tigre arrived and disappeared John Doe 26 along with the other CTI colleagues who were present. He was officially proclaimed dead on March 9, 2002.

45. Peter Doe 31 is the father and legal representative of the Estate of John Doe 27 under the laws of Colombia, and is also a legal heir to John Doe 27 under the laws of Colombia. Jane Doe 69 is John Doe 27's mother; Jane Doe 70, Jane Doe 71, Peter Doe 32, Peter Doe 33 and Peter Doe 34 are John Doe 27's siblings; and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 27. John Doe 27 was disappeared on March 9, 2000 in Minguillo, La Paz, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. John Doe 27 was a member of CTI. John Doe 27 was working on an exhumation of the body of Mr. Tiberio Rivera Palencia on the farm of "La

Holandesa.” Men under the command of Juan Andrés Álvarez Front leader El Tigre arrived and disappeared John Doe 27 along with the other CTI colleagues who were present. He was officially proclaimed dead on March 9, 2002.

46. Jane Doe 72 is the mother and legal representative of the Estate of John Doe 28 under the laws of Colombia, and is also a legal heir to John Doe 28 under the laws of Colombia. Jane Doe 72 is the wrongful death beneficiary of John Doe 28. John Doe 28 was killed on June 23, 2002 in San Roque, Cesar, Colombia by the AUC Northern Block’s Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. At 6:00pm, John Doe 28 was pulled out of his house located in the town of San Roque in the township of Chiriguana by two members of by the AUC Northern Block’s Juan Andrés Álvarez Front. They took him to the entrance of the town of Piponte, Chiriguana. Two other men, who were also to be assassinated alongside John Doe 28, accompanied John Doe 28 in the vehicle. His body was found at 2am the following morning at the entrance to the town of Piponte, Chiriguana.

47. Peter Doe 35 is the father and legal representative of the Estate of John Doe 29 under the laws of Colombia, and is also a legal heir to John Doe 29 under the laws of Colombia. Peter Doe 35 is the wrongful death beneficiary of John Doe 29. John Doe 29 was killed on December 17, 2000 in El Paso, Cesar,

Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. John Doe 29 was tricked into coming out of his home by two members of the AUC Northern Block's Juan Andrés Álvarez Front saying that they were friends that owed him money. When John Doe 29 stepped out of his house he was shot three times in the head.

48. Jane Doe 75 is the domestic partner and legal representative of the Estate of John Doe 30 under the laws of Colombia, and is also a legal heir to John Doe 30 under the laws of Colombia. Jane Doe 73, Peter Doe 36, and Jane Doe 74 are John Doe 30's siblings; Jane Doe 76, Jane Doe 77, Jane Doe 78 and Peter Doe 37 are John Doe 30's children; and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 30. John Doe 30 was killed on September 20, 2002 in Rinconhondo, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. The AUC Northern Block's Juan Andrés Álvarez Front told John Doe 30 they had set an appointment to meet with him. He had attended a meeting with the AUC previously and when he left for the second meeting, he left without informing his immediate family. Two cousins and a friend

accompanied him to the meeting and when they arrived the AUC members asked him “Are you afraid, Professor?” and then shot him in the head and in the face.

49. Jane Doe 79 is the mother and legal representative of the Estate of John Doe 31 under the laws of Colombia, and is also a legal heir to John Doe 31 under the laws of Colombia. Jane Doe 79 is the wrongful death beneficiary of John Doe 31. John Doe 31 was killed on August 10, 2001 in Cruce de Chiriguana, Cesar, Colombia by the AUC Northern Block’s Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. John Doe 31 was forcibly taken from his home at 11:30 am by the AUC Northern Block’s Juan Andrés Álvarez Front and was forced into a white automobile where he was taken to Cruce de Chiriguana and shot twice in the head.

50. Jane Doe 80 is the daughter and legal representative of the Estate of Paula Doe 2 under the laws of Colombia, and is also a legal heir to Paula Doe 2 under the laws of Colombia. Jane Doe 81 is Paula Doe 2’s mother; Jane Doe 82, Jane Doe 83, Jane Doe 84, Jane Doe 85, Peter Doe 38, Peter Doe 39, Peter Doe 40, and Peter Doe 41 are Paula Doe 2’s siblings; and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of Paula Doe 2. Paula Doe 2 was killed on September 27, 2000 in Minguillo, La Paz, Cesar,

Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. Paula Doe 2 was a nurse and helped the sick and injured in the area. Juan Andrés Álvarez Front commander alias "El Tigre" once told her that when if anything every happened to him, the AUC would kill her. "El Tigre" was arrested on July 19, 2000. Almost exactly two months later at approximately midnight on the night of September 27th, a group of members belonging to the AUC Northern Block's Juan Andrés Álvarez Front arrived in military gear and knocked on the door of Paula Doe 2's home. Paula Doe 2 opened the door and they told her that they needed her to come with them and to provide first aid to one of their wounded men. She left with needles, medicine and other medical instruments telling her family not to worry, and that she would return soon. Shortly thereafter her family members found her dead body. She had been shot three times in the head.

51. Peter Doe 42 is the father and legal representative of the Estate of Paula Doe 3 under the laws of Colombia, and is also a legal heir to Paula Doe 3 under the laws of Colombia. Jane Doe 86, Jane Doe 87, Peter Doe 43 and Peter Doe 44 are Paula 3's siblings, and are also legal heirs under the laws of Colombia, but do not act as legal representatives of her Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of Paula Doe 3. Paula Doe 3 was killed on

January 25, 2002 in Minguillo, La Paz, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. Paula Doe 3 was a daughter of a witness of crimes committed by the AUC Northern Block's Juan Andrés Álvarez Front, specifically by Front commander "El Tigre" and his men. She was murdered because of her relationship to the witness. Paula Doe 3 was washing clothes when "El Tigre" and his men approached and was asked where her relative (the witness) was hiding. Paula Doe 3 said that she did not know the whereabouts of the witness. "El Tigre" and his men proceeded to tie up Paula Doe 3's husband and locked her children in the house. They murdered Paula Doe 3 with a blow to the head.

52. Jane Doe 88 is the daughter and legal representative of the Estate of Paula Doe 4 under the laws of Colombia, and is also a legal heir to Paula Doe 4 under the laws of Colombia. Jane Doe 88 is the wrongful death beneficiary of Paula Doe 4. Paula Doe 4 was killed on June 3, 2002 in Vereda La Bodega, San Diego, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. Jane Doe 88 owned a small store. On the day of her murder, two members of the AUC Northern Block's Juan Andrés Álvarez Front drove up to her store in a white automobile. They ordered a bottle of liquor, drank it, and upon asking for the bill they

proceeded to shoot her multiple times until she died.

53. Jane Doe 89 is the domestic partner and legal representative of the Estate of John Doe 32 under the laws of Colombia, and is also a legal heir to John Doe 32 under the laws of Colombia. Jane Doe 90, Jane Doe 95, Peter Doe 45, and Peter Doe 46 are John Doe 32's children and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 32. John Doe 32 was killed on August 27, 2003 in Finca Los Chaparro, San Diego, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. Six armed members of the AUC Northern Block's Juan Andrés Álvarez Front grabbed John Doe 32, beat him, tortured him and then murdered him by shooting him in the head, on the side, thorax, and genitals.

54. Jane Doe 91 is the wife and legal representative of the Estate of John Doe 33 under the laws of Colombia, and is also a legal heir to John Doe 33 under the laws of Colombia. Jane Doe 92 and Jane Doe 93 are John Doe 33's children, and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 33. John Doe 33 was killed on February 23, 2001 in San

Diego, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. John Doe 33 was at a kiosk next to the Hospital El Socorro in San Diego, Cesar, Colombia when two armed members of the AUC Northern Block's Juan Andrés Álvarez Front began to shoot. They murdered John Doe 33 and two other people present.

55. Jane Doe 94 is the domestic partner and legal representative of the Estate of John Doe 34 under the laws of Colombia, and is also a legal heir to John Doe 34 under the laws of Colombia. Jane Doe 94 is the wrongful death beneficiary of John Doe 34. John Doe 34 was killed on August 14, 2001 in Finca Guanduru, San Diego, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. John Doe 34 was on his way to a farm to pick up milk at the entrance to the farm, when two men from the Front approached him and opened fire on John Doe 34, shooting him six times and killing him.

56. Jane Doe 96 is the domestic partner and legal representative of the Estate of John Doe 35 under the laws of Colombia, and is also a legal heir to John Doe 35 under the laws of Colombia. Peter Doe 47, Peter Doe 48, Jane Doe 97 and Jane Doe 98 are John Doe 35's children, and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit.

Plaintiffs herein are all wrongful death beneficiaries of John Doe 35. John Doe 35 was killed on February 1, 2003 on the football field called Cancha Del 21 De Enero, Codazzi, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. John Doe 35 was playing football when three armed members of the AUC Northern Block's Juan Andrés Álvarez Front pulled him from the game and said "this game has ended" and without further ado shot him three times in the head.

57. Peter Doe 49 is the father and legal representative of the Estate of John Doe 36 under the laws of Colombia, and is also a legal heir to John Doe 36 under the laws of Colombia. Jane Doe 99 is John Doe 36's mother; Jane Doe 100, Jane Doe 101, Peter Doe 50, Jane Doe 102, Jane Doe 113, and Peter Doe 53 are John Doe 36's siblings; and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 36. John Doe 36 was disappeared on March 5, 2000 in Codazzi, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. John Doe 36 left his home in Codazzi to look for work and was never seen or heard from again. Six months later a phone call was received at his

mother's house saying that the AUC Northern Block's Juan Andrés Álvarez Front had killed her son.

58. Jane Doe 104 is the domestic partner and legal representative of the Estate of John Doe 37 under the laws of Colombia, and is also a legal heir to John Doe 37 under the laws of Colombia. Peter Doe 51 and Jane Doe 103 are John Doe 37's parents; Jane Doe 105, Jane Doe 106 and Jane Doe 107 are John Doe 37's daughters; and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 37. John Doe 37 was killed on September 22, 2005 in Finca Limonal, Codazzi, San Diego, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. John Doe 37 was forcibly pulled from his home on the farm by two members of the AUC Northern Block's Juan Andrés Álvarez Front. The two men asked for John Doe 37's cell phone and that of the surviving witness and they gave their cell phones to them. One of the AUC members was armed with a gun and a machete. The AUC members told John Doe 37 not to worry that nothing was going to happen to him, if he would take them to the town of San Jose. John Doe 37 left with the two AUC members and two hours later the witness came back to the Finca Limonal (a farm) and found John Doe 37

semi-decapitated by a machete.

59. Jane Doe 108 is the domestic partner and legal heir of John Doe 38. Jane Doe 109 is also John Doe 38's domestic partner and legal heir. They act jointly as the legal representatives of the Estate of John Doe 38. Peter Doe 52 and Jane Doe 110 are John Doe 38's children; and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 38. John Doe 38 was killed on September 8, 2000 in Finca El Diamante, San Diego, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. At 5:00am John Doe 38 went to his uncle's farm to fumigate the rice crops. At approximately 6:00am members of the AUC Northern Block's Juan Andrés Álvarez Front arrived at the farm and told John Doe 38 and other family members to come with them into the corral where a meeting was to be held. The AUC opened fire on John Doe 38 and his five other family members. After shooting them all, the AUC thugs from the Juan Andrés Álvarez Front beat the bodies to a pulp with their weapons, killing them all.

60. Jane Doe 112 is the sister and legal representative of the Estate of John Doe 39 under the laws of Colombia, and is also a legal heir to John Doe 39

under the laws of Colombia. Jane Doe 111 is also John Doe 39's sister, and legal heir under the laws of Colombia, but do not act as legal representative of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 39. John Doe 39 was killed on March 21, 2002 in Codazzi, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. A group belonging to the AUC Northern Block's Juan Andrés Álvarez Front arrived at John Doe 39's home. They shot John Doe 39 twice in the chest and cut his throat.

61. Jane Doe 114 is the domestic partner and legal representative of the Estate of John Doe 40 under the laws of Colombia, and is also a legal heir to John Doe 40 under the laws of Colombia. Peter Doe 55 and Peter Doe 56 are John Doe 40's children, and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 40. John Doe 40 was killed on June 11, 2003 in Finca Chaparral, San Diego, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. Three members of the AUC Northern Block's Juan Andrés Álvarez Front approached John Doe 40. They told him to walk with them, and that if he did, nothing bad was going to happen to him. He started to walk with

them when, without warning, they shot John Doe 40 twice in the head. One bullet entered John Doe 40's left temple and the other entered through his mouth.

62. Jane Doe 117 is the domestic partner and legal representative of the Estate of John Doe 41 under the laws of Colombia, and is also a legal heir to John Doe 41 under the laws of Colombia. Jane Doe 62, Jane Doe 115, and Jane Doe 116 are John Doe 41's siblings; Jane Doe 118 is John Doe 41's daughter; and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 41. John Doe 41 was killed on September 8, 2000 in Finca El Diamante, San Diego, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. At approximately 6:00am members of the AUC Northern Block's Juan Andrés Álvarez Front arrived at the farm and told John Doe 41 and other family members to come with them into the corral where a meeting was to be held. The AUC opened fire on John Doe 41 and his five other family members. After shooting them all, the AUC beat the bodies to a pulp with their weapons. The assailants were dressed in military camouflage.

63. Peter Doe 57 is the father and legal representative of the Estate of John Doe 42 under the laws of Colombia, and is also a legal heir to John Doe 42

under the laws of Colombia. Jane Doe 115 is John Doe 42's mother, and is also a legal heir under the laws of Colombia, but does not act as a legal representative of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 42. John Doe 42 was killed on November 18, 2003 in Barrio La Victoria, San Diego, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. John Doe 42 was sitting in front of his home after lunchtime at around 3 o'clock in the afternoon with two of his sisters, his brother-in-law, and his dog when a member of the AUC Northern Block's Juan Andrés Álvarez Front came by the house and shot John Doe 42 multiple times, killing John Doe 42 and his dog.

64. Jane Doe 119 is the mother and legal representative of the Estate of John Doe 43 under the laws of Colombia, and is also a legal heir to John Doe 43 under the laws of Colombia. Peter Doe 58, Peter Doe 59, Jane Doe 120, Peter Doe 60, Peter Doe 61, and Peter Doe 62 are John Doe 43's siblings, and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 43. John Doe 43 was disappeared on November 14, 2003 in La Jagua de Ibirico, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez

Front, which received knowing and substantial assistance from Drummond. John Doe 43 was pulled from his house by four members of the AUC Northern Block's Juan Andrés Álvarez Front. The four AUC members arrived in a red automobile. They were wearing jeans and blue and black sweaters. They forced John Doe 43 into their automobile and he was never seen or heard from again. John Doe 43 was last seen wearing yellow shorts. After the demobilization in 2006, a demobilized member of the AUC Northern Block's Juan Andrés Álvarez Front informed John Doe 43's mother that her son was killed in 2003. However, his body has never been found.

65. Jane Doe 119 is the domestic partner and legal representative of the Estate of John Doe 44 under the laws of Colombia, and is also a legal heir to John Doe 44 under the laws of Colombia. Jane Doe 120, Peter Doe 58, Peter Doe 62, Peter Doe 59, Peter Doe 60, Peter Doe 61 are John Doe 44's children, and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 44. John Doe 44 was killed on April 1, 2001 in La Jagua de Ibirico, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. John Doe 44 was sitting on the porch of his house with his domestic partner and children when a

member of the AUC Northern Block's Juan Andrés Álvarez Front dressed in camouflage pulled up in a grey automobile. The AUC member got out of his vehicle, walked up to John Doe 44 and shot him point blank in the head.

66. Jane Doe 121 is the domestic partner and legal representative of the Estate of John Doe 45 under the laws of Colombia, and is also a legal heir to John Doe 45 under the laws of Colombia. Peter Doe 62A⁴, Jane Doe 122, Peter Doe 63, Peter Doe 64, Jane Doe 123, Peter Doe 65, Jane Doe 124, and Jane Doe 125 are John Doe 45's children; Peter Doe 65A and Jane Doe 125A are John Doe 45's siblings; and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 45. John Doe 45 was killed on May 9, 2001 in Cruce De Chiriguana, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. At 12 midnight, a group of armed members of the AUC Northern Block's Juan Andrés Álvarez Front arrived at John Doe 45's house. They knocked down the door to John Doe 45's home and shot John Doe 45 when he tried to escape through the patio. They shot him in the back and the bullet exited through

⁴ Pseudonym, Peter Doe 62, had been assigned twice. Plaintiff herein will be referred to as Peter Doe 62A.

his chest, killing him.

67. Jane Doe 126 is the domestic partner and legal representative of the Estate of John Doe 46 under the laws of Colombia, and is also a legal heir to John Doe 46 under the laws of Colombia. Peter Doe 54, Jane Doe 127, Jane Doe 128, Jane Doe 129 are John Doe 46's children, and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit.

Plaintiffs herein are all wrongful death beneficiaries of John Doe 46. John Doe 46 was disappeared on November 28, 2004 in Codazzi, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. At around 7 o'clock in the morning, John Doe 46 was headed towards the town of La Jagua de Ibirico to visit his father. His domestic partner, Jane Doe 126, was accompanying him part of the way, as she was going to market in Codazzi. When they arrived at the market a car stopped and the men inside the car, who were members of the Juan Andrés Álvarez Front, pulled John Doe 46 inside and drove off. John Doe 46 was never heard or seen from again.

68. Jane Doe 130 is the mother and legal representative of the Estate of John Doe 47 under the laws of Colombia, and is also a legal heir to John Doe 47 under the laws of Colombia. Jane Doe 130 is the wrongful death beneficiary of

John Doe 47. John Doe 47 was disappeared on April 19, 2001 in Barrio Chiriaimo, San Diego, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. John Doe 47 was asleep at his residence when he received a phone call at 9:30 pm and left the house. His mother, Jane Doe 130, tried to follow him, but could not catch up to him. The last she saw of her son was him getting into an old-model white Renault automobile. John Doe 47 was never seen or heard from again. Less than a month later on May 17, 2001, John Doe 47's mother received a call from the AUC Northern Block's Juan Andrés Álvarez Front, telling her to tell John Doe 47's family not to go looking for him because he had been assassinated in Curumani, Cesar, Colombia.

69. Jane Doe 131 is the domestic partner and legal representative of the Estate of John Doe 48 under the laws of Colombia, and is also a legal heir to John Doe 48 under the laws of Colombia. Peter Doe 66 is John Doe 48's son, and is also his legal heir under the laws of Colombia, but does not act as a legal representative of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 48. John Doe 48 was killed on June 16, 2002 in Los Brasiles, San Diego, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from

Drummond. It was around 8 o'clock in the evening when a group of armed members of the Juan Andrés Álvarez Front arrived at Jane Doe 131 and John Doe 48's residence. They forced the family members to the floor and asked them for their full names. They then tore John Doe 48's son Peter Doe 66 (then 6 years old) from John Doe 48's arms and took John Doe 48 out of the house to a nearby pasture and shot him in the forehead, killing him.

70. Jane Doe 132 is the domestic partner and legal representative of the Estate of John Doe 49 under the laws of Colombia, and is also a legal heir to John Doe 49 under the laws of Colombia. Peter Doe 67 and Peter Doe 68 are John Doe 49's children, and are also his legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 49. John Doe 49 was killed on March 2, 2000 in Barrio Buenos Aires, Codazzi, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. John Doe 49 was at the door to his residence at approximately 7:20 pm. He was holding his baby at the doorway to his home when members of the Juan Andrés Álvarez Front arrived and shot him several times in the face and upper-body, murdering John Doe 49 in front of his family.

71. Jane Doe 133 is the domestic partner and legal representative of the

Estate of John Doe 50 under the laws of Colombia, and is also a legal heir to John Doe 50 under the laws of Colombia. Peter Doe 69 is John Doe 50's son, and is also a legal heir under the laws of Colombia, but does not act as a legal representative of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 50. John Doe 50 was killed on September 3, 1999 on the highway going from Codazzi to the township of Cuatro Vientos, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond.

72. Peter Doe 71 is the son and legal representative of the Estate of John Doe 51 under the laws of Colombia, and is also a legal heir to John Doe 51 under the laws of Colombia. Jane Doe 134 and Peter Doe 70 are John Doe 51's parents; Jane Doe 135 is John Doe 51's daughter; and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 51. John Doe 51 was killed on April 12, 2004 on the highway about 3 kilometers outside of Becerril, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. Members of the Juan Andrés Álvarez Front pulled John Doe 51 from his home at 11:30 in the morning and took him to Finca Doña Maria and turned him over to

alias “JJ”, who was the Front commander for the town of Codazzi. John Doe 51’s dead body was found at the farm an hour later. He had been shot.

73. Jane Doe 136 is the domestic partner and legal representative of the Estate of John Doe 52 under the laws of Colombia, and is also a legal heir to John Doe 52 under the laws of Colombia. Jane Doe 137 is John Doe 52’s daughter, and is also a legal heir under the laws of Colombia, but does not act as a legal representative of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 52. John Doe 52 was killed on January 10, 2003 in the entrance to the town of Poponte, Chiriguana, Cesar, Colombia by the AUC Northern Block’s Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. John Doe 52 left his home at approximately 7:05pm when he was intercepted by an old-model Renault automobile. He was about to escape when one of the men inside the automobile put a gun to John Doe 52’s temple. He surrendered and was shoved in the car. His body was found early the next morning. He had been shot five times in the head and upper body.

74. Jane Doe 138 is the mother and legal representative of the Estate of John Doe 53 under the laws of Colombia, and is also a legal heir to John Doe 53 under the laws of Colombia. Jane Doe 139 and Jane Doe 140 are John Doe 53’s

siblings; Jane Doe 141 is John Doe 53's daughter; and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 53. John Doe 53 was killed on May 25, 2001 in Hacienda Barahona, Chiriguana, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. On May 23, 2001 at 7:10pm a group of armed members of the AUC Northern Block's Juan Andrés Álvarez Front arrived at the Hacienda Barahona, rounded up all of the workers on the farm and demanded their full names. The armed men told John Doe 53's father, John Doe 54, to give them his motorcycle. John Doe 54 refused. The armed men returned again two days later to the farm on the evening of May 25, 2001. They forced John Doe 53 and John Doe 54 into a truck and they killed them 100 meters outside the entrance to the farm. John Doe 53 was shot five times in the head.

75. Jane Doe 138 is the domestic partner and legal representative of the Estate of John Doe 54 under the laws of Colombia, and is also a legal heir to John Doe 54 under the laws of Colombia. Jane Doe 139 and Jane Doe 140 are John Doe 54's daughters, and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all

wrongful death beneficiaries of John Doe 54. John Doe 54 was killed on May 25, 2001 in Hacienda Barahona, Chiriguana, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. On May 23, 2001 at 7:10pm a group of armed members of the AUC Northern Block's Juan Andrés Álvarez Front arrived at the Hacienda Barahona, rounded up all of the workers on the farm and demanded their full names. The armed men told John Doe 54 to give them his motorcycle. John Doe 54 refused. The armed men returned again two days later to the farm on the evening of May 25, 2001. They forced John Doe 54 and his son, John Doe 53, into a truck and they killed them 100 meters outside the entrance to the farm. John Doe 54 was shot five times in the head.

76. Peter Doe 72 is the father and legal representative of the Estate of John Doe 55 under the laws of Colombia, and is also a legal heir to John Doe 55 under the laws of Colombia. Jane Doe 145 is John Doe 55's mother; Peter Doe 73, Jane Doe 146, and Jane Doe 147 are John Doe 55's siblings; and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 55. John Doe 55 was killed on July 2, 2002 on an un-maintained highway called "Troncal de Caribe" in El Cruce de la Loma, Cesar, Colombia by the AUC

Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. John Doe 55 had just returned from a trip in the town of MonPox in the southern part of Colombia. He then had gone to El Cruce de la Loma to visit his brother. He was in El Cruce de la Loma trying to charter a car to drive him to Chiriguana when two armed members of the Juan Andrés Álvarez Front approached him and shot him multiple times in the head with a 9mm caliber weapon.

77. Jane Doe 143 is the domestic partner and legal representative of the Estate of John Doe 56 under the laws of Colombia, and is also a legal heir to John Doe 56 under the laws of Colombia. Jane Doe 144, Jane Doe 142, Peter Doe 74, and Peter Doe 75 are John Doe 56's children, and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 56. John Doe 56 was killed on March 23, 2005 in San Diego, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. John Doe 56 was assassinated at approximately 2:30 pm by two members of the Juan Andrés Álvarez Front. They intercepted him on the road and shot John Doe 56 three times in the head with a 9 mm weapon.

78. Peter Doe 76 is the father and legal representative of the Estate of John Doe 57 under the laws of Colombia, and is also a legal heir to John Doe 57 under the laws of Colombia. Jane Doe 148 is John Doe 57's mother; Jane Doe 149, 150, and 151 are John Doe 57's siblings; and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 57. John Doe 57 was taken from his home on the morning of March 24, 2004 in Bosconia, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. They shoved him in a truck and his body was found over a month later on March 24, 2004 on the right side of 855 Kilometer mark of the Drummond railway line in Fundacion, Magdalena, Colombia, entering the town of Monterrubio, on the road towards La Estacion La Lleras. His body was found with two fatal gunshot wounds; one in the right eye and another in the left shoulder.

79. Peter Doe 77 is the brother and legal representatives of the Estate of John Doe 58 under the laws of Colombia, and is also a legal heir to John Doe 58 under the laws of Colombia. Jane Doe 152, Jane Doe 153, and Jane Doe 154, are John Doe 58's sisters, and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all

wrongful death beneficiaries of John Doe 58. John Doe 58 was killed on January 13, 2003 in Barrio Chipona, San Diego, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. At approximately 7:45pm John Doe 58 was talking with his cousin about a block from his home when two members of the Juan Andrés Álvarez Front armed with 9 caliber weapons approached John Doe 58 and shot him once in the neck, twice in the head, six times in the back and once in the arm, killing him.

80. Jane Doe 155 is the sister and legal representative of the Estate of John Doe 59 under the laws of Colombia, and is also a legal heir to John Doe 59 under the laws of Colombia. Jane Doe 155 is the wrongful death beneficiary of John Doe 59. John Doe 59 was killed on June 23, 2002 in Bosconia, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. It was on a Sunday, at 9pm when John Doe 59 left his residence. At 2pm the following day, his sister, Jane Doe 155, received word that her brother and legal heir, John Doe 59, had been assassinated by members of the AUC Northern Block's Juan Andrés Álvarez Front. He had been shot four times.

81. Peter Doe 78 is is the father and legal representative of the Estate of John Doe 60 under the laws of Colombia, and is also a legal heir to John Doe 60 under the laws of Colombia. Jane Doe 156 is John Doe 60's sister, and is also a legal heir under the laws of Colombia, but does not act as a legal representative of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 60. John Doe 60 was killed on July 9, 2001 in Santa Isabel, Curumani, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. John Doe 60 left his residence to do some shopping in the nearby town of Rinconhondo. He returned to Santa Isabel around 4:20pm to find members of the AUC Northern Block's Juan Andrés Álvarez Front waiting for him. They promptly and without words surround John Doe 60 and shot him various times, killing him.

82. Jane Doe 157 is the mother and legal representative of the Estate of John Doe 61 under the laws of Colombia, and is also a legal heir to John Doe 61 under the laws of Colombia. Jane Doe 158, Jane Doe 159, and Peter Doe 78A⁵ are John Doe 61's siblings, and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all

⁵Pseudonym, Peter Doe 78, had been assigned twice. Plaintiff herein will be referred to as Peter Doe 78A.

wrongful death beneficiaries of John Doe 61. John Doe 61 was killed on December 5, 2001 in Agustin Codazzi, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. At 7:45pm, John Doe 61 was with a friend in an open market in the town of Agustin Codazzi. A member of the AUC Northern Block's Juan Andrés Álvarez Front started harassing John Doe 61's friend. When John Doe 61 defended his friend, the paramilitary member, under the command of Alias J.J., left and returned armed with another armed member of the Juan Andrés Álvarez Front. They opened fire on John Doe 61, shooting him twelve times: four times in the head; twice in the right arm; and six times in his body.

83. Jane Doe 160 is the domestic partner and legal representative of the Estate of John Doe 62 under the laws of Colombia, and is also a legal heir to John Doe 62 under the laws of Colombia. Peter Doe 79 is John Doe 62's son; Peter Doe 80 and Jane Doe 163 are John Doe 62's parents; Jane Doe 161, Jane Doe 162 and Peter Doe 81 are John Doe 62's siblings; and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 62. John Doe 62 was killed on March 28, 2002 at the Hacienda San Luis in Chiriguana, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which

received knowing and substantial assistance from Drummond. At 8:30pm, three cars each filled with armed members of the Juan Andrés Álvarez Front arrived at John Doe 62's home. They pulled John Doe 62 and his brother, John Doe 63, from their home. From there, the paramilitary group continued to other homes, pulling out their victims and forcing them into the cars. The following day, John Doe 62's family found John Doe 62 and his brother, John Doe 63, dead along with the bodies of two other men at the entrance to the San Luis Farm. The threats continued against John Doe 62's family after his death. The following day, March 29, 2002, during the burial two members of the Juan Andrés Álvarez Front approached John Doe 62's surviving brother and asked him if he was a relative. The family was so afraid that they didn't return to visit John Doe 62's tomb after his death. Their house began to be monitored and the family started to receive threats left under their door by the AUC's Bloque Norte. John Doe 62 had never received any death threats prior to his death. John Doe 62's siblings, out of fear for their lives, fled the area.

84. Jane Doe 164 is John Doe 63's domestic partner and also his legal heir. Jane Doe 166 is John Doe 63's domestic partner and also his legal heir. They act jointly as the legal representatives of the Estate of John Doe 63. Peter Doe 80 and Jane Doe 163 are John Doe 63's parents; Jane Doe 161, Jane Doe 162 and

Peter Doe 81 are John Doe 63's siblings; Jane Doe 165 is John Doe 63's daughter; and are also legal heirs under the laws of Colombia, but do not act as legal representatives of his Estate in this lawsuit. Plaintiffs herein are all wrongful death beneficiaries of John Doe 63. John Doe 63 was killed on March 28, 2002 at the Hacienda San Luis in Chiriguana, Cesar, Colombia by the AUC Northern Block's Juan Andrés Álvarez Front, which received knowing and substantial assistance from Drummond. At 8:30pm, three cars each filled with armed members of the Juan Andrés Álvarez Front arrived at John Doe 63's home. They pulled John Doe 63 and his brother, John Doe 62, from their home. From there, the paramilitary group continued to other homes, pulling out their victims and forcing them into the cars. The following day, John Doe 63's family found John Doe 63 and his brother, John Doe 62, dead along with the bodies of two other men at the entrance to the San Luis Farm. The threats continued against John Doe 63's family after his death. The following day, March 29, 2002, during the burial two members of the Juan Andrés Álvarez Front approached John Doe 63's surviving brother and asked him if he was a relative. The family was so afraid that they didn't return to visit John Doe 63's tomb after his death. Their house began to be monitored and the family started to receive threats left under their door by the AUC's Bloque Norte. John Doe 63 had never received any death threats prior to his death. John Doe 63's

siblings, out of fear for their lives, fled the area.

B. Defendants

85. Defendant Drummond Company, Inc. is a for-profit corporation incorporated in Alabama that is engaged primarily in the mining and shipment of coal. It is a closely-held corporation owned by the Drummond family, and is controlled in its day-to-day operations by Garry N. Drummond. Its principal place of business is located at 530 Beacon Parkway, Suite 900, Birmingham, Alabama 35209. Among other places, Drummond Company, Inc. owns and operates a large coal mine, rail line and port in Colombia, South America. The operations in Colombia are financed and managed from the Alabama headquarters of Drummond Company, Inc., and the profits from the Colombia operations revert to Drummond Company, Inc.

86. Defendant Drummond Ltd. is an Alabama company, incorporated in Jasper, Alabama, and has its principal place of business at 3000 Highway 78, Jasper, Alabama 35501. It is wholly-owned by Drummond Company, Inc. Drummond Ltd. manages the day-to-day operations of the Drummond coal operations in Colombia, but is at all times operating under the complete ownership, direction and control of Defendant Drummond Company, Inc. Fully aware of the violence in Colombia, particularly anti-union violence, and the

absolute impunity afforded the perpetrators of such violence in Colombia, Drummond Company, Inc. created Drummond Ltd. for the sole purpose of operating the Colombian mines for the sole benefit of Drummond Company, Inc. while also attempting to shield Drummond Company, Inc. from liability for any and all tortious conduct committed by the management of these mines. The creation of Drummond Ltd. was a sham done for the aforesaid unlawful purpose.

87. Defendant Augusto Jimenez is the President of Defendant Drummond Ltd. At all material times herein, Jimenez was a direct participant in Drummond's plan to make significant payments to the AUC's Juan Andres Alvarez Front, as described herein.

88. Defendant Alfredo Araujo is a Vice President at Drummond Ltd., and among other positions, is Director of Community Relations. He has been close friends with the AUC Commander "Jorge 40" since childhood. Defendant Araujo and his family had close ties to Jorge 40 and other AUC leaders. As is described more fully below, when the AUC formed, the Araujo family played a prominent role. Three close family members of Defendant Araujo, his cousin, Hernando Molina Araujo, a former governor of Cesar Province, another cousin, Alvaro Araujo Castor, a former Senator, and his uncle, Alvaro Araujo Noguera, a former Minister of Agriculture, are in jail for their participation in and support for the

AUC. Defendant Araujo used his family relationship and connection to Jorge 40 to make the initial arrangements for Drummond to make substantial payments to the AUC. Araujo made the plan with Jorge 40. He then used his position in the company to get Defendant Jimenez and others to agree to the plan to make substantial payments to the AUC. Araujo, on behalf of Drummond, shared with AUC the goal of eradicating the FARC and other leftist guerillas and prevailing in the ongoing civil conflict.

89. Defendant James Adkins was the Director of Security for Drummond's operations in Colombia. Hired by Drummond from the CIA, Defendant Adkins had full knowledge of the AUC's terrorist activities at the time he was hired. Adkins reported to both Garry Drummond and other Alabama-based Drummond officers, as well as the Defendant Jimenez. On behalf of the Drummond Defendants, Defendant Adkins approved the payments to the AUC as described herein.

90. Defendant Drummond Company, Inc. is jointly and severally liable for all of the tortious actions committed when its alter ego and/or agent, Drummond Ltd., acts in concert with any other person or entity in furtherance of Drummond Company, Inc.'s business interests and activities.

91. The AUC paramilitary forces that murdered all of the decedents

referenced herein were acting within the course and scope of a business relationship with Defendants with the advance knowledge, acquiescence or subsequent ratification of Defendants.

**V. FACTS CONCERNING THE CIVIL CONFLICT IN COLOMBIA
AND THE GOVERNMENT OF COLOMBIA'S
DIRECT RELATIONSHIP WITH THE AUC**

92. Colombia is widely-known as a country that is torn by a long-standing civil war involving armed leftist groups, primarily the FARC on the one side, and the Colombian military and the AUC on the other. Other leftist guerilla groups active in 1995-96 when the paramilitary groups began consolidating include the National Liberation Army (“ELN”).

93. The AUC, officially formed in late 1996 by Carlos Castaño as an umbrella group to consolidate the various paramilitary groups into one major force to defeat the FARC, was created by Colombian landowners, military officers and politicians for the sole purpose of serving as a brutal military unit to engage and defeat the leftist guerilla groups that had formed to overthrow the Government of Colombia. The main such group, the FARC had been successful in its military campaigns of the early to mid-1990s and controlled large areas of Uraba,

Magdalena and Cesar Provinces. These areas under FARC control were among the most valuable in Colombia, as Uraba and Magdalena were the primary banana-growing regions of Colombia, and Cesar had significant natural resources, particularly coal.

94. There never has been a question that the regular military in Colombia, and the civil government authorities, tolerated the paramilitaries, allowed them to operate, and often cooperated with them. Recent testimony of AUC leaders in custody under the Justice and Peace process makes this connection even more explicit – the government of Colombia worked with the leaders of the AUC to create the AUC as an informal special unit of the military for the purpose of using brutal tactics that the regular military was not permitted to use under the Geneva Conventions and other laws governing the conduct of war.

95. Many current and former political leaders in Colombia were directly involved in establishing the right-wing paramilitary groups in Colombia which later joined under the one umbrella of the AUC. Indeed, in 1996, Colombian President Alvaro Uribe was the governor of Antioquia and was instrumental in the creation of one of the first paramilitary groups in Colombia.

96. The sole purpose of creating the AUC was to have a military organization that was capable and willing to use extreme violence and brutal

means to defeat the FARC and drive it out of the areas where it was interfering with important business interests in Colombia. The regular Colombian military was completely ineffective in dealing with the FARC. There are a number of documented reasons for this. Most military observers agree that the leadership of the Colombian military, drawn from the elites of Colombia, were simply unwilling to risk life and limb to engage a ferocious guerilla group like the FARC. The AUC's mission was to "out guerilla the guerillas" as one former U.S. military advisor to the Colombian army put it. The AUC was expected to use terror and violence to defeat the FARC.

97. The initial supporters of the AUC in the private sector were wealthy Colombian landowners who had been victims of the FARC's violence. For example, Colombian President Uribe's family owned a large farm. Uribe's father was executed by the FARC, and the family plantation was crippled by the FARC's violent attacks in the area. Likewise, Raul Hasbun's family owned and operated a banana plantation in Uraba. When Hasbun's father was killed by the FARC, he not only organized his community to support the AUC, he himself became a commander in the AUC, using the *nom de guerre* Pedro Bonito.

98. The AUC, including the Northern Block units directly involved in the wrongful acts alleged herein, were created based on official sanction of the

Government of Colombia. In 1994, as a way for the Colombian government to create a legal mechanism to fund the AUC, it passed Decree 356, which established the “Special Vigilance and Private Security Services.” This decree laid the foundation for the creation of the Convivir groups, officially launched in 1995 through Resolution 368. The Convivir groups are comprised of civilians who petition the government for a license to “provide their own security. . . in areas of high risk or in the public interest, which requires a high level of security.” Defense Ministry, Decree 356, República de Colombia, February 11, 1994, pp. 19-20; and Resolution 368, April 27, 1995.

99. When Colombian President Uribe was still the Governor of Antioquia he implemented the plan to establish the government-registered front groups called “Convivirs” to allow the AUC to collect government and private funds to support the military activities of the AUC. Further, the Convivirs provided legal status to the AUC and allowed the Colombian government to coordinate activities with it.

100. The AUC established at least 14 Convivirs in 1995-96 that were “legal” entities under Colombian law that served as fronts for the AUC. Landowners and private companies made payments to these Convivirs based on geographic region. 100% of the funds collected were used by the AUC for arms,

supplies and other necessities in the AUC's military campaign against the FARC. Further, Colombian military officers met regularly with the leaders of the Convivirs to coordinate military operations and share intelligence. The Convivir leaders were in all cases AUC commanders. All of these arrangements are documented by the Human Rights Watch Report, *War Without Quarter: Colombia and International Humanitarian Law* (1998).

101. As a result of the Convivir structure, as well as the fact that most of the AUC members had been in the Colombian military, the AUC had a close, mutually-beneficial, symbiotic relationship with the Colombian military. As reported by Human Rights Watch, 78% of the murders in Colombia from October 1999 to March 2000 were attributable to the paramilitaries. The Human Rights Watch investigators found "detailed, abundant, and compelling evidence of continuing close ties between the Colombian Army and paramilitary groups responsible for gross human rights violations."

102. The facts supporting the ongoing symbiotic relationship between the military and paramilitaries in Colombia include active and retired military who actually set up paramilitary units, the military who provide the paramilitaries with weapons, intelligence, and supplies, and the paramilitaries who conduct missions at the request of the military.

103. The close, symbiotic relationship between the military and paramilitaries in Colombia is so widely acknowledged that the U.S. State Department confirms this fact without reservation:

Credible allegations of cooperation with paramilitary groups, including instances of both silent support and direct collaboration by members of the public security forces, in particular the army, continued. Evidence suggests that there were tacit arrangements between local military commanders and paramilitary groups in some regions, and paramilitary forces operated freely in some areas that were under military control or despite a significant military presence. Individual members of the security forces actively collaborated with members of paramilitary groups – passing them through roadblocks, sharing intelligence, providing them with ammunition, and allegedly even joining their ranks while off-duty.

104. In the February 28, 2002 Report of the UN High Commissioner for Human Rights on the human rights situation in Colombia (“UNHCR Report”), the UN High Commission explains that the links between the paramilitaries and the State continue and indeed are intensifying. As the UNHCR Report explains:

During 2001, the Office continued to observe that paramilitary activity was strengthening and spreading throughout much of the country’s territory. ... Toleration, support and complicity on the part of public servants, as well as non-fulfillment of their duty to safeguard rights, with respect to several acts by these groups, means that the State continues to bear responsibility.

105. The UNHCR Report further relates that “the growth in paramilitary activity has been aided by the State’s inaction or slow reaction in preventing the

formation of illegal armed groups, and in keeping new territories from falling into the de facto control of these organizations.” Finally, the UNHCR explains that the growth in paramilitary control and violence has been assisted by the impunity which human rights violators receive in the Colombian judicial system. Thus, the UNHCR states that, throughout 2001, it “continued to receive troubling reports of ties between members of the security forces and elements of the paramilitary groups. The existence of pending criminal and disciplinary investigations of members of the security forces shows how widespread these relationships are. However, the investigations have not led to any determination of responsibility or the application of relevant sentences and punishments to ensure that these acts do not benefit from impunity.”

106. The UNHCR reached the very same conclusions in its March 18, 2003 report, stating that there remains “open collusion” on the part of Colombian security forces with paramilitaries and that there is continued “expansion and consolidation of paramilitaries in several areas.”

107. Further, in *Country Reports on Human Rights Practices – Colombia* (March, 2002), the U. S. State Department, which had in September 2001 designated the AUC, the chief and largest paramilitary group as a “terrorist” group, continued to conclude that “in some locations elements of the state security

forces tolerated or even collaborated with paramilitary forces.” The State Department reached this same conclusion in its Report of March 31, 2003, stating that “[s]ome members of the security forces collaborated with paramilitary groups that committed serious abuses.”

108. For a number of years, the location in which Defendants operate in Colombia, the Cesar Province, has been one of these locations where the collaboration between the state security forces and the paramilitary forces is especially keen. Thus, Amnesty International has reported that it “has been increasingly concerned by the escalation in human rights violations carried out in the Department of Cesar by members of the security forces and paramilitary allied to them. ‘Disappearances,’ extrajudicial executions and other human rights violations continue to be reported as the security forces have increased their presence and paramilitary organizations have been set up and consolidated in the region, sometimes with the support of powerful economic interests.” Indeed, Drummond allowed its vast property around its coal mine to serve as a joint base for the military and AUC in that area, and there was frequent collaboration between the military and the AUC due to Drummond’s provision of a safe haven for the AUC.

109. Amnesty International, in specifically describing the human rights

situation in the Cesar Province – the area in which the acts described herein took place – explains that “[t]he systematic violation of human rights against members of popular organizations. . .in the department of Cesar corresponds to a national strategy of undermining organizations which the [state] security forces deem to be subversive.” Amnesty International further finds that “[m]any violations of human rights in the [Cesar] region are committed in order to advance and protect the interests of economically powerful sectors. Labeling anyone who dares to challenge the interests of powerful economic sectors as subversive. . .and then targeting them for human rights violations provides a means for those sectors to protect their interests.” Recently, the UNHCR has confirmed this assessment of Amnesty International, noting in the same breath that “members of paramilitary groups have been blamed for most of the [] violent deaths” suffered by trade unionists and that Cesar is one of “[t]he departments most affected by anti-union violence. . .”

110. As a consequence of the official vilification of “leftists” and “guerilla sympathizers” by the Colombian government, this served as an open invitation to paramilitaries to target innocent civilians living in areas where there was a FARC presence with violence. Indeed, Rafael Garcia, a former DAS official, has stated under oath that the DAS worked closely with the AUC, that as a DAS official he

witnessed Drummond making payments to the AUC to murder the union leaders at Drummond, and that he personally, while a DAS official also served as the political adviser for the AUC paramilitaries and also acted as liaison between DAS Director Jorge Noguera and AUC Northern Block leader, Jorge 40. He specifically stated under oath that “the AUC and the DAS worked closely together to further their joint mission of ridding Colombia of leftist guerillas.”

111. From late 1996 on, the AUC became a major combatant in Colombia’s civil conflict with the FARC. In most of the rural areas where the FARC had its strongholds, the Colombian military had ceded military operations to the AUC. By 2001, the conflict between the AUC and the FARC had become a notorious exchange of atrocities. The AUC, using tactics of terror on civilians living in and around areas that had been under FARC control, assumed that these innocents were sympathetic to the FARC and systematically murdered thousands of them. The AUC became known for using chain saws and machetes to dismember its victims in order to ensure that witnesses to this violence would never harbor or assist FARC guerillas in their villages.

112. On September 5, 2001, the U.S. Department of State designated the AUC a terrorist organization. *See* 66 Fed. Reg. 47,054. This designation was based on the acts of the AUC from 1996-2001 in which it used extreme violence to

terrorize innocent civilians and ensure that they did not sympathize with the FARC.

113. The fact that the Colombian military and government had a major role in the formation and financing of the AUC is conclusively established by the September 13, 1995 memo of Defendant Adkins to Drummond President Mike Tracy. Adkins reported to Tracy that the Cordoba Battalion Commander of the Colombian military visited him to request funds from Drummond to support the formation of a paramilitary group under the Colombian government's Convivir program to combat the guerillas. At that time, Adkins concluded, correctly, that it would be illegal for Drummond to make such a contribution.

VI. DRUMMOND'S ROLE IN CREATING AND SUPPORTING THE AUC AND ITS WAR ON THE FARC

114. The Drummond Defendants have a personal and direct connection to the origin of the AUC. Defendant Alfredo Araujo was a close friend since childhood of Rodrigo Tovar Pupo, alias Jorge 40, who was one of the original founders of the AUC along with Carlos Castaño and Salvatore Mancuso. Several of Defendant Araujo's close relatives joined Jorge 40 as active members of the AUC. Defendant Araujo served the AUC by leading efforts to garner financial

support for the AUC from multinational companies, including Araujo's eventual employer, Drummond.

115. Defendant Araujo was also a friend of Jaime Blanco Maya, who had close ties to both the AUC and to the government. Araujo brought Blanco into the Drummond fold by awarding his company, ISA, the food concession for the workers at the Drummond mine. Blanco was close friends with Oscar Jose Ospino Pacheco, alias "Tolemaida", one of the AUC Northern Block's top commanders under Jorge 40. At the same time, Blanco's half-brother, Edgardo Maya, was until recently the Government of Colombia's Inspector General. He is now in prison for his ties to the AUC.

116. While Carlos Castaño is either dead or disappeared, the other two AUC founders, Salvatore Mancuso and Jorge 40, both now in prison in the United States and awaiting trial on drug trafficking charges, have stated that Drummond was one of the U.S. multinationals that provided substantial support to the AUC that allowed it to buy arms and equipment and join the war effort to defeat the FARC. The other major companies that Mancuso and Jorge 40 have mentioned as major initial supporters of the AUC are Chiquita Brands International and Dole Foods, Inc.

117. In 2007, after years of denials and coverups, Chiquita pled guilty to a

federal felony of providing material support to a terrorist organization. In its factual proffer to the Justice Department, attached hereto as Exhibit A, Chiquita admitted that it was a financial founder of the AUC and made regular payments to the AUC from 1996-2004, when a self-reporting member of the board of directors informed the Justice Department of Chiquita's payments to the AUC, a designated terrorist organization. This is a rare glimpse into the world of the relationship between the AUC and U.S. multinationals. Chiquita conformed that it made its payments to a Convivir set up as a front for the AUC.

118. The Drummond Defendants provided support to the AUC well beyond what Chiquita provided, and are equally guilty of providing knowing and substantial support to a terrorist organization. As is described in ¶¶ 159-62, *infra*, Drummond provided millions of dollars to the AUC to support its war with the FARC, and Drummond established, equipped, supported, and directed the AUC's Juan Andres Alvarez Front in its actions in engaging the FARC in the towns along Drummond's 120-mile railroad line from its mine in La Loma to "Puerto Drummond" in Santa Marta. Drummond became a major supporter of the AUC war effort to defeat the FARC and provided the support from 1999 to 2006, when the AUC formally began a demobilization following its efforts to destroy and contain the FARC were largely successful.

VII. CAUSES OF ACTION

First Cause of Action

**The Alien Tort Claims Act, 28 U.S.C. § 1350 – War Crimes
The AUC’s Extrajudicial Killings of Plaintiffs’ Decedents Were War Crimes,
and the Drummond Defendants Aided and Abetted or Conspired With the
AUC, or the AUC Was Drummond’s Agent**

All Plaintiffs Against All Defendants

119. Plaintiffs incorporate by reference paragraphs 1 through 118 of this Complaint as if set forth herein.

The AUC’s Extrajudicial Killings of Plaintiffs’ Decedents Were War Crimes

120. The Colombian military was not able to effectively address the uprising of the FARC, so as previously alleged, the Colombian government facilitated the creation and funding of the AUC for the sole purpose of using this unofficial force to defeat the FARC. As one high commander of the AUC told Plaintiffs’ representatives, “the Colombian military felt itself bound to the Geneva Conventions. The AUC was not.” Further, as Colonel Mejia, the commander of the Popa Battalion at all times material to this action, stated, the Colombian military needed to use the AUC in order to defeat the FARC.

121. The extreme brutality practiced by the AUC that earned it the terrorist moniker by the U.S. Department of State was from the outset a planned strategy to effectively confront and defeat the FARC.

122. Article 3 of the Geneva Convention, which applies to “an armed conflict not of an international character,” applies to the civil conflict in Colombia. Thus, noncombatants to the Colombian civil war, including the Plaintiffs’ decedents, are covered, and the war crimes committed by any parties to the conflict, including the AUC, are actionable under the ATS.

123. The three elements of “war crimes” are well-established and not in dispute. As this Court held (Slip Opp at 12, citing *Kadic v. Karadzic*, 70 F.3d 232, 242 (2d Cir. 1995)), the elements are:

- (1) that there was an armed conflict;
- (2) that the AUC and the FARC were parties to the conflict; and
- (3) that Plaintiffs were killed in the “course of hostilities.”

124. *As to the first element*, there is no dispute that Colombia has been devastated by a raging civil conflict since the early 1990's. This has been widely documented and has never been disputed in this or any other case. For example, the 1997 State Department Human Rights Report notes that the Colombian government’s control of national territory “has been increasingly challenged by

longstanding and widespread internal armed conflict and rampant violence. . .” *Id.* at 1. As AUC Commander Carlos Tijeras described the nature of the conflict in a sworn statement, “at the time I was acting as Commander of the William Rivas Front I was a major participant in a civil war that was being fought over the future direction of my country. I was on the side of democracy and capitalism and we were fighting communists and guerillas.”

125. *As to the second element*, once the AUC consolidated the various paramilitary groups in late 1996 under the leadership of Carlos Castaño, the AUC became the most visible armed opposition to the FARC, which, by late 1996, had become the prominent leftist rebel group. As previously alleged, *see* ¶¶ 92-113 *supra*, acting in the place of the Colombian military, the AUC directly engaged the FARC in an extremely brutal and violent struggle that left thousands of innocent civilians dead, displaced and terrorized. *See generally* R. Kirk, *More Terrible Than Death: Massacres, Drugs, and America’s War in Colombia* (2003); S. Dudley, *Walking Ghosts: Murder and Guerilla Politics in Colombia* (2006).

126. *As to the third and final element*, all of the violent acts against civilians alleged herein occurred in the “course of hostilities.” All of Plaintiffs’ decedents were executed by the AUC as it used tactics of terror and violence, particularly in the areas that the FARC had a stronghold. These areas included

Cesar [where Drummond's mine is located] and Magdalena [where Drummond's port is located] Provinces. In these areas, the AUC pursued a scorched earth policy of first driving the FARC out and then brutally murdering and torturing people who lived in these areas and were assumed by the AUC to be sympathetic to the FARC. As Jose Gregorio Mangones Lugo, alias "Carlos Tijeras," who was an AUC commander in Magdalena where Drummond's port is located, stated, "we not only drove the guerilla groups out of the area, but our tactics made sure the local people would never entertain the idea of supporting or joining the guerillas. We made clear with our actions that anyone who supported the FARC was our enemy and would be dealt with accordingly."

127. The AUC used extremely violent means to take back areas held by the FARC and used tactics of violence and terror to depopulate areas of innocent civilians merely because the AUC presumed that civilians in areas previously held by the FARC were sympathetic to the leftist guerillas. This military tactic is documented by the U.S. Department of State. For example, the 1997 State Department Report noted that "[t]he many paramilitary groups took the offensive against the guerillas, often perpetrating targeted killings, massacres, and forced displacements of the guerrillas' perceived or alleged civilian support base . . . *An active policy of depopulation, pursued by some paramilitary groups against*

communities suspected of guerilla support, was the primary cause of the growing internal displacement problem.”*Id.* at 2 (emphasis added).

128. As the U.S. Department of State reported in 1999, the year that Drummond formally joined forces with the AUC:

Paramilitary groups and guerillas were responsible for the vast majority of political and extrajudicial killings during the year. **Throughout the country, paramilitary groups killed, tortured and threatened civilians suspected of sympathizing with guerillas in an orchestrated campaign to terrorize them into fleeing their homes, thereby depriving guerillas of civilian support. The AUC paramilitary umbrella organization . . . exercised increasing influence during the year, extending its presence through violence and intimidation into areas previously under guerilla control.**

1999 State Department Report at 2 (emphasis added).

129. These consistent and reliable reports by the State Department of the AUC’s tactics in terrorizing villagers are exactly what happened in this case when the AUC attacked the villages where Plaintiffs reside and Plaintiffs’ decedents were executed.

130. According to Jhon Jairo Esquivel Cuadrado, alias “El Tigre,” the commander of the Juan Andres Alvarez Front from 1996-2000, prior to the formal arrangements made for Drummond to provide major support to the AUC in November 1999, the Juan Andres Alvarez Front was operating in the municipalities of Bosconia, El Paso, La Jagua de Ibirico, Becerril, Agustín

Codazzi, San Diego, La Paz, and Chiriguaná, which are the major towns in Cesar along the route of Drummond's rail line. As El Tigre stated, "the AUC was there because these were known FARC strongholds, and the AUC's mission was to eradicate the FARC wherever we found it."

131. El Tigre has further stated that as the commander of the Juan Andres Alvarez Front of the AUC, he viewed the towns along the Drummond rail line as important strategic areas for the FARC as the populations in those areas had been providing housing, supplies and recruits to the FARC. In his words, "the AUC had every intention of attacking these areas and using our methods to make sure that the people in these areas would never again support the FARC. Drummond's ultimate decision in November, 1999 to provide the AUC's Juan Andres Alvarez Front substantial payments allowed us to have more arms and men when we attacked these areas."

132. El Tigre further stated that "I have reviewed the facts of what happened to those who were killed as described in Plaintiffs' Complaint that was filed on May 19, 2009. While many of those events occurred after I was captured by police on July 19, 2000 and taken out of service with the AUC, the places that are described are areas that were FARC strongholds and that we had targeted for attack. The violent acts that are described are typical of what we in the AUC did to

ensure that villagers would not provide any form of support to the FARC. While I was commander of the Juan Andres Alvarez Front we infiltrated the communities where the FARC had a presence, identified persons we suspected of being guerillas and then hunted them down and killed them. We used brutal methods to ensure that the survivors would be clear that if they assisted the FARC in any way, a brutal death would be their fate. Drummond's support for our Front and the Northen Block did not change our military targets or methods, but did prioritize the order and timing of the areas we targeted, and of course, allowed us to be more effective because Drummond's funds provided us with more men, arms and supplies. Based on Drummond's direction to us, mainly provided through Alfredo Araujo, we prioritized our operations to have a major focus on the towns along Drummond's rail line where we had information that the FARC was operating or had supporters."

133. Alcides Manuel Mattos Tabares, alias "Samario", was from mid 2000 until May 2002 the chief of security for Oscar Jose Ospino Pacheco, alias "Tolemaida," who in July, 2000 replaced El Tigre as the Commander of the Juan Andres Alvarez Front. Samario was jailed from May-December, 2002, and when released, was made the third Commander of the Front and was in charge of "urban people," the AUC's term for hit men. As the person directly responsible for

processing orders to execute people from December 2002 until April 9, 2005, when he again went to prison, Samario had full knowledge of the targets and the reasons for executions carried out by the AUC's Juan Andres Alvarez Front. Samario, consistent with the assertions of El Tigre, has stated that the Front focused a lot of its operations against the FARC in the areas around Drummond's rail line in Cesar, particularly in the municipalities of Bosconia, El Paso, La Jagua de Ibirico, Becerril, Agustín Codazzi, San Diego, La Paz, and Chiriguaná. This was, according to Samario, "because the FARC was very successful in these areas and this is where we had to fight them and root out their supporters." Further, Samario stated that, "every execution order that passed through my hands was to kill someone we thought was a member or supporter of the FARC, or we thought was a leftist guerilla who was on the same side of the war as the FARC. Sometimes others were killed in villages when we went after our targets because they were in the way, or we needed to make a strong example to the people. Even the unionists we killed for Drummond [discussed in ¶¶ 166-67, 181-87, *infra*] we killed because Alfredo Araujo Castro, who had an important position with Drummond, told Tolemaida and me they were leftist guerillas who were helping the FARC."

134. Samario also is on record stating that “any executions that occurred after December 2002 most certainly would have been ordered by my superiors and then implemented by me and my men. We worked in all of the towns that were along the Drummond rail corridor because they were FARC areas. We killed people in these areas because they were with the FARC or we believed they supported the FARC, our enemy. Our methods of killing were intended by us to ensure that everyone was clear that we would be back and do the same to them if they assisted the FARC. Drummond’s major support for the Juan Andres Alvarez Front did not alter in any way our mission or the areas we needed to operate, because that was determined by where FARC had established a foothold. Drummond’s direction and support to us did require that we prioritize our resources and focus our efforts on the towns along the Drummond rail line in Cesar, but for us this was consistent with our mission because we were pursuing the FARC and its supporters in these areas. When I’ve said we provided ‘security’ for Drummond, this means that we were fighting our military enemy, the FARC, that viewed Drummond and other wealthy companies as legitimate military targets. In my view, the FARC came to these areas because Drummond was there, and we then came to fight the FARC where it was based. Drummond’s support was essential to our military success because we added at least 165 fully-equipped

men to the Front and supported them with food and supplies with the funds Drummond provided us.”

135. Based on the statements of El Tigre and Samario, as well as other AUC leaders who have testified in the Justice and Peace process in Colombia or have otherwise given statements, all of the people killed by the AUC in the area of Drummond’s rail line in Cesar were executed as suspected FARC members or supporters and thus were killed in the “course of hostilities.”

136. While none of Plaintiffs’ decedents were with the FARC or provided it with support, merely being suspected of either by the AUC was enough to get them killed. All of the Plaintiffs’ decedents were merely innocent civilians executed in the course of the conflict between the AUC and the FARC. There has never been any evidence or credible assertion after any of their deaths that any of Plaintiffs’ decedents were members or supporters of the FARC.

137. Both El Tigre and Samario have stated that they are confessing the murders they had a role in as part of the Justice and Peace process, and that every person killed by them and their associates in the Juan Andres Alvarez Front was a military target when the AUC attacked FARC strongholds. This includes the Plaintiffs’ decedents, all of whom were killed in villages in the areas where the

leaders of the Juan Andres Alvarez Front have stated they conducted operations to defeat the FARC and its supporters.

138. All of the 67 Plaintiffs' decedents herein were killed by the Juan Andres Alvarez Front during either the time that El Tigre was commander of the Front or when Samario was in charge of executions for Tolemaida, when he took over the Front from El Tigre. The Justice and Peace process is ongoing, but all of the Plaintiffs' decedents have either been officially declared to be a civilian victim of the civil conflict, or they have been identified by either El Tigre or Samario as civilians who they were responsible for executing during the course of the civil conflict. All of the executions of the Plaintiffs' decedents occurred between November 1999, when Drummond made its first agreement with the AUC as described herein, and April 2006, when Drummond stopped providing direct support to the AUC. By definition, war crimes include the executions of innocent civilians who are in the area of a civil conflict, regardless of whether the perpetrators intended to target the specific individuals who were killed.

Drummond Aided and Abetted the AUC's War Crimes

139. Citing *Presbyterian Church of Sudan v. Talisman Energy, Inc.*, 453 F.Supp. 2d 633, 668 (S.D. N.Y. 2006), this Court held that the standard for aiding

and abetting is “(1) the principal violated international law; (2) the defendant knew of the specific violation; (3) the defendant acted with the intent to assist that violation – that is, the defendant specifically directed his acts to assist in the specific violation; (4) the defendant’s acts had a substantial effect upon the success of the criminal venture; and (5) the defendant was aware that his acts assisted the specific violation.”⁶ Order at 17.

140. *As to the first element*, Plaintiffs have established in ¶¶ 120-38, *supra*, that the AUC, the principal, violated international law by engaging in war crimes.

141. *As to the second element*, Plaintiffs allege that the Drummond Defendants had actual knowledge of the AUC’s specific war crimes violations. The AUC’s use of violent tactics, including extrajudicial killings, to terrorize innocent civilians living in areas under FARC control was well known in

⁶ Plaintiffs note for the record that their position is that the binding standard for aiding and abetting was stated by the Eleventh Circuit in *Cabello v. Fernandez-Larios*, 402 F.3d 1148, 1158 (11th Cir. 2005) as: (1) “one or more of the wrongful acts that comprise the claim were committed,” (2) the Defendants “substantially assisted some person or persons who personally committed or caused one or more of the wrongful acts that comprise the claim,” and (3) Defendants “knew that [their] actions would assist in the illegal or wrongful activity at the time [they] provided the assistance.” This test is virtually identical to that adopted by the RESTATEMENT (SECOND) OF TORTS, § 876(b). Further, under international law, a similar aiding and abetting standard of knowing, substantial assistance has been applied since at least the Nuremberg cases. *See, e.g., U. S. v. Friedrich Flick*, 6 *Trials of War Criminals Before the Nuremberg Military Tribunals Under Control Council Law No. 10* (1952).

Colombia and was widely reported in the press in Colombia and the United States. In 1997, for example, the State Department Report noted that “[t]he many paramilitary groups took the offensive against the guerillas, often perpetrating targeted killings, massacres, and forced displacements of the guerrillas’ perceived or alleged civilian support base . . . *An active policy of depopulation, pursued by some paramilitary groups against communities suspected of guerilla support,* was the primary cause of the growing internal displacement problem.”*Id.* at 2 (emphasis added).

142. In 1999, the year that Drummond formally made an agreement to join with the AUC, the State Department Report stated:

Paramilitary groups and guerillas were responsible for the vast majority of political and extrajudicial killings during the year. **Throughout the country, paramilitary groups killed, tortured and threatened civilians suspected of sympathizing with guerillas in an orchestrated campaign to terrorize them into fleeing their homes, thereby depriving guerillas of civilian support. The AUC paramilitary umbrella organization . . . exercised increasing influence during the year, extending its presence through violence and intimidation into areas previously under guerilla control.**

1999 State Department Report at 2.

143. In 1999, when Drummond made a formal arrangement with the AUC to provide substantial financial support to the Northern Block and the Juan Andres Alvarez Front, Defendant Araujo, acting as Drummond’s primary contact with the

AUC, had specific and detailed knowledge of the AUC's record of terror due to his discussions with Jorge 40, Tolemaida, and Jaime Blanco, and other AUC leaders with whom he had a personal relationship.

144. In 1999, when Drummond made a formal arrangement with the AUC to provide substantial financial support to the Northern Block and the Juan Andres Alvarez Front, Defendant Adkins, in his capacity as director of security for Drummond and as a former CIA agent with extensive experience in Latin America including Colombia, had specific and detailed knowledge of the AUC's record of terror due to his review of all major reports of AUC atrocities, including U.S. State Department Human Rights Reports on Colombia, and his discussions with Jorge 40, Tolemaida, and Jaime Blanco, and other AUC leaders with whom he met. Further, he was briefed in regular meetings by Defendant Araujo, as well as the Colombian security officials employed by Drummond, including those described in ¶¶ 205-14, *infra*.

145. Further from 1995-99, Defendant Adkins, using personnel of his extensive and experienced security department, as well as his regular briefings with the military personnel based on the Drummond property, and through meetings with Defendant Araujo, Jaime Blanco and others with direct links to the AUC, had detailed and extensive knowledge of the operations of the AUC, the

FARC, other leftist guerilla groups, and the military. From 1995 on, Adkins prepared detailed intelligence reports for Drummond, and he reported his findings to Drummond officers, including Defendant Jimenez, Mike Tracy and Garry Drummond. Thus, in 1999 when Drummond made a formal arrangement with the AUC to provide substantial financial support to the Northern Block and the Juan Andres Alvarez Front, Drummond had specific and detailed knowledge of the AUC's brutal methods and tactics.

146. As an example of Defendant Adkins' detailed knowledge that he communicated to other Drummond officials, in an August 10, 1995 report for Drummond, Adkins lists the towns along the Drummond rail route and provides details of guerilla attacks, identifies the 19th Front of the FARC as "a particular threat to Drummond," and lists the real names and the aliases of the leaders of the 19th Front of the FARC. He also lists the names and some aliases for "ordinary combatants" of the 19th Front of the FARC. He lists also the weapons the 19th Front has as its disposal, communication equipment, and that the 19th Front is both a military unit and a political unit, "charged with recruiting and gaining sympathizers." This detailed knowledge only improved each year until Drummond made the formal decision in 1999 to join the AUC to defeat the FARC,

which had been succeeding in its mission of gaining sympathizers in the towns along Drummond's rail line.

147. In his September 13, 1995 memo to Mike Tracy, Defendant Adkins expressly stated his knowledge of the tactics of the paramilitary group at the time it was forming. In declining at that time to provide support to the nascent paramilitary group, Adkins stated, “***such a program will bring with it egregious human rights violations that preclude Drummond from ever participating.***” (emphasis added). When in 1999, Drummond made the formal decision to join with the AUC in its war with the FARC, its leaders had specific knowledge of the tactics that would be employed by the AUC as it pursued the FARC in the towns along Drummond's rail lines.

148. In 1999, when Drummond made a formal arrangement with the AUC to provide substantial financial support to the Northern Block and the Juan Andres Alvarez Front, General (ret.) Rafael Peña Ríos, the head of security for Drummond in Colombia, based on his past military experience and his own direct interactions with the AUC and its predecessor paramilitary organizations, had specific knowledge of the AUC's record of terror and its tactic of executing innocent civilians in areas of FARC influence as a way to discourage others from supporting the FARC. On at least one occasion, he told *El Tiempo* newspaper in

Colombia that he, like the paramilitary groups, viewed trade unions and the leftist guerillas as one and the same thing, and he excused the violence of the right-wing paramilitaries as necessary to confront the guerillas. General Peña reported directly to Defendant Adkins, and the two of them discussed the AUC and its tactics in confronting the FARC in Cesar.

149. According to a June 28, 1995 Drummond report, “[t]here is no lack of resources for intelligence collection. Drummond has access to military and police reporting thanks mainly to General Peña.”

150. In November, 1999, when Drummond made a formal arrangement with the AUC to provide substantial financial support to the Northern Block and the Juan Andres Alvarez Front, the head of security at the Drummond mine was Colonel (ret.) Ricardo Lineros. Based on his past military experience and his own direct interactions with the AUC and its predecessor paramilitary organizations, he had specific knowledge of the AUC’s record of terror and its tactic of executing innocent civilians in areas of FARC influence as a way to discourage others from supporting the FARC. Colonel Lineros regularly met with and briefed Defendant Adkins and General Peña.

151. According to Jairo Jesus Charris Castro, who was until March 1999 the Security Coordinator for Viginorte, the private security company used by

Drummond in Colombia that also was a front group for the AUC, he regularly observed security meetings involving not only Defendants Adkins and Araujo with General Peña and Colonel Lineros in 1998-99, but that Gary Drummond, the chief executive officer of Drummond, Mike Tracy, the President of Drummond, and Defendant Augusto Jimenez, among others, participated in security briefings that included discussions of the activities of the AUC and the FARC as they related to Drummond's areas of operation in Colombia.

152. Even if Drummond was somehow ignorant of the AUC's record of extreme violence at the moment it began funding the AUC on a large scale in 1999, from that moment on, Defendants Adkins and Araujo, on behalf of Drummond, closely monitored the AUC's actions and were fully aware of the violence that was done by the units directly supported by Drummond. They reported their observations in regular briefings to Defendant Jimenez, Mike Tracy and Garry Drummond. Further, in September 2001, the AUC was formally and publicly designated a terrorist organization by the U.S. State Department. Drummond was aware of this designation and continued to fund the AUC until 2006, when the AUC formally demobilized. The violent events from 1996-2001 that led to the AUC's designation as a terrorist organization were widely reported and were certainly known to Drummond through Defendants Araujo and Adkins.

153. After the AUC was designated a terrorist organization, at least some of Drummond's payments were made to Viginorte, the security company that served as a front for the AUC with the assistance of Defendant Araujo's close friend, Jaime Blanco. These funds were channeled to the AUC by Blanco. Drummond's payments to the AUC in cash and through front companies are direct evidence of Drummond's knowledge that it was paying for illegal activity. Drummond also, according to the Popa Battalion's commander Colonel Mejia, began channeling money to Colonel Mejia to distribute to the AUC as a way of hiding and legitimizing the payments.

154. *As to the third element*, when the Drummond Defendants entered into an arrangement to support the AUC, they acted with the intent to assist the AUC's war crimes. Drummond intended that, with its funds, the AUC would expand its war effort against the FARC and focus the AUC's military campaign in Cesar on specific areas along the Drummond rail line where the FARC had a foothold. In doing so, as previously alleged, Drummond had specific knowledge that the AUC would commit war crimes, including extrajudicial killings, of innocent civilians, like Plaintiffs' decedents, who lived in and around the towns Drummond required the AUC to attack and pacify.

155. In November, 1999, when Drummond entered into an agreement with the AUC, the area of Drummond's coal mine was protected by a detachment of Colombian military that established a base on Drummond's property.

Approximately 300 troops from La Popa Battalion, a military unit based in Valledupar in the province of Cesar, were permanently assigned to Drummond to guard its facilities from any attacks by the FARC. In addition, Drummond used a private security firm, Viginorte, which was a front group for the AUC but did provide security staff for Drummond's management personnel and to control access to its facilities. Further, Drummond had an extensive in-house security staff, including Defendant Adkins and General Peña. Drummond's main facilities and staff were thus protected by tight security. When Drummond made the decision to join with the AUC, it was for the same reason that the Colombian government allowed for and facilitated the formation of the AUC in the first instance – to pursue the FARC in the areas where it had support and destroy it using the same violent tactics that the FARC itself employed.

156. In November, 1999, Defendant Araujo, on behalf of Drummond, met with Jorge 40 and other AUC members, including El Tigre, "Guerrero," "Kevin," "Cortico," "Pelo de Puya," "El Enano," "Pirulo," and "Cachaco," to discuss a plan to get major Drummond funding for the AUC and the Juan Andres Alvarez Front.

Defendant Araujo explained to Jorge 40 that there had been a recent FARC attack on the Drummond rail line, but that for the Drummond executives in the U.S. to approve significant funding for the AUC, there had to be another attack, and the AUC had to demonstrate that it could respond effectively with a swift and violent counterattack on the FARC. Defendant Araujo directed that the AUC should stage a new attack on the rail line, and make it look like the FARC's 41st Front had attacked the rail line again. This, Defendant Araujo assured Jorge 40, would cause the Drummond executives in Alabama to agree to make payments to enhance the AUC's presence in the areas along the Drummond rail line.

157. According to El Tigre, Defendant Araujo said to Jorge 40, "Drummond is willing to provide a sum of money so that your group can strengthen itself with men and arms, as long as you commit to providing security to the railroad line and the coal operations in the mine." Further, according to El Tigre, who was at the meeting, "we were told by Araujo that the areas along the Drummond rail line that had a FARC presence had to be attacked and pacified. We all understood this. We were not talking about physical protection of property. We were talking about doing what the AUC was created to do and that is destroy the FARC and its supporters. Sometimes people from Drummond used words like "security" and we did too – it was a euphemism for going after the FARC and its

supporters. We also used “operation” as a way to say we were going to attack a FARC area. The Colombian army provided the stationary guards for Drummond’s property. The AUC’s role was to hunt and destroy the FARC and its sympathizers.”

158. Jorge 40 assigned El Tigre and “Pirulo” to conduct the staged attack on the Drummond rail line, which they successfully did in April, 2000. Following the attack, as per the agreement with Defendant Araujo, the AUC distributed pamphlets in the town of Loma de Potrerillo attributing the attack to the FARC’s 41st Front. The AUC then, in May 2000, in furtherance of the plan agreed to with Defendant Araujo, assassinated five people near Casacara, Becerril, in Cesar, and claimed that these five were FARC collaborators who were responsible for blowing up the rail line. These five men had nothing to do with the attack, but were killed to show that the AUC could respond effectively to a FARC attack on the rail line and find and execute FARC members on their own territory. Their names were William Enrique Rios Villazon, Angel Maria Ospina, Ciro Alfonso Guerrero Rueda, Oscar Enrique Yance Atencio, and Edilson Julio Glavis.

159. After the successful staging of a rail attack, Drummond made its first large payment to the AUC and its Juan Andres Alvarez Front. Jorge 40 sent El Tigre and “Amin” to the town of Las Palmitas, near the back entrance to the Drummond mine. Drummond employees whose names are not known delivered

three boxes filled with US dollars. Amin opened the boxes to verify the contents. The funds were then delivered to Jorge 40 by his men.

160. When Drummond supplied the initial payment and thereafter made regular monthly payments to the AUC, it was explicitly agreed, initially between Defendant Araujo and his friend Jorge 40, and thereafter between Defendant Adkins and Jorge 40 and his representatives, that the funds were to be used to recruit at least 165 new soldiers so that the Juan Andres Alvarez Front would be able to successfully attack and destroy the FARC and its supporters in the areas along Drummond's rail line. In fact, the funds provided by Drummond were the sole source of funds for these new troops and arms, and these new troops and arms converted the Juan Andres Alvarez Front into a major force that was able to successfully defeat the FARC in the areas along Drummond's rail line.

161. According to El Tigre, Drummond, through Defendants Araujo and Adkins, did not make a general contribution to the AUC's overall treasury. Rather, the funds were specifically dedicated by Drummond's direction to buy arms and supplies to equip more than 165 additional men to add to the Juan Andres Alvarez Front so that it could effectively attack and defeat the FARC.

162. Once the funds were paid by Drummond, the Juan Andres Alvarez Front was able to recruit new men and went from a force of about 20 to 200.

According to El Tigre, Jorge 40 used Drummond's funds, and only Drummond's funds, to purchase arms and equipment for the new AUC men directly from Carlos Castaño. From then on, under the command of El Tigre, the Juan Andres Alvarez Front became a major fighting force in the war against the FARC. The forces created a permanent based from which they patrolled the towns in and around the Drummond facilities and the rail corridor and pursued their mission of destroying the FARC and its sympathizers. In fulfilling this mission, the Juan Andres Alvarez Front murdered hundreds of innocent civilians and displaced thousands more because, according to El Tigre, the best way to prevent civilians from assisting the FARC in an area is to get rid of the people living there. This was the AUC's well-known and established method of operation.

163. In 2000, while under the command of El Tigre, the Juan Andres Alvarez Front executed seven investigators from the CTI of the Public Prosecutor's Office. These men are decedents John Does 1, 2, 3, 4, 25, 26, 27 described herein. As part of the Justice and Peace process, El Tigre has specifically confessed that he and his men executed the seven CTI investigators during the course of the civil conflict because they threatened to disrupt the AUC's war effort against the FARC.

164. The Juan Andres Alvarez Front, under El Tigre's command, also murdered a man named "Daniel," who Defendant Araujo specifically directed them

to execute based on Araujo's assertion that Daniel was a guerilla. They killed him in La Loma near the Platanal bridge.

165. El Tigre was captured by the Colombian authorities on July 19, 2000. Jorge 40 then assigned the command of the Juan Andres Alvarez Front to Tolemaida, who continued the AUC's war against the FARC. After the change in power, Defendant Adkins participated in a November, 2000 meeting between Drummond officials and top AUC leaders. The meeting occurred at the entrance to Drummond's mine in La Loma at approximately 2 p.m. Defendant Adkins was accompanied by Defendant Araujo and Jaime Blanco, the previously described friend of Defendant Araujo's who ran the cafeteria concession at the Drummond mine, and a contingent of bodyguards. For the AUC, Jorge 40 was present, along with Tolemaida, and several other armed AUC members. At this meeting, Defendants Adkins and Araujo approved a payment to the AUC on behalf of Drummond for the assassination of the top leaders of the Drummond union, including Locarno and Orcasita. Locarno and Orcasita were murdered by the AUC on March 12, 2001. The union leaders were pulled off a company bus on their home from their shift in the Drummond mine and executed by the AUC. Tolemaida was in charge of the operation, following the orders of Jorge 40, and one of Tolemaida's key commanders, Samario, participated as well.

166. Rafael Garcia, the former DAS official, stated under oath that in early 2001, when he was working as political adviser to the AUC, he traveled to Valledupar along with Jorge Castro Pacheco of Ariguani, a municipality in Magdalena, Colombia. Jorge Castro Pacheco served as the representative for Jorge 40. Garcia attended a meeting at the Hotel Sicarare in Valledupar with Jorge Castro Pacheco, who, at the time of the meeting was 3rd succentor to Roberto Perez, a Senator from Sucre, Colombia. Also in attendance was Guillermo Sanchez Quintero, who at the time was Mayor of Ariguani and Alfredo Araujo, who was Drummond's Director of Community Relations. At this meeting, Garcia witnessed Defendant Araujo give Jorge Castro Pacheco a suitcase filled with money. Defendant Araujo and Jorge Castro Pacheco talked openly about the purpose of this money - to take violent measures against union workers at Drummond. Garcia heard Defendant Araujo say to Jorge Castro Pacheco that the money was to be given to Jorge 40 to carry out the killings of certain union leaders at Drummond. It was clear from things said in this conversation that the plan to violently attack the union leaders had been made some time before and had been a matter of discussion between Defendant Araujo and Jorge 40. Defendant Araujo specifically said that he wanted the AUC's "help with these guys that were causing problems." Garcia

specifically recalls the names Orcasita and Locarno mentioned as targets by Defendant Araujo.

167. At a subsequent meeting in early May, 2001, Defendants Adkins and Araujo met again with the top leaders of the AUC, including Jorge 40, Tolemaida, Don Luis, and several AUC operatives who worked closely with Jorge 40, including Kener, El Chino, El Toro, Samario, Machoman, and 05. The meeting was held at a farm on the road between Bosconia and Plato. In front of the entire group, including Adkins and Araujo, Jorge 40 congratulated Tolemaida for the successful operation of executing the two Drummond union leaders Locarno and Orcasita.

168. At this meeting Drummond, through Adkins and Araujo, made an agreement with Jorge 40 to make an additional large cash payment to the AUC of approximately \$1.5 million (U.S.) and regular monthly payments of approximately \$100,000 (U.S.) to continue to support the AUC troops and equipment for the Juan Andres Alvarez Front to continue to attack and destroy the FARC. This additional funding was to allow the Juan Andres Alvarez Front to maintain a permanent base and to continue its ongoing and successful war against the FARC. Once again, the Drummond representatives, including Defendants Adkins and Araujo, directed that the AUC focus on the towns along Drummond's rail line where the FARC had a presence.

169. On or about the time of this meeting, at the instigation of Defendant Araujo, Drummond escalated its own role in the development and support of the AUC and began raising funds from other businesses and individuals to make payments to the AUC. A portion of these funds were provided to the Popa Battalion commander, Colonel Mejia, who made payments to the AUC based on executions of suspected guerillas. With the ongoing support from Drummond, the Juan Andres Alvarez Front continued to confront the FARC in the areas around the Drummond rail line, and in the process, continued to terrorize, displace and murder innocent civilians who lived along Drummond's rail corridor or near the mining facilities and other Drummond facilities.

170. All of the decedents described herein were among those murdered by the Juan Andres Alvarez Front during the course of its war with the FARC in the areas in and around Drummond's facilities. Drummond is responsible for establishing a major force of the AUC, the Juan Andres Alvarez Front, in Cesar, and providing the funds to arm and mobilize these AUC troops that ultimately terrorized the innocent civilians in the area of Drummond's facilities and murdered the relatives of the Plaintiffs herein.

171. *As to the fourth element*, Drummond's acts had a substantial effect upon the success of the criminal venture, the AUC's war crimes, including

extrajudicial killings of the Plaintiffs' decedents. Both El Tigre and Samario have provided statements that, but for Drummond's infusion of support, the AUC's Juan Andres Alvarez Front would have remained a small band of 20 poorly-armed men without the means to accomplish their mission. Drummond's funds, and only Drummond's funds, allowed the Front to expand to nearly 200 men and to purchase arms, equipment and supplies to attack the FARC in the towns along the Drummond rail corridor. The expanded and well-armed and supplied Front then was responsible for the executions of Plaintiffs' decedents.

172. According to Samario, "[w]ith these new men and arms [acquired with Drummond's funds], we were able to have real success in defeating the FARC in the towns along the Drummond rail route. By the time I was captured on April 9, 2005, we had largely been successful in destroying the FARC in these areas and driving many of the FARC's supporters out of the region."

173. *As to the fifth and final element*, the Drummond Defendants were aware that their acts assisted the specific war crimes violations alleged herein. As alleged in ¶¶ 141-53, *supra*, Drummond had specific knowledge that the AUC would, when directed by Drummond to attack specific villages, destroy the FARC and its supporters, and pacify the villages, the AUC would execute innocent civilians, like Plaintiffs' decedents, because that is how the AUC operated. This

method of operation was precisely what Drummond expected to receive for its support that was directly earmarked for men, arms and supplies to allow the AUC to have the capacity to attack the FARC in the villages where Plaintiffs' decedents were executed.

174. When Drummond first agreed to provide substantial support to the AUC in November 1999, Drummond, through Defendant Araujo, provided the specific targets for the AUC's attacks on towns along the Drummond rail corridor. Plaintiffs' decedents were executed because Drummond specifically directed the AUC to these areas.

175. When Drummond met again with the AUC leaders in May, 2000, the AUC demonstrated with a specific report to Drummond from November 1999, when Drummond made its first major payments, to May, 2000 what Drummond's funds were accomplishing. At subsequent meetings between Defendants Araujo, Adkins, and other Drummond managers, the AUC leaders reported on their progress against the FARC. On at least three occasions, in May and November 2000 and May 2001, Drummond re-confirmed its payment arrangements with the AUC following discussions of progress made in the AUC's effort to destroy the FARC.

176. In September 2001, the AUC was designated a terrorist organization by the U.S. State Department. This was widely publicized in both the U.S. and Colombia. Drummond officials, particularly Defendant Adkins, whose key function was to provide Drummond with intelligence on the AUC and its conflict with FARC, must have known of this designation. Knowing of the AUC's status as a terrorist organization, Drummond continued to provide it with substantial support for an five additional years, until April 2006.

177. According to both Samario and El Tigre, on several occasions, during the course of the meetings between Drummond and the AUC on the progress of the war against FARC, Defendant Araujo provided specific names of suspected FARC guerillas to be executed. On each of these occasions, the AUC executed the individuals named by Defendant Araujo. According to Samario, "even the unionists we killed for Drummond we killed because Alfredo Araujo Castro, who had an important position with Drummond, told me that they were leftist guerillas who were helping the FARC. We were not common murders. We were the vanguard of the nation's fight with the FARC and its supporters."

178. According to Samario, many of the executions in the area of Drummond's operations were carried out based on orders from Defendant Araujo: "I estimate that there were 40 or more people that Tolemaida directed me to

execute based on information from Drummond that they were FARC members or supporters. That information always came to us through Araujo or his friend Jaime Blanco to Tolemaida. Further, there were hundreds more we executed as part of our own information and operations, and consistent with our direction from Drummond to wipe out the FARC in these areas [along the rail corridor].”

179. A former soldier in the Popa Battalion stationed on the Drummond property, Edwin Guzman, stated under oath that the chief of security for Drummond at the mine property, retired Colonel Rodriguez, met regularly with Samario and with Cebolla, two paramilitary commanders. Rodriguez gave information to these commanders and encouraged them to do more to pursue the guerillas that were attacking the rail lines. Further, as previously alleged, Drummond made its own agreement to provide funds to Popa Battalion commander Colonel Mejia, so that he could pay the AUC funds based exclusively on how many suspected guerillas were executed. This is conclusive on the issue of whether Drummond knew that its funds were being used to kill civilians.

180. Drummond’s role in the expansion and support of the AUC’s Juan Andres Alvarez Front was a major factor in the AUC’s success in its war with the FARC in Cesar. Drummond had a shared purpose with the AUC in destroying the FARC, and but for Drummond’s major support for that shared purpose, the AUC’s

Juan Andres Alvarez Front would have remained a small band of 20 poorly-armed men without the means to accomplish their mission. Drummond's intent is a question of fact, but Plaintiffs' allegations herein demonstrate Drummond had no reason to provide millions of dollars to the AUC other than accomplishing their shared purpose of defeating and destroying the FARC.

181. As a further example that Drummond and the AUC had a specific shared purpose of using violent means to exterminate leftist guerillas suspected of being associated with the FARC, both Defendants Adkins and Araujo, as well as one other Drummond executive from the Alabama headquarters who will be identified following discovery of travel records, met with the top leaders of the AUC and directed that the AUC assassinate the two top union leaders at Drummond, Valmore Locarno Rodriguez (hereinafter Locarno) and Victor Hugo Orcasita Amaya (hereinafter Orcasita). Locarno and Orcasita were murdered by the AUC on March 12, 2001, after being pulled off a company bus.

182. The meeting between Defendants Adkins, Araujo and another Drummond executive and the AUC leaders was in November, 2000. The meeting occurred at the entrance to Drummond's mine in La Loma at approximately 2 p.m. Defendants Adkins and Araujo were also accompanied by Jaime Blanco, and a contingent of bodyguards. For the AUC, Jorge 40 was present, along with

Tolemaida, and several other armed AUC members. At this meeting, Defendant Adkins, on behalf of Drummond, approved a payment to the AUC for the assassination of Locarno and Orcasita. Also present was Jaime Blanco's head of security, Jairo Jesus Charris Castro.

183. In early 2001, another meeting was held to make the payment from Drummond to the AUC for the execution of the union leaders. Rafael Garcia, a high official of the Colombian government, was present at this meeting. He was Director of the computer system office of the Colombian Administrative Department of Security (Spanish Acronym: DAS). DAS is, among other things, responsible for providing security to Colombian state institutions and individuals. As is common with many government officials, Garcia also worked with and supported the AUC. He served as the AUC's political adviser. While serving at the DAS, he also acted as liaison between DAS Director Jorge Noguera and the AUC Northern Block leader, Jorge 40. The AUC and the DAS worked closely together, in Garcia's words, "to further their joint mission of ridding Colombia of leftist guerillas."

184. The early 2001 Drummond meeting occurred when Garcia was working as political adviser to the AUC. Garcia traveled to Valledupar in Cesar Province, along with Jorge Castro Pacheco, who was a government official in

Ariguani, a municipality in Magdalena, Colombia. He served as 3rd succentor to Roberto Perez, a Senator from Sucre, Colombia. While holding this position, he also served as an official representative of Jorge 40. The meeting was held at the Hotel Sicarare in Valledupar. Along with Garcia and Jorge Castro Pacheco, also in attendance were Guillermo Sanchez Quintero, who at the time was Mayor of Ariguani and Defendant Araujo. Garcia witnessed Defendant Araujo give Jorge Castro Pacheco a suitcase filled with money. Defendant Araujo and Jorge Castro Pacheco talked openly about the purpose of this money - to execute the union leaders at Drummond. Garcia heard Defendant Araujo say to Jorge Castro Pacheco that the money was to be given to Jorge 40 to carry out the killings of certain union leaders at Drummond. It was clear from things said in this conversation that the plan to violently attack the union leaders had been made some time before and had been a matter of discussion between Defendant Araujo and Jorge 40. Defendant Araujo specifically said that he wanted the AUC's "help with these guys that were causing problems." Garcia specifically recalls the names Orcasita and Locarno mentioned as targets by Defendant Araujo.

185. In furtherance of this agreement, on March 12, 2001, Locarno and Orcasita were pulled off a company bus on their way home from their shift in the Drummond mine and executed by the AUC. Tolemaida was in charge of the

operation, following the orders of Jorge 40, and one of Tolemaida's key commanders, Samario, participated as well. At a subsequent meeting in early May, 2001, Defendants Adkins and Araujo met again with the top leaders of the AUC, including Jorge 40, Tolemaida, "Don Luis," who was Jorge 40's chief financial officer, and several AUC operatives who worked closely with Jorge 40, including "Kener," "El Chino," "El Toro," "Samario," "Machoman", and "05." The meeting was held at a farm on the road between Bosconia and Plato. In front of the entire group, including Adkins and Araujo, Jorge 40 congratulated Tolemaida for the successful operation of executing the two Drummond union leaders Locarno and Orcasita.

186. Although there are now numerous witnesses who have testified in Colombia about the role of Drummond and Defendants Adkins and Araujo, as well as Jaime Blanco, in the murders of the union leaders, no action has been taken against Drummond or any of the individuals. Blanco's body guard, Charris, was recently sentenced to 30 years in prison for his very minor role in the executions in a classic example of using a less powerful fall guy. During the years between the murders and the arrest of Charris, Drummond provided him with substantial financial support in exchange for his silence.

187. Tolemaida, who all concerned agree was the head of the AUC operation to execute the union leaders at Drummond's request, remains a fugitive in hiding in Venezuela. According to reports from Charris and others, Drummond provided Tolemaida with approximately one million U.S. dollars that he was to use to keep him and his execution team quiet about Drummond's role in the murders, as well as Drummond's role in the other violence that the AUC visited upon the towns along the Drummond rail corridor. Tolemaida kept most of the money for himself and went into exile.

188. Drummond's shared mission with the AUC also extended to providing direct and substantial assistance to the AUC's drug trafficking operations. Drummond allowed its NAPA parts store to import the chemicals necessary to manufacture cocaine out of raw coca, and allowed its coal barges to transport cocaine from Colombia to the U.S. These funds also allowed the AUC to support its troops, buy equipment, and generally maintain the AUC's Northern Block.

189. All the forms of direct and indirect support Drummond provided to the AUC were specifically intended to further the joint purpose of eliminating the FARC and its supporters from the areas in and around the towns that lined the Drummond rail line.

Drummond Conspired With the AUC to Commit War Crimes

190. Plaintiffs incorporate by reference paragraphs 1 through 189 of this Complaint as is set forth herein.

191. In *Cabello v. Fernandez-Larios*, 402 F.3d 1148, 1159 (11th Cir. 2005), the Eleventh Circuit held that the three elements for conspiracy are: (1) “two or more persons agreed to commit a wrongful act,” (2) Defendants “joined the conspiracy knowing of at least one of the goals of the conspiracy and intending to help accomplish it,” and (3) “one or more of the violations was committed by someone who was a member of the conspiracy and acted in furtherance of the conspiracy.” *See* Order at 22.

192. *As to the first element*, based on ¶¶ 92-113, 141-53, *supra*, which are incorporated herein by reference, the AUC was formed based on agreement between its leaders, government backers, and private supporters, to attack areas where the FARC had strongholds. The express purpose of the AUC’s mission was to use violent means, including war crimes and extrajudicial killings, to accomplish its mission.

193. *As to the second element*, based on ¶¶ 141-53, *supra*, which are incorporated herein by reference, the Drummond Defendants at first declined to join the AUC and support its mission, but in November 1999, formally agreed to

join the AUC's mission of eradicating the FARC using violence that amounted to war crimes, including extrajudicial killings.

194. *As to the third element*, based on ¶¶ 140-89, *supra*, which are incorporated herein by reference, both the AUC and Drummond Defendants committed acts in furtherance of the conspiracy. The agreement was that Drummond would fund and direct the AUC's war efforts in the areas in and around the Drummond rail line. Both parties fulfilled their obligations under the agreement.

195. The coordination and funding meetings between the AUC and Drummond served to monitor, renew, refine and otherwise ensure that the parties continued to meet their obligations under the agreement. These meetings and the ongoing monthly funding provided by Drummond demonstrates that Drummond was satisfied that the AUC was meeting its specific obligations under the agreement made between the parties. This arrangement continued, according to Samario, from November 1999 until approximately April 2006, when the leaders of the AUC's Northern Block formally demobilized.

196. In addition to the meetings between Drummond and the AUC between November 1999 and April 2006 that allowed Drummond to receive updates on the progress of the AUC's war against the FARC, Drummond's own security staff,

including Defendant Adkins and his employees and agents, gathered detailed intelligence on executions and other acts of violence carried out by the AUC in furtherance of Drummond's agreement with the AUC. Defendant Adkins made regular reports to the officers of Drummond based in Alabama, including Mike Tracy and Garry Drummond.

197. Defendant Araujo met with the AUC leaders frequently due to his personal friendships with Jorge 40, Tolemaida and Jaime Blanco. On several occasions, Araujo provided names of persons to be executed in furtherance of the agreement between Drummond and AUC to eliminate persons suspected of being members or supporters of FARC. As previously alleged, Defendant Araujo provided at least 40 names to the AUC of persons to be executed as suspected guerillas in furtherance of the agreement between Drummond and the AUC. Further, according to Samario, hundreds of other civilians were murdered as the AUC implemented its agreement with Drummond to destroy the FARC and pacify the towns along the rail corridor. Further, as previously alleged, Drummond also made a specific agreement in early 2000 to assume a larger role in assisting the AUC and its mission by raising funds from other businesses and individuals and channeling some of these funds to the Popa Battalion so that Colonel Mejia had funds to pay the AUC based on the number of executions it tallied. Plaintiffs'

decedents were among those killed as part of the AUC's operations funded by Drummond.

The AUC Acted as Drummond's Agent When it Committed War Crimes

198. Plaintiffs incorporate by reference paragraphs 1 through 197 of this Complaint as if set forth herein.

199. The elements of agency are that (1) Drummond had a relationship with the AUC; (2) in committing the acts alleged, the AUC was acting on Drummond's behalf and under its control; and (3) the executions of the 67 Plaintiffs' decedents were within the scope of the relationship. *See* Order at 26, n. 19.

200. *As to the first element*, based on ¶¶ 140-89, *supra*, which are incorporated herein by reference, Drummond entered into a specific agreement with the AUC that Drummond would provide substantial support to the AUC to purchase weapons and supplies to equip at least 165 new men for the Juan Andres Alvarez Front. In exchange, the AUC would pursue the FARC and destroy its strongholds in the towns along the Drummond rail line.

201. *As to the second element*, based on ¶¶ 131-33, 146, 175-78, *supra*, which are incorporated herein by reference, Drummond provided specific direction to the AUC on the towns to be attacked, and in some cases, the people to be

executed. With respect to the hundreds of innocent civilians who were executed in the towns along the Drummond rail corridor, including Plaintiffs' decedents, all of them were killed in the course of the AUC's attacks on the towns that Drummond identified as places to be attacked and pacified.

202. *As to the third element*, based on ¶¶ 136,177-80, *supra*, which are incorporated herein by reference, all of the 67 Plaintiffs' decedents were killed by the Juan Andres Alvarez Front in furtherance of its operations on behalf of Drummond in the towns along the railroad corridor. All of the 67 Plaintiffs' decedents herein were killed by the Juan Andres Alvarez Front during either the time that El Tigre was commander of the Front or when Samario was in charge of executions for Tolomaida, when he took over the Front from El Tigre. The Justice and Peace process is ongoing, but all of the Plaintiffs' decedents have either been officially declared to be a civilian victim of the civil conflict, or they have been identified by either El Tigre or Samario as civilians who they were responsible for executing during the course of the civil conflict. All of the executions of the Plaintiffs' decedents occurred between November 1999, when Drummond made its first agreement with the AUC as described herein, and April 2006, when Drummond stopped providing direct support to the AUC.

203. Drummond's ongoing regular payments to the AUC from November 1999-April 2006, with full knowledge by Drummond of the specific acts of violence and terror committed each month by the AUC in the areas in and around the Drummond rail line, constitutes ratification of these acts.

Second Cause of Action

The Alien Tort Claims Act, 28 U.S.C. § 1350 – Extrajudicial Killings

The AUC's Extrajudicial Killings of Plaintiffs' Decedents Were Committed Under Color of the Authority of the Colombian Government, and the Drummond Defendants Aided and Abetted or Conspired With the AUC, or the AUC Was Drummond's Agent

All Plaintiffs Against All Defendants

204. Plaintiffs incorporate by reference paragraphs 1 through 203 of this Complaint as if set forth herein.

The AUC Was Acting Under Color of the Authority of the Colombian Government

205. Drummond ensured close cooperation from the Colombian military by hiring influential military officers for its security operations. In all cases, these military officers also had a relationship with or were supporters of the AUC. As

previously alleged in ¶¶ 148-55, which are incorporated by reference herein, in 1999, General (ret.) Rafael Peña Ríos was the head of security for Drummond in Colombia, and was openly supportive of the AUC's mission of eliminating leftist guerillas.

206. During most or all of the time period in which Plaintiffs' decedents were executed, the head of security at the Drummond mine was Colonel (ret.) Luis Carlos Rodriguez, who had good relations with both the military from the Popa Battalion stationed on the Drummond property, but also with the leaders of the AUC in that area, particularly Samario and Cebolla. According to one soldier in the Popa Battalion, Colonel Rodriguez coordinated the activities of the regular military and the AUC. Further, Drummond, through Defendant Araujo and members of the security staff, made a direct arrangement to raise funds and provide them to Colonel Mejia of the Popa Battalion so that he could pay the AUC based on the number of people killed that were suspected of being guerillas.

207. One major way that the Popa Battalion assisted the AUC was to take civilians who had been executed by the AUC and dress them in guerilla uniforms to legitimize or "legalize" the murders. There were 300 soldiers from the Popa Battalion stationed at a base on the Drummond property near the mine and were there to protect both Drummond's property as well as its personnel, in particular,

its U.S. personnel who live on their own compound with 24-hour military protection. Drummond provided supplies, food and funds for the troops to be stationed there.

208. The La Popa Battalion is well-known for its “false positives,” a military term referring to the corpses of civilians passed off by the Colombian military as guerrillas or paramilitaries killed in action. La Popa has been charged with committing human rights abuses in coordination with drug-running paramilitary groups. Indeed, as previously alleged, when La Popa Battalion commander Colonel Hernán Mejía took control of the troops responsible for the Drummond area in roughly 1999, he met with the top leaders of the AUC, including Jorge 40, Hernan Giraldo, Tolemaida, Omega, and David Hernandez, alias “39.” During this meeting they agreed upon a method of payment such that Colonel Mejia would receive “credit” for all the confirmed kills that the AUC carried out, and he arranged to pay the AUC, with money supplied by Drummond, for each execution. He also directed his men to “legalize” the murders of civilians by dressing them in guerilla uniforms. According to Colonel Mejia, “the expenditures were justified as a means to establish the structure needed to combat communist guerrilla groups by other means available.” Colonel Mejia is now in prison facing charges of carrying out joint operations with the AUC. He is also

under investigation for presenting, as guerrilla battlefield casualties, 18 members of paramilitary groups who were killed by their own colleagues. In all, La Popa has been accused of the murder of 150 civilians.

209. As previously alleged in ¶¶92-113, *supra*, which are incorporated herein by reference, the Colombian government had a direct role in setting up the AUC to serve as a special branch of the Colombian military that was unconstrained by the Geneva Convention and other rules of war.

210. Further, as previously alleged in ¶¶147, *supra*, which are incorporated herein by reference, in a September 13, 1995 memo, Defendant Adkins reported to Drummond President Mike Tracy that he had been approached by a military commander from the Cordoba Battalion to have Drummond join other companies in supporting the formation of a paramilitary unit to pursue guerilla units in the area of Drummond's operations.

211. The specific AUC units that ultimately formed within the Northern Block and the Juan Andres Alvarez Front were thus initially formed, according to Defendant Adkins, through the direct participation of a Colombian military officer, who openly sought the assistance of Drummond to support this special force of the Colombian military. According to Colonel Mejia of the Popa Battalion, the

Colombia military then had a direct role in providing funds to the AUC to support AUC operations around the Drummond facility.

212. Once the AUC and the Juan Andres Alvarez Front became functional in the areas in and around the Drummond rail line, the Colombian military operated in a cooperative fashion. According to AUC Commander El Tigre, the understanding was that “the Colombian army provided the stationary guards for Drummond’s property. The AUC’s role was to hunt and destroy the FARC and its sympathizers.”

213. With respect to the La Popa Battalion’s practice of assisting the AUC by creating “false positives,” as alleged in ¶¶ 207-08, *supra*, the specific troops assigned to the Drummond facilities, and paid by Drummond to be there, utilized this practice from their base on the Drummond property. One member of that battalion, Edwin Guzman, has testified under oath that he was ordered by his superiors while serving in the Drummond security units to put guerilla uniforms on civilians executed in and around the Drummond facilities by the AUC.

214. Because the Colombian military helped to create the AUC, including the Juan Andres Alvarez Front of the Northern Block, and then the specific military units of the La Popa Battalion based on Drummond’s property cooperated and coordinated with the AUC, and also, through Colonel Mejia’s arrangement with

Drummond, provided direct funding to the AUC, the AUC units of the Juan Andres Alvarez Front were acting under color of law, either because they were engaged in joint action with the Colombian military or were in a symbiotic relationship with the Colombian military.

The Executions of Plaintiffs' Decedents Were Extrajudicial Killings

215. All of Plaintiffs' decedents were executed by the AUC, which was acting under color of authority of the Colombian government. None of those executed had committed a crime, had been charged with a crime, or had been provided with any form of judicial process prior to their executions. Each of these executions were thus extrajudicial killings under the law of nations.

Drummond Aided and Abetted the AUC's Extrajudicial Killings

216. As previously alleged in ¶¶140-89, *supra*, which are incorporated herein by reference, the Drummond Defendants met the five elements of aiding and abetting the AUC's war crimes as identified by this Court.

217. The primary war crime that Drummond aided and abetted was the killings of innocent civilians, including Plaintiffs' decedents. In aiding and abetting these war crimes, Drummond also aided and abetted the killings themselves, which

as alleged above, were extrajudicial killings because they were committed by the AUC under color of the authority of the Government of Colombia.

Drummond Conspired With the AUC to Commit Extrajudicial Killings

218. As previously alleged in ¶¶191-97, *supra*, which are incorporated herein by reference, the Drummond Defendants met the three elements of conspiracy with the AUC to commit war crimes.

219. The primary war crime that Drummond conspired with the AUC to commit was the killings of innocent civilians, including Plaintiffs' decedents. In conspiring to commit these war crimes, Drummond also conspired to commit the killings themselves, which as alleged above, were extrajudicial killings because they were committed by the AUC under color of the authority of the Government of Colombia.

The AUC Was Acting as Drummond's Agent in Committing Extrajudicial Killings

220. As previously alleged in ¶¶199-03, *supra*, which are incorporated herein by reference, the AUC acted as Drummond's agent in committing war crimes.

221. The primary war crime that the AUC committed while acting as Drummond's agent was the killings of innocent civilians, including Plaintiffs' decedents. In committing these war crimes acting as Drummond's agent, the AUC also committed the killings themselves, which as alleged above, were extrajudicial killings because they were committed by the AUC under color of the authority of the Government of Colombia.

222. Drummond's ongoing regular payments to the AUC from November 1999-April 2006, with full knowledge by Drummond of the specific acts of violence and terror committed each month by the AUC in the areas in and around the Drummond rail line, constitutes ratification of these acts.

Third Cause of Action

The Alien Tort Claims Act, 28 U.S.C. § 1350 – Crimes Against Humanity

The AUC's Mass Executions of Innocent Civilians, Including Plaintiffs' Decedents, Constitutes Crimes Against Humanity and the Drummond Defendants Aided and Abetted or Conspired With the AUC, or the AUC Was Drummond's Agent

All Plaintiffs Against All Defendants

223. Plaintiffs incorporate by reference paragraphs 1 through 222 of this Complaint as if set forth herein.

224. In a recent District Court decision in this Circuit, *Mamani et al., v. Berzain et al.*, Case Nos 07-22459 and 08-21063 (SD Fl. Nov. 9, 2009), the Court, citing two Eleventh Circuit decisions, *Cabello*, 402 F. 3d at 1161, and *Aldana v. Del Monte Fresh Produce*, 416 F.3d 1242,1247 (11th Cir. 2005), held that crimes against humanity is a recognized violation of the law of nations. Slip Op at 27-28. The three elements are (1) there was a widespread or systematic attack; (2) that was “directed against”; (3) a civilian population.

The Executions of Plaintiffs’ Decedents Were Crimes Against Humanity

225. *As to the first element*, based on ¶¶ 120-38, *supra*, which are incorporated herein by reference, there were massive attacks on the towns along the Drummond pipeline corridor. According to Samario, hundreds of civilians were killed just in the areas along the Drummond rail line. Based on reports from the U.S. State Department, Human Rights Watch, and Amnesty International, thousands of civilians were executed, and countless others injured, by AUC attacks on the civilian population in Cesar and Magdalena within the 1999-2006 time frame that Drummond was providing substantial support to the AUC. This was both a widespread and a systematic attack, and crimes against humanity requires one or the other.

226. *As to the second element*, based on ¶¶ 120-38, *supra*, which are incorporated herein by reference, the entire method of operation of the AUC was to direct their violence in a targeted way upon the civilian residents of towns where the FARC had a foothold. As El Tigre has stated under oath, “[w]hile I was commander of the Juan Andres Alvarez Front we infiltrated the communities where the FARC had a presence, identified persons we suspected of being guerillas and then hunted them down and killed them. We used brutal methods to ensure that the survivors would be clear that if they assisted the FARC in any way, a brutal death would be their fate. Drummond’s support for our Front and the Northern Block did not change our military targets or methods, but did prioritize the order and timing of the areas we targeted, and of course, allowed us to be more effective because Drummond’s funds provided us with more men, arms and supplies.”

227. Samario adds to this from his sworn testimony that “sometimes others were killed in villages when we went after our targets because they were in the way, or we needed to make a strong example to the people.”

228. The specific facts provided by El Tigre and Samario mirror precisely the observation by the U.S. State Department of the overall practice of targeted attacks by the AUC:

Paramilitary groups and guerillas were responsible for the vast majority of political and extrajudicial killings during the year. **Throughout the country, paramilitary groups killed, tortured and threatened civilians suspected of sympathizing with guerillas in an orchestrated campaign to terrorize them into fleeing their homes, thereby depriving guerillas of civilian support. The AUC paramilitary umbrella organization . . . exercised increasing influence during the year, extending its presence through violence and intimidation into areas previously under guerilla control.**

1999 State Department Report at 2 (emphasis added).

229. In its 1997 Human Rights Report, the State Department further confirms El Tigre's specific description of the methodology the AUC employed on behalf of Drummond: "paramilitary groups took the offensive against the guerillas, often *perpetrating targeted killings, massacres, and forced displacements* of the guerrillas' perceived or alleged civilian support base . . . *An active policy of depopulation, pursued by some paramilitary groups against communities suspected of guerilla support*, was the primary cause of the growing internal displacement problem." *Id.* at 2 (emphasis added).

230. *As to the third element*, the primary victims of the AUC's violence were civilians. As noted specifically in ¶¶ 111, 120-21, 126-34, *supra*, which are incorporated herein by reference, the overall policy of the AUC was to terrorize civilians so that they would either flee the area or be too afraid to offer any assistance to FARC or its supporters.

231. The 67 Plaintiffs' decedents were among the hundreds of innocent civilians targeted for execution in the towns along the Drummond rail corridor. By definition, crimes against humanity include the widespread and targeted executions of innocent civilians, regardless of whether the perpetrators intended to target the specific individuals who were killed

Drummond Aided and Abetted the AUC's Crimes Against Humanity

232. As previously alleged in ¶¶140-89, *supra*, which are incorporated herein by reference, the Drummond Defendants met the five elements of aiding and abetting the AUC's war crimes as identified by this Court.

233. The essential nature of the war crimes that Drummond aided and abetted was the massive killings of innocent civilians by the AUC, including Plaintiffs' decedents. In aiding and abetting these war crimes, Drummond also aided and abetted the crimes against humanity inherent in these widespread and systematic killings of innocent civilians.

234. When he initially declined to side with and support the AUC, Defendant Adkins stated in his September 13, 1995 memo to Mike Tracy that he understood that the paramilitaries would commit "*egregious human rights violations that preclude Drummond from ever participating.*" When Adkins and

Drummond changed their mind and joined with the AUC, they had specific knowledge that they would be supporting massive and systematic attacks on civilian populations.

Drummond Conspired With the AUC to Commit Crimes Against Humanity

235. As previously alleged in ¶¶ 191-97, *supra*, which are incorporated herein by reference, the Drummond Defendants met the three elements of conspiracy with the AUC to commit war crimes.

236. The essential nature of the war crimes that Drummond conspired with the AUC to commit was the massive killings of innocent civilians by the AUC, including Plaintiffs' decedents. In conspiring to commit these war crimes, Drummond also conspired to commit the crimes against humanity inherent in these widespread and systematic killings of innocent civilians.

237. When he initially declined to side with and support the AUC, Defendant Adkins stated in his September 13, 1995 memo to Mike Tracy that he understood that the paramilitaries would commit "*egregious human rights violations that preclude Drummond from ever participating.*" When Adkins and Drummond changed their mind and joined with the AUC, they had specific

knowledge that they would be supporting massive and systematic attacks on civilian populations.

The AUC Was Acting as Drummond's Agent in Committing Crimes Against Humanity

238. As previously alleged in ¶¶199-203, *supra*, which are incorporated herein by reference, the AUC acted as Drummond's agent in committing war crimes.

239. The essential nature of the war crimes that the AUC committed while acting as Drummond's agent was the massive killings of innocent civilians by the AUC, including Plaintiffs' decedents. In committing these war crimes while acting as Drummond's agent, the AUC also committed the crimes against humanity inherent in these widespread and systematic killings of innocent civilians.

240. When he initially declined to side with and support the AUC, Defendant Adkins stated in his September 13, 1995 memo to Mike Tracy that he understood that the paramilitaries would commit "*egregious human rights violations that preclude Drummond from ever participating.*" When Adkins and Drummond changed their mind and established an agency relationship with the AUC, they had specific knowledge that the AUC would be committing massive and

systematic attacks on civilian populations during the course of that agency relationship.

241. Drummond's ongoing regular payments to the AUC from November 1999-April 2006, with full knowledge by Drummond of the specific acts of violence and terror committed each month by the AUC in the areas in and around the Drummond rail line, constitutes ratification of these acts.

Fourth Cause of Action

**The Torture Victims Protection Act, 28 U.S.C. § 1350 – Extrajudicial Killings
The AUC's Extrajudicial Killings of Plaintiffs' Decedents Were Committed
Under Color of the Authority of the Colombian Government, and the
Drummond Defendants Aided and Abetted or Conspired With the AUC, or
the AUC Was Drummond's Agent**

All Plaintiffs Against All Defendants

242. Plaintiffs incorporate by reference paragraphs 1 through 241 of this Complaint as if set forth herein.

The AUC Was Acting Under Color of the Authority of the Colombian Government

243. As previously alleged in ¶¶205-14, *supra*, which are incorporated herein by reference, as with Plaintiffs' Second Cause of Action for Extrajudicial

Killings under the Alien Tort Statute, the AUC, in committing the extrajudicial killings of Plaintiffs' decedents, was acting under color of authority of the Government of Colombia.

The Executions of Plaintiffs' Decedents Were Extrajudicial Killings

244. All of Plaintiffs' decedents were executed by the AUC, which was acting under color of authority of the Colombian government. None of those executed had committed a crime, had been charged with a crime, or had been provided with any form of judicial process prior to their executions. Each of these executions were thus extrajudicial killings under the Torture Victims Protection Act.

Drummond Aided and Abetted the AUC's Extrajudicial Killings

245. As previously alleged in ¶¶140-89, *supra*, which are incorporated herein by reference, the Drummond Defendants met the five elements of aiding and abetting the AUC's war crimes as identified by this Court.

246. The primary war crime that Drummond aided and abetted was the killings of innocent civilians, including Plaintiffs' decedents. In aiding and abetting these war crimes, Drummond also aided and abetted the killings themselves, which

as alleged above, were extrajudicial killings because they were committed by the AUC under color of the authority of the Government of Colombia.

Drummond Conspired With the AUC to Commit Extrajudicial Killings

247. As previously alleged in ¶¶191-97, *supra*, which are incorporated herein by reference, the Drummond Defendants met the three elements of conspiracy with the AUC to commit war crimes.

248. The primary war crime that Drummond conspired with the AUC to commit was the killings of innocent civilians, including Plaintiffs' decedents. In conspiring to commit these war crimes, Drummond also conspired to commit the killings themselves, which as alleged above, were extrajudicial killings because they were committed by the AUC under color of the authority of the Government of Colombia.

The AUC Was Acting as Drummond's Agent in Committing Extrajudicial Killings

249. As previously alleged in ¶¶199-203, *supra*, which are incorporated herein by reference, the AUC acted as Drummond's agent in committing war crimes.

250. The primary war crime that the AUC committed while acting as Drummond's agent was the killings of innocent civilians, including Plaintiffs' decedents. In committing these war crimes acting as Drummond's agent, the AUC also committed the killings themselves, which as alleged above, were extrajudicial killings because they were committed by the AUC under color of the authority of the Government of Colombia.

251. Drummond's ongoing regular payments to the AUC from November 1999-April 2006, with full knowledge by Drummond of the specific acts of violence and terror committed each month by the AUC in the areas in and around the Drummond rail line, constitutes ratification of these acts.

VIII. DEMAND FOR JURY TRIAL

252. Plaintiffs demand a trial by jury on all issues so triable.

IX. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request the Court to:

(a) enter judgment in favor of Plaintiffs on all counts of the Complaint;

- (b) declare that Defendants have violated Plaintiffs' human rights and the laws of the State of the United States and Colombia, as set forth herein;
- (c) award Plaintiffs compensatory and punitive damages;
- (d) grant Plaintiffs equitable relief, permanently enjoining Defendants from further engaging in human rights abuses against Plaintiffs and other members of their communities in and around the Drummond facilities in Colombia;
- (e) award Plaintiffs the costs of suit including reasonable attorneys' fees; and
- (f) award Plaintiffs such other and further relief as the Court deems just under the circumstances.

Respectfully submitted this 4th day of December, 2009.

/s/ Terrence Collingsworth
By _____
Terrence P. Collingsworth
tc@conradscherer.com
Conrad & Scherer, LLP
1156 15th Street, NW
Washington, DC 20005
202-543-4001

Garve W. Ivey, Jr.
garve@iveylawyers.com
The Ivey Law Firm
315 West 19th Street
Jasper, AL 35502-1349
205-221-4644

William R. Scherer
wrs@conradscherer.com
633 South Federal Highway
Ft. Lauderdale, FL 33301
954-462-5500
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 4th of December, 2009, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of the filing to the following:

William H. Jeffress, Jr.
Baker Botts L.L.P.
1299 Pennsylvania Avenue, NW
Washington, DC 20004-2400

William A. Davis, III
Phillip G. Piggott
H. Thomas Wells, III
Starnes & Atchison LLP
P.O. Box 59812
Birmingham, AL 35259

/s/ Terrence Collingsworth

Terrence P. Collingsworth