

Testimony of Mr. Francisco Ramirez

“Protection and Money: U.S. Companies, Their Employees, and Violence in Colombia”

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**House Committee on Foreign Affairs, Subcommittee on International Organizations, Human Rights, and Oversight and the Subcommittee on the Western Hemisphere and
and
House Committee on Education and Labor Subcommittee on Health, Employment, Labor and Pensions and the Subcommittee on Workforce Protections**

Intervention by multinational corporations in Colombia has led to grave violations of human rights, and infringements of the Colombian people’s economic, social and cultural rights. In particular, powerful economic elites, including U.S. multi-national companies have helped to create paramilitary groups that work in conjunction with Colombia’s military to provide “security” for multinational companies’ operations.

Corporate “security” and the creation of paramilitary groups

In the 1980s U.S., British security agencies, working with Texaco Petroleum Company, Colombian businessmen, ranchers, and drug traffickers, began to create paramilitary groups to lend “security” services to transnational companies’ operations in Colombia. Today 100% of the areas where mining and energy sector companies operate are dominated by these paramilitary groups, which collaborate with Colombian state security forces. Although they claim to be combating the guerrillas, these paramilitary groups have targeted social, political, and union organizations that have spoken out against the looting of the country’s natural resources.

The effects of these policies on the civilian population

- 32% of Colombia’s *municipios* contain mining and energy projects, but 74% of the country’s human rights violations and 68% of its forced displacements have taken place in these *municipios* in the past 8 years.
- Over 520 massacres have taken place in these *municipios*, along with selective homicides, which together have taken the lives of over 7,126 human beings. Today there are 3 million displaced people in Colombia; about 2 million of these come from mining and energy *municipios*.

- 42% of human rights violations against workers in Colombia occur in the mining and energy sector. Since the creation of paramilitary groups in Magdalena Medio, over 68 members of the petroleum workers union USO there have been assassinated. A union leader is assassinated every 6 days in Colombia. In the past 18 years over 4,000 have been assassinated.

Drummond

*With the commencement of Drummond's coal explorations in the Cesar Province of Colombia in the early 1990's came the first massacres, the first displacements and selective homicides in the Cesar Province. And, shortly after Drummond commenced mining operations in the Cesar Department in mid-1990's, the military/paramilitaries took control of the mining zone, the adjacent region, and the area where the railroad was built to carry the coal from the mine to the port. According to a high-ranking Colombian military officer who was quoted anonymously, it was when Drummond began operating in the Cesar Department that the paramilitaries began aggressive operations. See, "*It's The Real Thing: Murder: U.S. Firms Like Coca-Cola Are Implicated In Colombia's Brutality.*" Aram Roston, *The Nation*, September 3, 2001.

*These observations were further corroborated by Amnesty International, writing in 1997, which reported that "'disappearances,' extra-judicial killings, and other human rights violations continue to be reported as the security forces have increased their presence and paramilitary organizations have been set up and consolidated in the region, sometimes *with the support of powerful economic interests.*" *Hacienda Bellacruz: Land, Violence & Paramilitary Power*, Amnesty International, February 1, 1997. One such powerful economic interest in the Cesar Department – indeed, the largest one, accounting for over 1/3 of the Colombia's entire coal exports, is the Drummond Company.

*As an official for Funtramienergetica, the federation of mining unions in Colombia, I have assisted the Sintramienergetica union in bargaining with Drummond. While bargaining, I have had occasion to enter Drummond property on a number of occasions. I myself have witnessed paramilitaries on Drummond property these occasions, patrolling the area around the mine, the nearby towns and the road which Drummond uses to transport workers and coal. Steven Dudley, a journalist now working for *The Miami Herald*, reported that paramilitaries had told him that they maintained a base on Drummond land in order to protect Drummond property and personnel. See, "War In Colombia's Oil Fields," *The Nation* (August 5, 2002). This fact has been corroborated by numerous workers that I have talked to at Drummond.

*Again, Amnesty International reported in 1997,

“The systematic violation of human rights against members of popular organizations . . . in the Department of Cesar corresponds to a national strategy of undermining organizations which the [state] security forces deem to be subversive. . . . Many violations of human rights in the region are committed in order to advance and protect the interests of economically powerful sectors. Labeling anyone who dares to challenge the interests of powerful economic sectors as subversive . . . and then targeting them for human rights violations, provides a means for those sectors to protect those interests.”

*For its part, Drummond followed the usual procedure which multinationals follow to eradicate labor unions and other social groups in the region. To wit, Drummond signed an agreement with the Colombian military – in this case, the Popa Battalion of the Colombian Army – to protect its interests in the Cesar Department with 300 armed soldiers. Drummond did this full well knowing that signing this agreement was tantamount to signing an agreement with the paramilitaries as the Popa Battalion is notoriously aligned with the paramilitaries in the region, with the commander of the Popa Battalion, Colonel Hernan Meija, now under indictment for his paramilitary ties. In addition, through a trusted company official, in this case retired army Colonel Luis Carlos Rodriguez who acted as chief of security for Drummond until recently, Drummond coordinated the activities of both the military and paramilitaries, supplying military and paramilitaries alike with vehicles, fuel, food and other equipment. *See, “Darkness in The Mines,” Semana, March 24, 2007 (attached hereto).*

*In this case, the results of this relationship between Drummond and these repressive forces were predictably deadly. Thus, 6 union members of Drummond have been killed since Drummond began operations in the 1990’s.

*Most shocking were the murders of top leaders of the Drummond union, *Sintramienergetica*, Valmore Locarno, Victor Orcasita & Gustavo Soler by the AUC. Valmore Locarno, the union president, and Victor Orcasita, the union vice-president, had been threatened for months by the AUC paramilitaries. They communicated these threats to Drummond and asked if Drummond could permit them to stay overnight in the mines after their shift – an accommodation given to U.S. personnel and some Colombian subcontractors – so that they would not after travel the dangerous, paramilitary-controlled roads at night. Drummond repeatedly denied this request.

*On March 12, 2001, the company bus Valmore and Victor were riding (and only their bus) home from work was pulled over by AUC paramilitaries. The paramilitaries boarded the bus, asked for Valmore and Victor by name, told them that they were there to solve a problem that they had with Drummond, and forcibly removed them from the bus. The paramilitaries shot Valmore on the spot, in front of the other workers, then dragged Victor away. He was found later – dead, and with visible signs of torture.

*El 12 de marzo de 2001, el bus en que viajaban Valmore y Víctor (y solamente ese bus) fue interceptado por paramilitares de la AUC. Los paramilitares subieron al bus y preguntaron por Valmore y Víctor. Les explicaron que estaban allí para resolver un problema que tenían con la Drummond, y los bajaron forzosamente del bus. Procedieron a asesinar en el lugar a Orcasita y llevarse secuestrado a Locarno, quien aparecería muerto, con indicios de tortura, horas después.

*After these murders, Drummond Ltd. President, Augusto Jimenez, told the workers in 2 separate meetings that, “the fish dies who opens his mouth” – a clear threat to anyone who speak of what they knew about the murders. Mr. Jimenez admitted at deposition that he never investigated these murders. Further, according to Rafael Garcia, who I have met with personally on a couple of occasions, he witnessed Mr. Jimenez make a payment to a paramilitary representative of Jorge 40 (the top AUC leader in Cesar) about a week before the killings, and that Mr. Jimenez explicitly stated that the money was in exchange for the killing of Valmore & Victor. This testimony has been corroborated recently by another witness – Alberto Visbal.

*Después de estos asesinatos, el presidente de Drummond Augusto Jiménez les dijo a los trabajadores en dos reuniones que “muere el pez que abre la boca” – una clara amenaza en contra de cualquiera que se atreviera a hablar sobre lo que sabían de los asesinatos. Según Rafael García, con el que me he reunido personalmente varias veces, él fue testigo de que el Sr. Jiménez entregó dinero a un representante del paramilitar Jorge 40 (el máximo dirigente de las AUC en Cesar) una semana antes de los asesinatos. García dice también que el Sr. Jiménez declaró explícitamente que el dinero fue entregado para cometer esos asesinatos. Este testimonio ha sido confirmado recientemente por otro testigo – Alberto Visbal.

*Gustavo Soler took over as President of the union some time later and began petitioning himself for further safety accommodations for union leaders. Again, these requests were denied by Drummond. In August of 2001, Mr. Soler told the

press that he believed that someone at Drummond must have told the AUC which bus Valmore and Victor were riding on the night they were killed. On October 5, 2001, Mr. Soler was himself pulled from a bus taking him home from work by AUC paramilitaries and murdered.

* El sucesor de Locarno en la presidencia del sindicato, Gustavo Soler, también empezó a solicitar medidas de seguridad para los dirigentes sindicales. De nuevo, la Drummond se las negó. En agosto de 2001, el Sr. Soler le dijo a la prensa que él creía que Drummond debió de haber señalado a las AUC en qué bus viajaban Valmore y Víctor la noche de su asesinato. El 5 de octubre de 2001, el Sr. Soler sufrió la misma suerte cuando los paramilitares de las AUC le bajaron del bus que le llevaba a su casa desde el trabajo, y lo asesinaron.

Chiquita, Dole & Del Monte

*Chiquita has recently plead guilty to making regular payments to the AUC paramilitaries for a number of years. And, recently, as we in the union movement in Colombia have known for years, Dole & Del Monte have been implicated in making their own regular payments to the AUC. This recently came out in the testimony of Salvatore Mancuso who was, until recently, the top AUC leader in the banana region.

*Social and labor leaders in the banana region are convinced that this monetary support of the AUC by these multinationals has been the but-for cause of the growth and dominance of the AUC in that region, with the result being the murder of over 3000 civilians in the banana region by the AUC. For example, Gloria Cuartas, respected human rights advocate and former mayor of the city of Apartado, has for years asserted that the devastation of this city through massacres and selected assassinations could not have been carried out by the AUC except through the support which they received over the years by these companies.

*For his part, Colombian Attorney General Mario Iguaran has stated, he firmly believes that these companies were not paying for protection, "but for blood," and that they full well knew that the result of their support of the paramilitaries would be massacres and slaughter. This pronouncement is supported by the fact that Chiquita not only gave money to the paramilitaries, but also guns, a fact little reported by the press.

Darkness in the Mine

After Chiquita, the Drummond Coal Company faces charges in the United States for ties with paramilitaries. Wherein lies the truth?

Semana

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“People began telling us that there were Drummond vehicles going around with armed personnel. One day I told the soldiers: “let’s ambush these guys” and we stood on both sides of the road. There was a car coming down and we stepped out. A gentleman stepped out of the car and told me: “I’m Colonel Rodríguez, from the company’s security.” Then I said: “My colonel, how are you?”

“He replied: “And what are you doing here?”

“And I replied that there was information that pickup trucks were driving past with armed personnel.”

[Illegible text from U.S. Court Document]

This is the account given by Rafael García to the trade union attorneys, and which was made public last week in Alabama.

[photograph]

In Cesar, everyone affiliates the paramilitaries of the "Jorge 40" with the assassination of trade union workers from Drummond in 2001.

"He then answered: "No, man, don't mess it up for me. Return to where you were." He made a call and within 30 minutes my Colonel Sanmiguel called me over the radio, asking me: "Listen, sergeant, were you on a stake-out? (what we called an ambush) and I said yes. He replied that I should go, and that he would tell me what to do the next day.

"The following day, a lieutenant arrived and relieved me. He told me that I would continue with him, but that he would be in charge of the counter guerrilla operations. I asked him why, and he answered: "No, brother. You messed it up. How could you even think about ambushing those people?"

"I asked them: "Is it because they can't be touched?" And he said no."

This is the statement made by a subofficer who was in charge of two contingents of Army counter guerrilla fighters in charge of protecting the facilities of Drummond, the multinational coal company that operates in Cesar. Drummond has been sued for civil damages in a United States court for the alleged ties between its employees and criminal actions by paramilitaries, and in particular, the assassination of three trade union leaders. The company has emphatically denied any relationship to armed outlaw groups and with those crimes, as it reiterated last Thursday in a press release.

SEMANA looked into the security situation in the region during the years in which the events attributed to the company took place. One key participant was the subofficer who informed the magazine about his experiences in the area. Several military men ratified his story. "Retired colonel Ramírez made the rounds of all the estates. He had set up a security company with other retired officers and it was he who coordinated operations in the area. He would tell troop commanders: "see here, transfer me from this estate to that one" in order to avoid confrontations between the "paracos" and the troops," a counter guerrilla soldier told the magazine in Bogotá.

Curiously, some 4,000 kilometers to the north in a district court in Alabama, United States, where the civil suit is being brought against Drummond, a former employee said something in a sworn statement. "Luis Carlos Rodríguez told me that he had a close relationship with the paramilitary groups in the region and that he was frequently in contact with them. He later told me that for this reason, he could solve any problem that Drummond might have with a snap of his fingers. To me, this meant that he could have someone killed by the paramilitaries by merely asking them." For safety reasons, the judge

decided to keep his name confidential. Rodríguez, who was the chief of security at Drummond's La Loma mine, left the company a few years ago. SEMANA was unable to get in touch with him.

This same witness, who was a supervisor with the company, claimed having seen paramilitary leaders meeting with officers from the La Popa battalion, which was in charge of protecting the coalmines. His statement, which forms part of the docket against Drummond in the United States, coincides with the recent decision by the Office of the Prosecutor to summon Colonel Hernán Mejía, a former commander of that battalion, for questioning due to his close ties with the self-defense of the "Jorge 40" command in Cesar.

Some of the military men consulted by the magazine acknowledged that after providing legitimate services, they went to the "dark side", as Darth Vader, the villain of the Star Wars movies, would say. In their criminal activities they learned details of how the paramilitaries assassinated the president and vice-president of the Sindicato Nacional de Trabajadores de la Industria Minera y Energética (Sintraminergética) on March 12, 2001. Valmoré Locarno Rodríguez and Víctor Orcasita Amaya were traveling on the bus that conveys workers from the mine to their homes in Valledupar. The vehicle was intercepted by paramilitaries who proceeded to murder Orcasita on the spot and who abducted Locarno, who would turn up dead hours later. Gustavo Soler, Locarno's successor to the union's presidency, was also assassinated in September 2001.

While the Office of the Prosecutor's investigation has not yet determined the parties responsible for these actions, both the stories of the military men and several sworn statements in the United States have ascribed the crimes to paramilitaries under the command of alias "Tolemaida", the lieutenant of "Jorge 40" in the region. The testimony of Jimmy Rubio, a former Drummond Employee, dated May 2004, is especially relevant.

Rubio, who is in exile, says that during a meeting, some paramilitaries explained to him in detail how the assassinations were carried out and that the material author was one they called "Cebolla". One of the military men turned

paramilitary told the same story to the magazine last week.

Among the multiple accounts collected by the Office of the Prosecutor there is talk of the presence of paramilitaries on the company's facilities during that time, and illegal parties of armed men. According to counter guerrilla military men interviewed by SEMANA, the vox populi in the area had it that paramilitaries paraded around in pickups hired by the company, and went around liked armed civilians. This story also appears in a sworn testimony from another former employee and former member of the union. He says: "When I worked for Drummond, I fueled up vehicles belonging to paramilitaries on several occasions. They were conducting patrols around La Loma (the community nearest the mine) where I saw them, sometimes with weapons in plain sight."

To Drummond, statements against it in Court, like this one, lack credibility. They cite the words of the judge, who qualified the evidence as "weak". They say that it forms part of a "defamation campaign by the plaintiffs against the company and its management in Colombia, as well as in countries in which Colombian coal is sold." The company insists that it will not yield to this pressure nor will it accept reaching an understanding in any way with the plaintiffs: the Sintraminergética union and the families of the three victims.

The case against Drummond in Alabama is slated for May 14. It will be the first time that an American jury of 12 members decides the civil liability of a multinational company involving events occurring in another country. If they should lose the case, the company would be obligated to pay millions of Dollars to the union workers and the impact to its image would be devastating, particularly after Chiquita Brands' confession of having financed the AUC for seven years. This also explains why it went public last week with its lawsuit for damages and libel against Rafael Garcia, former official with DAS and star witness of the para-politics.

In May of last year, Garcia said that he witnessed a meeting between Drummond's president and representatives of "Jorge 40" in which money was turned over to commit the crimes. Although the eyewitness account is unlikely - no one can picture a senior executive from a major multinational involved in such escapades - Judge Karen Bowdre allowed a formal statement to be taken from Garcia and to have his statements made public. The Office of the Prosecutor itself is in the middle of diplomatic transactions to include Garcia's statements as evidence in the investigation.

Drummond is not the only multinational company in the sights of the U.S. courts. Coca-Cola and Occidental have also had to line up their legal artillery in order to avoid a scenario similar to the one involving the coal company, one of the main generators of income in Colombia. Nor is it the first to be accused of having an unsanctioned relationship with outlaw groups.

In essence, the subject is always the same: how these companies operate in conflict areas, and the nature of their relationship with state forces. Are they accomplices to the violence or are they simply resorting to the right of legitimate defense? In the globalized world of 2007, these are questions that multinationals are forced to answer every day. And in the light of Colombia's recent paramilitary wave, the question becomes even more relevant.

Drummond, like many of its peers in Colombia, has collaboration agreements with state forces for its own security. This includes, as a company spokesman told SEMANA, logistical aid like food, fuel and vehicles. It also financed the construction of military bases near its facilities. This fact, which would be extraordinary in any other country, is customary in Colombia where for many years; the state forces - particularly the Army and the Police - grew to enjoy these "extras".

From 2000 to 2002, Drummond was the target for dozens of guerrilla attacks. There were frequent attacks against the train that conveys coal to the Atlantic Coast for export and the company even threatened to leave the country. The government reacted and created special military groups to protect the train tracks. With the arrival of President Alvaro Uribe, the company says, there was a change in attitude by the Army, which began to patrol. To Drummond, this commitment by the state forces explains the considerable improvement in security, which has enabled an investment of over "one billion dollars in recent years" to be made.

The question that looms large is if collaboration between Drummond and the Army could have extended to the paramilitaries in previous years. This could have happened without the explicit knowledge of the multinational's senior management, because in Cesar, and in other parts of the country, the state forces had ties with self-defense groups on their own initiative. As a former military man told SEMANA: "Two hundred soldiers can't control an area in the same way that two "paracos" can."

The fact is that in Colombia everyone is aware that the multinationals have resorted to orthodox - and often unorthodox - formulas for their security in conflict areas. What is not certain is the extent to which this Colombian complexity will be understood in its actual context by the 12 people who make up the jury in Alabama.