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Hazards at work

Trade unionists under attack in Colombia

October 2007
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Hazards at work –
Trade unionists under attack in Colombia

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Cover image: Protest against the killing of Alejandro Uribe Chacón © Private

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Amnesty International October 2007

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Glossary of trade union organizations

ANTHOC	National Association of Workers and Employees of Hospitals, Clinics, Consultancies, and Organizations Dedicated to the Provision of Community Health (Asociación Nacional de Trabajadores y Empleados de Hospitales, Clínicas, Consultorios y Entidades Dedicadas a Procurar la Salud de la Comunidad)
ASEDAR	Arauca Teachers' Association (Asociación de Educadores de Arauca)
ASTDEMP	Association of Departmental Workers (Asociación de Trabajadores Departamentales)
CGT	General Workers' Confederation (Confederación General del Trabajo)
CUT	Trade Union Congress (Central Unitaria de Trabajadores)
FEDEAGROMISBOL	Agro-mining Federation of the south of Bolívar Department (Federación Agrominera del Sur de Bolívar)
FENSUAGRO	National United Trade Union of Agricultural Workers (Federación Nacional Sindical Unitaria Agropecuaria)
FUNTRAENERGETICA	United Federation of Mining and Energy Workers (Federación Unitaria de Trabajadores Mineros y Energéticos)
SINALTRAINAL	National Union of Food Industry Workers (Sindicato Nacional de Trabajadores de la Industria de Alimentos)

SINDEAGRICULTORES Sucre Union of Peasant Farmers (Sindicato de Pequeños Agricultores de Sucre)

SINTRAEMSERPA Arauca Public Services Union (Sindicato de Servicios Públicos de Arauca)

SINTRAGRICOLAS Atlántico Department Agricultural Workers' Union (Sindicato de Trabajadores Agrícolas del Atlántico)

SINTRAMIENERGETICA National Mining and Energy Workers' Union (Sindicato Nacional de Trabajadores de Empresas Mineras y Energéticas)

SINTRAMINERCOL Trade Union of the National Mining Industry (Sindicato de Trabajadores de la Empresa Minera Nacional)

Introduction

Gregorio Izquierdo Meléndez – President of the public services union SINTRAEMSERPA and a leading member of the Arauca branch of the Permanent Committee for the Defence of Human Rights (CPDH) – was shot dead on 13 September 2006 in the Bulevar de la Ceiba district of Arauca, capital of Arauca Department. He had been the target of a series of death threats from paramilitary groups. For example, on 10 December 2004, a man claiming to be a member of the paramilitary umbrella group the United Self-Defence Forces of Colombia (Autodefensas Unidas de Colombia, AUC) telephoned the offices of SINTRAEMSERPA asking why he had not left the area and warning that the AUC was going to take “drastic measures against the president of the trade union.” Despite continuing threats over a number of years, the Civilian Intelligence Department (Departamento Administrativo de Seguridad, DAS) wrote to Gregorio Izquierdo Meléndez on 23 December 2004 informing him that it was unable to provide him with security. It recommended he contact the security forces and offered to provide him with security advice. In February 2004 the Inter-American Commission on Human Rights of the Organization of American States had issued precautionary measures, calling on the Colombian state to take measures to guarantee the security of CPDH members in Arauca.¹

Luz Miriam Farias Rodríguez was a member of the teachers' union ASEDAR and worked as a teacher in the Caño Claro Guahibo-Makaguán Indigenous reservation, municipality of Tame, Arauca Department. On 6 March 2006, she left the Indigenous community to search for the body of her husband, Juan Ramírez Villamizar, governor of the reservation. He had reportedly been killed by guerrillas on 5 March for not obeying an order from the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC) for an “armed strike”, which prohibited travel on the roads in the region. Luz Miriam Farias found her husband's body and was transporting it back when the car she was travelling in was reportedly stopped by members of the FARC who forced her to get out and ordered the driver to take Juan Ramírez Villamizar's body to Tame. Luz Miriam Farias' body was found on 7 March 2006. She had been shot.

Nineteen trade unionists were reportedly killed in Colombia in the first six months of 2007. According to the non-governmental human rights organization the National Trade Union School (Escuela Nacional Sindical, ENS), the number of trade unionists killed and forcibly disappeared fell from 209 in 2001 to 73 in 2005, although there was a slight increase to 77 in 2006.² Amnesty International has received information on at least six killings attributed to guerrilla forces in 2006.

In recent years, the percentage of human rights abuses against trade unionists which cannot be attributed to a particular group has increased significantly. Nevertheless, cases in which clear

evidence of responsibility is available indicates that in 2005 around 49 per cent of human rights abuses against trade unionists were committed by paramilitaries and some 43 per cent directly by the security forces. Just over 2 per cent were attributable to guerrilla forces and just over 4 per cent to criminal gangs.

It is often not possible to determine the motivation behind killings or death threats against trade unionists. In the context of Colombia's long-running armed conflict, trade unionists have often been the target of human rights abuses as a result of their political affiliations or motives other than their trade union activities.

[box]

Armed Conflict

Over the past four decades, Colombia has been riven by an armed conflict between the security forces and paramilitaries on the one side and guerrilla forces on the other. Although there has been a decrease in certain types of violence associated with the armed conflict, the human rights situation in Colombia remains dire. All parties to the conflict continue to commit war crimes, crimes against humanity and other violations of international law.

The vast majority of victims of the conflict are civilians. There are persistent reports of killings of and threats against trade unionists and human rights defenders, mainly by paramilitary groups; enforced disappearances, arbitrary detentions and extrajudicial killings by the security forces; and killings and kidnappings of civilians by guerrilla groups. During the armed conflict, the armed forces and their paramilitary allies have pursued a counter-insurgency strategy; terror is integral to this strategy. Enforced disappearances, torture, sexual and other forms of violence against women, death threats, and killings of civilians have been used to try to break any real or perceived links between civilians and guerrilla groups.

The conflict provides a useful cover for those seeking to expand and protect economic interests. Over 60 per cent of the more than 3 million internally displaced people in Colombia have been forced from their homes and lands in areas of mineral, agricultural or other economic importance.

Although more than 30,000 paramilitaries have reportedly been "demobilized" in the last three years in a controversial government-sponsored demobilization process, there is strong evidence that paramilitary groups continue to operate and have been responsible for human rights violations including threats, killings and enforced disappearances. Sometimes these crimes have been committed with the acquiescence of or in collusion with the security forces. There are concerns that the Justice and Peace Law, designed to regulate the demobilization process, will continue to exacerbate the endemic problem of impunity and deny victims their right to truth, justice and reparation.

Guerrilla forces are responsible for repeated and widespread breaches of international humanitarian law. These include killings of those they consider to be siding with their enemies or who oppose their interests – including trade unionists; kidnappings and hostage-taking; sexual abuse and other forms of violence against women; and indiscriminate and disproportionate attacks against military targets which have often resulted in civilian deaths.³ Guerrilla forces have also targeted the industrial infrastructure and kidnapped company employees as a means of extorting money from companies or of expressing their opposition to the company's investment activities.

[End of box]

However, in many of the cases documented by Amnesty International, killings of and threats against trade unionists have taken place in a context of disputes over working conditions or the privatization of public services or public sector companies and trade union campaigns in support of poor communities resisting the development of large-scale mining or other industries which threaten to undermine the livelihoods of these communities. This suggests that trade unionists are targeted because of their work in support of socio-economic rights. Another pattern which has emerged is frequent attacks or threats against relatives of trade union activists in an attempt to intimidate them and undermine their work.

According to the ENS, at least 13 women trade unionists were killed in the first 11 months of 2006. There were also 102 recorded death threats against women trade unionists in 2005.⁴ Threats and killings against women trade unionists not only seek to undermine trade union activity but are a heavy blow for those women who take on leadership responsibilities and so challenge traditional gender roles in Colombian society.

Trade unionists are frequently labelled as subversive by the security forces and army-backed paramilitaries. Such criticisms are often followed by human rights violations which also frequently coincide with periods of labour unrest or negotiations over working conditions.

In recent years, Amnesty International has received consistent reports suggesting that arbitrary legal proceedings on charges of subversion are being used in an attempt to intimidate and silence trade unionists and other human rights defenders.⁵ States and their judicial authorities have a right and a duty to investigate any criminal activity and bring to justice those responsible. However, these investigations should be conducted legally and should conform to international standards of fair trial.⁶ Amnesty International is concerned that many criminal proceedings against trade unionists have been initiated solely on the basis of accusations by the security forces and not on evidence gathered in the course of independent and impartial criminal investigations. These legal proceedings are often based on spurious information provided by military intelligence and paid informers that does not seem to have been tested before detentions are carried out. On numerous occasions trade unionists have been killed while under criminal investigation or shortly after charges against them were dropped. The fact that these proceedings often coincide with death threats and killings by the security forces and paramilitaries raises concerns that a co-ordinated security force-paramilitary strategy exists to undermine the work of trade unionists.

The mining, oil, gas and energy sectors are among Colombia's most lucrative industries. Much of the electricity produced is exported to neighbouring countries, providing Colombia with an important source of income. Colombia's wealth in water and mining, oil and gas, coupled with increased privatization of important parts of these industries, has attracted major transnational corporations to the country. Trade unionists in these sectors have faced repeated human rights violations, often because of their opposition to privatization. Trade unionists representing mine workers in artisanal mines, whose livelihoods are potentially threatened by large-scale investment by international mining interests, have faced repeated human rights violations.

In recent years members of the food workers' union SINALTRAINAL have been the target of persistent human rights violations. These violations tend to coincide with labour disputes, often involving large multinational companies, and with efforts by SINALTRAINAL members to advance lawsuits in the USA against plants operating in Colombia.

Amnesty International has received information about a number of security force and paramilitary plans to target trade unionists. Many of these plans appear to indicate the existence of operations co-ordinated at national or regional level by the security forces working in collusion with paramilitary forces. At the national and international level the armed forces and Colombian

government deny that there are links between the armed forces and the paramilitaries, at most admitting to individual cases of collusion involving a few “rotten apples”. However, at local level these links are often not denied and are sometimes even deliberately flaunted in order to instil fear among the civilian population by making it clear that paramilitary groups have the full backing of the security forces and so are -above the law.

[Side quote]

"When you hear that our leaders have been killed, you feel not only anger but pain because it means children are orphaned... and a family is plunged even further into poverty."

Eberto Díaz, a member of the federation of agricultural workers' unions, FENSUAGRO, May 2007
[End of side quote]

In April 2006, Rafael García, the former head of the DAS' Information Technology and Communications Office, reported that in 2004 he had uncovered information which indicated that the DAS had provided a list of 24 trade union leaders to commanders of the Northern Bloc (Bloque Norte) of the AUC. The trade unionists reportedly on the list belonged to the Atlántico Department Agricultural Workers' Union (SINTRAGRICOLAS), the Sucre Union of Peasant Farmers (SINDEAGRICULTORES), the National United Trade Union of Agricultural Workers (FENSUAGRO), National Association of Workers and Employees of Hospitals, Clinics, Consultancies, and Organizations Dedicated to the Provision of Community Health (ANTHOC) and the General Workers' Confederation (CGT).

According to the DAS official, in November 2003 DAS agents and AUC members, under orders from paramilitary commander “Jorge 40”, killed Zully Codina Pérez, a hospital nurse and member of the CGT in Santa Marta, Magdalena Department, who was also named in the death list. She had reportedly been detained by the security forces and subsequently released.

According to an article in the weekly news magazine *Semana* published in April 2006, ANTHOC Vice-President Gilberto Martínez was one of those included in the list. He told the magazine that in 2003 death threats against ANTHOC increased.

“Since that time we have repeatedly lodged complaints about the cooperation of the DAS with paramilitaries in Atlántico Department in order to threaten and kill members of our trade union, complaints which have not been investigated.”

Gilberto Martínez, quoted in *Semana*, April 2006

On 11 May 2006, members of the Colombian Special Forces (Grupos de Acción Unificada por la Libertad Personal, GAULA) entered the Bogotá house of **Miguel Ángel Bobadilla** and his partner Nieves Mayusa and detained the couple. Miguel Ángel Bobadilla is a leader of FENSUAGRO. His name, together with that of other national leaders of FENSUAGRO, reportedly appears on the death list presented to paramilitaries by the DAS. Prior to his detention, two individuals claiming to be judicial police officers had reportedly gone to his home demanding to know his whereabouts. The Office of the Attorney General denied that they had sent any agents to the house. Television reports have presented Miguel Ángel Bobadilla as a FARC member involved in kidnappings and accused him of using telephones issued by the government's protection programme to co-ordinate these operations.

Shortly after their arrest, Nieves Mayusa's sisters – **Carmen Mayusa**, an ANTHOC leader, and **Janeth Mayusa**, a FENSUAGRO activist – were also reportedly detained by the security forces. Carmen Mayusa's name subsequently appeared in a written paramilitary death threat against

ANTHOC. According to the latest information received, they all remain in detention.

Analysis of the information provided by the Colombian government to the Committee on Freedom of Association of the International Labour Organization (ILO) and other information which appears in the Committee's March 2006 report confirm the high levels of impunity enjoyed by those who commit human rights violations against trade unionists in Colombia.⁷ Of 298 cases of killings of trade unionists between 2002 and 2004 under investigation by the Office of the Attorney General, only four have resulted in a sentence, that is to say, just over 1.3 per cent.

Among the few cases in which criminal investigations have advanced is that of the attempt on the life of former trade union leader and member of Congress Wilson **Borja Díaz**. On 15 December 2000, gunmen opened fire on him, seriously wounding him. Criminal investigations established that the attempt on his life was part of a military-paramilitary operation and resulted in sentences of between 42 months and 28 years' imprisonment being passed against several paramilitaries and members of the armed forces. Among those convicted and sentenced was army **Major César Alonso Maldonado Vidales**. However, on 3 November 2004, Major Maldonado was able to escape from the military base where he was being held. It is not clear what efforts, if any, the authorities have made to re-capture him. According to the latest information received, he remains at liberty. Before his conviction, it was alleged that Major Maldonado had undertaken intelligence work from the Bogotá military police barracks where he was being detained and had been free to come and go.

Impunity is a key component of the counter-insurgency strategy which relies on instilling widespread fear. The knowledge that the perpetrators of human rights violations will not be brought to justice sends a powerful message to individuals and organizations not to seek justice. It also sends a clear message to such groups that their members and leaders could suffer further human rights violations if they do not put an end to their activities. Impunity ensures that the perpetrators of human rights violations are still at large and able to repeat their actions at will.

Over the years, successive Colombian governments have taken action to improve the safety of trade unionists through a variety of measures designed to increase their security. This support, co-ordinated by the Protection Programme of the Ministry of Interior and Justice, has included providing bodyguards, armour-plated vehicles and mobile telephones. While measures to protect trade unionists, in line with what those under threat feel appropriate, are to be welcomed, this has not effectively guaranteed the safety of trade union activists and their families.

In June 2006 the International Labour Conference (ILC) of the ILO reached an agreement with the Colombian government that a permanent ILO presence would be established in the country. As a party to the June 2006 Tripartite Agreement, the Colombian government undertook to promote and defend the fundamental rights of trade unionists, including their right to life and freedom of association.⁸

The Agreement also included a commitment to monitor closely progress made by a special investigation unit of Colombia's Office of the Attorney General⁹ set up to investigate killings and arbitrary detentions of trade unionists. On 17 October 2006, further to this agreement, the Office of the Attorney General stated that it had deployed a significant number of investigative attorneys in order to end impunity in cases of violations of the right to life against trade unionists and the Colombian government announced that it was designating economic resources to the Office of the Attorney General to undertake this work. Amnesty International welcomes the commitment made by the government to end impunity in these cases and hopes this initiative will achieve significant results.

On 18 October 2006, an agreement was reached between the government and trade union and employer representatives on the mandate of the Permanent Representation of the ILO in Colombia, and the Permanent Representation began operating on 15 January 2007. At the time of writing Amnesty international understands that the ILO will be sending a delegation to Colombia to evaluate the operation of the Permanent Representation.

[Box]

International standards

Trade unionists are human rights defenders. Human rights defenders are all those men -and women whose actions – individual or collective – contribute to the effective elimination of all violations of fundamental rights. They are crucial actors in the struggle for political, social and economic rights and states have international obligations to protect them. In December 1998 the UN General Assembly adopted the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (the Declaration on Human Rights Defenders). The Declaration is a set of principles based on legal standards enshrined in international human rights law. It sets out the rights of human rights defenders and the specific freedoms and activities which are fundamental to their work. These include the right to know, seek, obtain and receive information about human rights and fundamental freedoms; the right to participate in peaceful activities against violations of human rights; the right to criticize and complain when governments fail to comply with human rights standards; and the right to make proposals for improvement.

As a member of the United Nations (UN) and the Organization of American States (OAS), Colombia has voluntarily undertaken a legal commitment to uphold the provisions set out in numerous international and regional human rights treaties. In addition, the supremacy of international treaties over all domestic law has been established in the 1991 Colombian Constitution.¹⁰

Colombia ratified ILO Conventions No. 87 and No. 98 in November 1976.¹¹ These Conventions commit the Colombian state to guarantee fundamental trade union rights including the right to freedom of association, the right to organize and the right to collective bargaining. The Committee on Freedom of Association has made it clear that: “[t]he rights of workers’ and employers’ organizations can only be exercised in a climate that is free from violence, pressure or threats of any kind against the leaders and members of these organizations, and it is for governments to ensure that this principle is respected.”¹²

International standards increasingly reflect the human rights responsibilities of companies in respecting, protecting and promoting human rights. In 2003, the UN Sub-Commission on the Promotion and Protection of Human Rights adopted the UN Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights (the UN Norms). AI believes the UN Norms provide the most comprehensive guidance to date on the human rights responsibilities of companies and that companies should adopt human rights policies based on the UN Norms and ensure implementation of those policies across their global operations.

[End of box]

[Side quote]

"Being a trade unionist in Colombia is dangerous... In the case of USO... since 1988, 105 of our members have been killed and in only two cases have there been convictions."

Edgar Mojica a member of the oil worker's union USO, June 2007

[End of side quote]

Case studies

In recent years members of SINALTRAINAL, the food workers' union, have been involved in a number of labour disputes, often with large multinational companies. These disputes have often coincided with reports of human rights violations against union members.

Luciano Enrique Romero Molina, a leader of the Cesar branch of SINALTRAINAL and of the human rights organization Political Prisoners Solidarity Committee, was killed in September 2005. His body bore more than 40 stab wounds. He had been employed by Nestlé-CICOLAC company in Valledupar, Cesar Department. In June 2007, Nestlé informed Amnesty International that CICOLAC and Nestlé de Colombia had called on the Colombian authorities to investigate the killing of Luciano Romero. At the time of writing no one had been brought to justice for his killing.

The circumstances of his death suggest that he was killed because of his trade union activities. On 28 February 2002, SINALTRAINAL presented a series of demands for improved working conditions to the Nestlé-CICOLAC company. No agreement was reached and on 12 July the workers went on strike. Death threats from paramilitary groups against SINALTRAINAL leaders increased during the strike. In October 2002, a number of workers were sacked, among them Luciano Romero. Luciano Romero subsequently fled the country in fear of his life following a series of death threats. In April 2005 Luciano Romero returned to Colombia. He was due to travel to Switzerland to attend a meeting in October 2005 as a witness to alleged death threats against trade unionists representing workers in Nestlé plants in Colombia. On 11 September 2005, Luciano Romero's body was found in the Las Palmeras farm in the La Nevada neighbourhood of Valledupar, Cesar Department. This area was at the time reportedly under the control of paramilitaries, despite the fact that paramilitary forces operating in the region were supposedly engaged in a process of demobilization between December 2004 and March 2006.

On 20 April 2004, **Gabriel Remolina** and his partner **Fanny Robles** were killed by unidentified gunmen in Bucaramanga, Santander Department. Three of their children were injured in the attack; one of them, his adult son **Robinson Remolina**, died shortly afterwards in hospital. The gunmen were reported to have been looking for Gabriel Remolina's brother-in-law, **Efraín Guerrero**, a leading trade unionist from the Bucaramanga Branch of SINALTRAINAL. The couple, although not union members themselves, had supported a national hunger strike by SINALTRAINAL members working for bottling plants operating under licence for Coca Cola. The hunger strike ended on 27 March 2004 when the union reached an agreement with the company. The union's leaders subsequently reported that they had received death threats. Death threats against SINALTRAINAL activists, apparently from paramilitary groups, are continuing. For example, on 10 February 2007 a death threat addressed to SINALTRAINAL members was pushed under the door of the ASTDEMP trade union offices in Bucaramanga, Santander Department. It named several SINALTRAINAL activists and accused them of being "terrorist Coca Cola trade unionists". The trade unionists were warned to put an end to the "trouble in the Coca Cola company" or they would become military targets of the Águilas Negras paramilitary group. In June 2007, Coca Cola Company wrote to Amnesty International explaining that they had communicated with the Colombian authorities on several occasions about threats against SINALTRAINAL activists and had called on the authorities to investigate these threats and guarantee the safety of the threatened trade unionists. For example, in a letter of 12 February 2007, Coca Cola FEMSA called on state authorities to take action to guarantee the safety of Javier Correa, Luis García, Domingo Flores and Nelson Pérez, after they were named in the 10 February 2007 death threat.

The **mining, oil, gas and energy sectors** have been the focus of increasing privatization in recent years, attracting the interest of major transnational corporations. Trade unionists involved in

opposing privatization or involved in labour disputes have been harassed, threatened and killed.

On 10 October 2004, **Francisco Ramírez Cuéllar**, President of the mining union SINTRAMINERCOL, survived an assassination attempt in Bogotá. Two men on a high-powered motorbike, one with a gun on his lap, approached Francisco Ramírez who immediately took cover. The motorbike was holding up traffic, so other cars started honking their horns, forcing the motorbike to move on. Had it not been for the other vehicles, Francisco Ramírez believes he would have been shot. The attack followed the publication of a SINTRAMINERCOL report implicating the security forces in human rights violations in mining areas. Following the attempt on his life, the Inter-American Commission on Human Rights issued precautionary measures on behalf of Francisco Ramírez.

Francisco Ramírez Cuéllar is also Secretary-General of FUNTRAENERGETICA, a federation of mining and energy workers' unions, and so was involved in advising members of one of the federated unions, SINTRAMIENERGETICA, taking strike action against Drummond Company.

Throughout 2006 members of SINTRAMIENERGETICA, the National Mining and Energy Workers' Union, were the targets of intimidation and violent attacks. Concerns for their safety intensified in the wake of a month-long strike in May and June 2006 by SINTRAMIENERGETICA members working for Drummond Company. There were reports of individuals believed to be members of paramilitaries searching for union activists and carrying out attempted assassinations.

On 19 September 2006, **Alejandro Uribe Chacón** was killed as he was returning home to Mina Gallo, municipality of Morales, Bolívar Department. The killing was reportedly carried out by members of the Colombian army's Nueva Granada Anti-Aircraft Battalion. Witnesses reported seeing soldiers taking his body towards a military base in San Luquitas in Santa Rosa Municipality. On 20 September, the army reportedly presented Alejandro Uribe's body to the judicial authorities as that of a guerrilla killed in combat.

Alejandro Uribe was President of the Community Action Council of Mina Gallo and the leader of the Association of Miners of Bolívar Department which is linked to FEDEAGROMISBOL, the Agro-mining Federation of the south of Bolívar Department. Witnesses have said that during 2006 members of the Nueva Granada Anti-Aircraft Battalion repeatedly threatened to kill FEDEAGROMISBOL leaders.

On 22 September 2006, the Diocese of Magangué of the Colombian Catholic Church issued a press release in which it stated that Alejandro Uribe had participated in a meeting at which community members had condemned abuses by the army aimed at assisting Kedahda S.A. begin operations in the area. The meeting had been a preparatory gathering for the Permanent Peoples' Tribunal on the mining industry held on 11 and 12 November 2006.

Kedaha S.A. is wholly owned by AngloGold Ashanti in which Anglo American plc holds an interest of just under 42 per cent. AngloGold Ashanti wrote to Amnesty International on 5 June 2007 stating that it could not comment on the intentions of the Colombian armed forces and was developing systems for ensuring the implementation of the Voluntary Principles on Security and Human Rights throughout the company. On 10 June 2007 Anglo American plc sent an e-mail to Amnesty International stating that it was committed to respecting human rights, but that while it cooperates with AngloGold Ashanti in the implementation of the Voluntary Principles on Security and Human Rights, AngloGold Ashanti is an independently managed company.

The misuse of the judicial system to harass and intimidate trade unionists is one of the ways in which the legitimacy of their work is questioned. Charges are often based on questionable or clearly

unreliable evidence suggesting that trade unionists are involved in subversive activities. In attempting to undermine the credibility of trade unionists, such charges contribute to a climate which facilitates or encourages attacks on them by the army and by paramilitary groups.

Samuel Morales, President of the CUT trade union confederation in Arauca, and **Raquel Castro**, a leader of the Arauca Teachers' Association, were arrested on 5 August 2004. **Raquel Castro** was arrested by the army in the same house in which three trade unionists — Héctor Alirio Martínez, Leonel Goyeneche and Jorge Prieto – had been staying before they were shot dead that same day by soldiers.

Samuel Morales and Raquel Castro were charged with rebellion. In November 2006 they were found guilty and sentenced to six years in prison. Both were released in 2007 after completing their sentences. At the time of writing, appeals were pending against the guilty verdicts.

Among the key prosecution witnesses against Samuel Morales and Raquel Castro were several military informers. At least some of these informers were reportedly presented to the court as former guerrillas who had surrendered to the authorities in June 2003, when they allegedly presented their testimonies. However, in their statements they made clear that they had surrendered to the authorities in January 2003. The evidence indicates that the informers spent several months in army custody in Arauca preparing the evidence they were going to give when they made their statements. Some of the witnesses were apparently able to provide the identity card numbers of numerous people against whom they were testifying, suggesting considerable official involvement in the compilation of statements. The testimony of these and possibly other military informers led to the detention in August 2003 in Saravena of around 40 social activists.

During the criminal proceedings against Samuel Morales and Raquel Castro, military informants were reportedly asked about the trade union and human rights work of the defendants. The objective appeared to be to discredit the legitimate work of trade unionists and human rights defenders by equating their work with subversion. For example, one witness was questioned about work Samuel Morales had undertaken in organizing meetings with UN representatives.

On 13 October 2004, defence lawyers representing Samuel Morales and Raquel Castro lodged a formal complaint with the Office of the Attorney General about irregularities in the judicial proceedings. There is no information to indicate that criminal investigations into these allegations were initiated. Although the trial finished in August 2005, no sentence was issued until November 2006 despite the fact that the law requires sentencing to take place within 15 days of conviction.

The campaign of intimidation extended not only to Samuel Morales, but also to his family. Police officers reportedly put pressure on the director of a local hospital where Samuel Morales' wife worked to sack her. In September 2005, the secretary at the school where Samuel Morales' sisters Gladys and Omayra Morales worked received a telephone call from a man who said he was from the AUC. He told her: "Tell the teachers Gladys and Omayra Morales that they have 72 hours to leave the department, that members of Mr Samuel Morales' family are our military target and they must disappear from Arauca; further that Samuel Morales still has outstanding scores to settle with us, the AUC."

In August 2006, the then Colombian Ambassador in the UK wrote to Amnesty International stating that government and state officials had visited Samuel Morales in prison to evaluate his security and to offer him security measures for his protection and that of his family. Government and state officials also visited Raquel Castro in prison on 19 July 2006 to evaluate her security. While government efforts to discuss security measures with Raquel Castro and Samuel Morales are

welcome, there remain serious concerns for their safety, especially since their release.

Three trade unionists — **Héctor Alirio Martínez**, leader of the Arauca Department Association of Peasant Farmers; **Leonel Goyeneche**, a CUT member in Arauca; and **Jorge Prieto**, a hospital worker and president of the Arauca Branch of the health workers' union ANTHOC – were killed by army soldiers on 5 August 2004. Arrest warrants had reportedly been issued against them. The three were reportedly forced out of Jorge Prieto's house in the hamlet of Caño Seco, Saravena Municipality, Arauca Department, by soldiers belonging to the “General Gabriel Revéiz Pizarro” Battalion of the XVIII Brigade of the army and shot dead.

General Luis Fabio García, the then commander of the 2nd Division to which the XVIII Brigade belongs, claimed that the three trade unionists were killed in combat. Subsequent investigations revealed that this was not the case and the three had in fact been shot in the back. In July 2005 an army lieutenant, three soldiers and a civilian were charged with the killings. In August 2007 a judge sentenced Lieutenant Juan Pablo Ordóñez, three other soldiers and a civilian to 40 years in prison and ordered the Office of the Attorney General to investigate the possible involvement of more senior officers in the killings.

On 12 August 2003, **Hermes Vallejo Jiménez**, a peasant farmers' leader in Tolima Department and one of the founders of the Association of Small and Medium Farmers of Tolima Department, was detained by the security forces in Bogotá.

Criminal investigations against Hermes Vallejo were reportedly based on the statements of two security force informants, allegedly former guerrillas. One of the informants claimed that Hermes Vallejo was a member of the ELN militia and that he worked for the Municipal Technical Farming Assistance Unit (UMATA). Hermes Vallejo's defence lawyers stated that he did not work for UMATA and pointed out that the informant failed to provide any evidence to back the allegation that he was a militia member.

Another informant claimed that he had seen Hermes Vallejo armed and in combat uniform, but did not say when or where this had occurred, and indicated in his testimony that his information was taken from military intelligence reports. The court examining the case of Hermes Vallejo and several others detained in the same operation established that the other informant had also been given access to allegations made in intelligence documents.

Disciplinary investigations carried out by the Office of the Procurator General uncovered evidence that the two informers who gave statements against Hermes Vallejo, and others, were offered money and support in securing their certificates of reincorporation into civilian life in return for testifying. Although disciplinary investigations do not appear to have established that this occurred specifically in the case of Hermes Vallejo, the findings of the disciplinary investigations do call into question the reliability of the testimonies provided by the two informers.

On 26 October 2004, the court examining the case declared the charges against Hermes Vallejo unfounded and released him provisionally on bail. However, the Office of the Attorney General reportedly lodged an appeal against this decision.

Several people accused of subversion have been killed, raising concerns for Hermes Vallejo's safety. For example, Gabriel Arévalo was killed on 15 November 2003 in the Yarumal area of the municipality of Villahermosa, Tolima Department. An arrest warrant had apparently been issued against him as part of the same criminal proceedings which had led to the arrest of Hermes Vallejo. On 2 February 2004, Aurelio Aguirre and Sanín Aguirre were abducted, reportedly by paramilitaries, in the municipality of Palocabildo, Tolima Department. Their bodies were reportedly

found in the San Pedro area of the municipality of Guayabal, Tolima Department, on 10 February 2004. According to reports, they had been released two months previously after being detained on charges of subversion.

CONCLUSIONS AND RECOMMENDATIONS

Trade unionists in Colombia are at grave risk of human rights abuses. The spate of death threats in 2006 against trade unionists by paramilitaries is a dramatic illustration that the Colombian government's much publicized "demobilization" process is failing to dismantle paramilitary structures and that paramilitary groups are continuing to commit human rights violations, in collusion with security forces. Successive Colombian governments have implemented a series of policies to improve the safety of trade unionists. However, this has not effectively guaranteed the safety of trade union activists and their families.

The commitment made by the Colombian government on 17 October 2006 to support the Office of the Attorney General's special investigation unit, set up to investigate killings of trade unionists, is welcome. Similarly, the decision taken to establish a permanent ILO presence in Colombia provides an important opportunity for the international community to monitor the human rights situation faced by trade unionists and to urge the Colombian government to take decisive action to guarantee the safety of trade unionists.

While these steps are welcome, the reality for trade unionists working in Colombia remains one of intimidation, attacks and insecurity. Urgent steps are needed to ensure that they are able to carry out their legitimate activities free of fear and intimidation.

The long-term security of trade unionists depends on decisive action by the Colombian authorities to end the impunity which protects the vast majority of those responsible for the human rights abuses against them. The following Amnesty International recommendations set out key steps which should be taken by government, guerrilla forces, and companies in Colombia and by the international community and labour movement to promote and protect the human rights of trade unionists. It highlights above all measures to end impunity for those who commit violations against them – a cornerstone of effective protection.

Amnesty International calls on the Colombian government to:

- ♣ Adopt measures to guarantee the safety of trade unionists and guarantee all their rights related to the exercise of freedom of association. Adopt the long-delayed national human rights action plan, which should include full implementation of the recommendations of the UN High Commissioner for Human Rights to end impunity in human rights cases, break the links between the security forces and paramilitaries, and guarantee the safety of sectors of civilian society at particular risk, including trade unionists, as well as the recommendations made by the UN Special Representative on Human Rights Defenders.
- ♣ Bring to justice those responsible for human rights abuses against trade unionists; ensure that a legal framework to regulate demobilization processes is put in place which respects the right of victims to truth, justice and reparation; and ensure that the special investigation unit of the Office of the Attorney General is adequately resourced.
- ♣ Ensure that the ILO permanent presence in Colombia is able to promote and monitor effectively freedom of association rights in line with the June 2006 Tripartite Agreement, and to abide fully by ILO recommendations.

Amnesty International calls on guerrilla forces to:

- ♣ Put an end to threats and killings of trade unionists and other civilians.
- ♣ Fully comply with international humanitarian law in line with the repeated recommendations of the UN High Commissioner for Human Rights.

Amnesty International calls on the international community to:

- ♣ Monitor the security situation faced by trade unionists and insist that the Colombian government adopt measures to guarantee their safety and bring to justice those responsible for human rights abuses and violations, including the recommendations of the UN High Commissioner for Human Rights.
- ♣ Monitor efforts by the Colombian government to abide by recommendations issued by the ILO, including those issued as a result of the ILO's permanent presence in Colombia, and insist the government ensure that the ILO presence is able to promote and monitor effectively freedom of association rights in line with the June 2006 Tripartite Agreement.
- ♣ Call on the Colombian government to ensure that the special investigation unit of the Office of the Attorney General, which is investigating cases of right to life violations against trade unionists, is adequately resourced.

Amnesty International calls on companies operating in Colombia to:

- ♣ Call on the Colombian government to abide by the recommendations addressed to it above.
- ♣ Call on the government to take decisive action to guarantee the safety of trade unionists and their rights to freedom of association in accordance with the government's international human rights obligations. Companies should bear in mind that action in this respect would be in line with the principles companies are called upon to respect under the ILO Tripartite Declaration and the UN Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights.
- ♣ Take proactive measures, in line with international human rights law and standards, to ensure the safety of their workforce, including trade union activists. Such measures should recognize the extremely difficult operating environment for trade unionists in Colombia.

Amnesty International calls on members of the international labour movement to:

- ♣ Consider strengthening solidarity links with and appropriate support for their trade union counterparts in Colombia.
- ♣ Call on their own governments to take decisive action to demand that the Colombian government fulfil the recommendations outlined above.
- ♣ Call on employer representatives in their own countries to support recommendations made by the ILO, including those issued as a result of the ILO's permanent presence in Colombia, to guarantee the safety of trade unionists and end impunity in cases of human rights abuses against trade unionists.

- ♣ Call on companies for which they may work, and which also operate in Colombia, to fulfil the recommendations outlined above.

Endnotes

1 Precautionary or provisional measures (“interim measures”) are a procedural mechanism used by several international tribunals and quasi-judicial organs. In the Inter-American system, the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights have the authority to decree precautionary and provisional measures respectively. For more information, see Inter-American Commission on Human Rights, Report on the situation of human rights defenders in the Americas, March 2006, Chapter VII: Precautionary measures.

2 Available at, www.ens.org.co/aa/img_upload/45bdec76fa6b8848acf029430d10bb5a/Las_Libertades_Sindicales_En_Colombia.Doc.

3 For more information on Colombia’s armed conflict, the armed forces’ counter-insurgency strategy and breaches of international humanitarian law by guerrilla groups, see Amnesty International reports, *Colombia: Political Violence in Colombia – Myth and Reality* (AI Index: AMR 23/001/1994); *Colombia: Laboratory of War – Repression and Violence in Arauca* (AI Index: AMR 23/004/2004); *Colombia: The Paramilitaries in Medellín – Demobilization or Legalization?* (AI Index: AMR 23/019/2005); and *Colombia: Letter for the Attention of Mr Manuel Marulanda, Revolutionary Armed Forces of Colombia – People’s Army* (AI Index: AMR 23/124/2002).

4 *Informe sobre la violación a los derechos humanos a los y las sindicalistas colombianos en el 2005*, ENS, 2006.

5 See Amnesty International, *Colombia: Fear and Intimidation – The dangers of human rights work* (AI Index: AMR 23/033/2006).

6 Fair trial standards include the right to a lawyer, right to liberty, right to adequate time and facilities to prepare a defence, the right to trial within a reasonable time, the right to equality before the law and courts, the right to a fair hearing, and the rights to call and examine witnesses. See Amnesty International, *Fair Trials Manual* (AI Index: POL 30/002/1998), available at www.amnesty.org/ailib/intcam/fairtrial/fairtria.htm

7 The 340th report of the Committee on Freedom of Association, document reference CB 295/8/1, March 2006, is available on www.ilo.org/public/english/standards/relm/gb/docs/gb295/pdf/gb-8-1.pdf.

8 The agreement, Tripartite Agreement for the Right to Association and Democracy, was signed by the Colombian government, Colombian workers and employer representatives on 1 June 2006. The agreement establishes that the Colombian government will work with the ILO and worker and employer representatives on establishing a permanent ILO presence in Colombia “whose priority task will be technical cooperation aimed at promoting decent work and the defence of the fundamental rights of workers, their trade union leaders and their organizations, specifically as regards their physical integrity, trade union freedoms, freedom of association and of speech and collective bargaining, as well as free enterprise for employers. The parties request the Governing Body to put this agreement into effect and to provide the logistics and structure for its implementation.”

9 The Office of the Attorney General was set up by the 1991 Constitution to investigate and prosecute all crimes committed in Colombia, including human rights violations and abuses.

10 Article 93, para. 1 of the Constitution of Colombia states: “International treaties and agreements ratified by the Congress that recognize human rights and that prohibit their limitation in states of emergency, have priority domestically. The rights and duties mentioned in this Charter will be implemented in accordance with international treaties on human rights ratified by Colombia.”

11 Convention (No. 87) concerning Freedom of Association and Protection of the Right to Organize. Adopted on 9 July 1948 by the General Conference of the International Labour Organization at its thirty-first session, entry into force 4 July 1950, in accordance with Article 15. Convention (No. 98) concerning the Application of the Principles of the Right to Organize and to Bargain Collectively. Adopted on 1 July 1949 by the General Conference of the International Labour Organization at its thirty-second session, entry into force 18 July 1951, in accordance with Article 8.

12 The Committee on Freedom of Association together with the Fact-Finding and Conciliation Commission on Freedom of Association are part of the Governing Body of the ILO. These bodies supervise the application of ILO standards. The Committee examines complaints of possible violations of these standards and recommends to the Governing Body whether any further action is required. The Committee on Freedom of Association’s examination of numerous cases has enabled it to “build up a very full, balanced and coherent body of principles on freedom of association and collective bargaining, based on the provision of the Constitution of the ILO and of the relevant Conventions, Recommendations and resolutions. This body of principles... has... acquired a broadly recognized authority at both the international and national levels, where it is increasingly being used for the development of national legislation, as well as in the various bodies responsible for the application of trade union law.” See www.ilo.org/ilolex/english/digestq.htm.

[Box]

- Members of peasant farmers’ unions in areas of conflict in Colombia are often labelled subversive and have repeatedly been victims of human rights violations and abuses.
- Colombia is one of THE world’s most dangerous places for trade unionists.

[End box]

[Box]

- 35 education workers were killed in 2006, more than in any other sector.
- Attacks on trade union confederations appear to be part of a co-ordinated strategy to undermine trade union work at the national level. [end box]

[End of box]

[Box]

- 19 trade unionists were reportedly killed in Colombia in the first six months of 2007.
- More than 2,000 trade unionists have been killed in Colombia in the last two decades. In more than 90 per cent of cases those responsible have not been brought to justice.

[End of box]

[Box]

- At least 138 trade unionists have been the victims of enforced disappearance since 1991.
- "Everyone has the right to form and to join trade unions" (Universal Declaration of Human Rights, Article 23)

[End of box]

[Photo captions]

Colombian soldiers stand guard outside the Colombian Petroleum Company, Ecopetrol, in Barrancabermeja, during a demonstration by striking oil workers, May 2004.

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Raquel Castro, a leader of the teachers' union in Arauca Department, presents Amnesty International with an embroidered picture to thank Amnesty International members for their solidarity during her time in prison (see page 15).

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Funeral of **Hernán de Jesús Ortiz**, Vice-President of the Teachers' Union in Caldas, Manizales, Colombia, April 2002. His killing followed a series of death threats over a number of years.

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Luciano Enrique Romero Molina

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Javier Correa, President of SINALTRAINAL

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[no caption]

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Samuel Morales

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*Image opposite: Protest in memory of **Alejandro Uribe Chacón**. The placards read:*

“Although our leader has gone, he will live on for ever in our hearts.”

“The death of Alejandro fills us not with fear but with courage to continue the struggle.”

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This page from top clockwise: **Héctor Alirio Martínez**, **Jorge Prieto** and **Leonel Goyeneche**

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Hermes Vallejo Jiménez

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Demonstration by members of the CUT trade union confederation

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[inside back cover]

WHETHER IN A HIGH-PROFILE CONFLICT OR A FORGOTTEN CORNER OF THE GLOBE, AMNESTY INTERNATIONAL CAMPAIGNS FOR JUSTICE AND FREEDOM FOR ALL AND SEEKS TO GALVANIZE PUBLIC SUPPORT TO BUILD A BETTER WORLD.

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[Box]

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[End of inside back cover]

[Back cover]

Hazards at work **Trade unionists under attack in Colombia**

Colombia is a dangerous place to be a trade unionist. Those defending workers' rights face threats, intimidation and attacks because of their activities. Nineteen trade unionists were reportedly killed in the first half of 2007 alone. Successive Colombian governments have implemented policies to improve protection for trade unionists. However, these have not effectively guaranteed the safety of trade union activists and their families.

Hazards at work – trade unionists under attack in Colombia summarizes Amnesty International's findings concerning abuses against trade unionists by paramilitary and security forces, as well as guerrilla groups. It details a number of individual cases which highlight how trade unionists are intimidated in order to silence them and prevent them carrying out their legitimate and vital human rights work. Intimidation takes many forms, including threats, surveillance, misuse of the judicial system and a systematic failure to bring those responsible for abuses to justice.

The long-term security of trade unionists depends on decisive action by the Colombian authorities to end this impunity. Amnesty International calls on the government, guerrilla forces and companies in Colombia, and the international community and labour movement, to take urgent steps to promote and protect the human rights of trade unionists.

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