

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LAMBERTH, C.J. RCL

Holding a Criminal Term

DEC 14 2010

Grand Jury Sworn in on May 15, 2009

UNITED STATES OF AMERICA)

CRIMINAL NO. 03-548 (RCL)

v.)

GRAND JURY ORIGINAL

VIOLATIONS:

CARLOS ALBERTO GARCIA,)
also known as Hermides Buitrago,)
also known as Oscar Montero,)
also known as El Paisa,)

18 U.S.C. § 1203(a)
(Conspiracy to Commit Hostage
Taking)

JUAN CARLOS REINA CHICA,)
also known as Fahrid,)

18 U.S.C. §§ 2332(a)(1), 2
(Murder of a United States
National Outside the United
States; Aiding and Abetting and
Causing an Act to be Done)

JAIME CORTES MEJIA,)
also known as Fred Cabrera Zambrano,)
also known as Davison,)

18 U.S.C. §§ 1203(a), 2
(Hostage Taking; Aiding and
Abetting and Causing an Act to be
Done)

CARLOS ARTURO CESPEDES TOVAR,)
also known as Celio El Miliciano,)
also known as Uriel,)

18 U.S.C. §§ 924(c), 2
(Using and Carrying a Firearm
During a Crime of Violence;
Aiding and Abetting and Causing
an Act to be Done)

MILTON DE JESUS TONCEL,)
also known as Joaquin Gomez,)

JOSE BENITO CABRERA,)
also known as Fabian Ramirez,)

18 U.S.C. § 2339A
(Conspiracy to Provide Material
Support to Terrorists)

JESUS EMILIO CARVAJALINO,)
also known as Andres Paris,)

JOSE IGNACIO GONZALEZ PERDOMO,)
also known as Pedronel Gonzalez Perdomo,)
also known as Alfredo Arenas,)

18 U.S.C. § 2339B
(Conspiracy to Provide Material
Support or Resources to a
Designated Foreign Terrorist
Organization)

LUIS ALBERTO JIMENEZ MARTINEZ,)
also known as Alberto,)
also known as Escuela,)

SUPERSEDING

Case Related To 03 CR 548 (RCL)

TANJA ANAMARY NIJMEIJER,)
also known as Alexandra,)
also known as Eillen,)
))
JHON FREDY ALARCON SANCHEZ ,)
also known as Ferney,)
))
HUGO ALBERTO RUBIO LOZANO,)
also known as Arnaldo,)
))
MIGUEL SANTANILLA BOTACHE,)
also known as Gentil Duarte,)
))
DANIEL TAMAYO SANCHEZ,)
also known as Milton Ramos,)
))
JHON ALEXANDER BELTRAIN HERRERA)
also known as Rodrigo Pirinolo,)
))
JUAN CARLOS ARBELAEZ ZABALA,)
also known as Jair,)
also known as Juanchaco,)
))
DIEGO ALFONZO NAVARRETE BELTRAN,)
also known as L.J.,)
also known as Sebastian,)
))
OCTAVIO ORREGO SANCHEZ,)
also known as Sebastian,)
))
Defendants.)

INDICTMENT

The Grand Jury Charges that:

COUNT ONE

CONSPIRACY TO COMMIT HOSTAGE TAKING

At all times relevant to this Indictment:

A. Background

1. The Revolutionary Armed Forces of Colombia – an English translation of the Spanish name of the group “Fuerzas Armadas Revolucionarias de Colombia” (commonly known as and referred to hereinafter as the “FARC”) – is an armed and violent organization in the Republic of Colombia.

2. The FARC is, and has been since its inception in 1964, engaged in an armed conflict to overthrow the government of the Republic of Colombia, South America’s longest standing, democratically elected government. The FARC seeks to destabilize all levels of the Colombian government by means of violence, including murders and hostage takings, threats of violence, and other terrorist-related activities.

3. The FARC controls large areas of land in remote regions of Colombia, primarily where coca is grown and cocaine is processed. The FARC has devolved into the world’s largest supplier of cocaine and cocaine paste, and is heavily dependent on the cocaine trade to finance its terrorist activities.

4. The FARC has consistently used hostage taking as a primary technique in extorting their demands from the Republic of Colombia. The use of this technique has been endorsed and commanded by the FARC senior leadership.

5. Since its inception, the FARC has been strongly anti-American, characterizing American citizens as “military targets.” It has engaged in violent acts against Americans in Colombia, including murders, hostage takings and the destruction of property.

6. The FARC is a designated foreign terrorist organization, having been so designated pursuant to Title 8, United States Code, Section 1189, by the Secretary of State of the United States, initially on October 8, 1997, and most recently on October 11, 2005. As a result of this designation, it is unlawful for persons subject to the jurisdiction of the United States to provide material support and resources to the FARC.

7. The FARC is a highly structured criminal organization. At the top of the organization is the Secretariat, the top seven leaders who are the ultimate decision makers of the FARC. The day to day operations of the organization are managed by a larger governing body known as the Estado Mayor Central, or Central General Staff, which is directly under the Secretariat. The Estado Mayor Central is comprised of the seven members of the Secretariat and approximately twenty other senior FARC commanders. Throughout the course of this conspiracy, the following individuals, among others, were members of the Estado Mayor Central: defendant **CARLOS ALBERTO GARCIA**, also known as **Hermides Buitrago**, also known as **Oscar Montero**, also known as **El Paisa** (hereinafter referred to as “**CARLOS ALBERTO GARCIA**”); defendant **MILTON DE JESUS TONCE**, also known as “**Joaquin Gomez**” (hereinafter referred to as “**MILTON DE JESUS TONCE**”); defendant **JOSE BENITO CABRERA**, also known as “**Fabian Ramirez**” (hereinafter referred to as “**JOSE BENITO CABRERA**”); and defendant **JESUS EMILIO CARVAJALINO**, also known as “**Andres Paris**” (hereinafter referred to as “**JESUS EMILIO**”).

CARVAJALINO”).

8. The FARC is divided into seven geographic blocks – the Caribbean block, the Northwestern block, the Middle Magdalena block, the Central block, the Eastern block, the Western bloc, and the Southern block – which are each further subdivided into a number of Fronts and named Mobile Columns.

9. Defendant **JUAN CARLOS REINA CHICA**, also known as **Fahrid** (hereinafter referred to as **“JUAN CARLOS REINA CHICA”**); defendant **JAIME CORTES MEJIA**, also known as **Fred Cabrera Zambrano**, also known as **Davison** (hereinafter referred to as **“JUAN CARLOS REINA CHICA”**); and defendant **CARLOS ARTURO CESPEDES TOVAR**, also known as **Celio El Miliciano**, also known as **Uriel** (hereinafter referred to as **“CARLOS ARTURO CESPEDES TOVAR”**) were members of the **Teofilo Forero Castro Mobile Column**, or **“TFMC,”** operating within the FARC’s Central Block. The TFMC was lead by defendant **CARLOS ALBERTO GARCIA**.

10. Defendant **JOSE IGNACIO GONZALEZ PERDOMO**, also known as **Pedronel Gonzalez Perdomo**, also known as **“Alfredo Arenas”** (hereinafter referred to as **“JOSE IGNACIO GONZALEZ PERDOMO”**); defendant **LUIS ALBERTO JIMENEZ MARTINEZ**, also known as **“Alberto,”** also known as **“Escuela”** (hereinafter referred to as **“LUIS ALBERTO JIMENEZ MARTINEZ”**); and defendant **TANJA ANAMARY NIJMEIJER**, also known as **“Alexandra,”** also known as **“Eillen”** (hereinafter referred to as **“TANJA ANAMARY NIJMEIJER”**) were each members of the senior command of the FARC’s Southern Block.

11. Defendant **JHON FREDY ALARCON SANCHEZ**, also known as “**Ferney**” (hereinafter referred to as “**JHON FREDY ALARCON SANCHEZ**”) was a member of the 27th Front and 43rd Front in the FARC’s Southern Block and a commander in the FARC’s Mario Gomez Mobile Column.

12. Defendant **HUGO ALBERTO RUBIO LOZANO**, also known as “**Arnaldo**” (hereinafter referred to as “**HUGO ALBERTO RUBIO LOZANO**”) was a member of the 43rd Front in the FARC’s Southern Block and a commander in the FARC’s Mario Gomez Mobile Column.

13. Defendant **MIGUEL SANTANILLA BOTACHE**, also known as “**Gentil Duarte**” (hereinafter referred to as “**MIGUEL SANTANILLA BOTACHE**”) was a member of the 7th Front in the FARC’s Southern Block.

14. Defendant **DANIEL TAMAYO SANCHEZ**, also known as “**Milton Ramos**” (hereinafter referred to as “**DANIEL TAMAYO SANCHEZ**”) and defendant **JHON ALEXANDER BELTRAIN HERRERA**, also known as “**JHON ALEXANDER BELTRAIN HERRERA**” (hereinafter referred to as “**JHON ALEXANDER BELTRAIN HERRERA**”) were members of the 27th Front in the FARC’s Southern Block.

15. Defendant **JUAN CARLOS ARBELAEZ ZABALA**, also known as “**Jair**” also known as “**Juanchaco**” (hereinafter referred to as “**JUAN CARLOS ARBELAEZ ZABALA**”); defendant **DIEGO ALFONZO NAVARRETE BELTRAN**, also known as “**LJ**,” also known as “**Sebastian**” (hereinafter referred to as “**DIEGO ALFONZO NAVARRETE BELTRAN**”); and defendant **OCTAVIO ORREGO SANCHEZ**, also known as “**Sebastian**” (hereinafter

referred to as “OCTAVIO ORREGO SANCHEZ”) were members of the 1st Front in the FARC’s Southern Block.

B. Victims of the February 2003 Hostage Taking and Murder

16. Thomas R. Howes is a United States national and citizen. He was a pilot for California Microwave Systems, a division of Northrup Grumman Electronic Systems, an American company assisting the Colombian government in counter-drug work in the Republic of Colombia.

17. Keith D. Stansell is a United States national and citizen. He was a systems analyst for California Microwave Systems.

18. Marc D. Gonsalves is a United States national and citizen. He was a systems analyst for California Microwave Systems.

19. Thomas J. Janis was a United States national and citizen. He was a pilot for California Microwave Systems.

20. Sergeant Luis Alcides Cruz was a Colombian national and citizen. He was a Sergeant in the Army of the Republic of Colombia.

C. Jurisdiction and Venue

21. All of the acts and offenses alleged in this Indictment began and were committed within the Republic of Colombia, the Republic of Ecuador, and the Republic of Venezuela, that is, outside the jurisdiction of any particular state or district, but within the extraterritorial jurisdiction of the United States and, pursuant to Title 18, United States Code, Section 3238, within the venue of the United States District Court for the District of Columbia.

D. The Conspiracy

22. From a date unknown to the Grand Jury, but at least as early as on or about February 13, 2003, and continuing thereafter through July 2, 2008, **CARLOS ALBERTO GARCIA, JUAN CARLOS REINA CHICA, JAIME CORTES MEJIA, CARLOS ARTURO CESPEDES TOVAR, MILTON DE JESUS TONCEL, JOSE BENITO CABRERA, JESUS EMILIO CARVAJALINO, JOSE IGNACIO GONZALEZ PERDOMO, LUIS ALBERTO JIMENEZ MARTINEZ, TANJA ANAMARY NIJMEIJER, JHON FREDY ALARCON SANCHEZ, HUGO ALBERTO RUBIO LOZANO, MIGUEL SANTANILLA BOTACHE, DANIEL TAMAYO SANCHEZ, JHON ALEXANDER BELTRAIN HERRERA, JUAN CARLOS ARBELAEZ ZABALA, DIEGO ALFONZO NAVARRETE BELTRAN, and OCTAVIO ORREGO SANCHEZ** did knowingly and intentionally combine, confederate, conspire and agree with each other and with other conspirators, both known and unknown to the Grand Jury, to seize and detain and threaten to kill, injure and continue to detain United States nationals and other foreign nationals working in Colombia in order to compel third persons to do certain acts, namely, that the government of the Republic of Colombia exchange prisoners with the FARC and create a demilitarized zone for the FARC, as explicit and implicit conditions for the release of the United States nationals and other hostages.

(i) Manner and Means of Effectuating the Conspiracy

23. It was a part of the conspiracy that **CARLOS ALBERTO GARCIA, JUAN CARLOS REINA CHICA, JAIME CORTES MEJIA, CARLOS ARTURO CESPEDES TOVAR, MILTON DE JESUS TONCEL, JOSE BENITO CABRERA, JESUS EMILIO CARVAJALINO, JOSE IGNACIO GONZALEZ PERDOMO, LUIS ALBERTO JIMENEZ**

MARTINEZ, TANJA ANAMARY NIJMEIJER, JHON FREDY ALARCON SANCHEZ, HUGO ALBERTO RUBIO LOZANO, MIGUEL SANTANILLA BOTACHE, DANIEL TAMAYO SANCHEZ, JHON ALEXANDER BELTRAIN HERRERA, JUAN CARLOS ARBELAEZ ZABALA, DIEGO ALFONZO NAVARRETE BELTRAN, and OCTAVIO ORREGO SANCHEZ and other conspirators, both known and unknown to the Grand Jury:

- a. targeted American persons and companies in the Republic of Colombia;
- b. seized and detained hostages, including four American nationals;
- c. moved, concealed and marched the hostages, including United States nationals, to evade capture by the lawful authorities of the Republic of Colombia and to keep the hostages seized and detained;
- d. constructed barbed-wire cages in the jungle to keep and detain the hostages, including United States nationals, and used firearms and threats of violence to prevent the hostages from escaping;
- e. made public demands that the government of the Republic of Colombia create a demilitarized zone for the FARC and release hundreds of FARC members serving prison sentences in Colombia for crimes of murder, kidnaping, extortion, and other crimes of violence, as explicit conditions for the release of the hostages;
- f. prepared and published proof of life videos of the hostages in order to generate public pressure on the Colombian government and the United States government to capitulate to the FARC's demands;

- g. selected senior commanders of the organization to organize and train special FARC units to guard the hostages and to represent the organization in hostage negotiations with the Colombian government; and
- h. obtained false and fraudulent identification documents to facilitate the movement of FARC guerrillas involved in the hostage taking enterprise.

(ii) Overt Acts

24. In furtherance of the aforesaid conspiracy and to accomplish the objects thereof, **CARLOS ALBERTO GARCIA, JUAN CARLOS REINA CHICA, JAIME CORTES MEJIA, CARLOS ARTURO CESPEDES TOVAR, MILTON DE JESUS TONCEL, JOSE BENITO CABRERA, JESUS EMILIO CARVAJALINO, JOSE IGNACIO GONZALEZ PERDOMO, LUIS ALBERTO JIMENEZ MARTINEZ, TANJA ANAMARY NIJMEIJER, "JHON FREDY ALARCON SANCHEZ," HUGO ALBERTO RUBIO LOZANO, MIGUEL SANTANILLA BOTACHE, DANIEL TAMAYO SANCHEZ, JHON ALEXANDER BELTRAIN HERRERA, JUAN CARLOS ARBELAEZ ZABALA, DIEGO ALFONZO NAVARRETE BELTRAN,** and **OCTAVIO ORREGO SANCHEZ** together with their other conspirators whose identities are both known and unknown to the Grand Jury (hereinafter referred to as "other conspirators"), committed the following overt acts, among others, in the Republic of Colombia, the Republic of Ecuador, and elsewhere:

- (a) On or about February 13, 2003, members of the FARC's Teofilo Forero Castro Mobile Column, or "TFMC," obtained permission from their commanders to attack a single-engine aircraft which contained four United States nationals and a Colombian national, while the

plane was attempting an emergency landing near the town of Florencia, in the Republic of Colombia.

(b) On or about February 13, 2003, members of the FARC's TFMC, with the explicit approval from their senior commander, **CARLOS ALBERTO GARCIA**, fired automatic weapons at the single-engine airplane.

(c) On or about February 13, 2003, **JUAN CARLOS REINA CHICA, JAIME CORTES MEJIA, CARLOS ARTURO CESPEDES TOVAR**, and other conspirators in the FARC's TFMC, seized all five occupants of the plane as hostages, including the four United States nationals, Thomas Howes, Keith Stansell, Marc Gonsalves and Thomas Janis, and the Colombian national, Sergeant Luis Alcides Cruz.

(d) On or about February 13, 2003, members of the FARC's TFMC shot and killed American hostage Thomas Janis and Colombian hostage Sergeant Luis Alcides Cruz while they were in the custody of the FARC.

(e) From on about February 13, 2003, until on or about March 9, 2003, **CARLOS ALBERTO GARCIA, JUAN CARLOS REINA CHICA, JAIME CORTES MEJIA, CARLOS ARTURO CESPEDES TOVAR**, and other conspirators in the FARC's TFMC, forced the remaining American hostages, Thomas Howes, Keith Stansell and Marc Gonsalves, to march at gunpoint for 24 days to remote areas in the Colombian jungle, and away from the crash site.

(f) On or about March 9, 2003, the American hostages were escorted to a secluded location to meet three senior members of the FARC Estado Mayor Central: **MILTON DE JESUS**

TONCEL, JOSE BENITO CABRERA, and JESUS EMILIO CARVAJALINO, who formally advised Thomas Howes, Keith Stansell and Marc Gonsalves that they were prisoners of the FARC, and that their continued detention as American citizens would assist the FARC by increasing international pressure on the government of the Republic of Colombia to capitulate to the FARC's demands.

(g) Throughout this conspiracy, which continued for five-and-a-half years until the three American hostages were rescued on July 2, 2008, the FARC repeatedly issued public communiques demanding that the government of the Republic of Colombia create a demilitarized zone for the FARC, and conduct an exchange of "prisoners" with the FARC, as an explicit condition for the release of Thomas Howes, Keith Stansell, and Marc Gonsalves, and other hostages held by the FARC. The FARC posted these communiques on the internet, with an English translation, so that they could be read in the United States and other English speaking countries.

(h) After the March 9, 2003, meeting with the members of the Estado Mayor Central, **JHON FREDY ALARCON SANCHEZ** and **HUGO ALBERTO RUBIO LOZANO**, and other conspirators in the FARC's 43rd Front took custody of the three American hostages and continued to hold them against their will, under armed guard, at various locations in the Colombian jungle.

(i) Between on or about March 9, 2003, and continuing to at least November 2004, **JHON FREDY ALARCON SANCHEZ, HUGO ALBERTO RUBIO LOZANO** and **LUIS ALBERTO JIMENEZ MARTINEZ**, and other conspirators, assisted in the formation and

training of a special group of FARC guerrillas known as the Mario Gomez Mobile Column, and that unit was assigned the specific responsibility of guarding the hostages to prevent their escape.

(j) Between on or about March 9, 2003, and continuing to at least November 2004, **JHON FREDY ALARCON SANCHEZ, HUGO ALBERTO RUBIO LOZANO** and **LUIS ALBERTO JIMENEZ MARTINEZ**, and other conspirators in the FARC's Mario Gomez Mobile Column supervised and participated in the construction of a large barbed-wire cage in which they held Thomas Howes, Keith Stansell and Marc Gonsalves and dozens of other Colombian hostages by force, and threat of force, in the jungle.

(k) Between on or about March 9, 2003, and continuing to at least November 2004, **JHON FREDY ALARCON SANCHEZ, HUGO ALBERTO RUBIO LOZANO** and **LUIS ALBERTO JIMENEZ MARTINEZ**, and other commanders of the Mario Gomez Mobile Column issued, transmitted, communicated, and agreed to abide by a standing order to execute Thomas Howes, Keith Stansell and Marc Gonsalves and the other hostages in the event the Colombian military attempted to rescue them.

(l) On or about July 25, 2003, **JHON FREDY ALARCON SANCHEZ** and **HUGO ALBERTO RUBIO LOZANO** transported the American hostages, Thomas Howes, Keith Stansell and Marc Gonsalves, with blindfolds to a wooden structure in the Colombian jungle where the hostages were told to participate in a videotaped interview to prove that the Americans were still alive and in the custody of the FARC.

(m) On or about July 25, 2003, **JOSE IGNACIO GONZALEZ PERDOMO**, **LUIS ALBERTO JIMENEZ MARTINEZ**, and **TANJA ANAMARY NIJMEIJER**, and other conspirators, participated in making a proof of life video of the three American hostages. On the video, the FARC announced that the “three North American prisoners” will only be released by the FARC once the Colombian government agrees to release all FARC guerrillas in Colombian jails in a “prisoner exchange” to take place “in a large demilitarized area.” The proof of life video was then disseminated to media outlets in the United States.

(n) On or about April 27, 2003, and on or about February 6, 2004, the FARC published communiques that named senior FARC leaders Carlos Antonio Lozada, Simon Trinidad, Domingo Bihojo, and defendant **JOSE BENITO CABRERA** as FARC spokespersons to represent the organization in the negotiations it sought with the government of the Republic of Colombia concerning the FARC’s demands that the Colombian government create a demilitarized zone for the FARC and release hundreds of FARC members serving prison sentences in Colombia, as conditions for the release of the hostages held by the FARC, including Thomas Howes, Keith Stansell and Marc Gonsalves.

(o) Between on or about December 1, 2003, and on or about January 2, 2004, FARC conspirator Simon Trinidad traveled illegally from Colombia to Ecuador to obtain false identification, and to meet with a family member of a FARC hostage and other entities interested in discussing the FARC's demands for an exchange of “prisoners” and the creation of a demilitarized zone.

(p) In order to prevent the Colombian police and military from rescuing the hostages in the jungle, FARC commanders repeatedly moved the American hostages from camp to camp, and within various FARC units. **MIGUEL SANTANILLA BOTACHE** and conspirators in the FARC's 7th Front, guarded the hostages during these movements, and provided additional security when Thomas Howes, Keith Stansell and Marc Gonsalves were transferred from the Mario Gomez Mobile Column to the 27th Front in November 2004, and during other forced marches.

(q) Between in or about September 2004 and in or about November 2004, **LUIS ALBERTO JIMENEZ MARTINEZ, JHON FREDY ALARCON SANCHEZ,** and **HUGO ALBERTO RUBIO LOZANO,** and **DANIEL TAMAYO SANCHEZ,** and other FARC conspirators, forced the hostages, including Thomas Howes, Keith Stansell and Marc Gonsalves, to march at gunpoint with heavy backpacks through the dense jungle for 40 days in order to prevent the Colombian police and military from rescuing the hostages.

(r) At the conclusion of the 40-day march, in or about November 2004, the three American hostages were delivered to members of the FARC's 27th Front, commanded by **DANIEL TAMAYO SANCHEZ.** The three Americans were held by the FARC's 27th Front for nearly two more years, and were seized and detained throughout that period by **DANIEL TAMAYO SANCHEZ, JHON ALEXANDER BELTRAIN HERRERA,** and other conspirators.

(s) In or about October 2006, the three Americans were moved over to the FARC's 1st Front, under the command of Gerardo Antonio Aguilar Ramirez, also known as "Cesar," also

known as “El Cucho,” and Alexander Farfan Suarez, also known as “Enrique Gafas.” The hostages remained under the control the FARC’s 1st Front for the next 19 months, and were seized and detained throughout that period by **JUAN CARLOS ARBELAEZ ZABALA, DIEGO ALFONZO NAVARRETE BELTRAN, and OCTAVIO ORREGO SANCHEZ,** and other conspirators, until the hostages were eventually rescued by the Colombian military on July 2, 2008.

(t) In order to prevent the Colombian police and military from rescuing the hostages, defendants **JUAN CARLOS ARBELAEZ ZABALA, DIEGO ALFONZO NAVARRETE BELTRAN, and OCTAVIO ORREGO SANCHEZ,** and other conspirators in the FARC’s 1st Front, transported the American hostages outside the Republic of Colombia and into the Republic of Venezuela.

(u) Throughout this five-and-a-half year long conspiracy, the FARC “jailers” and guards, **JHON FREDY ALARCON SANCHEZ, HUGO ALBERTO RUBIO LOZANO, MIGUEL SANTANILLA BOTACHE, DANIEL TAMAYO SANCHEZ, JHON ALEXANDER BELTRAIN HERRERA, JUAN CARLOS ARBELAEZ ZABALA, DIEGO ALFONZO NAVARRETE BELTRAN, OCTAVIO ORREGO SANCHEZ,** and other conspirators in the FARC’s Mario Gomez Mobile Column, the 27th Front, and the 1st Front, used choke harnesses, chains, padlocks, and wires to bind the necks and wrists of Thomas Howes, Keith Stansell and Marc Gonsalves, and routinely used force, and threats to kill, injure and continue to detain them, to prevent their escape.

(**Conspiracy to Commit Hostage Taking**, in violation of Title 18, United States Code, Section 1203(a))

COUNT TWO

MURDER OF A UNITED STATES NATIONAL

1. Paragraphs 1 through 21 of Count One of this Indictment are hereby incorporated by reference as if fully realleged and restated herein.

2. On or about February 13, 2003, within the Republic of Colombia, defendants **CARLOS ALBERTO GARCIA, JUAN CARLOS REINA CHICA, JAIME CORTES MEJIA,** and **CARLOS ARTURO CESPEDES TOVAR** together with others whose identities are known and unknown to the Grand Jury, did commit murder, as defined by 18 U.S.C. §1111(a), by killing Thomas Janis, a national of the United States, such murder being willful, deliberate, malicious, and premeditated, and done during the perpetration of, and attempt to perpetrate, a kidnapping, while such national was outside the United States.

(Murder of a United States National Outside of the United States and Aiding and Abetting and Causing an Act to be Done, in violation of Title 18, United State Code, Sections 2332(a)(1) and 1111; 2)

COUNTS THREE through FIVE

HOSTAGE TAKING

1. Paragraphs 1 through 21 of Count One of this Indictment are hereby incorporated by reference as if fully realleged and restated herein.

2. From on or about February 13, 2003, and continuing thereafter through July 2, 2008, **CARLOS ALBERTO GARCIA, JUAN CARLOS REINA CHICA, JAIME CORTES MEJIA, CARLOS ARTURO CESPEDES TOVAR, MILTON DE JESUS TONCEL, JOSE BENITO CABRERA, JESUS EMILIO CARVAJALINO, JOSE IGNACIO GONZALEZ PERDOMO,**

LUIS ALBERTO JIMENEZ MARTINEZ, TANJA ANAMARY NIJMEIJER, JHON FREDY ALARCON SANCHEZ, HUGO ALBERTO RUBIO LOZANO, MIGUEL SANTANILLA BOTACHE, DANIEL TAMAYO SANCHEZ, JHON ALEXANDER BELTRAIN HERRERA, JUAN CARLOS ARBELAEZ ZABALA, DIEGO ALFONZO NAVARRETE BELTRAN, and OCTAVIO ORREGO SANCHEZ together with others whose identities are known and unknown to the Grand Jury, did knowingly and intentionally seize and detain and continue to detain the following United States nationals, identified below with the corresponding Count of this Indictment, in order to compel third persons to do certain acts, namely, that the government of the Republic of Colombia create a demilitarized zone and conduct a prisoner exchange as explicit and implicit conditions for the release of these United States nationals and other hostages.

COUNT THREE: Thomas Howes

COUNT FOUR: Keith Stansell

COUNT FIVE: Marc Gonsalves

(Hostage Taking and Aiding and Abetting and Causing an Act to be Done, in violation of Title 18, United State Code, Sections 1203(a) and 2)

COUNT SIX

**USING AND CARRYING A FIREARM
DURING A CRIME OF VIOLENCE**

1. Paragraphs 1 through 21 of Count One of this Indictment are hereby incorporated by reference as if fully realleged and restated herein.

2. On a date unknown to the Grand Jury but at least by February 13, 2003, and continuing through at least July 2, 2008, **CARLOS ALBERTO GARCIA, JUAN CARLOS**

REINA CHICA, JAIME CORTES MEJIA, CARLOS ARTURO CESPEDES TOVAR, MILTON DE JESUS TONCEL, JOSE BENITO CABRERA, JESUS EMILIO CARVAJALINO, JOSE IGNACIO GONZALEZ PERDOMO, LUIS ALBERTO JIMENEZ MARTINEZ, TANJA ANAMARY NIJMEIJER, JHON FREDY ALARCON SANCHEZ, HUGO ALBERTO RUBIO LOZANO, MIGUEL SANTANILLA BOTACHE, DANIEL TAMAYO SANCHEZ, JHON ALEXANDER BELTRAIN HERRERA, JUAN CARLOS ARBELAEZ ZABALA, DIEGO ALFONZO NAVARRETE BELTRAN, and OCTAVIO ORREGO SANCHEZ and others, known and unknown to the Grand Jury, knowingly used and carried firearms, that is, a military-type machine gun, during and in relation to a crime of violence for which each of them may be prosecuted in a court of the United States, that is hostage taking, as set forth in Counts One, Three, Four and Five, and murder, as set forth in Count Two, of this Indictment.

(Using and Carrying a Firearm During a Crime of Violence and Aiding and Abetting and Causing an Act to be Done, in violation of Title 18, United State Code, Sections 924(c) and 2)

COUNT SEVEN

CONSPIRACY TO PROVIDE MATERIAL SUPPORT TO TERRORISTS

1. Paragraphs 1 through 21 and 24 of Count One of this Indictment are hereby incorporated by reference as if fully realleged and restated herein.

2. On a date unknown to the Grand Jury but at least by on or about February 13, 2003, and continuing through at least July 2, 2008, **CARLOS ALBERTO GARCIA, JUAN CARLOS REINA CHICA, JAIME CORTES MEJIA, CARLOS ARTURO CESPEDES TOVAR, MILTON DE JESUS TONCEL, JOSE BENITO CABRERA, JESUS EMILIO**

CARVAJALINO, JOSE IGNACIO GONZALEZ PERDOMO, LUIS ALBERTO JIMENEZ MARTINEZ, TANJA ANAMARY NIJMEIJER, JHON FREDY ALARCON SANCHEZ, HUGO ALBERTO RUBIO LOZANO, MIGUEL SANTANILLA BOTACHE, DANIEL TAMAYO SANCHEZ, JHON ALEXANDER BELTRAIN HERRERA, JUAN CARLOS ARBELAEZ ZABALA, DIEGO ALFONZO NAVARRETE BELTRAN, and OCTAVIO ORREGO SANCHEZ did knowingly and intentionally combine, confederate, conspire and agree with each other and with other conspirators, both known and unknown to the Grand Jury, to provide material support and resources to terrorists, as defined in Title 18, United States Code, Section 2339A(b), knowing and intending that the material support and resources be used in preparation for or in carrying out a violation of Title 18, United States Code, Section 1203(a), hostage taking and conspiracy to commit hostage taking.

(**Conspiracy to Provide Material Support to Terrorists**, in violation of Title 18, United States Code, Section 2339A)

COUNT EIGHT

CONSPIRACY TO PROVIDE MATERIAL SUPPORT OR RESOURCES TO DESIGNATED FOREIGN TERRORIST ORGANIZATION (REVOLUTIONARY ARMED FORCES OF COLOMBIA)

1. Paragraphs 1 through 21 and 24 of Count One of this Indictment are hereby incorporated by reference as if fully realleged and restated herein.

2. On a date unknown to the Grand Jury but at least by on or about February 13, 2003, and continuing through at least July 2, 2008, **CARLOS ALBERTO GARCIA, JUAN CARLOS REINA CHICA, JAIME CORTES MEJIA, CARLOS ARTURO CESPEDES TOVAR, MILTON DE JESUS TONCEL, JOSE BENITO CABRERA, JESUS EMILIO**

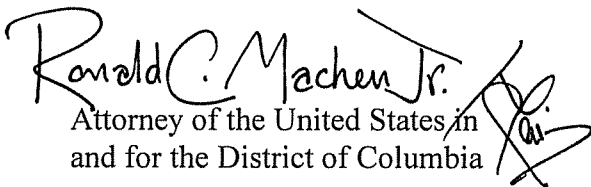
CARVAJALINO, JOSE IGNACIO GONZALEZ PERDOMO, LUIS ALBERTO JIMENEZ MARTINEZ, TANJA ANAMARY NIJMEIJER, JHON FREDY ALARCON SANCHEZ, HUGO ALBERTO RUBIO LOZANO, MIGUEL SANTANILLA BOTACHE, DANIEL TAMAYO SANCHEZ, JHON ALEXANDER BELTRAIN HERRERA, JUAN CARLOS ARBELAEZ ZABALA, DIEGO ALFONZO NAVARRETE BELTRAN, and OCTAVIO ORREGO SANCHEZ did knowingly and intentionally combine, confederate, conspire and agree with each other and with other conspirators, both known and unknown to the Grand Jury, to provide material support and resources, that is, their own services, training, expert advice and assistance, facilities, personnel, and transportation, to a designated foreign terrorist organization, the FARC, knowing that the organization was designated as a terrorist organization, and that the organization has engaged and engages in terrorist activity, and that the organization has engaged and engages in terrorism.

(Conspiracy to Provide Material Support or Resources to a Designated Foreign Terrorist Organization, in violation of Title 18, United States Code, Section 2339B)

A TRUE BILL:



FOREPERSON


Attorney of the United States in
and for the District of Columbia