

Why Are Union Members Murdered in Colombia?

A review of 2007 rulings by ILO judges in labor assassination cases
US Labor Education in the Americas Project (USLEAP)

A careful analysis of available rulings by Colombian judges shows substantial inaccuracies in public documentation of cases, and undermines Colombian government claims that trade unionists in Colombia are not killed for trade union activity.

The following information is based off of the court documents for 22 cases heard by the three special ILO judges in 2007. (While there were 29 distinct cases for 2007, viewing each victim or group of victims as a single case, the Colombian government did not provide the court documents in 7 cases.)

When Leonidas Gomez, leader of the bank workers' union, was murdered in March 2008, Maria Isabel Nieto, Vice Minister of Justice, suggested during a televised interview that it may have simply been a "crime of passion," rather than targeted political violence. Representatives of the Colombian government make such statements frequently, casting doubt on the legitimacy of claims that trade union violence in Colombia is targeted, not random. Editorialists have picked up the "random violence theory," insinuating that the Colombian trade union movement has taken advantage of high homicide rates to inflate numbers and gain political mileage.

A careful look at the Colombian government's own documentation, however, shows a different story.

How Are Motives Determined?

The Colombian Attorney General's office assigns a motive to the case prior to the case being heard by the judge. This motive reflects the initial claims of the material author, rather than what was established over the course of an investigation and through a judicial decision. If, for example, the person who pulled the trigger initially claims that the victim was a guerrilla sympathizer, the Fiscalia will write "Supposed ideologue of the guerrilla." This is the standard claim of members of the Autodefensas Unidas de Colombia paramilitary organization, who attempt to portray their murders as legitimate acts of war.

Often during an investigation, the judge will rule that the initial claims were false, and that the real motive was the union activity of the deceased. In some cases, this is reflected in the official documentation of the Attorney General's office, and in other cases it is not. This methodology portrays many murders as simply outcomes of the civil war, rather than cases of targeted political assassination.

Commonly Alleged "Other Motives"

Crimes of Passion

One claim that deserves some attention is that many trade unionists are killed for personal reasons, usually related to an affair or personal conflict. The umbrella term that editorialists and President Uribe have used for such cases is "crime of passion." In fact, of the 22 cases in 2007 available for review, the Colombian Attorney General's office claimed that the motive was "personal" in only one case, that of Jorge Dario Hoyos Franco. The official documentation stated that Mr. Hoyos was involved in an amorous affair and this is the reason that he was murdered. Even in this case, however, the judge's sentence clearly demonstrates that the deceased was killed for his union activity and the material authors fabricated the motive listed by the Attorney General's office early in the investigation. Following the ruling, the Attorney General's office did not change the motive listed in order to align with the ruling of the judge until August 2008, following U.S. Congressional inquiries about the case.

This does not indicate that no trade unionist in Colombia has ever been murdered as a result of a personal conflict. Rather, it shows that the Colombian government has not been able to provide evidence to support their claims that many trade unionists are killed in "crimes of passion," and this analysis suggests that if it happens, it is extremely rare.

Guerrilla Sympathizers

In almost a quarter of the cases reviewed by USLEAP, the motive assigned by the Fiscalía was that the deceased was a "guerrilla" or "guerrilla sympathizer."

Luciano Enrique Romero Molina, Murdered September 10th, 2005

Luciano Enrique Romero Molina, the victim in one of these cases, was well-known both for his union activism and his work with political prisoners. He was

a leader in the Sinaltrainal union, and had worked for 20 years at a Nestle plant in Valledupar, until he was fired for supposed work stoppage. He had filed a lawsuit against Nestle, which was still pending at the time of his death, demanding that he be reinstated. Mr. Romero was scheduled to testify against Nestle before the Permanent People's Tribunal in Switzerland in November 2005.



Luciano Enrique Romero Molina

On the night of September 10, 2005, Mr. Romero disappeared. His body was found the following day, showing that he had been bound, tortured, and stabbed 40 times. He was 47 years old, and had four children and a partner, Ledys Mendoza.

According to Fiscalia documentation:

*The victim was unionized in order to be an informant of the guerrilla and this is what caused his homicide. Luciano Romero was **supposedly an informant of the ELN**. The paramilitaries made themselves pass for guerrillas to check things out and then they killed him. If indeed it is true that he was a unionist, it is also true that he was an informant of the 6th Front of the ELN. According to testimonies gathered as part of the process, he was very close to Commandant TULLIO and he was known by the alias "PEPE." [emphasis in original]*

The ruling judge in the case, however, is very careful to demonstrate that the

"The citizen LUCIANO ENRIQUE ROMERO was not a combatant. Whenever he is referenced in the testimonies that have been presented, testimonies that have been corroborated in all aspects, it is clear that he was a civilian who held an ideology of union struggle and protection of human rights, positions that are fundamentally against one of the actors of our country's armed conflict." -Judge Sanchez

motive was not what was indicated by the Attorney General's office. In the process of hearing the case, the judge determined that the assassins had fabricated the above story, here repeated by the Attorney General, in order to justify the murder as an act of war between two armed groups rather than a targeted political assassination. The alias "PEPE," was already in use by a man named Jairo Antonio Bustillo Quiroz, and the suggestion that Mr. Romero had only

joined a union in order to inform on their activities was clearly proven false by his long history of union and political activism.

Judge Jose Nirio Sanchez writes:

Given this situation, the supposed guerrilla military affiliation of the deceased was not proven, though his ideology of defending human and labor rights was frequently noted...It can be inferred that the deceased, LUCIANO ENRIQUE ROMERO MOLINA, had no military status nor could he be characterized as a combatant, nor does he appear to be registered as such. This information was corroborated by the intelligence efforts of detectives Padilla Renhals and Garcia Algarin.(p 53)

Judge Sanchez concludes the case by calling for further investigation, specifically to assess the possible role of the Nestle company in the assassination.

Luis Alberto Marquez Garcia, Murdered July 15, 2003

Another case in which the Attorney General's determination of motive conflicts with that of the sentencing judge is that of the 2003 murder of Luis Alberto Marquez Garcia, along with his bodyguard, in Natagaima, Tolima.

Mr. Marquez was a member of the Sindicato de Trabajadores Agrícolas de Tolima (Sintragritol), an activist in the Unión Patriótica political party, former council member, and indigenous leader. In 2001, the AUC paramilitary organization announced their presence in the region. Mr. Marquez began to receive death threats and his name appeared on a list of supposed guerrilla sympathizers. As a result, the DAS assigned him a bodyguard, Nelson Castiblanco Franco.

As in the case of Luciano Enrique Romero, Mr. Marquez had been included on a list of "military targets" being circulated by paramilitaries in the region. Those who appear on the lists are frequently labeled as "guerrilla sympathizers."

At 1:30 in the afternoon on July 15, 2003, three men burst through the door of Mr. Marquez's house, firing the shots that killed Mr. Marquez and his bodyguard, and seriously wounded Mr. Marquez's 5 year old daughter, Diana.

In her ruling on the case, Judge Elsa Riveros de Jimenez writes that after the AUC paramilitary organization came into this region of the country, Mr. Marquez was "included on the lists that declared him a military target." This, she writes, was a result of his activities as a political and union leader.

In all cases reviewed, there is no evidence that connection to a guerrilla organization is a prerequisite for appearing on the list, nor is public sympathy for the guerrilla cause. Rather, individuals are added to the list as a result of

community leadership, membership in a left political party or organization, or membership in a union.

If a person is added to a list labelled “guerrilla sympathizers” as a result of union activity, it is the union activity that motivated the murder, not an actual sympathy with or participation in a guerrilla organization. However, in cases where the victim was killed for appearing on one of these lists, the Attorney General’s Office records the motive as a supposed connection to a guerrilla organization, rather than the victim’s political or union activity which caused him or her to appear on a hit list. In doing so, the Colombian government portrays targeted assassinations of trade unionists as significantly less common than they are, and wrongly suggests that most murders of trade union members are a result of generalized violence in the context of a civil war.

Discrepancy between Judges

During 2007, the three judges assigned to deal with the special ILO cases were Jose Nirio Sanchez, Maria Judith Duran Calderon, and Elsa Riveros de Jimenez. These judges are responsible for a specific list of cases of trade union violence, including non-murder cases.

Of particular concern are the cases of Judge Maria Judith Duran Calderon who was assigned only to deal with cases of labor homicides that were not related to the union activity of the victim. Ruling in 9 of the 22 cases reviewed, Judge Duran makes no attempt to establish a motive, accepting the original motive as assigned by the Fiscalia.

At the outset of every case, Judge Duran writes:

It is important to clarify that the jurisdiction of this Court corresponds to processes in which the victims are union members but the motive for the punishable conduct was not such condition, while if the motive is his or her office, the jurisdiction is that of the Specialized Courts.

In three of Judge Duran’s 9 cases, however, the motive listed by the Fiscalia is “undetermined.” It is not clear why a case in which the motive had not been established would be sent to this court, considering that some determination of motive (to establish that the case is not related to targeted anti-union violence) is a prerequisite for moving the case into this court’s jurisdiction. Of the remaining 13 cases (five cases ruled on by Judge Riveros de Jimenez and the eight cases

determined by Judge Sanchez), the motive remains undetermined in only one case.

In contrast, the cases of Judge Jose Nirio Sanchez show a commitment to accurate determination of motive, including investigation into the broader political and social context of each case. In what appears to have been a politically motivated dismissal, Judge Sanchez was removed from the special labor courts in January 2008.

Conclusion

For the Colombian government to make real progress on impunity in trade union violence cases, it must show a genuine commitment to truth. The courts and the Attorney General's office must try to see the process through the eyes of 5-year old Diana Marquez. Whether due to an error, a poorly-designed process, or politically-motivated misrepresentation, the public documentation on the case falsely suggests that her father was killed for supporting the guerrilla. After watching her father's murder, Diana deserves to grow up knowing that her father died in defense of human rights, not terrorism.

Trade unionists in Colombia continue to be killed at unparalleled levels for defending their rights as workers. Until this reality is formally recognized by the Colombian government and impunity defeated, the struggle for labor rights will continue to be life threatening for Colombian workers.

For more information:

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