

EXHIBIT 10

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

JESÚS CABRERA JARAMILLO, *et al.*

Plaintiffs,

v.

CARLOS MARIO JIMENEZ NARANJO,

Defendant.

CASE NO. 10-cv-21951-TORRES

**DEFENDANT'S RESPONSES AND OBJECTIONS
TO PLAINTIFFS' FIRST SET OF INTERROGATORIES**

To: Jane Doe and John Doe, plaintiffs
C/o:

From: Carlos Mario Jimenez Naranjo, defendant
C/o: Maria A. Dominguez, Esq.
McConnell Valdés LLC
P.O. Box 364225
San Juan, PR 00918

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, defendant Carlos Mario Jimenez Naranjo ("Defendant") hereby responds to Plaintiffs' First Set of Interrogatories to Defendant Carlos Mario Jimenez Naranjo.

I. GENERAL OBJECTIONS AND RESERVATION OF RIGHTS

1. Defendant objects to Plaintiffs' Discovery Requests to the extent they deviate from or purport to impose requirements other than or in addition to those required by the Federal Rules

of Civil Procedure, the Local Civil Rules of the Southern District of Florida, and/or the orders of this Court.

2. Defendant objects to Plaintiffs' Discovery Requests to the extent they seek information or documents outside the scope of discovery permissible under the Federal Rules of Civil Procedure.

3. Defendant objects to Plaintiffs' Discovery Requests to the extent that they seek information or documents protected by the Attorney-Client Privilege, the Attorney Work Product Doctrine, or any other applicable privilege or immunity. None of these responses is intended as, or should be construed as a waiver or relinquishment of any part of the protections afforded by the Attorney-Client Privilege, the Attorney Work Product Doctrine, or any other applicable privilege or immunity.

4. Defendant objects to Plaintiffs' Discovery Requests to the extent that they seek information or documents that are beyond his custody, possession, or control and/or seek information that is equally available to Plaintiffs.

5. Defendant objects to Plaintiffs' Discovery Requests to the extent they seek information or documents for any period of time beyond any applicable statute of limitations.

6. Defendant objects to Plaintiffs' Discovery Requests because they contain undefined terms which make them vague, ambiguous, overbroad, unduly burdensome, and oppressive.

7. Defendant expressly limits its responses to Plaintiffs' Discovery Requests to the information or documents that can be located after a reasonable and diligent search, within the short period allowed, of its records believed most likely to contain the responsive information.

8. Defendant's investigation into the facts alleged in Plaintiffs' Second Amended Complaint is ongoing, and he continues to search for information or documents responsive to Plaintiffs' Discovery Requests. As additional information or documents become available, Defendant reserves the right to amend, modify, clarify and/or supplement its responses and objections as appropriate.

9. Defendant's decision to provide information or documents notwithstanding the objectionable nature of Plaintiffs' Discovery Requests is not to be construed as an admission that the information or document is relevant, as a waiver of the general or specific objections, or as an agreement that future requests for similar discovery will be treated in a similar manner.

10. These General Objections and Limitations apply to each of Plaintiffs' Discovery Requests as though restated in full in response thereto. To the extent Defendant asserts objections to individual requests, those objections shall apply equally to any subparts of the request.

II. RESPONSES TO INTERROGATORIES

Interrogatory No. 1

IDENTIFY ANY AND ALL PERSONS with knowledge RELATING TO the facts alleged in the COMPLAINT AND defenses YOU have OR intend to assert.

Response

Defendant objects to this interrogatory on the grounds that it is overbroad, oppressive, unduly burdensome, and calls for speculation.

Without waiving the objections, Defendant responds that he is unaware of the identity of any persons, other than the Plaintiffs, who may have knowledge of the facts alleged in the Second Amended Complaint.

Interrogatory No. 2

IDENTIFY ANY AND ALL PERSONS with knowledge of facts RELATING TO the torture, mistreatment, cruel, inhuman OR degrading treatment OR death of DECEDENT.

Response

Defendant objects to this interrogatory on the grounds that it is vague, ambiguous, overbroad, oppressive, unduly burdensome, argumentative, and calls for speculation.

Without waiving the objections, Defendant responds that he is unaware of the identity of any persons, other than the Plaintiffs, who may have knowledge of the facts alleged in the Second Amended Complaint.

Interrogatory No. 3

IDENTIFY ANY AND ALL PERSONS with knowledge of facts RELATING TO the torture, mistreatment, cruel, inhuman OR degrading treatment, OR killing of any members of a group sometimes known as the Program for Peace and Development as described in the COMPLAINT.

Response

Defendant objects to this interrogatory on the grounds that it is vague, ambiguous, overbroad, oppressive, unduly burdensome, argumentative, and calls for speculation.

Defendant objects on the further ground that the interrogatory seeks information that is not relevant to the claims or defenses of the parties in this litigation.

Interrogatory No. 4

IDENTIFY ANY AND ALL PERSONS with knowledge of facts RELATING TO the torture, mistreatment, cruel, inhuman OR degrading treatment OR killing of civilians by the AUC in MIDDLE MAGDALENA.

Response

Defendant objects to this interrogatory on the grounds that it is vague, ambiguous, overbroad, oppressive, unduly burdensome, argumentative, and calls for speculation.

Defendant objects on the further ground that the interrogatory seeks information that is not relevant to the claims or defenses of the parties in this litigation.

Interrogatory No. 5

Provide a timeline of YOUR service in the AUC, stating the following:

- a. YOUR job title OR rank at the time;
- b. The dates of YOUR service in that position;
- c. All aspects of YOUR role AND responsibilities in that position, including the extent of YOUR command authority RELATING TO any aspect of the operations of the AUC OR to any group OR PERSONS working in conjunction with, OR with the acquiescence of, the AUC, OR any of their predecessor or successor organizations OR groups, whether OR not formally constituted;
- d. IDENTIFY each member OR unit of the AUC over which YOU had command or authority;
- e. IDENTIFY YOUR immediate superiors;
- f. IDENTIFY YOUR immediate subordinates.

Response

Defendant was a commandant general of the BCB. Julián Bolivar was the military commandant and Ernesto Baez was the ideological and political commandant. Each of these commandants operated autonomously, and made decisions of their own accord.

Thereunder, each front which operated in each of the 9 departments in the country had its own structure, composed of one front commandant, military commandant, financial commandant, and a political commissary. Then there were the rest of the troops.

The BCB had a presence in 9 departments in Colombia and had approximately 6,000 members. Defendant was not necessarily aware of orders imparted by the military or political commandant, nor the activities in the different zones or fronts, first because of the long distances, second because of communication issues.

The front commandants were autonomous in their zones and only gave reports or accountings to the general or military commandants long after any relevant event occurred.

Defendant and the BCB was reliant upon the AUC, which was led by the Castaño group and 32 other commandants.

Interrogatory No. 6

DESCRIBE YOUR relationship with Julian Bolivar AND Ernesto Baez.

Response

Defendant was the commandant general of the BCB. Julián Bolivar was the military commandant and Ernesto Baez was the ideological and political commandant. Each of these subjects operated autonomously. Defendant did not supervise nor control the actions of Bolivar or Baez.

Interrogatory No. 7

DESCRIBE any support provided by the COLOMBIAN GOVERNMENT to the AUC, including, but not limited to, any financial OR military support, RELATING TO the AUC's entry into MIDDLE MAGDALENA.

Response

Defendant objects to this interrogatory on the grounds that it is vague, ambiguous, overbroad, oppressive, unduly burdensome, argumentative, and calls for speculation. Defendant objects on the further ground that the interrogatory seeks information that is not relevant to the claims or defenses of the parties in this litigation.

Interrogatory No. 8

DESCRIBE the relationship between the AUC and the COLOMBIAN GOVERNMENT in MIDDLE MAGDALENA.

Response

Defendant objects to this interrogatory on the grounds that it is vague, ambiguous, overbroad, assumes facts not in evidence, argumentative, and calls for speculation. Defendant objects on the further ground that the interrogatory seeks information that is not relevant to the claims or defenses of the parties in this litigation.

Interrogatory No. 9

IDENTIFY ANY AND ALL interviews YOU have had with the U.S. GOVERNMENT, AND for each interview list the date, location, participants AND substance of the interview.

Response

Defendant objects to this interrogatory on the grounds that it is vague, ambiguous, overbroad, and assumes facts not in evidence. Defendant objects on the further ground that the interrogatory seeks information that is not relevant to the claims or defenses of the parties in this litigation.

Interrogatory No. 10

IDENTIFY ANY AND ALL legal proceedings OR investigations instituted against YOU OR involving YOU, whether civil OR criminal, judicial OR administrative, including, but not limited to, legal proceedings OR investigations in COLOMBIA OR pursuant to COLOMBIA's Peace and Justice Law, stating for each of the following:

- a. City, state, AND country where the legal proceeding OR investigation was conducted;
- b. Court before which the legal proceeding OR investigation was conducted;
- c. All parties to the legal proceedings OR investigation;
- d. Date the legal proceedings OR investigation was instituted;
- e. A summary of the allegations in the legal proceeding OR investigation;
- f. Current status of the legal proceeding OR investigation;
- g. The judgment OR disposition legal proceeding OR investigation.

Response

Defendant objects to this interrogatory on the grounds that it is vague, ambiguous, and overbroad. Defendant objects on the further ground that the interrogatory seeks information that is not relevant to the claims or defenses of the parties in this litigation.

Interrogatory No. 11

IDENTIFY each PERSON you expect to call as a witness at trial, stating for each the following:

- a. Name, address, occupation, AND place of employment;
- b. Qualifications to give and opinion;
- c. A statement of all opinions to be expressed AND the bases AND reasons therefor, including the data OR other information considered by the witness in forming the opinions;
- d. All exhibits to be used as a summary OR demonstrative in support of the opinions;
- e. A list of all publications authored by the witness;
- f. All elements of compensation paid to the witness;
- g. A listing al any other cases in which the witness testified at trial OR by deposition.

Response

Defendant objects to this interrogatory on the grounds that it is premature, compound, and seeks the production of information that is subject to privilege, including attorney work product.

Without waiving the objections, Defendant responds that at this time he has not made a determination of which fact or expert witnesses he will present at trial. Defendant will identify the fact or expert witnesses he intends to present at trial in accordance with the Rules of Civil Procedure.

In San Juan, Puerto Rico, this ___ day of July 2016.

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UNSWORN STATEMENT UNDER PENALTY OF PERJURY

I, Carlos Mario Jimenez Naranjo, do hereby declare under penalty of perjury:

1. My name is as stated above, I am of legal age, married, and currently under the custody of the U.S. Government in Miami, Florida.
2. I have reviewed the Responses and Objections to Plaintiffs' First Request for Admissions, and the responses asserted therein are true and correct based on my personal knowledge.
3. I hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge and recollection

On this _____ day of July 2016.
