

Comments Concerning Proposed United States-Andean Free Trade Agreement

by

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The International Labor Rights Fund has appeared before the USTR and other executive agencies several times over the past 20 years to raise its concerns with regard to the systematic violations of internationally recognized worker rights in Asia, Africa and Latin America. Indeed, the ILRF has submitted several complaints under the GSP, the NAALC and additionally has testified, advocating for the inclusion of strong labor rights language in bilateral or multilateral free trade agreements. It is in this context that I come before you today to express my great concern that the U.S. is considering the negotiation of a trade agreement with Colombia, where trade unionists are routinely murdered, tortured and threatened with death. In the period 1991-2002, 1,925 union leaders were murdered.

Even more troubling is that the Colombian government has failed to investigate all but a handful of these cases, and has failed to bring perpetrators of violence against trade unionists to justice. The failure to adequately investigate these crimes is not surprising given the fact that the perpetrators of many of these crimes, the paramilitaries, act with the tacit, and at times, open support of the Colombian government. Until the Colombian government severs all ties with illegal armed groups, and prosecutes those responsible for the thousands of murders of trade unionists, the U.S. government should not enter into negotiations with Colombia for the purpose of concluding a free trade agreement.

In 2003, the reputable Escuela Nacional Sindical issued a report that presents the grim reality of life in Colombia. Last year, 90 unionists were murdered, 295 were victims of threats of death, 20 suffered attacks against their physical integrity and 6 were kidnapped. In addition to these harrowing statistics, we could add 42 detained union leaders in the same period, 12 house break-ins to unionist residences and 55 cases of harassment on the part of public forces. Although the total number of murders is down from 184 in 2002, the report points out that in 2003, there was an marked increase in the number of death threats against unionists and their relatives; an increase in the privations of freedom, detentions and house breakings; and an increase of the violations on the part of organisms of the public force (police and army). Indeed, the report notes that the decrease in the homicides is related with changes in the strategies of war and areas of conflict between the armed actors and not as a consequence of a deliberate government policy.

As a final point, I wish to explain to this panel that persons aiding and abetting this bloodshed, including financial support, are the very U.S. multinationals that stand to benefit from a free trade agreement with Colombia. I give you two cases in point, both of which have been filed in U. S. Federal courts by the ILRF.

1. The Drummond Case

In March 2001, Valmore Locarno Rodriguez and Victor Orcasita, president and vice president of the mining union, SINTRAMIENTERGETICA, were riding from work at the La Loma coal mine in northern Colombia. The Loma mine is owned by Drummond Co., a multi-national corporation based in Birmingham, Alabama. As the company bus neared Valledupar, 30 miles from the mine, it was pulled over by gunmen, some wearing military uniforms. They began checking the identification of the workers and, when they found the two union leaders, pulled them off of the bus. Locarno was shot in the face and died immediately. Orcasita was taken off into the woods at the side of the road. When they found his body the following day, there was clear evidence of torture prior to being shot multiple times. Gustavo Soler, who assumed the position of president after the murders, was himself murdered shortly thereafter.

Locarno and Orcasita had repeatedly pleaded with the company for protection. In a meeting a week before the assassinations, the union demanded that Drummond provide security for its workers, and that the company abide by a previous agreement allowing them to sleep overnight at the mine. The company ignored the agreement and refused to allow the men to stay. Colombia's paramilitary army, the United Self-Defense Group (AUC), has been accused of the murders of Locarno, Orcasita and Soler. This accusation is supported by substantial evidence that links the paramilitary gunmen with Drummond management and at least one of its contractors.

Indeed, Amnesty International explained in a recent report that “the systematic violation of human rights of members of popular organizations . . . in the department of Cesar [where the La Loma mine is located] corresponds to a national strategy of undermining organizations which state security forces deem to be subversive.” Amnesty International commented further that “many violations of human rights in the region are committed in order to advance and protect interest of economically powerful sectors.” Drummond is one of the most economically powerful players in the region and in Colombia.

2. The Coca-Cola Case:

The Colombian union, SINALTRAINAL, together with the United Steel Workers of America and the International Labor Rights Fund, filed a case in the U.S. District Court for the Southern District of Florida against Coca Cola, Inc., Panamerican Beverages and Bebidas y Alimentos. Plaintiffs charge these companies with complicity in the unlawful detention, kidnapping, and assassination of Colombian union leaders.

Although the case involves egregious human rights violations to several trade unionists, I wish to discuss with you one case in particular. On December 5, 1996, the AUC showed up in at the gate of the bottling plant owned by Bebidas y Alimentos, who bottles exclusively for Coca-Cola. Isidro Segundo Gil, a member of the union's executive board, was shot in the forehead and killed; that evening, the paramilitaries broke into the union's office and burned it down.

The next day, a heavily armed group went inside the bottling plant and called the workers together, explaining that if they did not resign by the end of the day, they too would be killed. Identically worded resignation letters were signed under threat of death and the union was no more. However, the evidence point to close collaboration between Bebidas y Alimentos and the AUC paramilitaries. Plant manager Mosquera had a history of associating with the paramilitaries and gave them the instruction to destroy the union. Even more troubling was the fact that at the time of Gil's death, the union was involved in negotiations with the company. During a subsequent investigation by the Colombian Justice Ministry, the plant's director and production manger were detained, along with a local paramilitary leader. All three were later released without charges. To date, no one has been prosecuted in Colombia for the murders of trade unionists at Drummond and Bebidas y Alimentos.

In conclusion, I ask this panel to seriously consider what it about to embark upon. If the United States is to continue to hold itself out as the defender of human rights and democracy, it cannot now reward one of the most violent countries in the hemisphere, now administered by a hostile government that openly threatens trade unionists, human rights organizations, defense lawyers, and others who criticize government policy. For all of the thousands who have been murdered, displaced, or are otherwise victims of the long and bloody civil war, I urge you not to commence negotiations with the government of Colombia until it has: 1) investigated and prosecuted those responsible for act of violence against trade unionists; 2) taken adequate measures to ensure that no more trade unionists are murdered, tortured or threatened, and 3) have demonstrated substantial compliance with the ILO core labor standards.