

# Murder and Impunity of Colombian Trade Unionists

Prepared by USLEAP, December 2010

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

**47** union members were killed in Colombia in 2009.

**51** unionists were assassinated in 2010.

**409** unionists received death threats, 129 were forcibly displaced, 54 were harassed, 34 were arbitrarily detained, 7 were tortured, and 3 disappeared in 2009.<sup>1</sup>

**18** unionists survived attempts on their lives in 2009, an increase of 125% from 2008.

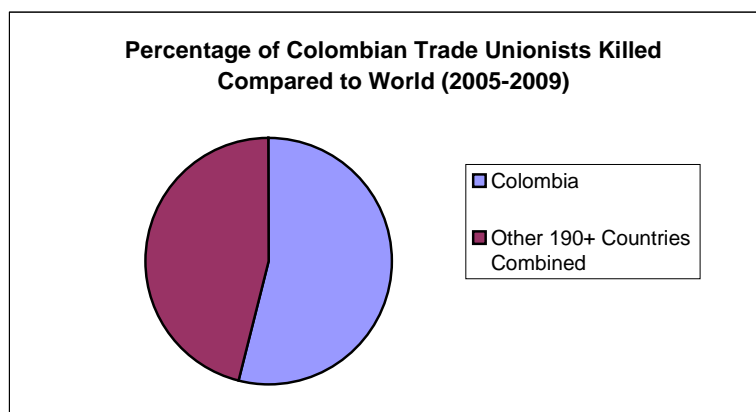
**2700+** union members have been murdered since 1986.

**1 every 3.2 days:** the rate Colombian unionists were killed on average over the last 24 years.

## II. Murders of Trade Unionists in Colombia Compared Globally

*More than half of unionists murdered worldwide between 2005 and 2009 were Colombian:*

<u>Year</u>	<u>Colombia</u>	<u>Worldwide<sup>2</sup></u>	<u>Colombia's Share</u>
2009	47	101	47%
2008	52	76	64%
2007	39	91	43%
2006	76	144	53%
<u>2005</u>	<u>72</u>	<u>115</u>	<u>63%</u>
Total	284	527	54%



<sup>1</sup> Escuela Nacional Sindical (ENS), "Report on Violations of Human and Labor Rights and Impunity, 2009-2010, 2002-2010." Notebook of Human Rights, No. 22, Oct 2010. The majority of the violence, 57.8%, is directed at education-based unions.

<sup>2</sup> Worldwide figures are taken from the International Trade Union Confederation's (ITUC) annual reports on trade union violence: <http://survey.ituc-csi.org/+Colombia+.html>. Colombia figures are taken from the Escuela Nacional Sindical (ENS): <http://www.ens.org.co/index.shtml>.

### III. Impunity Persists

- While more resources, including U.S. aid, are being devoted to address impunity, results have been limited: the impunity rate for totally unresolved cases remains at 96%.<sup>3</sup>
- New murders are outstripping convictions for old murders, so the Colombian government is not making any progress reducing the backlog of pending cases. In 2008, the net progress was zero. In 2009, the backlog actually increased, with new convictions for the murder of 41 trade unionists more than offset by the 48 assassinations committed in 2009.
- The majority of cases rarely convict both parties responsible for a murder, the intellectual and the material authors, leaving most cases open and unresolved. Only three cases in 2009 achieved the conviction of both material and intellectual authors.
- While the Colombian government has set up a specialized investigative and prosecutorial subunit dedicated to cases of violence against trade unionists, nearly 55% of the homicide cases of unionists are not addressed by the subunit, and more than 35% of the cases that the subunit claims to be investigating are not even trade unionist cases.<sup>4</sup>

### IV. Continued Participation from State Forces in Anti-Union Violence

- In 2006, the Department of Administrative Security (DAS), Colombia's intelligence agency supervised by the Executive Branch, was exposed for providing paramilitaries a hit list of 23 trade unionists and others. The majority of the individuals on the list have since been killed or displaced.<sup>5</sup>
- In February 2009, the DAS was found to be carrying out illegal surveillance and intelligence gathering against members of unions, human rights organizations, the Supreme Court and other civil society institutions. Surveillance included phone and email interception, photographic and video footage, and observations of family members of trade unionists and human rights organizations that work on issues of violence against unionists.
- Following the announcement of the DAS scandal, on February 21, 2009 the Office of the Attorney General opened an investigation. When the DAS was tipped off, a security camera revealed agents removing boxes right before a raid on their office.<sup>6</sup>
- Testimonies of demobilized paramilitaries under the government's Justice and Peace process have confirmed paramilitary connections to Colombian members of congress, military officials and police officers.<sup>7</sup>

**For more information, please contact the US Labor Education in the Americas Project (USLEAP)**  
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<sup>3</sup> ENS *ibid*. This already high rate of impunity is generous and misleading, implying that 4% of cases have been resolved when in fact most of the 4% 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.

<sup>4</sup> 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 in charge of prosecuting only 1,546 homicide cases of union members since 1986, which is only half of all documented cases.

<sup>5</sup> 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.

<sup>6</sup> Latin American Working Group, Washington Office on Latin America, the U.S. Office on Colombia and the Center for International Policy: *Far Worse than Watergate*, June 2010:  
[http://www.wola.org/index.php?option=com\\_content&task=viewp&id=1121&Itemid=33](http://www.wola.org/index.php?option=com_content&task=viewp&id=1121&Itemid=33)

<sup>7</sup> In 2005, Colombia 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 8 years, and other benefits in exchange for a full confession of crimes.