

**JUDGE SULLIVAN**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v. - :

FLORINDO ELEUTERIO FLORES-HALA, :  
a/k/a "Comrade Artemio," :  
VICTOR QUISPE-PALOMINO, :  
a/k/a "Comrade José," and :  
JORGE QUISPE-PALOMINO, :  
a/k/a "Raul," :

Defendants. :

- - - - - x

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INDICTMENT

14 Cr. **14 CRIM 445**

COUNT ONE

(Conspiracy to Provide Material Support  
to a Foreign Terrorist Organization)

The Grand Jury charges:

Background of the Conspiracy

1. From at least in or about 1980 through the date of filing of this Indictment, the Sendero Luminoso, or "Shining Path," has been and is an international terrorist group ostensibly committed to Maoist ideals and dedicated to the violent overthrow of the democratically elected Government of Peru. Initially founded and conceived as a political and intellectual movement and an outgrowth of the Peruvian Communist Party, in approximately 1980, the Shining Path became, and remains, a guerilla army engaged in bombings, massacres, and other acts of violence within Peru. The Shining Path has been

designated by the United States Secretary of State as a foreign terrorist organization since October 1997, and has remained on the list of designees since that time.

2. The Shining Path is styled as a military organization whose armed combatants are concentrated in two geographically distinct factions in South Central Peru: the Upper Huallaga Valley (the "UHV") and the territory bounded by the Apurimac and Ene River valleys (the "VRAE"). The two factions have in the recent past been led, respectively, by FLORINDO ELEUTERIO FLORES-HALA, a/k/a "Comrade Artemio," and VICTOR QUISPE-PALOMINO, a/k/a "Comrade José," the defendants. Within each of the UHV and VRAE factions, the Shining Path's guerillas are divided into armed columns. JORGE QUISPE-PALOMINO, a/k/a "Raul," the defendant, serves as a column leader in the VRAE faction of the Shining Path.

3. The Shining Path funds its terrorist activities at least in part with proceeds from the cocaine trade. For approximately the past decade, the Shining Path has sought to control all aspects of the cocaine trade in the UHV and the VRAE, which include within their territory some of the world's most fertile coca leaf producing areas. In addition to cultivating and processing its own cocaine for sale, the Shining Path levies a system of taxes called "cupos" on the cultivation, processing, and transit of cocaine in and through the UHV and

the VRAE. The Shining Path also provides transport and armed security to drug trafficking organizations moving large loads of cocaine through and out of the VRAE and the UHV. At all times relevant to this Indictment, FLORINDO ELEUTERIO FLORES-HALA, a/k/a "Comrade Artemio," VICTOR QUISPE-PALOMINO, a/k/a "Comrade José," and JORGE QUISPE-PALOMINO, a/k/a "Raul," the defendants, knew and understood that at least some of the cocaine it grew, taxed, and transported was destined eventually to be sold in the United States.

4. During at least approximately the 10 years prior to the date of filing of this Indictment, in order to protect its financial interests in the cocaine trade, as reprisal for law enforcement efforts to eradicate illegal cocaine trafficking, and to arm itself by forcefully taking weapons from dead and wounded targets of its violent ambushes, the Shining Path has directed violent acts against Peruvian National Police ("PNP") and Peruvian Army installations and personnel, and has conducted numerous violent attacks on counter-narcotics patrols, killing scores of soldiers and policemen.

#### Statutory Allegations

5. From at least in or about October 1997, up to and including the date of filing of this Indictment, 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, FLORINDO ELEUTERIO FLORES-HALA, a/k/a "Comrade Artemio," VICTOR QUISPE-PALOMINO, a/k/a "Comrade José," and JORGE QUISPE-PALOMINO, a/k/a "Raul," the defendants, at least one of whom will be first brought to and arrested in the Southern District of New York, and others known and unknown, wilfully 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 Shining Path, which was designated by the United States Secretary of State as a foreign terrorist organization on or about October 8, 1997, pursuant to Section 219 of the Immigration and Nationality Act; which has remained on the list of designees since that time; whose most recent designation as a foreign terrorist organization was executed November 18, 2008; and which is currently designated as such, as of the date of filing of this Indictment.

6. It was a part and an object of the conspiracy that FLORINDO ELEUTERIO FLORES-HALA, a/k/a "Comrade Artemio," VICTOR QUISPE-PALOMINO, a/k/a "Comrade José," and JORGE QUISPE-PALOMINO, a/k/a "Raul," the defendants, and others known and unknown, would and did provide the Shining Path with weapons, narcotics proceeds, and personnel (including themselves), and other support and resources, knowing that the Shining Path had

engaged and was engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act), knowing that the Shining Path 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), and knowing that the Shining Path is, and has been, a designated terrorist organization, in violation of Title 18, United States Code, Section 2339B.

#### Overt Acts

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

a. On or about August 7, 2001, near Valle Nuevo, Peru, VICTOR QUISPE-PALOMINO, a/k/a "Comrade José," and JORGE QUISPE-PALOMINO, a/k/a "Raul," the defendants, and other Shining Path guerillas, armed with automatic weapons, engaged in a firefight with a PNP patrol, killing four PNP officers.

b. On or about December 22, 2005, near the town of Aucayacu, Peru, at the direction of FLORINDO ELEUTERIO FLORES-HALA, a/k/a "Comrade Artemio," the defendant, a group of Shining Path guerillas armed with assault rifles killed eight PNP officers passing in a vehicle convoy and, after the attack, seized automatic rifles from the dead officers.

c. On or about March 23, 2008, near the town of Quinoa, Peru, in an attack ordered by VICTOR QUISPE-PALOMINO, a group of Shining Path guerillas armed with assault rifles fired on a passing convoy of PNP officers, killing one officer and wounding several others, and seized assault rifles and a grenade launcher from the dead and wounded officers.

d. On or about April 9, 2009, in an ambush planned by VICTOR QUISPE-PALOMINO and JORGE QUISPE-PALOMINO, an armed Shining Path column detonated a series of mines on a road where a Peruvian Army patrol was passing and followed with gunfire from automatic weapons, killing 15 soldiers, wounding a dozen more, and seizing automatic rifles and a rocket-propelled grenade.

e. On or about August 26, 2009, in Carrizales, Peru, at the direction of VICTOR QUISPE-PALOMINO, four Shining Path guerillas killed two Peruvian Army soldiers near an encampment as part of a series of guerilla activities in the region. After killing the soldiers, the guerillas left the area to provide support to a different group of Shining Path guerillas that had attacked a different Army patrol. The guerillas lay in wait in the vicinity of the prior ambush to attack any helicopters that arrived to tend to the wounded, and

on or about September 2, 2009, the guerillas shot down an arriving helicopter, killing the crew.

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

COUNT TWO

(Narco-Terrorism Conspiracy)

The Grand Jury further charges:

Background of the Conspiracy

8. The allegations set forth in paragraphs 1 through 4 are re-alleged and re-asserted herein.

Statutory Allegations

9. From at least on or about March 9, 2006, up to and including the date of the filing of this Indictment, in the Southern District of New York and elsewhere, FLORINDO ELEUTERIO FLORES-HALA, a/k/a "Comrade Artemio," VICTOR QUISPE-PALOMINO, a/k/a "Comrade José," and JORGE QUISPE-PALOMINO, a/k/a "Comrade Raul," the defendants, at least one of whom will be first brought to and arrested in the Southern District of New York, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate Title 21, United States Code, Section 960a.

10. It was a part and an object of the conspiracy that FLORINDO ELEUTERIO FLORES-HALA, a/k/a "Comrade Artemio," VICTOR QUISPE-PALOMINO, a/k/a "Comrade José," and JORGE QUISPE-

PALOMINO, a/k/a "Comrade Raul," the defendants, and others known and unknown, would and did engage in conduct occurring in and affecting interstate and foreign commerce that would be punishable under Title 21, United States Code, Section 841(a) if committed within the jurisdiction of the United States, to wit, the manufacture, distribution, and possession with the intent to distribute of five kilograms and more of a substance containing a detectable amount of cocaine, knowing and intending to provide, directly and indirectly, something of pecuniary value to a person and organization that has engaged and engages in terrorist activity and terrorism, as defined in Title 8, United States Code, Section 1182(a)(3)(B), and Title 22, United States Code, Section 2656f(d)(2), to wit, the Shining Path and its members, operatives, and associates, having knowledge that said persons and organization have engaged in and engage in terrorism and terrorist activity, which activity violates the criminal laws of the United States, and occurs in and affects interstate and foreign commerce, in violation of Title 21, United States Code, Section 960a.

#### Overt Acts

11. In furtherance of the conspiracy and to effect the illegal object thereof, FLORINDO ELEUTERIO FLORES-HALA, a/k/a "Comrade Artemio," VICTOR QUISPE-PALOMINO, a/k/a "Comrade José," and JORGE QUISPE-PALOMINO, a/k/a "Comrade Raul," the

defendants, and others known and unknown, committed the overt acts set forth in paragraph 7 of this Indictment, which are fully incorporated by reference herein.

(Title 21, United States Code, Section 960a and Title 18, United States Code, Section 3238).

**COUNT THREE**

(Possession and Use of a Firearm During and in Relation to a Crime of Violence)

The Grand Jury further charges:

12. On or about December 22, 2005, in Aucayacu, Peru, in an offense begun and committed outside of the jurisdiction of any particular state or district of the United States, FLORINDO ELEUTERIO FLORES-HALA, a/k/a "Comrade Artemio," the defendant, who will be first brought to and arrested in the Southern District of New York, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, to wit, the offense charged in Count One of this Indictment, knowingly did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, which was discharged, to wit, FLORES-HALA directed Shining Path guerillas to fire automatic weapons at a passing PNP convoy, resulting in the killing of eight PNP officers.

(Title 18, United States Code, Sections 924(c)(1)(A)(iii), 2, and 3238.)

COUNT FOUR

(Possession and Use of a Firearm During  
and in Relation to a Crime of Violence)

The Grand Jury further charges:

13. On or about April 9, 2009, in Ayacucho, Peru, VICTOR QUISPE-PALOMINO, a/k/a "Comrade José," and JORGE QUISPE-PALOMINO, a/k/a "Comrade Raul," the defendants, one of whom will be first brought to and arrested in the Southern District of New York, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, to wit, the offense charged in Count One of this Indictment, knowingly did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying and possession of a firearm, which was discharged, to wit, VICTOR QUISPE-PALOMINO and JORGE QUISPE-PALOMINO ordered and planned an ambush in which a group of Shining Path guerillas, armed with assault rifles, detonated a series of mines on a road where a Peruvian Army patrol was passing, and followed with gunfire, killing 15 soldiers, wounding more than a dozen, and seizing 13 assault rifles.

(Title 18, United States Code, Sections  
924(c)(1)(A)(iii), 2, and 3238.)

  
FOREPERSON

  
PREET BHARARA  
United States Attorney

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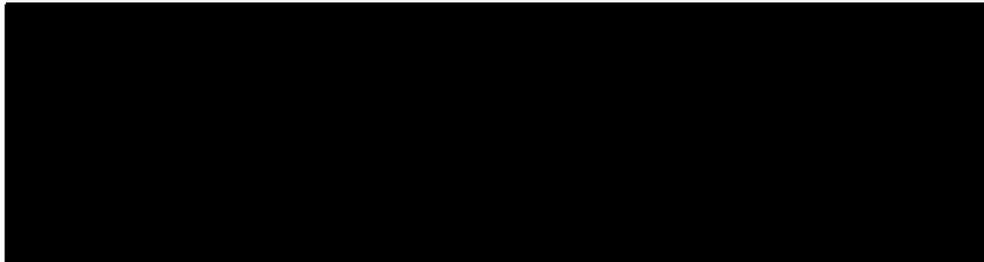
INDICTMENT

14 Cr.

(18 U.S.C. §§ 924(c) & 2339B;  
21 U.S.C. § 960a)

PREET BHARARA  
United States Attorney

A TRUE BILL



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7/1/14 Fld. Indictment, Case assigned to Judge Sullivan.  
A/W's issued.

Pitman, US MJ

*Bill*