

COLOMBIA FACT SHEET:

Murder and Impunity of Colombian Trade Unionists Under Uribe, 2002-2009

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Prepared by USLEAP

I. Colombia Remains the Most Dangerous Country to be a Trade Unionist

- 49** union members killed in Colombia in 2008; a 25% increase from 2007
- 34** unionists assassinated in 2009 as of mid-November
- 515** unionists assassinated since President Uribe took office in August 2002¹
- 2,700+** union members murdered in the last two decades

II. Over 60% of Unionists Murdered Worldwide between 2003 and 2008 were From Colombia

<u>Year</u>	<u>Colombia</u>	<u>Worldwide²</u>	<u>Colombia's Share</u>
2008	49	76	64%
2007	39	91	43%
2006	76	144	53%
2005	72	115	63%
2004	94	145	65%
<u>2003</u>	<u>102</u>	<u>129</u>	<u>79%</u>
Total	432	700	61%

III. Impunity Persists

- While more resources, including U.S. aid, are being devoted to address impunity, results have been limited: the impunity rate remains at 96%.³
- The Colombian government's net progress in 2008 in reducing the backlog of pending cases of murdered trade unionists was zero. In 2008, 49 trade unionists were murdered, offsetting the convictions in cases of 49 victims' achieved in the same year.⁴

¹ Between Colombian President Alvaro Uribe's inauguration on August 7th 2002 and November 18, 2009, there were 515 documented murder cases of trade unionists in Colombia according to the Escuela Nacional Sindical (ENS) records. The ENS (www.ens.org.co) is an independent non-governmental organization in Colombia whose information is frequently cited by the U.S. government and used by the International Labor Organization.

² Worldwide figures are taken from the International Trade Union Confederation's annual reports on trade union violence. Colombia figures are taken from the ENS. Both the ENS and ITUC periodically update their previous figures when new information becomes available. ITUC's *Annual Survey of Violations of Trade Union Rights 2008*; available online at <http://survey08.ituc-csi.org/survey.php?IDContinent=0&Lang=EN>.

³ Colombian Commission of Jurists (CCJ) records sent to Rep. George Miller (D-CA) in February 2009. The CCJ is a prominent Colombian human rights group. This 96% impunity rate is generous, implying that 4% of cases have been resolved when in fact most of these are preliminary convictions that are subject to appeal and reversal and rarely include all key actors in a particular crime, e.g. both the material and the intellectual authors.

- Convictions do not equal punishment. Since 2006, the Office of the Attorney General (*Fiscalia*) reports that it has secured 207 rulings in 154 cases related to violence against trade unionists; in 40% of these guilty verdicts, the person responsible for the crime was tried in absentia or otherwise not in custody.
- Even in the few cases where convictions have been achieved, the majority of cases do not convict all those responsible for the murder, leaving most cases open and unresolved.
- Within the specialized investigative and prosecutorial subunit dedicated to cases of violence against trade unionists, only about 40% of the homicide cases of unionists are currently under active investigation.⁵

IV. Continued Participation from State Forces in Anti-Union Violence and Paramilitary Support

- In February 2009, the Department of Administrative Security (DAS), Colombia's intelligence agency accountable to the President, was found to be carrying out illegal surveillance and intelligence gathering against members of unions, human rights organizations, the Supreme Court and others; these activities continue to this day. Surveillance has included phone and email interception as well as photographic and video footage and observation of family members and members of various unions and human rights organizations who work on issues of violence against unionists.
- Testimonies of demobilized paramilitaries under the government's Justice and Peace process have confirmed paramilitary connections with Colombian members of congress, military officials and police officers, as well as paramilitary funding from U.S. companies. Additionally, they have highlighted anti-union tactics as a part of overall paramilitary strategy.⁶
- In 2006, the DAS was exposed for providing paramilitaries a hit list of 23 trade unionists and others. The majority of the individuals on the list has since been killed or displaced.⁷
- From 2003 to 2008 there was a rise in extrajudicial killings of civilians attributed to the Colombian military.⁸ In an attempt to increase body counts, members of the military have abducted people from their homes and workplaces, killed them and later dressed their bodies as combatants claiming they were killed in action.

For more information, please contact the US Labor Education in the Americas Project (USLEAP)
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⁴ USLEAP: *Systematic Violence Requires Strategic Justice: Ongoing Impunity in Assassinations of Trade Unionists in Colombia. 2008 Annual Impunity Report*, available at www.usleap.org.

⁵ AFL-CIO submission to the U.S. Trade Representative on the Colombia FTA, September 15, 2009. A Specialized Subunit of Investigation set up specifically to focus on cases of violence against trade unionists is currently in charge of prosecuting only 1,354 homicide cases of union members since 1986, which is merely half of all documented cases. Of these cases, the Subunit has active files on only 1,119 cases.

⁶ In 2005, the Colombian Legislature passed the Justice and Peace Law that provides a legal framework for the demobilization of paramilitary groups and individuals. The law offers reduced sentencing, with a maximum of eight years, and other benefits in exchange for full confession of crimes. Visit <http://www.verdadabierta.com/> for more information.

⁷ Colectivo de Abogados José Alvear Restrepo, <http://www.colectivodeabogados.org/FISCALIA-GENERAL-DE-LA-NACION>. The list is better known as the 'Noguera List,' named after the director of the DAS at that time.

⁸ Only 16 of the 1,025 cases being investigated by the Colombian government have ended in a conviction – a 98.5 percent rate of impunity according to a recent report by the U.S. Office on Colombia (USOC), a Washington, DC-based NGO.