

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA : INDICTMENT
 :
 - v. - : S2 04 Cr. 962 (LAP)
 :
 DANIEL RENDON-HERRERA, :
 a/k/a "Don Mario," :
 a/k/a "El Viejo," :
 a/k/a "El Tio," :
 a/k/a "La Senora," :
 FREDDY ENRIQUE RENDON-HERRERA, :
 a/k/a "El Aleman," :
 a/k/a "Aleman," :
 a/k/a "Berrio," :
 JHON JAIRO RENDON-HERRERA, :
 a/k/a "Yesid," :
 a/k/a "JJ," :
 DIEGO RIVAS-ANGEL, :
 a/k/a "El Doctor," :
 DAIRO ANTONIO USUGA-DAVID, :
 a/k/a "Mao," :
 a/k/a "Gallo," :
 a/k/a "Mauricio-Gallo," and :
 JUAN DE DIOS USUGA-DAVID, :
 a/k/a "Giovanni," :
 :
 Defendants. :
 :

- - - - -X

COUNT ONE

(Conspiracy to Provide Material Support
To A Foreign Terrorist Organization)

The Grand Jury charges:

Background of The Conspiracy

1. The *Autodefensas Unidas de Colombia* ("AUC") was founded in 1997 as an umbrella group uniting a number of paramilitary bands in Colombia. The AUC is a right-wing organization, whose main political objective is to defeat the

left-wing *Fuerzas Armadas Revolucionarios de Colombia* ("FARC") in armed conflict, and remove FARC sympathizers from government and positions of influence in Colombia. At its peak, the AUC claimed 20,000 paramilitaries.

2. At all times relevant to this Indictment, the AUC has carried out its political objectives through kidnapings, attacks against Colombian government, military, police and civilian targets, and the mass murder of civilians claimed by the AUC to be FARC sympathizers. The AUC has financed its terrorist activities through the proceeds of cocaine trafficking in AUC-controlled areas, which trafficking is "taxed" by AUC commanders, with the proceeds being used to fund the purchase of military-grade weapons for use by the AUC. The AUC was designated by the State Department as a Foreign Terrorist Organization ("FTO") on September 10, 2001, and as a Specially-Designated Global Terrorist Organization ("SDGT") on October 31, 2001, and it remains so designated.

3. At all times relevant to this Indictment, the AUC was organized in individual bloques. Each AUC bloque controlled a separate area of Colombia. The AUC's Bloque Elmer Cardenas ("BEC"), the AUC's Gaitanistas de Colombia ("AGC") and its predecessor AUC Bloques (collectively, the "Bloques") were responsible for securing and maintaining AUC control over areas of the Departments of Cordoba and Antioquia in Colombia. The

Bloques did so in part by "taxing" narcotics traffickers operating in these areas, and using the narcotics proceeds to secure military-grade arms, including automatic rifles and grenades. The Bloques' leadership also developed illicit business relationships with drug trafficking organizations in Mexico. Those organizations purchased cocaine from narcotics traffickers associated with the Bloques, in exchange for thousands of assault rifles to be used by the AUC.

4. At all times relevant to this Indictment, DANIEL RENDON-HERRERA, a/k/a "Don Mario," a/k/a "El Viejo," a/k/a "El Tio," a/k/a "La Senora," the defendant, was a high-ranking member of the Bloques, and leader of a drug trafficking organization that, with the protection of the Bloques, supplied cocaine in multi-ton quantities to, among other groups, Mexican drug trafficking groups, in exchange for military-grade assault rifles intended for use by the AUC. DANIEL RENDON-HERRERA and other Bloque commanders also "taxed" area drug traffickers, and used a portion of the proceeds to purchase weapons for use by the AUC.

5. On or about April 15, 2009, DANIEL RENDON-HERRERA was captured by the Colombian National Police ("CNP") near Turbo in the Department of Antioquia, Colombia. At the time of his arrest, DANIEL RENDON-HERRERA commanded approximately 5,000 militants mobilized under the AUC's AGC.

Statutory Allegations

6. From at least in or about 2001, up to and including at least in or about April 2009, in an offense in and affecting interstate and foreign commerce, begun and committed outside of the jurisdiction of any particular State or District of the United States, DANIEL RENDON-HERRERA, a/k/a "Don Mario," a/k/a "El Viejo," a/k/a "El Tio," a/k/a "La Senora," the defendant, who will be first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully and knowingly did combine, conspire, confederate and agree together and with each other to provide "material support or resources," as that term is defined in Title 18, United States Code, Section 2339A(b), to a foreign terrorist organization, to wit, the AUC, which was designated by the United States Secretary of State as a foreign terrorist organization on or about September 10, 2001, pursuant to Section 219 of the Immigration and Nationality Act; which has remained on the list of designees since that time; and which is currently designated as such, as of the date of filing of this Indictment.

7. It was a part and an object of the conspiracy that DANIEL RENDON-HERRERA, a/k/a "Don Mario," a/k/a "El Viejo," a/k/a "El Tio," a/k/a "La Senora," the defendant, and others known and unknown, would and did provide the AUC with weapons, narcotics proceeds, personnel, and other support and resources, knowing

that the AUC had engaged and was engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act), and knowing that the AUC had engaged and was engaging in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989), in violation of Title 18, United States Code, Section 2339B.

Overt Acts

8. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed:

a. In or about 2000, DANIEL RENDON-HERRERA, a/k/a "Don Mario," a/k/a "El Viejo," a/k/a "El Tio," a/k/a "La Senora," the defendant, ordered the murder of several FARC commanders in the vicinity of El Tigre, Colombia.

b. In or about 2005, in Colombia, co-conspirators not named as defendants herein received, on behalf of DANIEL RENDON-HERRERA, a/k/a "Don Mario," a/k/a "El Viejo," a/k/a "El Tio," a/k/a "La Senora," the defendant, thousands of automatic assault rifles.

c. In or about 2005, in Colombia, DANIEL RENDON-HERRERA, a/k/a "Don Mario," a/k/a "El Viejo," a/k/a "El Tio," a/k/a "La Senora," the defendant, and co-conspirators not named as defendants herein, discussed the division of "taxes" exacted by the Bloques from area narcotics traffickers, including the

portion of those "taxes" that would be used to fund the purchase of weapons by the AUC.

d. In or about 2005, in Colombia, DANIEL RENDON-HERRERA, a/k/a "Don Mario," a/k/a "El Viejo," a/k/a "El Tio," a/k/a "La Senora," the defendant, and co-conspirators not named as defendants herein, discussed a plot to assassinate a high-ranking official of the Colombian National Police.

e. In or about March 2008, in Colombia, DANIEL RENDON-HERRERA, a/k/a "Don Mario," a/k/a "El Viejo," a/k/a "El Tio," a/k/a "La Senora," the defendant, ordered the kidnaping of 25 Colombian civilians.

f. In or about April 2008, in Colombia, DANIEL RENDON-HERRERA, a/k/a "Don Mario," a/k/a "El Viejo," a/k/a "El Tio," a/k/a "La Senora," the defendant, possessed assault rifles, ammunition, grenades, camouflage uniforms and military backpacks.

(Title 18, United States Code,
Sections 2339B(a)(1), (d)(1), and 3238.)

COUNT TWO

(Narcotics Importation Conspiracy)

The Grand Jury further charges:

9. The allegations contained in paragraphs 1 through 5 and 8 are hereby repeated, realleged and incorporated by reference as if fully set forth herein.

10. Between in or about 2004 and in or about 2006, FREDDY ENRIQUE RENDON-HERRERA, a/k/a "El Aleman," a/k/a "Aleman," a/k/a "Berrio," was the leader of the BEC. In that capacity, like his brother, DANIEL RENDON-HERRERA, FREDDY ENRIQUE RENDON-HERRERA controlled the Departments of Cordoba and Antioquia in Colombia, and "taxed" area drug traffickers in connection with shipments of cocaine that were permitted to pass through BEC-controlled territory.

11. In or about 2006, FREDDY ENRIQUE RENDON-HERRERA demobilized from the BEC as part of the Colombian government's Justice and Peace process -- a process under which paramilitary members who surrender to the government, relinquish their criminally-derived assets, confess their crimes, and do not commit further crimes, may receive a reduced sentence and amnesty from extradition. (DANIEL RENDON-HERRERA did not enter the Justice and Peace process, refused to demobilize, and by prior arrangement with FREDDY ENRIQUE RENDON-HERRERA, reconstituted the BEC as the AGC and was its leader until at least April 2009).

12. At all time relevant to this Indictment, JHON JAIRO RENDON-HERRERA, a/k/a "Yesid," a/k/a "JJ," the defendant, assisted both his brothers, DANIEL RENDON-HERRERA and FREDDY ENRIQUE RENDON-HERRERA, in their control over the Bloques, namely, the AUC's Bloque Elmer Cardenas and the AUC's Gaitanistas de Colombia. Further, DIEGO RIVAS-ANGEL, a/k/a "El Doctor," DAIRO ANTONIO USUGA-DAVID, a/k/a "Mao," a/k/a "Gallo," a/k/a "Mauricio-Gallo," and JUAN DE DIOS USUGA-DAVID, a/k/a "Giovanni," provided logistical support and coordination for the Bloques's narcotics trafficking operations.

Statutory Allegations

13. From at least in or about 1998 up to and including at least in or about April 2009, in the Southern District of New York and elsewhere, DANIEL RENDON-HERRERA, a/k/a "Don Mario," a/k/a "El Viejo," a/k/a "El Tio," a/k/a "La Senora," FREDDY ENRIQUE RENDON-HERRERA, a/k/a "El Aleman," a/k/a "Aleman," a/k/a "Berrio," JHON JAIRO RENDON-HERRERA, a/k/a "Yesid," a/k/a "JJ," DIEGO RIVAS-ANGEL, a/k/a "El Doctor," DAIRO ANTONIO USUGA-DAVID, a/k/a "Mao," a/k/a "Gallo," a/k/a "Mauricio-Gallo," and JUAN DE DIOS USUGA-DAVID, a/k/a "Giovanni," the defendants, and others known and unknown, unlawfully, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

14. It was a part and an object of the conspiracy that DANIEL RENDON-HERRERA, a/k/a "Don Mario," a/k/a "El Viejo," a/k/a "El Tio," a/k/a "La Senora," FREDDY ENRIQUE RENDON-HERRERA, a/k/a "El Aleman," a/k/a "Aleman," a/k/a "Berrio," JHON JAIRO RENDON-HERRERA, a/k/a "Yesid," a/k/a "JJ," DIEGO RIVAS-ANGEL, a/k/a "El Doctor," DAIRO ANTONIO USUGA-DAVID, a/k/a "Mao," a/k/a "Gallo," a/k/a "Mauricio-Gallo," and JUAN DE DIOS USUGA-DAVID, a/k/a "Giovanni," the defendants, and others known and unknown, would and did import into the United States from a place outside thereof five kilograms and more of a mixture and substance containing a detectable amount of cocaine, in violation of Sections 812, 952(a), and 960(b)(1)(B) of Title 21, United States Code.

15. It was further a part and an object of the conspiracy that DANIEL RENDON-HERRERA, a/k/a "Don Mario," a/k/a "El Viejo," a/k/a "El Tio," a/k/a "La Senora," FREDDY ENRIQUE RENDON-HERRERA, a/k/a "El Aleman," a/k/a "Aleman," a/k/a "Berrio," JHON JAIRO RENDON-HERRERA, a/k/a "Yesid," a/k/a "JJ," DIEGO RIVAS-ANGEL, a/k/a "El Doctor," DAIRO ANTONIO USUGA-DAVID, a/k/a "Mao," a/k/a "Gallo," a/k/a "Mauricio-Gallo," and JUAN DE DIOS USUGA-DAVID, a/k/a "Giovanni," the defendants, and others known and unknown, would and did distribute a controlled substance, to wit, five kilograms and more of a mixture and substance containing a detectable amount of cocaine, intending

and knowing that such substance would be imported into the United States from a place outside thereof and into waters within a distances of 12 miles of the coast of the United States, in violation of Sections 959, 960(a) and 960(b)(1)(B) of Title 21, United States Code.

Overt Acts

16. In furtherance of said conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in Colombia, Ecuador, and elsewhere:

a. In or about 2000, DANIEL RENDON-HERRERA, a/k/a "Don Mario," a/k/a "El Viejo," a/k/a "El Tio," a/k/a "La Senora," the defendant, purchased properties in the vicinity of El Tigre, Colombia, at which to store cocaine.

b. On numerous occasions between 2000 and 2002, DANIEL RENDON-HERRERA, a/k/a "Don Mario," a/k/a "El Viejo," a/k/a "El Tio," a/k/a "La Senora," the defendant, negotiated with leaders of drug cartels located in Mexico for the shipment of multi-ton quantities of cocaine from Colombia to Mexico.

c. In or about June 2002, in Colombia, JHON JAIRO RENDON-HERRERA, a/k/a "Yesid," a/k/a "JJ," and FREDDY ENRIQUE RENDON-HERRERA, a/k/a "El Aleman," a/k/a "Aleman," a/k/a "Berrio," the defendants, and co-conspirators not named as defendants herein, met and discussed cocaine-trafficking routes

in the vicinities of Sinelejo, Colombia, and Barranquilla, Colombia.

d. In or about the end of 2002, in the vicinity of Necoli Airport in Colombia, FREDDY ENRIQUE RENDON-HERRERA, a/k/a "El Aleman," a/k/a "Aleman," a/k/a "Berrio," the defendant, took custody of approximately 500 kilograms of cocaine stored in an aircraft.

e. In or about 2005, in Ecuador, representatives of DANIEL RENDON-HERRERA, a/k/a "Don Mario," a/k/a "El Viejo," a/k/a "El Tio," a/k/a "La Senora," the defendant, met with representatives of a cartel in Mexico regarding the shipment of ton-quantities of cocaine to Mexico in exchange for military-grade weapons for the Bloques.

f. In or about 2005, in Colombia, DANIEL RENDON-HERRERA, a/k/a "Don Mario," a/k/a "El Viejo," a/k/a "El Tio," a/k/a "La Senora," FREDDY ENRIQUE RENDON-HERRERA, a/k/a "El Aleman," a/k/a "Aleman," a/k/a "Berrio," and JHON JAIRO RENDON-HERRERA, a/k/a "Yesid," a/k/a "JJ," the defendants, met to discuss the division of "taxes" exacted from other narcotics traffickers.

g. From in or about 2005 to in or about 2007, co-conspirators not named as defendants herein, acting on the instructions of DANIEL RENDON-HERRERA, a/k/a "Don Mario," a/k/a "El Viejo," a/k/a "El Tio," a/k/a "La Senora," the defendant,

transported approximately 300 tons of cocaine from Colombia to representatives of a cartel in Mexico, in exchange for thousands of automatic assault rifles.

h. In or about March 2008, DANIEL RENDON-HERRERA, a/k/a "Don Mario," a/k/a "El Viejo," a/k/a "El Tio," a/k/a "La Senora," the defendant, made videotaped statements regarding his membership in the AUC and about the kidnapping of approximately 25 Colombian civilians by him and his associates.

i. In or about April 2008, in Colombia, DIEGO RIVAS-ANGEL, a/k/a "El Doctor," the defendant, talked on the telephone with a co-conspirator not named as a defendant herein about the trafficking of narcotics.

j. In or about December 2008, in Colombia, JUAN DE DIOS USUGA-DAVID, a/k/a "Giovanni," the defendant, talked on the telephone with a co-conspirator not named as a defendant herein about the trafficking of narcotics.

k. In or about December 2008, in Colombia, DAIRO ANTONIO USUGA-DAVID, a/k/a "Mao," a/k/a "Gallo," a/k/a "Mauricio-Gallo," the defendant, talked on the telephone with a co-conspirator not named as a defendant herein about the trafficking of narcotics.

(Title 21, United States Code, Section 963.)

FORFEITURE ALLEGATION

17. As a result of committing the controlled substance offenses alleged in Counts One and Two of this Indictment, DANIEL RENDON-HERRERA, a/k/a "Don Mario," a/k/a "El Viejo," a/k/a "El Tio," a/k/a "La Senora," FREDDY ENRIQUE RENDON-HERRERA, a/k/a "El Aleman," a/k/a "Aleman," a/k/a "Berrio," JHON JAIRO RENDON-HERRERA, a/k/a "Yesid," a/k/a "JJ," DIEGO RIVAS-ANGEL, a/k/a "El Doctor," DAIRO ANTONIO USUGA-DAVID, a/k/a "Mao," a/k/a "Gallo," a/k/a "Mauricio-Gallo," and JUAN DE DIOS USUGA-DAVID, a/k/a "Giovanni," the defendants, shall forfeit to the United States, pursuant to 21 U.S.C. § 970, any and all property constituting and derived from any proceeds that the defendants obtained directly and indirectly as a result of the said violations and any and all property used and intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts One and Two of this Indictment, including but not limited to, a sum of money representing the amount of proceeds obtained as a result of the offense described in Counts One and Two of this Indictment.

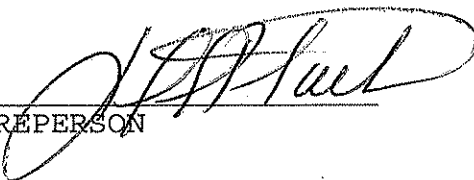
Substitute Assets Provision

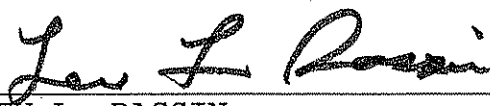
18. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 970, to seek forfeiture of any other property of the defendants up to the value of the forfeitable property.

(Title 21, United States Code, Sections 963 and 970.)


FOREPERSON


LEV L. DASSIN
Acting United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v -

DANIEL RENDON-HERRERA,
a/k/a "Don Mario,"
a/k/a "El Viejo,"
a/k/a "El Tio,"
a/k/a "La Senora,"
FREDDY ENRIQUE RENDON-HERRERA,
a/k/a "El Aleman,"
a/k/a "Aleman,"
a/k/a "Berrio,"
JOHN JAIRO RENDON-HERRERA,
a/k/a "Yesid,"
a/k/a "JJ,"
DIEGO RIVAS-ANGEL,
a/k/a "El Doctor," and
DAIRO ANTONIO USUGA-DAVID,
a/k/a "Mao,"
a/k/a "Gallo,"
a/k/a "Mauricio-Gallo," and
JUAN DE DIOS USUGA-DAVID,
a/k/a "Giovanni,"

Defendants.

INDICTMENT

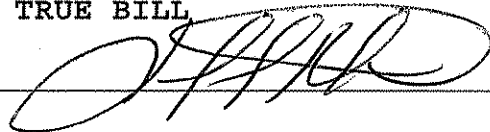
S2 04 Cr. 962 (LAP)

(Title 21, United States Code, Sections
812, 959, 960(a), 960(b)(1)(B), 963, 970,
and 812, and Title 18, United States
Code, Sections 2339B and 3238.)

LEV L. DASSIN

Acting United States Attorney.

A TRUE BILL



Foreperson.
