

## **COLOMBIA CONTINUES TO BE A DEADLY COUNTRY IN WHICH TO BE A TRADE UNIONIST**

### *Violence Against Trade Unionists:*

Seventeen trade unionists have been murdered in Colombia so far in 2008 – a rate of over one a week. Last year at the same time, 10 unionists had been assassinated. By the end of 2007, thirty-nine unionists had been murdered, eleven were victims of attempted murder, and 224 received threats. There is no question that the continued murder and threat of murder has a chilling effect on union activity. Today, workers still have every reason to fear for their lives when they exercise their fundamental labor rights. They know that roughly 2,500 unionists have been murdered in Colombia from 1986 to today for doing just that, including over 400 during the administration of President Alvaro Uribe.

### *Impunity:*

The *Fiscalia General* (the Office of the Attorney General), reports that it has secured convictions in only 68 cases related to violence against trade unionists. The Special ILO Subunit, created in 2007, is responsible for only 10 of those cases. The rate of impunity still hovers around 97 percent. Even more alarming is the fact that just over half of those sentenced are actually in custody. It is therefore inaccurate to say that convictions in those cases signal an end to impunity, as nearly half of the convicted assassins have yet to be caught and may still be at large.

The government has now claimed that the recent rulings show that in most cases, the crimes bear no relation to trade union activity. However, in some cases, the “evidence” as to the motive comes from the testimony of former paramilitaries themselves, who committed the killing and are therefore unlikely to be truthful as to their motives. Indeed, it would be in their own self-interest to claim, falsely, that the victim was killed for being a guerrilla than for the real reason, that the victim was exercising his/her labor rights. In these cases, based on the admissions of paramilitaries, prosecutors undertake no independent investigation to determine the truth of the assertions with regard to motive. Moreover, the systematic stigmatization of unions as linked to guerrillas is in fact an important factor contributing to the persecution of trade unionists by paramilitaries.

Further, the majority of the cases to date have been against those who carried out the murder, rather than the intellectual authors who planned the murder. In many cases, the gunman may have no idea why he is being asked to commit murder; therefore, his motive is irrelevant to establishing the actual reason for the crime. Unfortunately, this is exactly what the Office of the Attorney General is doing. It is disingenuous at best to declare that a crime was for reasons other than union activity when the person who planned the crime and had the actual motive is not prosecuted.

### *Judiciary Politicized:*

Last year, the government named three special judges to preside over cases related to violence against trade unionists. However, the judiciary has already removed one highly qualified judge, Judge Sanchez, for still unexplained reasons. Of note, it was this judge who issued an important ruling that sentenced officers of the 18th Brigade of the Colombian Army for murdering three union leaders in the department of Arauca. The judge found that these officers had planted guns in their hands of the

unionists to make it appear that the victims were members of the guerrilla organization, ELN. This decision put the judge directly at odds with President Uribe, who continues to accuse these and other unionists of being guerrillas.

That these judicial posts expired every six months called into question the long-term commitment to investigating and prosecuting the thousands of remaining homicide cases. Due to intense international pressure, the government announced on March 28, 2008, that these three posts would become permanent – which they argued for months that they could not do. However, the government has yet to make good on this promise. Moreover, significant questions remain as to whether these judges will be able to perform their important jobs without interference from the Uribe Administration. Last year, for example, President Uribe attempted to intimidate the Colombian Supreme Court on numerous occasions by publicly attacking the lead justice on the para-politics investigation, which led to the threat of mass resignation by the other justices.

*Failed Demobilization Contributes to More Anti Union Violence:*

The government has taken some steps to combat para-militarism. However, the government did not indict a single paramilitary enrolled in the demobilization process last year, a process that was supposed to bring some modicum of justice to Colombia. Indeed, over 90% of paramilitaries have abandoned the process altogether, calculating that an inefficient justice system will simply never hold them to account for their crimes. This flawed demobilization process has contributed to thousands of former paramilitaries creating new and dangerous criminal organizations. The recent reports of the OAS Mission to Support the Peace Process in Colombia (MAPP/OEA) have noted the resurgence of new paramilitary groups, some camouflaged as common criminal groups, as well as holdouts that have not demobilized. Although assuming distinct organizational frameworks, many of these groups continue the legacy of the paramilitaries, including narcotics trafficking and assassinations, and are embedding themselves into the political framework of the country.

These new, armed groups, such as the "Aguilas Negras" (Black Eagles), are responsible for some of the death threats leveled against trade unionists in 2007-08. For example, the Aguilas Negras assumed responsibility for several death threats against members of SINALTRAINAL, the trade union representing food and beverage workers in Colombia and the members and leaders of Union Sindical Obrera (USO), which represents workers in the oil industry.

If a demobilized paramilitary member is found guilty of a crime against a trade unionist, the judge's sentence often cannot be enforced. Even though the judge may issue a maximum sentence of 40 years in prison, the paramilitary member may subsequently confess to the crime and serve a maximum of only five to eight years under the Justice and Peace Law. In reality, the sentence would likely be even lighter. Only a handful of paramilitary leaders are currently serving time. Many of those are enjoying special privileges (access to the prison by their associates, laptops and cell phones, etc). Only about 2,800 of the roughly 31,000 demobilized paramilitaries are enrolled under the Justice and Peace Law. The government is seeking to pardon all those who did not apply for the Justice and Peace Law, without a full investigation into whether they are responsible for any crimes.

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