

PROTECTION AND MONEY: U.S. COMPANIES,
THEIR EMPLOYEES, AND VIOLENCE IN COLOMBIA

JOINT HEARING

BEFORE THE

SUBCOMMITTEE ON INTERNATIONAL
ORGANIZATIONS, HUMAN RIGHTS, AND OVERSIGHT

AND THE

SUBCOMMITTEE ON
THE WESTERN HEMISPHERE

OF THE

COMMITTEE ON FOREIGN AFFAIRS

AND THE

SUBCOMMITTEE ON HEALTH,
EMPLOYMENT, LABOR, AND PENSIONS

AND THE

SUBCOMMITTEE ON WORKFORCE PROTECTIONS

OF THE

COMMITTEE ON
EDUCATION AND LABOR
HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

JUNE 28, 2007

Serial No. 110-74

(Committee on Foreign Affairs)

Serial No. 110-50

(Committee on Education and Labor)

Printed for the use of Committees on Foreign Affairs and Education and Labor



Available via the World Wide Web: <http://www.foreignaffairs.house.gov/>

U.S. GOVERNMENT PRINTING OFFICE

36-425PDF

WASHINGTON : 2007

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2250 Mail: Stop SSOP, Washington, DC 20402-0001

COMMITTEE ON FOREIGN AFFAIRS

TOM LANTOS, California, *Chairman*

HOWARD L. BERMAN, California	ILEANA ROS-LEHTINEN, Florida
GARY L. ACKERMAN, New York	CHRISTOPHER H. SMITH, New Jersey
ENI F.H. FALEOMAVAEGA, American Samoa	DAN BURTON, Indiana
DONALD M. PAYNE, New Jersey	ELTON GALLEGLY, California
BRAD SHERMAN, California	DANA ROHRBACHER, California
ROBERT WEXLER, Florida	DONALD A. MANZULLO, Illinois
ELIOT L. ENGEL, New York	EDWARD R. ROYCE, California
BILL DELAHUNT, Massachusetts	STEVE CHABOT, Ohio
GREGORY W. MEEKS, New York	THOMAS G. TANCREDO, Colorado
DIANE E. WATSON, California	RON PAUL, Texas
ADAM SMITH, Washington	JEFF FLAKE, Arizona
RUSS CARNAHAN, Missouri	JO ANN DAVIS, Virginia
JOHN S. TANNER, Tennessee	MIKE PENCE, Indiana
GENE GREEN, Texas	JOE WILSON, South Carolina
LYNN C. WOOLSEY, California	JOHN BOOZMAN, Arkansas
SHEILA JACKSON LEE, Texas	J. GRESHAM BARRETT, South Carolina
RUBEN HINOJOSA, Texas	CONNIE MACK, Florida
JOSEPH CROWLEY, New York	JEFF FORTENBERRY, Nebraska
DAVID WU, Oregon	MICHAEL T. McCAUL, Texas
BRAD MILLER, North Carolina	TED POE, Texas
LINDA T. SANCHEZ, California	BOB INGLIS, South Carolina
DAVID SCOTT, Georgia	LUIS G. FORTUÑO, Puerto Rico
JIM COSTA, California	GUS BILIRAKIS, Florida
ALBIO SIRES, New Jersey	
GABRIELLE GIFFORDS, Arizona	
RON KLEIN, Florida	

ROBERT R. KING, *Staff Director*

YLEEM POBLETE, *Republican Staff Director*

SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS,
HUMAN RIGHTS, AND OVERSIGHT

BILL DELAHUNT, Massachusetts, *Chairman*

RUSS CARNAHAN, Missouri
DONALD M. PAYNE, New Jersey
GREGORY W. MEEKS, New York
JOSEPH CROWLEY, New York

DANA ROHRABACHER, California
RON PAUL, Texas
JEFF FLAKE, Arizona

CLIFF STAMMERMAN, *Subcommittee Staff Director*
NATALIE COBURN, *Subcommittee Professional Staff Member*
PHAEDRA DUGAN, *Republican Professional Staff Member*
ELISA PERRY, *Staff Associate*

SUBCOMMITTEE ON THE WESTERN HEMISPHERE

ELIOT L. ENGEL, New York, *Chairman*

GREGORY W. MEEKS, New York
LINDA T. SANCHEZ, California
ALBIO SIRES, New Jersey
GABRIELLE GIFFORDS, Arizona
ENI F. H. FALEOMAVAEGA, American
Samoa
DONALD M. PAYNE, New Jersey
BILL DELAHUNT, Massachusetts
RON KLEIN, Florida
GENE GREEN, Texas

DAN BURTON, Indiana
CONNIE MACK, Florida
MICHAEL T. McCAUL, Texas
LUIS G. FORTUÑO, Puerto Rico
CHRISTOPHER H. SMITH, New Jersey
ELTON GALLEGLY, California
RON PAUL, Texas
JO ANN DAVIS, Virginia

JASON STEINBAUM, *Subcommittee Staff Director*
ERIC JACOBSTEIN, *Subcommittee Professional Staff Member*
MARK WALKER, *Republican Professional Staff Member*
ERIN DIAMOND, *Staff Associate*

COMMITTEE ON EDUCATION AND LABOR

GEORGE MILLER, California, *Chairman*

DALE E. KILDEE, Michigan, *Vice Chairman*
DONALD M. PAYNE, New Jersey
ROBERT E. ANDREWS, New Jersey
ROBERT C. "BOBBY" SCOTT, Virginia
LYNN C. WOOLSEY, California
RUBEN HINOJOSA, Texas
CAROLYN McCARTHY, New York
JOHN F. TIERNEY, Massachusetts
DENNIS J. KUCINICH, Ohio
DAVID WU, Oregon
RUSH D. HOLT, New Jersey
SUSAN A. DAVIS, California
DANNY K. DAVIS, Illinois
RAUL M. GRIJALVA, Arizona
TIMOTHY H. BISHOP, New York
LINDA T. SANCHEZ, California
JOHN P. SARBANES, Maryland
JOE SESTAK, Pennsylvania
DAVID LOEBSACK, Iowa
MAZIE HIRONO, Hawaii
JASON ALTMIRE, Pennsylvania
JOHN A. YARMUTH, Kentucky
PHIL HARE, Illinois
YVETTE D. CLARKE, New York
JOE COURTNEY, Connecticut
CAROL SHEA-PORTER, New Hampshire

HOWARD P. "BUCK" McKEON, California,
Ranking Minority Member
THOMAS E. PETRI, Wisconsin
PETER HOEKSTRA, Michigan
MICHAEL N. CASTLE, Delaware
MARK E. SOUDER, Indiana
VERNON J. EHLERS, Michigan
JUDY BIGGERT, Illinois
TODD RUSSELL PLATTS, Pennsylvania
RIC KELLER, Florida
JOE WILSON, South Carolina
JOHN KLINE, Minnesota
BOB INGLIS, South Carolina
CATHY McMORRIS RODGERS, Washington
KENNY MARCHANT, Texas
TOM PRICE, Georgia
LUIS G. FORTUNO, Puerto Rico
CHARLES W. BOUSTANY, JR.T1, LOUISIANA
VIRGINIA FOXX, North Carolina
JOHN R. "RANDY" KUHL, JR.T1, NEW YORK
ROB BISHOP, Utah
DAVID DAVIS, Tennessee
TIMOTHY WALBERG, Michigan

Mark Zuckerman, *Staff Director*
Vic Klatt, *Minority Staff Director*

SUBCOMMITTEE ON HEALTH, EMPLOYMENT, LABOR, AND PENSIONS

ROBERT E. ANDREWS, *New Jersey, Chairman*

GEORGE MILLER, California
DALE E. KILDEE, Michigan
CAROLYN McCARTHY, New York
JOHN F. TIERNEY, Massachusetts
DAVID WU, Oregon
RUSH D. HOLT, New Jersey
LINDA T. SANCHEZ, California
JOE SESTAK, Pennsylvania
DAVID LOEBSACK, Iowa
PHIL HARE, Illinois
YVETTE D. CLARKE, New York
JOE COURTNEY, Connecticut

JOHN KLINE, Minnesota,
Ranking Minority Member
HOWARD P. "BUCK" McKEON, California
KENNY MARCHANT, Texas
CHARLES W. BOUSTANY, JR.T1, LOUISIANA
DAVID DAVIS, Tennessee
PETER HOEKSTRA, Michigan
CATHY McMORRIS RODGERS, Washington
TOM PRICE, Georgia
VIRGINIA FOXX, North Carolina
TIMOTHY WALBERG, Michigan

SUBCOMMITTEE ON WORKFORCE PROTECTIONS

LYNN C. WOOLSEY, *California, Chairman*

DONALD M. PAYNE, New Jersey
TIMOTHY H. BISHOP, New York
CAROL SHEA-PORTER, New Hampshire
PHIL HARE, Illinois

JOE WILSON, South Carolina,
Ranking Minority Member
TOM PRICE, Georgia
JOHN KLINE, Minnesota

CONTENTS

	Page
WITNESSES	
Ms. Maria McFarland, Principal Specialist on Colombia, Human Rights Watch	15
Daniel Kovalik, Esq., Associate General Counsel, United Steelworkers	27
Mr. Edwin Guzman, Former Sergeant, National Army, Republic of Colombia .	29
Mr. Francisco Ramirez, President, Sintraminercol	36
The Honorable Otto J. Reich, President, Otto Reich Associates, LLC	48
LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARING	
The Honorable Lynn C. Woolsey, a Representative in Congress from the State of California, and Chair, Subcommittee on Workforce Protections: Prepared statement	10
Ms. Maria McFarland: Prepared statement	18
Mr. Edwin Guzman: Prepared statement	32
Mr. Francisco Ramirez: Prepared statement	38
The Honorable Otto J. Reich: Prepared statement	50

**PROTECTION AND MONEY:
U.S. COMPANIES, THEIR EMPLOYEES,
AND VIOLENCE IN COLOMBIA**

THURSDAY, JUNE 28, 2007

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON INTERNATIONAL
ORGANIZATIONS, HUMAN RIGHTS,
AND OVERSIGHT, AND
SUBCOMMITTEE ON THE WESTERN HEMISPHERE,
COMMITTEE ON FOREIGN AFFAIRS, AND
SUBCOMMITTEE ON HEALTH, EMPLOYMENT,
LABOR, AND PENSIONS, AND
SUBCOMMITTEE ON WORKFORCE PROTECTIONS,
COMMITTEE ON EDUCATION AND LABOR,
Washington, DC.

The subcommittees met, pursuant to notice, at 10:02 a.m. in room 2172, Rayburn House Office Building, Hon. Bill Delahunt (chairman of the Subcommittee on International Organizations, Human Rights, and Oversight) presiding.

Mr. DELAHUNT. This hearing will come to order.

This is a joint production, if you will, of the Foreign Affairs Committee. I chair the Foreign Affairs' Subcommittee on International Organizations, Human Rights, and Oversight. My friend, Mr. Rohrabacher, to my left is the ranking member of that subcommittee. We are doing this in conjunction with the Foreign Affairs' Subcommittee on the Western Hemisphere; and I expect we will shortly be joined by the chair of that committee, as well as the ranking member.

And we are working with our friends on the Education and Labor Committee. The subcommittees that are represented from that committee are the Subcommittee on Health, Employment, Labor, and Pensions, chaired by our friend, the gentleman from New Jersey, who is sitting to my right, and the Subcommittee on Workforce Protections. Lynn Woolsey will be here shortly.

I also want to recognize the presence of the chairman of the full Committee on Education and Labor, Mr. Miller.

This will be the first of a series that we intend to hold regarding the operations of American companies in Colombia. In the near future, I will extend an invitation to two of these companies, Chiquita International and Drummond Coal, to respond to serious accusations about their alleged involvement with foreign terrorist organizations that has been widely reported in both the Colombian and United States media.

I recently met with the fiscalia federale, Mario Iguaran, who is the equivalent of our Attorney General. He enthusiastically agreed that we should cooperate in ascertaining the truth of these charges.

I look forward to that collaboration; and I want to publicly acknowledge the assistance of the Colombia Ambassador to the United States, Ambassador Barco, and the Government of Colombian President Uribe in supporting of that effort. I anticipate and I expect that our own Justice and State Departments will respond similarly.

I want to acknowledge the assistance that was provided by the Department of State to expedite the visa to one of our witnesses, Mr. Guzman, today.

Colombia is a nation that has for decades experienced a level of violence unlike any other country in Latin America. The bloodshed and Colombia's long guerilla war was precipitated by a bloody political struggle in the 1950s that was so vicious it came to be characterized as the period of la violencia.

In the 1980s, the infamous Colombian drug cartels emerged as the engine of a new wave of particularly savage violence. In the last several years, the distinction between political and criminal has blurred as both guerillas and paramilitaries became more deeply involved in the drug trade, with horrific consequences for the Colombian people.

As Americans, we have a vital national interest and I believe a special moral responsibility in addressing the drug-related violence in Colombia. Ninety percent of the cocaine and 50 percent of the heroin sold in the United States comes from Colombia. Millions of Americans and their families have suffered from the ravages of these illicit drugs. Billions of taxpayer dollars at every level of government have been spent to reduce the flow of those drugs into our neighborhoods and communities, I should add, with little to show. The economic losses in terms of our gross domestic product is staggering. It is in the hundreds of billions of dollars.

But let's not forget the Colombian people have paid a terrible price as well. The tragic reality is that our seemingly insatiable appetite for illicit drugs has fueled the killing in Colombia. We are complicit in the devastation of that society. So it is a moral imperative that requires us to help Colombia end that cycle of violence.

Today's hearing is an effort to do just that. We must ensure that no American business or individual contributes to Colombia's suffering, as well as our own.

It should be noted that there has been undeniable progress in stemming Colombia's violence over the past several years. Murders, bombings, kidnappings, terrorist attacks all have been significantly reduced.

Let me publicly acknowledge that this is in no small part due to the leadership of Uribe and the contributions of many courageous Colombians, through peace activities, to policemen, to the courageous investigators of the fiscalia.

Let me also suggest that this reduction in violence has occurred not just because of expanded state presence in all regions of Colombia. What has really changed the landscape in my opinion is the Peace and Justice Initiative of the Uribe government. This process

has resulted in the demilitarization of more than 30,000 alleged fighters, mostly paramilitary.

This process is certainly not perfect and has been frequently noted by many both here and in Colombia, but it does give hope to Colombians who are exhausted by violence and seek reconciliation and a better future.

Also of particular significance at today's hearing is that the process requires the paramilitary leaders to confess their crimes. This has revealed serious allegations regarding the involvement of companies, including American ones, in funding illegal armed groups.

The paramilitary spokesman stated recently that many terrorist commanders intend to speak publicly about, and I am quoting him, "the financing by the banana industry, some coal companies, and big national businesses. Those who broke the law must face the consequences, just as we are. We will be listening."

As I said earlier, two U.S. companies have been repeatedly mentioned in this regard. The first, Chiquita International, has admitted to paying both guerillas and paramilitaries. It sold its Colombia operations in 2004, and it paid a \$25 million fine to the U.S. Justice Department.

The significance of the Chiquita case is that, for the first time, a company has publicly acknowledged what is understood to be a common practice in Colombia: The payment of protection money to whatever armed group controls the territory in which the company operates.

The second company is Drummond Coal, which is accused of going far beyond simply paying protection money. It has been alleged—and I want to stress that word "alleged," because in this country you are innocent until proven otherwise—that Drummond hired paramilitaries to kill three Colombian union leaders who worked at its mines and that Drummond actively supported paramilitaries in the area in which it operated.

It is our responsibility to determine the truthfulness of these accusations. Our efforts in this regard, to the issue of the Colombian people and all of Latin America, for that matter, is to show that we don't have one standard for them and another for us. If we are what we say we are, a Nation that respects the rule of law, we cannot countenance injustice, no matter where it occurs or who commits it. And if Americans and American investors have played a role, even an unwilling one, in Colombia's violence, we must examine it.

Now I would return to my friend and colleague and ranking member of the Subcommittee on International Organizations, Human Rights, and Oversight, Mr. Dana Rohrabacher, for any statement he may wish to make.

Mr. ROHRABACHER. Thank you very much, Mr. Chairman; and let it be known that I certainly support the chairman's request to conduct this hearing. I would have preferred to have perhaps a few more witnesses on that side of the table, but I am very happy to have Ambassador Reich with us today. He is used to having debates with four or five people on their side and only one on yours.

Mr. Chairman, I appreciate you holding the hearing, and I appreciate the fairness in which you have treated me and the honesty

in which you have treated the subject since we have been holding these hearings together.

Today, we will hear from witnesses who will make some seriously damaging allegations against American business, and I want to say at the outset of this hearing that none of the companies are here today to defend themselves.

Unfortunately, what happens so often—and I have seen this not only overseas but in the United States—that companies are advised by their lawyers not to say anything, and thus they don't say anything, and thus those making allegations against them usually have a clear field. It does not necessarily mean that because those who are speaking are saying one thing that that is necessarily true.

Today, we will be listening very closely to the witnesses and making sure that those things that are being suggested make logical sense and are accurately being portrayed.

One company that will be discussed in depth is Drummond Coalmining, and let us note that Drummond has denied all of the allegations that the Steelworkers Union has been making against them. Again, they have refused to settle out of court; and because there is a trial that will begin in 2 weeks, again, they have decided not to go into a public debate.

Drummond has informed us that they will not discuss the details until after the trial. It might have been better for us to wait until after the trial to see exactly what witnesses do step forward and hear their testimony at the trial, but it is also with the judicial branch, so there is no reason the legislative branch has to wait when issues do reflect on public policy.

Unfortunately, Mr. Chairman, as I say, we will only hear from one side on the specifics today.

There is a bigger point to be made, and I am very pleased that you mentioned the progress in recent years in Colombia to bring more stability to that war-ravaged country, where murder and mayhem were the order of the day for so many decades.

Also, I would like to suggest to you, Mr. Chairman, that your analysis that the United States Government is in some way complicit because of the actions of our people may be on target, but I want to say this. The United States—people in the United States are the customers for the drugs that are causing the violence and mayhem in Colombia and elsewhere throughout the world, and perhaps our drug policy has not worked.

I worked with Ronald Reagan in the White House during his term of office and I would note that during his term of office drug use among young people in the United States dropped by 50 percent because we created a no-tolerance approach, in terms of the way you deal with accepting someone on the job, accepting someone in school, in terms of a social acceptance for people to use drugs. The "Just Say No" strategy worked.

When that was abandoned and when the moral imperative that was laid down by the Reagan administration ceased to become a priority, drug use went back up in the United States. And what happens when illegal drugs are used is not just that peoples lives are being put at stake, but we end up financing criminal elements in societies like Colombia.

So now whether or not the use of just this moral imperative, as Ronald Reagan, I thought, was very successful at, or whether we need to change the fundamentals of our drug policy at home, that is not the issue today, but it certainly does impact on what we are doing here, and the American people just shouldn't sit back and think that this is happening totally isolated from their own personal behavior.

As I say, there are many stories that have come out of Colombia in these last two decades that are monstrous stories of death and murder and brutality, but let us note that that is not necessarily just something condemning the Colombian Government. There are decent people in Colombia, and I would say on left and right, who are struggling to try to bring this horrible situation to an end.

As you stated in your opening statement, progress has been made. But over the decade Colombia has had to make this progress in spite of incredible violence by left-wing guerillas, as well as paramilitary groups that can be loosely described as right-wing because they are not left-wing.

Colombia yields, of course, some of the most fertile field in the world. So they have the cocoa and poppy crops there, and that profit, coupled with the American appetite for drugs, has created this breeding ground for the terrorism and the mayhem that we are talking about.

There are three terrorist groups at the root of Colombia's violence. They are the ELN and the FARC on the left, and these grew out of Marxist, Communist traditions. And in opposition to these guerilla groups came the AUCs, which are commonly referred to as paramilitaries; and these groups participate even to this day in murders, kidnappings, land grabs, extortion, torture, narcotrafficking and intimidation of all kinds.

These groups have been in the past, and I am sure to this day, have often been negotiated with and compromised by various element within the Colombian society, whether it is the government, or whether it is Colombian businessmen, or whether it is American investors in Colombia who have sought to protect themselves from the violence of these very violent organizations.

So the situation, although it is improving, as you suggested in your remarks, and as clear by the number of deaths and the number of violent activities that have been recorded there, the situation still remains a serious challenge. Drugs continue to flow as traffickers adjust to the eradication patterns, which suggest to us that perhaps, instead of just eradication, we should also be looking at controlling market demand from the United States.

But Colombia also with this money flowing at this moment we have to recognize is being bordered by Venezuela, which is providing safe haven for FARC terrorists. Basically, the government in Venezuela seems to try to want to model itself after Castro in some ways and try to establish itself as an anti-American leader in Latin America and has led that government to lend support to those organizations that are murdering people in Colombia right next door.

I am sure we will hear today that violence between the terrorist groups continue and, yes, in some cases American businessmen are caught in the middle and, quite often, American businessmen, I would imagine, would have had to pay protection money, protection

money from left-wing guerillas or right-wing guerillas. But when you start dealing with these types of elements in a society, bad things can happen, and they do happen, and whether or not you intended it to be that way or not, because you don't have the control and the responsibility and the accountability as you have in government.

So, with that said, I am looking forward to hearing the details. I know we are going to hear very, very strong details on charges, serious charges; and I want to look at them to make sure—unfortunately, the company in question is not here to defend itself—but we should look with a very skeptical eye and demanding eye that this be done with truth and honesty and accuracy.

So thank you very much, Mr. Chairman.

Mr. DELAHUNT. I thank my friend from California; and I can assure him that those companies, along with other companies over the months ahead, will be extended an invitation. I can assure you this is only the beginning. We will have a series of hearings; and I am sure that over time, working together with the fiscalia in Colombia—as I said, in my conversation with him just recently, he was enthusiastic about collaborating with the U.S. Congress in terms of providing assistance and working together to ascertain the truth.

With that, given his status as chair of the full Committee on Education and Labor, and the fact that he is my landlord, I will now recognize Mr. Miller of California for any opening remarks he may wish to make.

Mr. MILLER. Thank you, Chairman Delahunt. I appreciate the opportunity to speak, and I will be brief.

I certainly want to begin by thanking you for all of your work in this area, and Chairman Andrews, Chairman Engel, and Chairman Woolsey for their support of this hearing.

Colombia and the United States have a very long relationship, and there is a great deal at stake, and we have pursued that relationship over many years. We want to preserve that relationship. But this hearing on the activities that you are investigating raises very troubling issues. They are not necessarily new, but some of the alleged involvement of American companies is relatively new and certainly very troubling.

This is a very important hearing, because it goes to the future of agreements between our two countries and the relationship of our two countries. Those future actions turn on the issues that are being raised in this hearing and that is the killing of civil society in the country of Colombia and with special attention given to the targeting of labor organizers, members of labor unions with apparent impunity to date.

I do want to associate myself with your remarks about the improvements under the leadership of President Uribe, but the policy between our countries cannot be based upon personalities. It must be based upon the rule of law and the enforcement of that law.

Pertaining to the subject matter this morning, as noted in the testimony of one of our witnesses, when you look at the assassinations of trade unionists and members of trade unions, it is not simply a reflection of Colombia's armed conflict, but it is linked di-

rectly to workers' exercise of basic rights to organize and bargain collectively.

When you document that with where it is taking place, as Ms. McFarland has, you see that this is related to workers expressing their desire for better terms and conditions of work and the right to organize.

We are working very hard to protect the right to work and organize in this country and in other countries, and Colombia has to join that effort. What we see from the testimony received to date is that, flying under the cover essentially of the general violence taking place in Colombia, is a targeted campaign against labor organizers, members of labor organizations, and the leaders of those organizations. And I want to thank you for calling attention to that with this joint hearing, because that is simply unacceptable.

We all understand the globalization of trade and economic activity, and we understand the concern of American citizens about their ability to compete in other countries and what that means. But in far too many countries when people decide that they want to join a union or they want to strike for better wages or better conditions, the first thing that happens is the military shows up at the factory gate or at the gate of the farm to put down that kind of activity. That is completely unacceptable.

The testimony today suggests that the only thing that the paramilitaries, the guerillas, the military and the government have in common is that for some period of time it was okay to target labor leaders, members and organizers. Hopefully, that is beginning to change, as you pointed out in your remarks, and by the actions of President Uribe. But there is a long way for Colombia to go to convince Members of this Congress that this is no longer a policy of impunity and that the rule of law will be enforced, the prosecutions will be pursued.

I do not minimize the difficulty of doing that in this country with the violence that has taken place. It takes a great deal of courage, and it is a fundamental decision to get involved in this effort to prosecute the law. But we need to have people do that, and we need to support them, and I think some of the changes you engineered in the appropriations bill will be helpful to that end.

Thank you again for holding this hearing.

Mr. DELAHUNT. Thank you, Mr. Miller.

Now let me turn to the ranking member on the Subcommittee of the Western Hemisphere, Mr. Burton.

Mr. BURTON. Well, it is nice to see my good friend from Massachusetts this morning. I didn't know you got up this early.

Let me start off by saying that crimes against union members or anybody in an ally's country is something we should look at very closely, and we should do what is necessary to stop those if it is within our power to do so.

But I would like to start off by saying I understand there is two cases that we will be talking about today. One was a Chiquita Banana case. That was settled. The company acknowledged past payments to FARC, and they paid a price for that.

The Drummond Coal case, as I understand it, Mr. Chairman, is still pending before U.S. District Judge Karen Bowdre. And on the other issue there was a denial of liability on the other issues, and

a court decided in that case. So this case is pending before a Federal judge.

I appreciate you holding this hearing, and I hope we have further hearings, like you said, but I hope we don't run to judgment before the judge has a chance to decide on this case.

Let me just talk a little bit about what is going on in Colombia. I know there is violence down there. I know there are a lot of terrible things that has happened. President Uribe came up here, and I thought he was treated shabbily by the Members of Congress. I didn't think it was right for the leader of a country, even if we have differences with him, to be beating him half to death, verbally. It was out of character for the Congress of the United States, regardless of whether or not we agree with the leader.

Let's talk about what has really been going on. Since 2002, terrorist attacks are down by 61 percent; assassinations of labor leaders, which is a terrible thing, is down by 75 percent; journalists is down by 73 percent; ex-mayors is down by 58 percent; displaced families is down by 68 percent as of 2006; massacre victims is down by 72 percent; kidnappings are down by 76 percent; and common homicide is down by 40 percent.

Now that is not perfect. That is not perfect, and further changes need to be made, and the leadership needs to continue to address these issues. But I think, as an ally of the United States, President Uribe has been diligent in trying to deal with problems that we have raised in the past, Mr. Chairman, regarding illegal activity and murders and homicides down in Colombia.

Deaths to union members, which I think is terrible—I was a union member at one time. I want to tell you that. So I am very concerned. Deaths in 1996 were up to 221, then it went down to 51, then in 2005 deaths were—excuse me, 2002—2001—2002, the deaths through violence was 205; and since 2002 that has gone down to, I think, 40 to 60.

So improvements have been made, and while we try to get to the bottom of these problems and try to help Colombia find solutions to these problems, which I think we should be doing, I hope the members of the committee and Congress will realize that President Uribe has worked very diligently to solve a lot of these problems, and the numbers speak for themselves.

So I hope, Mr. Chairman, as we conduct these hearings that we will bear in mind that Colombia is an ally of ours in the war against drugs. Colombia has been working hard to solve these problems, and we should continue to work on these issues, but, at the same time, we should give credit where credit is due. Because this is an ally that is fighting the war against drugs.

Thank you, Mr. Chairman. I yield back my time.

Mr. DELAHUNT. I thank Mr. Burton.

I would simply note he made reference to beating up on President Uribe. I hope that he was able to hear my own opening remarks relative to Mr. Uribe. I would note for the record that I participated, along with Chairman Miller and others, in a meeting with the President, with the Speaker of the House, that I thought was very productive, that was cordial. So I think I have to just note that for the record.

I yield to the gentleman.

Mr. BURTON. Let me just say, Mr. Chairman, I wasn't picking on or attacking any individual Congressman. I know you very well. You are a friend of mine, and you have always been fair, and I believe Mr. Miller has always been fair. But there were other Members of Congress that really showed discourtesy—and that is a mild term—to President Uribe when I was in these meetings, and I think—and I still think that that is not the way—

Mr. DELAHUNT. Reclaiming my time, I just want to note for the record that we have worked with the Uribe government, we have worked with the Pastrana government, that the current Vice President of Colombia, Mr. Santos, actually stayed with me personally when the FARC put out a contract on his life.

So when it comes to Colombia, I take exception to any suggestion that myself or other Members of Congress, at least that I am aware of, are not working to benefit both the people of Colombia, as well as the American people.

With that, I yield to Mr. Andrews, the chair of one of those subcommittees of the Education and Labor Committee.

Mr. ANDREWS. Thank you, Mr. Chairman. Thank you for calling this hearing. I appreciate the chance to participate with your distinguished committee.

I would also like to thank the chairman for beginning our proceedings this morning on two notes of fairness. One was his very justified recognition of our collegiality with President Uribe and his government. I think it was a sign of deserved respect. Second, the chairman's statement on several occasions that both sides of this story will be heard when the other side wishes to be heard. I think the chairman has been very fair in that regard.

With global opportunity comes global responsibility. There will be a significant debate in this Congress in the weeks ahead as to what that responsibility means in terms of the relationship between the United States and Colombia. There will be significant debate among our colleagues about that. I think before we get to that debate, though, that this hearing will establish that there are three points of consensus that each Member of Congress must take into account.

The first is that there is an inextricable link between murder and violence and union activity in Colombia. It is heartening to hear that it is decreasing, but it is disheartening and dismaying to hear that it exists.

In 2006, the Colombian Government itself estimates that 58 people were murdered in some sort of union activity. There are other accounts which put that number as high as 72 people murdered. The United States is a very different place than Colombia, but let us put those statistics in the context of our population.

Colombia has a population of approximately 44 million people, about one-seventh of what the United States has. Imagine how we would react if 350 union organizers were murdered, not kept out of one-on-one meetings, or subjected to advertising campaigns, but murdered as a result of their activity. This is a very significant problem, and it needs to be noted for the record, as it will be today.

Second, there is evidence on the record of at least one major United States company participating in the financing of this activity. In March 2007, the Chiquita enterprise, one of its manifesta-

tions pleaded guilty in the U.S. Federal Court to one count of engaging in transactions with a terrorist group and paid a \$25 million fine.

The chairman pointed out the difference between allegations and conclusions. This is not an allegation. This was a guilty plea in the U.S. Federal District Court.

The extent of this financing is something that this hearing and others will investigate. But this is a very serious concern that an enterprise in this country is providing at least some of the cash that is financing the mayhem that will be the subject of this hearing.

Third, I believe it is a point of consensus among the members of this body that one of the fundamental human rights in any society is the right to organize and bargain collectively. We are not a perfect society by any stretch of the imagination. The United States should never hold itself out to be. But I do think the standard is not perfection. It is a minimum standard of decency. And one of the criteria for a minimum standard of decency is that if working people wish to organize and bargain for their own benefits, their own pay, their own working conditions, a civilized society permits them the right to do so.

Clearly, we need to evaluate our relationship with Colombia, and every other nation, and evaluate ourselves in the context of whether we are providing that very, very important right.

This hearing will help provide the context for us to decide what the next step in bilateral relationships between our country and Colombia ought to be. I do not prejudge the answer to that question, but I do think it is very important as the members of this institution make the decisions that we will make in the weeks ahead that we understand that we are dealing with a situation where this fundamental tentative human right is not only in question but it is literally under assault, and I think it is important we hear the record of that here today.

So I thank the chairman for the hearing. I look forward to hearing from the witnesses.

Mr. DELAHUNT. Thank you, Mr. Andrews.

I am going to now recognize Ms. Woolsey since she chairs a subcommittee of the Education and Labor Committee, then go to other members that are present here. But I am going to ask them if they have a desire to make a statement to limit it to under a minute. But if you have that particular need, we will give you that minute.

The gentlelady from California, Ms. Woolsey, is now recognized.

Ms. WOOLSEY. Thank you, Mr. Chairman.

I am going to set the example of what we should all be doing. I ask unanimous consent to enter the entirety of my opening remarks into the record, and I will instead cut to the chase, and hopefully we will be able to hear from our panelists soon.

[The prepared statement of Ms. Woolsey follows:]

PREPARED STATEMENT OF THE HONORABLE LYNN C. WOOLSEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA, AND CHAIR, SUBCOMMITTEE ON WORK-FORCE PROTECTIONS, COMMITTEE ON EDUCATION AND LABOR

This hearing today illustrates that—whether we sit on the Ed & Labor Committee or the Foreign Affairs Committee, or in my case on both—what goes on with work-

ers in Colombia, especially those employed by U.S. companies, has a huge bearing on the decisions we make in Congress.

After all, since 2000, the U.S. has provided over \$5.5 billion in assistance to Colombia—more than any other country in South America—to curb drug trafficking and assist the government in eliminating the influence of the Country's homegrown paramilitary and other terrorists groups.

And we are currently re-negotiating a free trade agreement with Colombia. And it is essential that 5 basic labor rights, as outlined in the International Labor Organization Declaration, become part of that agreement.

Against this backdrop is a four-decade long civil war in Colombia, involving left-wing guerillas, right-wing paramilitaries and the government.

These groups are funded by drug trafficking and extortion.

And trade unionists in Colombia have found themselves at the center of this battle.

Due to past ties some union groups have had with left-wing guerillas, trade unionists have been targeted by the paramilitary groups, who have murdered them at an alarming rate.

According to the State Department, more than 4,000 union members have been killed in the last 20 years.

Last year alone, Colombian labor groups report that over 70 unionists were killed. And those who are not killed are often threatened, attacked or kidnapped.

Many of these crimes are never even investigated, and the vast majority have gone unsolved.

One of the recent victims was Carmen Cecilia Santana Romana.

She was a 28-year old mother of 3 and a national trade union official.

Colombia is the most dangerous country in the world for trade unionists.

Which is a shame; because before 1990, Colombia's trade unions were among the strongest in Latin America.

And while paramilitary groups have been supposedly "demobilized" under a peace agreement with the Colombian government in 2004, these groups are still in operation, committing horrendous acts of violence against the workers and citizens of Colombia.

What is equally disturbing is that the influence of these groups reaches high into the Colombian government.

And U.S. companies were also involved with these violent groups.

Chiquita has admitted that it paid paramilitary groups and paid \$1.7 million in protection money over a 7-year period.

It paid a \$25 million fine, which some say was too lenient given the seriousness of the company's actions.

Drummond has also admitting to paying paramilitary groups at its mining operation in Colombia.

But it is beginning to appear that the involvement of Chiquita, Drummond and other companies might have gone much further.

Today, we will explore the extent of their involvement with these groups, including whether they were complicit in the deaths of their own union employees.

I think this is going to be a very tough hearing, and we will hear disturbing evidence of gross violations of human rights.

But the hearing is necessary for the truth must come out.

Ms. WOOLSEY. I do want to make a couple of quick remarks.

This hearing today illustrates that whether we sit on the Education and Labor Committee or the Foreign Affairs Committee or, in my case, on both, what goes on with the workers in Colombia, especially those employed by United States companies, has a huge bearing on the decisions that we make regarding Colombia.

Colombia, the most dangerous country in the world for trade unionists, which is really such a shame because, before 1990, Colombia's trade unions were among the strongest in Latin America, and while paramilitary groups have been supposedly demobilized under a peace agreement with the Colombian Government in 2004, these groups are still in operation, committing horrendous acts of violence against the workers and citizens of Colombia.

So I think this is going to be a very tough hearing, and we are going to hear some disturbing evidence of gross violations of human

rights. Then it is our responsibility to make decisions based upon what we hear today. And we need the truth. It must come out, and we need to then go forward in the right directions.

I thank you, Mr. Chairman. I yield back the remainder of my time.

Mr. DELAHUNT. I thank the gentlelady.

I was unaware, and I apologize to my friend from South Carolina, that he serves as a ranking member on the subcommittee. With that, let me recognize Mr. Wilson for comments that he might want to make.

Mr. WILSON. Thank you, Mr. Chairman. I appreciate you accommodating my being here very much.

I would like to thank the witnesses for being here today and look forward to hearing your testimony. I am very grateful to serve on the Committee on Education and Labor, as well as the Foreign Affairs Committee. The joint hearing presented today is going to be a unique opportunity for us to work together on both committees.

My relationship with Colombia began when my wife, Roxanne, and I joined as volunteers in the Partners of the Americas program, where South Carolina is partnered with southwest Colombia to promote cultural and educational exchanges between our citizens. We had the pleasure of welcoming a student, Carlos Baragon, into our home as a Colombian exchange student. Carlos quickly became a member of our family, and I indeed consider him our fifth son. These experiences proved to be invaluable to my children, and I am grateful to Carlos, his family, the people of Cali for their hospitality.

Americans appreciate Colombia as a valued partner and ally. Last year, I visited Colombia and I was impressed by the leadership and courage of President Uribe. Additionally, I am really impressed to see, under Plan Colombia, to see the extraordinary success in the reduction of kidnappings and common homicide. Between 2002 and 2006, kidnappings have been reduced by 76 percent, from 2,885 to 687. Common homicides have been reduced from 28,837 to 17,277. This is just an extraordinary achievement for a great country.

I am especially honored to have Ambassador Otto Reich here today. Ambassador Reich's experience with the Department of State and as the President's Special Envoy to the Western Hemisphere makes him very knowledgeable on the topics that we explore today.

With that, I look forward to the hearing. Again, I want to thank the witnesses for being here. I am eager to hear your testimony, and I yield back the balance of my time.

Mr. DELAHUNT. I thank the gentleman.

I look to my left and to my right. Is there any member that wishes to make a brief, concise statement? Mr. Mack of Florida.

Mr. MACK. Thank you very much, and I will be just very brief. I wanted to follow up on some comments that I heard earlier.

I think it is important for today's discussion to recognize that there is a difference between what is happening in Colombia compared to the United States; and as we go through the discussions it is important to look more through those glasses, that lens in Co-

lombia, Latin America, South America, than just here in our own country.

When we talk about Latin America and how we can improve lives in Latin America, it is important to understand that drugs play a big part of the deterioration of societies, not only in Latin America but here in our country as well. So whether it is poverty, crime, drugs, education, health care, they are all important in making sure that Latin America continues to grow. Supporting those countries, our allies in the war on drugs, is extremely important to the future of our relationship in Latin America.

So I look forward to today's discussion, and I want to thank the members of the panel who are here today, and I look forward to hearing from you as well.

Thank you, Mr. Chairman.

Mr. DELAHUNT. I thank the gentleman.

I recognize Mr. Loeb sack.

Mr. LOEB SACK. Thank you, Mr. Chair. It is a privilege to be here in this room.

I am a new Member of Congress, just got elected last November. I am on the Education and Labor Committee—that is why I am here—but also on the Armed Services Committee; and I think what we do in Armed Services is not unrelated to, obviously, our relationship or bilateral relationship with Colombia. Because we, of course, have extended considerable military aid to Colombia over the years as well.

I don't have a prepared statement, so I just want to make a couple of comments.

I am not unfamiliar with what is happening in Colombia. Even though I have never traveled to Colombia, for 24 years I taught international politics at a small college in Iowa, traveled to Latin America a lot, principally Brazil and South America, but Central American countries as well. So I am pretty familiar with the issues that I think we are going to hear about today from both sides, but I am looking forward to the testimony very much.

I, too, am very concerned, obviously, about what has been happening not only with labor leaders in Colombia, but others as well; the impunity. Because, as you know, it is "impunidad" in Spanish but "impunidade" in Portuguese. That word is a word that many people are very familiar with in many parts of Latin America, not just in Colombia.

At the same time, I appreciate the comments that Congressman Mack just made also about the importance of drugs. There is no doubt that we wouldn't have nearly the serious problems that we have in Colombia if we didn't have the demand for these drugs in the United States as well. I think it is really important that we think about that not necessarily in this context of this hearing, but I think it is something we need to keep in mind, clearly.

So I am going to finish with that and try to be as brief as I can. I appreciate the fact that you are all here, and I look forward to hearing what you have to say about the issues.

Thank you.

Mr. DELAHUNT. I thank the gentleman.

Seeing no other member that is interested in making an opening, let me proceed to introduce our witnesses.

Let me begin with Maria McFarland. She is the Human Rights Watch's principal specialist in Colombia. She is a leading expert on Colombia's paramilitary demobilization process, and she is also an author. The book is entitled *Smoke and Mirrors*. I recommend its purchase.

Next is Dan Kovalik. He is associate general counsel for the United Steelworkers. He is counsel for the Colombian plaintiffs in the Alien Tort Claims Act against Drummond, Coca-Cola and Occidental Petroleum.

Mr. Kovalik, the committee understands that you are subject to a protective order issued by the U.S. District for the Northern District of Columbia in the case of *Noguera v. Drummond Company*. Congress and its committees are constitutionally entitled to seek any information relating to matters within Congress's legislative oversight and investigative jurisdiction, and witnesses may be compelled to provide that information notwithstanding the existence of judicial protective orders that restrict a witness's ability to speak.

Nevertheless, the committees at their own discretion wish to be sensitive to your obligations under the protective order. Accordingly, purely as a matter of comity between the legislative and judicial branches of the Federal Government, the committees at this time only seek and they encourage you to limit your testimony to information that will not cause you to violate the protective order. Thank you.

Edwin Guzman served in the Colombian army for over 8 years and achieved the rank of sergeant. He served in La Popa Battalion in Colombia from 2000 to 2001. He led three platoons of La Popa Battalion which protected Drummond property. During this time, he claims he was jointly employed by Drummond and the Colombian armed forces.

Mr. Guzman is one of the only surviving witnesses against La Popa's former commanding officer, Colonel Meija. Meija was dismissed from the Colombian armed services earlier this year largely on Mr. Guzman's testimony of the serious human rights abuses, extrajudicial killings and collaboration with the AUC, a designated terrorist organization, by our own Government.

After serving in the Colombian military, Edwin Guzman says he was forcibly recruited into the AUC under threat of death and served as a conduit for the top commanders of the AUC's Northern Block.

Francisco Ramirez is a Colombian lawyer, unionist and human rights activist. He is president of Sintraminercol, the Colombian mine workers union, and the Human Rights Secretary of Funtraenergetica—I butchered that, I am sure—the Colombia Federation of Energy Sector Unions. His union is taking a leading role in the struggle against the privatization of Colombia's mineral resources, in exposing the abuses of multinational corporations in the mining and energy sector, and pressing for legislative reform to return some of the profits of the mining sector to the country. The union has been active in the defense of the rights of the indigenous and Afro-Colombian people displaced by mining and energy products and in environmental and labor issues.

He also is an author. His book, *The Profits of Extermination*, was published in 2005.

Otto Reich is a former senior official in the administration of Presidents Reagan and Bush. He has been Assistant Secretary of State for the Western Hemisphere, Ambassador to Venezuela, Assistant Administrator of the U.S. Agency for International Development and the President's Special Envoy for the Western Hemisphere. Since leaving the White House in 2004, he has headed his own international consulting firm, Otto Reich Associates, based here in Washington.

I would ask the witnesses that you please keep your oral statements short so that we can proceed to questions and have a lively discussion.

Let me begin with Ms. McFarland.

**STATEMENT OF MS. MARIA McFARLAND, PRINCIPAL
SPECIALIST ON COLOMBIA, HUMAN RIGHTS WATCH**

Ms. McFARLAND. Mr. Chairman, members of the committee, I am honored to appear before you today and thank you for your invitation to address the human rights situation and the situation of trade unionists in Colombia. I will summarize my written testimony which I have submitted for the record.

Human Rights Watch has monitored Colombia's human rights situation for nearly two decades. We have covered abuses by government forces, by paramilitary groups, as well as by FARC guerrillas who engage in systematic and horrific atrocities, including the use of child soldiers and anti-personnel mines, an issue on which we are going to release a report very soon.

I would like to take this opportunity to express our strongest condemnation of the FARC's practice of hostage-taking. We just received news this morning that 11 members of the Valle del Cauca congressional assembly who were being held hostage by the FARC were killed in recent weeks. While we don't know the exact circumstances of the deaths, the FARC is responsible for engaging in this brutal practice which violates the laws of war.

Returning to the issue at hand, Colombia has the highest rate of violence against trade unionists in the world. Colombian labor rights groups report that there have been 2,515 killings of trade unionists within the last 21 years. While guerillas and the military do at times kill trade unionists, the majority of the killings are committed by paramilitaries who have deliberately targeted unions. Usually, the killings have occurred when workers exercise their rights to organize or to bargain collectively. Paramilitary Leader Carlos Castano once claimed that his group kills trade unionists because the unions, in his words, "keep people from working."

The number of yearly killings has dropped since 2001, but the situation remains critical. More than 400 killings have occurred during the administration of President Uribe. The highly respected National Labor School reports that 72 trade unionists were killed in Colombia last year alone. The recent drop in killings probably reflects a variety of factors, including the retreat of the FARC from some regions where they were committing abuses.

But, more importantly, it probably also reflects a shift in paramilitary tactics. In the 1990s, paramilitaries were actively expanding, taking over control of many regions of the country and engaging in frequent massacres and killings as they took over new terri-

tory. But, starting around 2000—and paramilitary commanders confirm this in conversations with me—they began consolidating their control over many regions. As a result, massacres started to decline as paramilitaries could now just enforce their control through selective killings. And, in fact, I would note that, while overall homicides have dropped in Colombia, the number of selective killings attributed to paramilitaries has remained unchanged since 1996. It is 800 to 900 a year.

In the case of trade unionists, with the shift in tactics, according to the National Labor School, while paramilitaries still kill unionists directly, they also now resort much more frequently than in the past to threats and attacks on trade unionists families, which do not get recorded in official statistics.

A key reason why trade unionists are killed in such high numbers in Colombia is that the perpetrators are almost never caught or punished. The impunity rate is over 98 percent.

Another factor is the improper stigmatization of unions as linked to guerillas. Unfortunately, government officials have at times reinforced this stigma. For example, just last month, President Uribe stated that one of the trade unionists who has been killed this year was killed because he was, in President Uribe's words, "a terrorist."

Another serious cause for concern is the mounting evidence of paramilitaries' political influence. Because of this evidence and independent investigations in recent months, the Supreme Court has ordered the arrest of 14 Colombian congressmen, most of them members of President Uribe's coalition, for collaborating with paramilitaries.

Another case involves Jorge Noguera, the former national intelligence director, who allegedly provided paramilitaries with the names of trade unionists, some of whom were later killed. The allegations against him are serious enough that the United States has revoked his visa. Unfortunately, President Uribe has persistently defended him, meeting several times with Noguera's lawyer between February and March. We have documentation showing this.

In recent months, numerous troubling allegations and information have also been made public linking the corporations Chiquita Brands and Drummond Coal as well as some other Colombian and international businesses to paramilitary groups. Unfortunately, instead of ensuring full investigations and full accountability for paramilitaries' accomplices, President Uribe recently announced a proposal to release from prison all politicians as well as any other person or business who may be convicted of colluding with paramilitaries. This is very serious.

Meanwhile, the Colombian Government repeatedly claims paramilitary groups no longer exist thanks to its demobilization program, but, in fact, paramilitaries have been able to keep much of their power and wealth intact while getting what they most want, which is protection from extradition to the United States for drug trafficking. Some of these paramilitary leaders who are major drug lords are temporarily in prison, but the government has allowed them to use unmonitored cell phones, despite credible evidence paramilitaries are using those phones to continue engaging in paramilitary activity.

At this critical juncture, the United States should send Colombia a clear message. If Colombia is serious about protecting trade unionists' rights, it must produce concrete and verifiable results in reducing impunity and in dismantling paramilitary groups. The Colombia Attorney General recently established a special group of prosecutors charged with investigating the killings of trade unionists. This is a positive first step. However, Congress should insist that Colombia show results in these cases through a substantial number of well-grounded convictions.

It is also crucial that the Colombian Government ensure thorough investigations and full accountability for paramilitaries' accomplices, including politicians and financial backers, and that it abandon its proposal to release these individuals from prison.

The government should also actively identify and confiscate paramilitaries' illegally acquired assets, it should restrict imprisoned paramilitary commanders' communications, and it should effectively sanction, including through extradition to the United States, those commanders who continue committing crimes.

These are just a few of the most basic steps necessary to ensure that paramilitary groups which for so long have been able to terrorize Colombia's workers with impunity are effectively dismantled.

I want to make clear that we do not oppose Colombia's Free Trade Agreement, per se. However, Congress should refuse to consider ratifying the Free Trade Agreement until Colombia produces these results. We, like you, want to help Colombia and its people. The best way to do this is to urge Colombia's Government to address these serious issues.

Thank you.

[The prepared statement of Ms. McFarland follows:]

Testimony of Maria McFarland Sánchez-Moreno, Esq.
Principal Specialist on Colombia, Human Rights Watch
June 28, 2007 Hearing
United States House of Representatives
Committee on Foreign Affairs, Subcommittee on International
Organizations, Human Rights, and Oversight, and Subcommittee on
the Western Hemisphere
Committee on Education and Labor, Subcommittee on Health,
Employment, Labor and Pensions, and Subcommittee on Workforce
Protections

Mr. Chairman, Committee members:

I am honored to appear before you today. Thank you for your invitation to address the human rights situation in Colombia and particularly the situation of violence against trade unionists in that country.

Human Rights Watch has been monitoring the human rights situation in Colombia for nearly two decades. Through our reports we have repeatedly documented abuses committed by Colombian government forces, left-wing guerrillas of the Revolutionary Armed Forces of Colombia (the "FARC") and the National Liberation Army (the "ELN"), and right-wing paramilitary groups.

Colombia presents the worst human rights and humanitarian crisis in the region. It has the largest number of internally displaced persons in the world, according to a recent report by the UN High Commissioner for Refugees. The guerrillas are notorious for their horrendous record of abuses, including frequent kidnappings, recruitment and use of child soldiers, and use of antipersonnel landmines, in blatant violation of the laws of war. Meanwhile, the paramilitaries are responsible for widespread massacres, selective killings, extortion, and forced takings of land from civilians. They have often engaged in these crimes with the acquiescence of the security forces, and in some cases, even the active collaboration of military units.

Both the FARC and paramilitaries are well funded through their involvement in the illegal drug trade.

History of Violence against Trade Unionists

Colombia has a long history of union organizing. It also has a long history of violence against trade unionists.

Perhaps the most well-known early case of anti-union violence was the massacre of striking United Fruit Company workers in 1928, which was famously memorialized by Gabriel García Márquez in his novel *One Hundred Years of Solitude*. While accounts of this case and estimates of the dead greatly vary, the general story that is reported by labor rights groups in Colombia today is that military troops were sent in to end the strike, and ended up opening fire indiscriminately on the crowd of workers, allegedly killing anywhere from a few dozen to three thousand workers.

Throughout the 1960s and 1970s there were several reported instances of killings of unionists, often by government forces. However, it was with the rise of paramilitary groups in the 1980s that we started to see a dramatic increase in the killings of trade unionists.

Colombia's paramilitary groups developed over two decades ago, as death squads formed by drug traffickers and wealthy landowners to defend their interests from guerrillas or other competing groups. During the 1990s, paramilitaries grew rapidly, taking control of large areas of the country, including valuable land and strategic corridors for illegal drug trafficking and arms movements.

Paramilitary groups have deliberately targeted trade unions, claiming they were allies of or fronts for guerrillas. When asked in 2001 about their apparent willingness to blindly attack civilians, Carlos Castaño, who was then the head of the AUC paramilitary coalition, responded: "Blind attacks? Us? Never! There's always a reason. The trade unionists, for example. They keep people from working! That's why we kill them."

Colombian labor rights groups have documented 2,515 killings of trade unionists since 1986—an average of approximately 120 a year.

Paramilitaries are not the only actors who kill trade unionists in Colombia. There are also documented cases of FARC killings of trade unionists who the FARC viewed as allied with their opponents, or as challenging the group's authority. For example, in the early 1990s, there was an extremely high rate of killings in the banana growing region of Urabá in the states of Antioquia and Córdoba, where the FARC and paramilitaries were fighting over control of territory. Both groups engaged in

widespread violence against trade unionists they suspected of siding with their adversaries.

In one instance reported by the Inter-American Commission on Human Rights, on September 20, 1995, the FARC stopped a bus with twenty-nine banana workers. The FARC forced all the passengers to get off the bus and lie face down on the ground, tying their hands. The group then proceeded to summarily execute twenty-four of the workers.

The military has also been known to kill trade unionists. The most well-known recent example occurred on August 5, 2004, when, as reported by the U.S. Department of State, "soldiers from the army's 18th Brigade shot and killed three trade union members outside a home near Saravena," in the state of Arauca. At the time, the Army asserted that the trade unionists had attacked a military unit and that they had died in combat. However, the prosecutors later stated that the evidence showed that the trade unionists had not died in combat, but instead had been summarily executed.

But while the guerrillas and, to a lesser extent, the military have engaged in violence against trade unionists, paramilitaries appear to be responsible for the majority of trade unionist killings. The National Labor School reports that of the 446 cases over the last 21 years in which they have identified an alleged perpetrator, paramilitaries are responsible for 62% of killings, guerrillas for 31.3%, armed forces for 4.2%, and common crime for 2.4%.

In addition, the geographic pattern of violence against trade unionists tracks the expansion of paramilitary groups. From 1995 to 1998, 50% of trade unionist killings in Colombia occurred in Antioquia, where paramilitaries were engaged in bloody campaign to wrest control of the area from guerrillas. In later years, as the paramilitaries expanded outside of their initial power bases in Antioquia and Córdoba, the killings of trade unionists also expanded geographically. They dropped in Antioquia and increased in other states such as Arauca, Valle del Cauca, and Atlántico, where paramilitaries were increasing their presence.

It is important to note, however, that the assassination of trade unionists is not simply a reflection of Colombia's armed conflict. It is also linked directly to workers' exercise of the basic right to organize and bargain collectively. In the majority of cases documented by the National Labor School, the murders occurred during contentious organizing drives or collective negotiations, moments of great potential for change that might threaten paramilitaries' interests. Indeed, according to the National Labor School, at the time that the state of Antioquia was experiencing the greatest concentration of violence against trade unionists in the country, it also had the highest rate of strikes in the country.

Violence against Trade Unionists Today

Statistics

Today Colombia continues to present the highest rate of violence against trade unionists in the world. According to the National Labor School, 72 trade unionists were killed in 2006, an increase from the 70 reported killed in 2005.

The government reports 25 trade unionist killings in 2006. However, it reaches this artificially low number by arbitrarily excluding unionized teachers and peasant unions from the category of trade unionists. Once unionized teachers are included, according to the government's official numbers, last year 58 trade unionists were killed, a substantial increase over the 40 killed the previous year.

So far this year, the government is reporting only 3 trade unionists killed between January and May. However, 10 unionized teachers have also been killed, making the total 13 trade unionists killed.

The government's exclusion of unionized teachers from the total of killed trade unionists introduces a serious distortion in its statistics on trade unionist killings, given that the teachers' unions are the ones that have suffered the greatest violence. The National Labor School reports 825 killings of teachers' union members since 1986. Other unions that have been especially targeted are those in the agricultural sector.

While it is true that the number of killings reported by the National Labor School has dropped from 197 in 2001 to 72 in 2006, the problem remains very serious, with more than 400 trade unionists killed during the Uribe administration.

Moreover, it is important to keep in mind that there have been similar fluctuations in the killings of trade unionists in the past. For example, according to the National Labor School in 1996 there were 275 killings of trade unionists, which dropped gradually over the following three years to a low of 80 in 1999, only to climb back up to 197 in 2001.

The current reduction in killings probably reflects a variety of factors, including a greater presence by security forces around the country and the retreat of the FARC from many regions where they were engaging in abuses. The reduction is also attributable to the fact that paramilitary groups are no longer in a process of expansion; instead, they are now focused on consolidating their political and financial power in many regions.

Paramilitary Tactics

Throughout the 1990s, the paramilitaries were going through a period of aggressive expansion and bloody takeover of territory. As they entered new areas, paramilitaries would typically commit numerous massacres. They would also wipe out local leaders, including labor union leaders, who they perceived as enemies.

Starting around 2000, however, paramilitaries began focusing more on consolidating their control over many regions. Their tactics shifted accordingly. Thus, starting in 2000, according to official statistics, the number of massacres by paramilitary groups started to decline sharply. Paramilitary commanders we met with in Medellin told us that violence started to decline in that city after 2000 because the paramilitaries had essentially defeated their opponents. Enforcement of their control no longer required large-scale massacres, but rather only selective killings of persons who they considered enemies.

According to the Colombian Commission of Jurists, paramilitary groups continue to commit between 800 and 900 selective killings per year throughout the country, a number that has remained roughly unchanged since 1996.

In the specific case of trade unionists, the paramilitaries also appear to have shifted their tactics. While they still engage in outright killings, according to the National Labor School, paramilitaries are also resorting more frequently to threats and attacks on immediate family members of trade unionists, which are more difficult to track and are not reported in official statistics.

One example is that of Hernando Melán, a union leader in a textiles company in Antioquia, who has recently been representing his union in collective bargaining with the company. According to reports we have received, on June 6, just three weeks ago, a group of armed men attacked Mr. Melán in his own house, killing Mr. Melán's son, Andres, and seriously injuring his wife and another son.

Impunity

One of the main reasons why trade unionists have been killed, and continue to be killed, in such high numbers in Colombia is that the perpetrators are almost never caught and punished.

Colombia's leading labor unions recently published a document in which they analyze the impunity rate in 1,528 cases of killings of trade unionists. They found that only 11 of those cases had been successfully prosecuted. The Attorney General's Office claims that it has obtained convictions in 37 cases of trade unionist killings. But this still represents an impunity rate of more than 98%.

In a positive move, a few months ago the Colombian Attorney General's Office established a specialized group of prosecutors charged with investigating some of the most emblematic unsolved cases of killings of trade unionists. According to news reports, the government has also announced in recent days that it is providing funding for the establishment of a whole new unit within the Attorney General's Office, which will be charged with, among other tasks, handling 75 cases of trade unionist killings since 2006.

It remains to be seen whether these measures will have a meaningful impact in reducing the impunity rate.

Stigmatization

An additional factor that perpetuates the problem of violence is the improper stigmatization of trade unions and union activity as linked to guerrillas. Unfortunately, government officials have sometimes reinforced the stigma by making derogatory comments about unions or their members. For example, according to Colombia's leading newspaper, *El Tiempo*, President Álvaro Uribe recently said that only two trade unionists had been killed so far this year, and one of them was killed because he was a "terrorist."

Paramilitary Infiltration of the Political System

A serious cause for concern is the mounting evidence of paramilitaries' infiltration of the political system, at some of the highest levels. In recent months, investigations by the media and the Colombian Supreme Court have uncovered a number of cases in which politicians or high-level government officials appear to have collaborated closely with paramilitaries. The Supreme Court has ordered the arrest of 14 Congressmen, most of them members of President Uribe's coalition in Congress, and numerous other former and current Congressmen are reportedly under investigation.

One case of particular importance involves Jorge Noguera, President Uribe's former campaign manager in Magdalena, and later National Intelligence Director from 2002 to 2005. Mr. Noguera is under investigation for allegedly collaborating with paramilitaries, including by allegedly providing paramilitaries with the names of trade unionists, some of whom were later killed or threatened.

Particularly in the case of Jorge Noguera, whose US visa has been revoked due to the severity of the allegations against him, the government's response has been cause for concern. After initially defending Noguera and accusing the media of being malicious and harming democracy, President Uribe has recently stated that he will respect the investigation into these allegations. However, we know that Noguera's attorney has visited the Presidential Palace (the Casa de Naríño) on at least nine occasions in the last few months—including eight times between February and

March—to discuss Noguera’s case. We also know that on at least some of those occasions, this attorney met with President Uribe personally.

Meanwhile, Colombian government officials repeatedly claim that paramilitary groups no longer exist, thanks to the government’s demobilization program for paramilitaries. But in fact, paramilitaries have so far been able to keep much of their power intact.

Even though paramilitary leaders include some of Colombia’s biggest drug lords, who are wanted in the United States, not one of them has been extradited to this country. They are some of Colombia’s wealthiest individuals, but they have yet to turn over a significant amount of their illegally acquired wealth. Some of them are temporarily in prison, but the government is allowing them to use unrestricted, unmonitored cell phones, despite credible evidence that paramilitaries are using those phones to continue engaging in criminal activities.

The Role of Multinational Corporations

In recent months a substantial number of troubling allegations and information has been made public linking the multinational corporations Chiquita Brands and Drummond Coal to paramilitary groups and violence. In some cases, the allegations are made by paramilitary commanders themselves. Other information has been made public in the context of legal proceedings in the United States involving the two corporations. In addition, paramilitary commanders have recently asserted that some national Colombian corporations have supported these groups.

Previously, very little had been publicly known about the role of national or multinational businesses in relation to Colombia’s armed groups or violence against trade unionists. There had been numerous allegations over the years about links between some business sectors—most notably cattle ranching—and paramilitary groups. And paramilitaries themselves had occasionally spoken vaguely about their powerful financial backers.

But these allegations and statements have rarely been investigated by Colombia’s institutions of justice.

At the same time, both paramilitaries and guerrillas are known to routinely engage in extortion of individuals and businesses. However, these cases are rarely reported to authorities, and there are no reliable statistics about extortion.

Given the disturbing information that is starting to come to light about support for paramilitaries by some multinational and national corporations, it is crucial that Colombian authorities focus on fully investigating the links between business and paramilitary groups. Such investigations are necessary not only to ensure

accountability and deterrence, but also to ensure that paramilitaries' sources of financial support are uncovered and that these groups are truly and thoroughly dismantled. To the extent US corporations may be involved, the United States should also be investigating this issue.

New Government Proposal: Impunity for Paramilitary Collaborators

For the first time, in recent months, we have started to see some of the truth come to light about paramilitaries' mafia-like networks, thanks to investigations by Colombia's Supreme Court into politicians' collaboration with paramilitaries.

At this point, the Colombian government should be providing full support to these investigations. But instead, President Uribe recently announced a proposal to release from prison all politicians linked to paramilitaries. While he has not yet made public the details of the proposal, it appears that the proposal would also apply to anyone who collaborated with paramilitaries, including, presumably, paramilitaries' financial backers.

President Uribe has justified this proposal by invoking the need for "truth." But the most effective means of establishing the truth about paramilitary influence, to ensure an effective dismantlement of these groups, and to prevent cover-ups and obstruction of justice, is through thorough judicial investigations.

Solutions: Addressing Impunity and Dismantling Paramilitary Mafias

For Colombia to effectively address persistent violence against trade unionists, it's not enough for it to invest in protection programs for unionists. Instead, it must focus on eliminating the causes of the violence. That means it must concentrate on producing concrete results in investigations of the killings, and on fully dismantling paramilitaries' complex structures.

The investment of resources in the Attorney General's office is a good first step towards combating impunity. However, those resources must be coupled with the political will to ensure a real investigation and punishment for those responsible.

Unfortunately, the government's proposal to let paramilitaries' collaborators off the hook undermines the efforts being made by institutions of justice to investigate these groups and hold their backers accountable. And the demobilization process risks strengthening paramilitaries, protecting them from extradition to the United States, while leaving their financial, political, and criminal networks largely intact.

At this time, it is critical that the United States send Colombia the message that it must produce concrete and verifiable results on impunity, in the form of a substantial number of well-grounded convictions for killings of trade unionists. The

United States should also urge Colombia to produce real results in the dismantlement of paramilitary groups. This means that Colombia's government should, among other measures:

- actively identify, confiscate, and return to their rightful owners paramilitaries' illegally acquired assets,
- thoroughly investigate paramilitaries' criminal networks, financial backers, and collaborators in the political system,
- restrict imprisoned paramilitaries' communications
- effectively sanction—including through extradition to the United States where appropriate—those commanders who continue engaging in criminal activity, and
- hold accountable paramilitaries' collaborators and abandon any proposals that would weaken accountability for persons who colluded with paramilitaries.

Congress should refuse to even consider ratifying the Free Trade Agreement until Colombia produces these results.

Thank you very much.

Total Numbers of Trade Unionists Killed in 1991-2006 (Source: National Labor School Database)

Year	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06
Nº	83	135	196	104	237	275	182	101	80	137	197	186	94	96	70	72

Mr. DELAHUNT. Thank you.

Next, we go to Mr. Kovalik.

Mr. KOVALIK. Thank you, Mr. Chairman.

Mr. DELAHUNT. I am going to ask you Mr. Kovalik to—the practice in this particular subcommittee has been not to use the gavel, but let me encourage you to exercise restraint in terms of your opening statement. Five minutes is the customary practice, but we will be somewhat flexible. Please make an effort to limit your remarks.

STATEMENT OF DANIEL KOVALIK, ESQ., ASSOCIATE GENERAL COUNSEL, UNITED STEELWORKERS

Mr. KOVALIK. Thank you, Mr. Chairman; and thank you, members of the committees that are here today.

In his novel, *One Hundred Years of Solitude*, Gabriel Garcia Marquez gives an account of striking banana workers murdered by the military, shipped on railroad cars and forever disappeared. This account, while fictional, is based on a true event the massacre of banana workers in the town of Cienaga, Colombia, in 1928. That massacre was carried out by the Colombian military at the behest of the then Boston-based United Fruit Company, now Cincinnati-based Chiquita Banana, which recently pled guilty to making regular monetary payments to the AUC paramilitaries, as well as the FARC, from 1997 until to 2004. In the bill of indictment, Chiquita was also indicted for running 3,000 guns to these same paramilitaries.

As Mario Iguaran, who you just mentioned this morning, the current Attorney General of Colombia has publicly stated, he believes that, contrary to the claims of such companies as Chiquita that they were paying protection monies to the AUC, such companies in fact were knowingly paying for, in his words, “blood.”

As he goes on, this was not payment of extortion money. It was support for an illegal armed group whose methods included murder. Further, Iguaran stated, “This was a criminal relationship. Money and arms and, in exchange, the bloody pacification of the banana region of Uraba.”

Indeed, Chiquita, and now it has come out quite possibly Dole and DelMonte, who are unindicted, but now it has been claimed they made the same tax payments to the paramilitaries, got what Mr. Iguaran said they paid for, with over 4,000 people in Uraba, mostly civilian, being murdered by the AUC between 1997 to 2004, the period in which Chiquita admits to having paid this terrorist organization.

The *Christian Science Monitor* explains that during the time Chiquita was paying the paramilitaries, thousands of people across Colombia, across Uruba, died at the hands of the right-wing militias we expanded from the region of Uraba. That lead to thousands of deaths elsewhere.

I think it is importantly to point out that, sadly, even after a board member of Chiquita reported its illegal payments to the Justice Department on April 24, 2003, the Justice Department permitted 30 more payments, totaling \$300,000, to the AUC to be made until the payments finally ceased on February 4, 2004. Who knows how many more murders such payments helped to finance?

I think it is important to note that, while Chiquita is to pay \$25 million for paying for these killings, they are allowed to pay over 5 years. So Chiquita, a major multinational, their penalty is to get a payment plan to pay their criminal sanction.

Meanwhile, June 25, 2003, four congressional representatives, including yourself, Mr. Chairman, and others who sit here today, sent a letter to the Justice Department asking to investigate other companies, including Drummond Company, for their support in the same AUC paramilitaries. I underscore that, aside from a cursory acknowledgment of this letter, the Justice Department provided no effective response to this request.

This does bring me to the case of Drummond, which, Mr. Chairman, I will be cautious in addressing because of the protective order.

I was in Colombia on March 12, 2001, meeting with members of various mining unions. When I got to their CUT offices the next day—that's their AFL-CIO—we discovered the night we were meeting with mining workers that two of their brothers, Valmore Locarno and Victor Orcasita, were pulled off a Drummond Company bus taking them home from work. Only that bus was stopped by paramilitaries who boarded the bus, asked for those workers by name: Valmore Locarno and Victor Orcasita. They pulled them both off the bus, murdered Valmore on the spot, took Victor away, tortured him and assassinated him.

Shortly thereafter, a new employee took the unenviable position of taking over as union president. He publicly stated in August 2001 that he believed someone at Drummond had tipped off the paramilitaries on which bus they were arriving that night. Meanwhile, this individual, Gustavo Soler, the new president, continued to ask for the same accommodation from Drummond that the others had received or the others had asked for and that was to be able to stay overnight in the mines so they didn't have to travel at night on these dangerous paramilitary roads. As the first two workers, Valmore and Victor, were denied that request, so was he.

Shortly after he opined publicly that he thought someone at Drummond had tipped off the paramilitaries which led to the killing of Valmore and Victor, he was taken off the bus on the way home and murdered on the way home by paramilitaries.

Because the steelworkers had a delegation in Colombia at the time of these killings and I personally was on that delegation, we have taken this up as a cause. We believe in this case and are very concerned about it.

Mr. DELAHUNT. I am going to ask you to wrap up.

Mr. KOVALIK. Okay, I am going to finish up.

You will hear from others in more detail about the case, and I will be glad to address any questions you have about it.

But I do want to say, in the end, Mr. Iguaran again, when he was referring to Chiquita and Drummond, who he is investigating for their paramilitary ties, Mr. Iguaran said, "We have to now start talking about the phenomenon of para-businesses in Colombia." That is what these businesses today are looking into. I applaud you for that and want to assist in any way I can in that regard.

Can I say one last thing, Mr. Chairman—

Mr. DELAHUNT. Quickly.

Mr. KOVALIK [continuing]. Because this is important.

I met with Mr. Andres Penate when he was here about a month ago when he was at the Colombian Embassy, who I found to be a very nice guy. He told me and I know from the Colombian press that he told a number of Members of Congress, including Charles Rangel, who is key to the question of FTA, that the DAS did an investigation of this claim, that the DAS—who the United States has paid to protect trade unionists—that the DAS passed a list of the trade unionists to the paramilitaries to kill, and he said the DAS concluded there was never such a list and that it had never been passed.

I submitted to these committees a copy of the March 30, 2007, report from the fiscalia from Mr. Iguaran's office which concludes to the contrary. I just want to read into the record indeed what they conclude.

They mention of the list of union leaders that came out of the DAS and was given to the other defense forces, the paramilitaries, according to Raphael Garcia's testimony, we should point out that that information is correct due to the fact that in the analysis carried out on the computer with the alias Don Antonio a file was found entitled "Friend Information DAS" in which were stored the names of subversive collaborators and union leaders.

Mr. DELAHUNT. Thank you, Mr. Kovalik.

Mr. KOVALIK. Can I withdraw my written testimony and substitute it for my oral testimony?

Mr. DELAHUNT. Without objection.

Mr. KOVALIK. Thank you.

Mr. DELAHUNT. We are now going to go to Mr. Guzman, who has with him a translator. I introduced Mr. Guzman as a former member of the Colombian military, as well as a former member of the AUC, the umbrella group for the paramilitary organization.

Mr. Guzman, will you please proceed?

**STATEMENT OF MR. EDWIN GUZMAN, FORMER SERGEANT,
NATIONAL ARMY, REPUBLIC OF COLOMBIA**

[The following testimony was delivered through an interpreter.]

Mr. GUZMAN. Good morning. The reason I am here today is to publicly denounce the connections that exist between paramilitaries, the Drummond Company, the army and politicians.

When I was a commander in the army at Drummond, there were paramilitaries who mobilized themselves in Drummond vehicles and received food from Drummond, and I have already on prior occasions provided proof of this.

Army members from other battalions outside of mine conducted operations within the Drummond installations, and on one of these occasions they captured 14 paramilitary members who were working as security officers for Drummond.

When I was in the army we denounced the Colonel that you see here in this article. This Colonel provided uniforms and arms to paramilitaries who killed civilians, and he said that these people were subversives. There are photos that show what he did.

The other two people who were going to also give the same testimony that I am giving about this man were killed.

I was charged with arms trafficking, and after I served my sentence I was absolved of all these charges, and here is the decision that shows that.

I wrote a book that includes some of the things that I denounced before the fiscalia. The location of one of the mass graves created by one of these paramilitary officers—

Mr. DELAHUNT. Mr. Guzman, what we will do is take all of the written materials that you have in your possession and want to bring to the attention of the committee and submit them for the record so that it will be unnecessary for you to describe them.

[The following testimony was delivered through an interpreter.]

Mr. GUZMAN. It is just that sometimes we say a lot of things and people don't believe us.

Mr. DELAHUNT. We will review all of those records.

[The following testimony was delivered through an interpreter.]

Mr. GUZMAN. In Colombia, as everybody knows, the paramilitaries turn themselves in in order to be able to legalize their assets, but things continue to happen. Most of the commanders left. At least half of their arms are buried in boxes.

Mr. DELAHUNT. Mr. Guzman, what we are interested in is information you have relative to your experiences with Drummond Coal Company. If you could focus your remarks on that particular issue.

[The following testimony was delivered through an interpreter.]

Mr. GUZMAN. On the news, we heard Drummond saying that they had no connections with paramilitaries. I can tell you 80 percent of the population of the province of Cesar knew that Drummond did have connections with paramilitaries. Anyone in Cesar can tell you that that is true. But they won't say that publicly because they are afraid they will be assassinated and their families will be killed as well.

Drummond said it would pull out of Colombia because it couldn't continue doing business with the tax from the guerillas, and that is when it decided to seek the services of the paramilitaries so that they could watch over and provide the protection for the railroad line. Because the army wasn't able to provide the protection that they needed in the coal area.

A paramilitary known as Tordemayo was captured, but he was released because he paid a very large amount of money and his bodyguards were the only ones left in prison.

Drummond is not the only company paying for the services of the paramilitaries. There are many other companies that are paying for these services.

When we are trained by the army we are told that we have to attack the leftist activists in any way we can, whether legally or illegally; and they teach us that unions that have leftist tendencies are guerilla groups and we have to attack them by legal or illegal means.

I hope that the Members of Congress will investigate these things further, because anytime that we bring up these issues in Colombia they try to erase our testimony in any way they can. The way that I was able to come here to give this testimony finally before you all was very difficult and very shocking path.

I don't have evidence of how Drummond gave money to the paramilitaries, but I can say that when I entered the AUC I saw vehi-

cles provided by Drummond that were given to the paramilitaries so that they would take care of the Drummond property.

Mr. DELAHUNT. I am going to ask you to wrap up your testimony, Mr. Guzman.

[The following testimony was delivered through an interpreter.]

Mr. GUZMAN. I just want to mention Luis Carlos Rodriguez, who was a retired colonel who was in charge of facilitating these roles between the paramilitaries and the militaries in the Drummond area.

I think you already have copies of all the documents, so I don't want to be too lengthy in my testimony.

Thank you very much.

[The prepared statement of Mr. Guzman follows:]

Testimony of Mr. Edwin Guzman

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

June 28, 2007 – 10:00 AM

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

From my experience serving in the military which protected Drummond, I can attest to the fact that there was an AUC base on Drummond property which was operated openly. I have drawn a map of the Drummond property which shows the location of this AUC base. A copy of that is attached. Also shown on this map is the hacienda of AUC commander Huges Rodriquez, the financial commander for AUC Northern Bloque Commander Jorge 40.

Further, I have witnessed armed members of the AUC openly patrol the premises, driven around in Drummond vehicles and provided with food by Drummond. In essence, the AUC and the Popa Battalion jointly provided protection to Drummond.

Further, the AUC and the Colombian military shared the opinion that unions in general, and the union at Drummond in particular, represented a subversive organization and consequently a legitimate military target. As far as the military was concerned, soldiers were taught, and, as I understand, continue to be taught, to view union leaders as “guerillas,” and, consequently, as fair game for military assaults. In fact, I must confess that we in the military viewed the murders of unionists Valmore Locarno and Victor Orcasita in early 2001 as a military victory. I do not have this opinion today, but I did back then as a consequence of my military training.

I later learned, after being forcibly recruited into the AUC, that, at some point, Drummond turned to the AUC to protect its rail lines. Indeed, I personally witnessed AUC members riding motorcycles along the lines. AUC leaders “Cebolla” and “Tolemeida” told me that, in light of the perceived failure of the military to protect the rails from attack, Drummond negotiated with the AUC to protect these lines. Indeed, it was the prevailing view that 2 paramilitaries could do what 15 regular soldiers could not do – in essence, they could “neutralize” (kill) a perceived insurgent (along with that insurgent’s family) without due process of the laws, thus making them more effective at providing security.

In fact, the AUC killed many civilians on and around the Drummond property. And, it was the job of the military, and I can say this from my own experience in the Popa Battalion, to "legalize" the body of civilians killed by the AUC. That is, we soldiers were ordered, sometimes by the Colonel of La Popa Battalion himself, sometimes by Drummond chief of security Luis Carlos Rodríguez, to take civilians killed by the AUC and place guerilla uniforms and arm bands on them to make it look like they were killed in battle. I personally performed this task while serving in the Colombian Armed Forces.

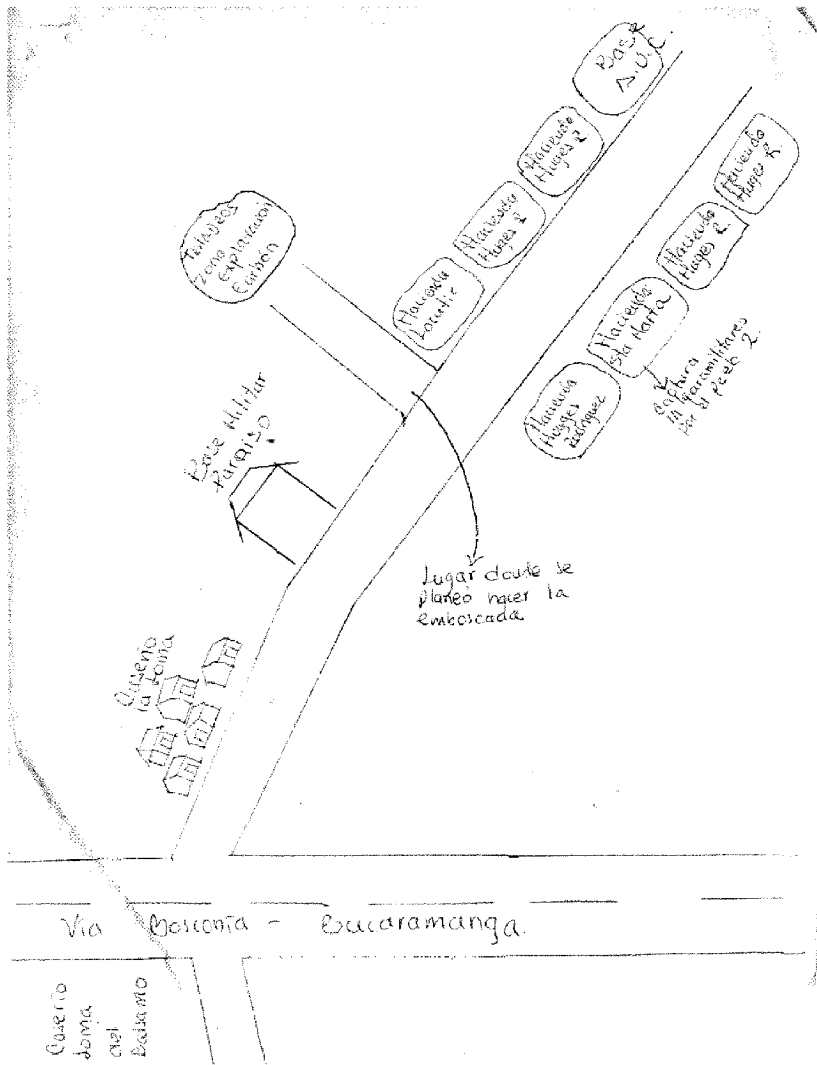
Later, when I was a member of the AUC, Commander "Cebolla" told me that the AUC killed unionists Valmore Locarno and Victor Orcasita. While a member of the Colombian Armed Forces guarding Drummond, I personally witnessed "Cebolla" meeting with a top Drummond official, who I knew then as Mitchell or Michael, and who was shown on a Drummond supervisory chart to be one of the top supervisors at the Drummond mines. I now believe this individual, who was an American, to be Drummond official Jim Mitchell.

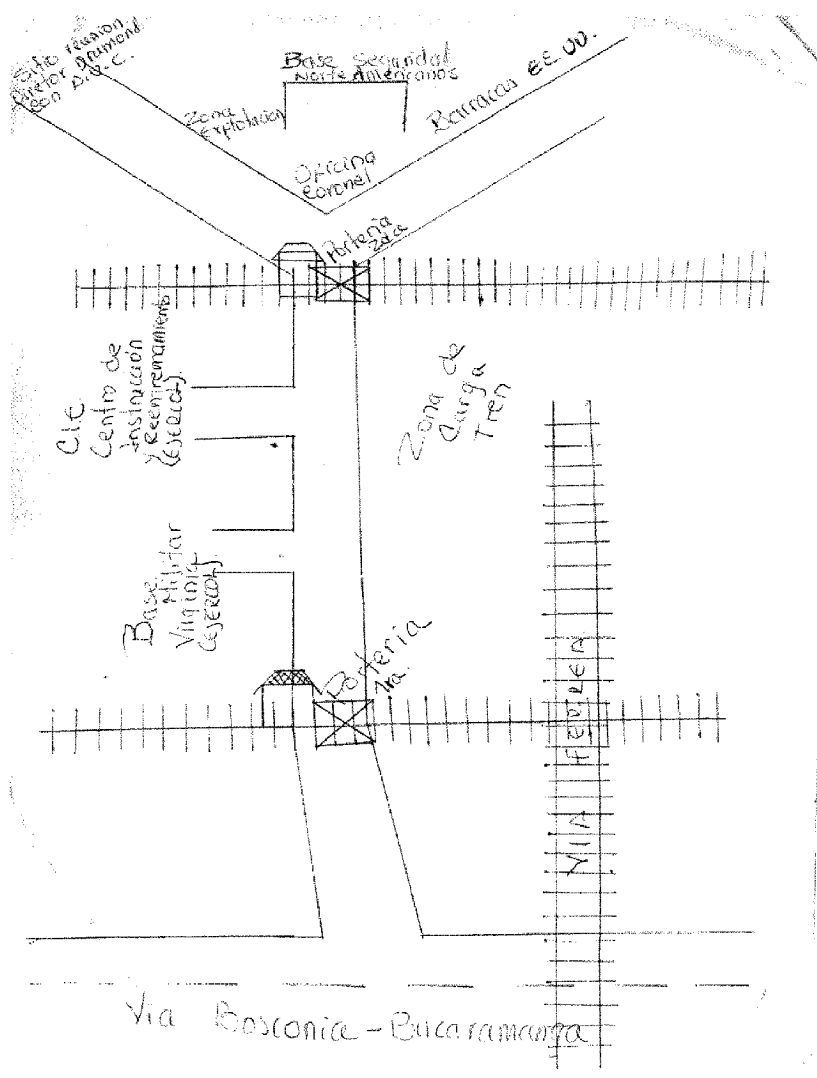
I understand that after the murders of Valmore Locarno and Victor Orcasita, Drummond Ltd. President Augusto Jimenez held meetings with workers in which he stated that, "The fish that opens his mouth dies." In my experience, this is a threat, commonly uttered among members and leaders of the AUC, indicating that if anyone talks (in this case, about the murders), they will be killed.

Sometime shortly after the murder of Valmore Locarno and Victor Orcasita, I decided, while then serving as the head of three patrols of La Popa Battalion, to ambush a paramilitary unit which was on Drummond property. However, before I was able to carry out the assault, which at that time I viewed as my duty as a member of the Colombian Armed Forces, I was confronted by Drummond security chief Luis Carlos Rodríguez who pulled up to where my patrols were encamped. Mr. Rodríguez asked me what I was doing, and I told him that I was planning to ambush the paramilitaries. In response, he told me that I had no authority to carry out such a mission and that he did not want any attacks against his friends. Mr. Rodríguez then called my commander to tell him about the situation, and my commander then called me and ordered me to stand down. Shortly thereafter, I was demoted.

Later, in 2002, Luis Carlos Rodríguez asked my patrol to pick up the corpse of a civilian killed by the AUC on Drummond premises and take that corpse to the police outside of the Drummond area so as to protect Drummond from being implicated in the killing. I was in fact involved in removing the body.

Also in 2002, on the day that Colonel Mejía became the commander of the Popa Battalion which guards Drummond property, I personally, as the individual in charge of organizing military security for Colonel Mejía, accompanied him to a meeting with Jorge 40 and the chiefs of staff of the AUC.





Mr. DELAHUNT. Thank you, Mr. Guzman.
Mr. Ramirez.

**STATEMENT OF MR. FRANCISCO RAMIREZ, PRESIDENT,
SINTRAMINERCOL**

[The following testimony was delivered through an interpreter.]

Mr. RAMIREZ. Thank you for inviting us to this hearing today.

We are convinced that the multinational companies that go to Colombia have to have economic guarantees and security guarantees, but this shouldn't translate into corruption and violence.

It is a common practice in Colombia for the state and the multinational companies to kill union leaders to get higher profits. The multinational companies in Colombia are committing illegal practices from the moment they arrive.

For example, according to proof and testimony that we have on file, the following companies have these practices: The Drummond Company is accused of making direct payments to the paramilitaries. It is also accused of giving materials and economic support such as gas, cars, food and motorcycles to the paramilitaries so that they will take care of their property.

The proof that we have shows that Drummond is directly responsible for the murders of three union leaders and for massacres in nearby villages committed by paramilitaries who are paid by Drummond. The money that Drummond paid to these paramilitaries makes them pressure the local population to vote for politicians that will support favorable policies and support the paramilitaries.

These elected members of Congress introduced changes into laws such as the mining code and the oral code that favor these multinational companies. For example, Alvaro Arajo was a member of Congress elected partly due to pressure to paramilitaries; and he introduced a law lowering taxes for mining companies, including Drummond.

Similar changes have been made to the labor code, where reforms have been made that makes conditions more dangerous for workers.

Chiquita, which Dan Kovalik also mentioned, is accused of committing these same practices and also being involved with arms trafficking. And Chiquita and Drummond are being investigated by the DEA because of links with narcotrafficking, because the paramilitaries are apparently allowed to export cocaine as a form of payment for taking care of the railroad.

Coca-Cola has been accused of using paramilitaries to kill eight Colombian union leaders. Occidental Petroleum Company ordered the bombing of a town called Santo Domingo Arauca, where 18 people were killed. Eight of them were children. And the same battalion, which is financed by your tax money, killed three union leaders.

This company uses mercenaries to provide security. It is constantly violating the human rights of its workers. This battalion, which operates with your tax money, cooperates with paramilitaries in the Arauca region. Ninety-eight million dollars from Colombia went to a battalion that exclusively looks after the interest of Occidental Petroleum Company, and where BP Amoco operates the battalion in that area has been accused of murdering union leaders

and of committing massacres of civilians, and in the region where ExxonMobil operates the battalions which operate with some of the military aid from the United States have killed indigenous leaders.

I have been a union leader for 16 years, and in that time ten of my close friends and fellow union leaders have been murdered. There have been seven attempts to kill me, and my union office was bombed. In most of these cases, the operations were carried out jointly by the police, the military and the paramilitaries.

The DAS security is supposed to provide protection for the union leaders, but that security force gave a list of union leaders, and many of those people were later murdered.

And in contradiction with the statistics given by the Colombia Government, in the last 5 years one union leader has been murdered, on average, every 3 days. Twenty years ago, the situation was actually better and safer. One union leader was killed every 5 days. Today, we find one killed every 3 days, where the union affiliation is actually lower.

Finally, I want to ask that you suspend and control the military aid that is sent from the United States to Colombia, because this aid is being used to commit genocide against the Colombian union movement.

In the last 20 years, more than 4,000 Colombian union leaders have been killed. That means, on average, over the last 20 years one union leader has been killed every 5 days.

And, also, we want to ask that you control the bad practices of the multi—

Mr. DELAHUNT. I ask that you wrap up.

Mr. RAMIREZ. Thank you very much.

[The prepared statement of Mr. Ramirez follows:]

Testimony of Mr. Francisco Ramirez

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

June 28, 2007 – 10:00 AM

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 Mejia, 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 Victor (y solamente ese bus) fue interceptado por paramilitares de la AUC. Los paramilitares subieron al bus y preguntaron por Valmore y Victor. 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 aparecía 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

Date: 03/24/2007 - 1299

“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 Ramirez 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 Rodriguez 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 they 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.

Mr. DELAHUNT. Ambassador Reich.

**STATEMENT OF THE HONORABLE OTTO J. REICH, PRESIDENT,
OTTO REICH ASSOCIATES, LLC**

Ambassador REICH. Thank you, Mr. Chairman, members of the committee.

I just realized when you mentioned my various jobs that I had for the government that I first testified in this room before Chairman Fascell 25 years ago, and here we are talking about the same subjects. But I think progress is being made.

I accepted this invitation, Mr. Chairman, because the topic of this hearing is important to our country and to me personally. Moreover, how the U.S. Congress deals with United States-Colombian relations in the next few weeks will have a lasting impact on U.S. and regional security and prosperity.

Colombia is an important country, among other factors because of its seldom-recognized strategic value. It is a keystone to South America, with gateways to the Andes Mountains, the Amazon basin, two oceans and close proximity to the Panama Canal.

Our enemies recognize that significance. The Marxist guerillas who have been fighting for nearly five decades to gain control over Colombia are enemies of the United States and of the freedoms we value, as are the drug traffickers, paramilitaries, and organized crime syndicates which have destabilized that nation.

A second reason why this hearing is important is because labor freedoms are critical to a free society, and free labor is a pillar of Colombian democracy. The fascist dictators of the 20th century, from Lenin to Hitler to Castro, followed a pattern: To gain absolute power, they needed to take over, to command, but not destroy, civil institutions. The first two targets were, almost invariably, the press and the labor unions.

To me personally, labor unions are important because my mother was a proud member of the Telephone Workers Confederation of Cuba, a union which no longer exists. It does not exist because all unions in Cuba, as in all Communist countries, were replaced by one union controlled by the ruling party in the name of workers who no longer have any voice in their affairs. Many Cuban labor leaders, including some with whom my mother worked, were executed by Fidel Castro for opposing his version of the workers' paradise.

As Congress looks for ways to strengthen labor freedoms in Colombia, it must take particular care not to undermine the very system which has enabled those freedoms to survive and improve.

There is no question that violence has been a problem in Colombia but not only against labor leaders.

If I may interject, Mr. Chairman, you mentioned the period of la violencia. From 1948 to 1952, 300,000 Colombians died. Long before, there were the problems we are discussing here today. We need to put this issue in historical and regional perspective.

When I was sworn in as Assistant Secretary of State for Western Hemisphere Affairs in January 2002, barely 5 years ago, the big debate inside the United States Government centered on how long the Government of Colombia could survive. Most of the national territory was outside of the government's control, and the govern-

ment's hold on power was so tenuous that it had ceded to the FARC guerillas a region the size of Switzerland.

Tens of thousands of paramilitaries, narcotraffickers and Communist guerillas fought each other and government forces simultaneously. This led educated Colombians to flee their country in droves, taking their money with them. The U.S. Embassy in Bogota in 2001 faced an 18-month backlog of applications from 180,000 Colombians seeking permanent residence in United States. There were daily reports of atrocities committed by all sides.

While Colombia is far from lasting peace, the situation has improved. The United States revamped intelligence sharing with Colombia and offered it greater economic and military assistance. Having built on these changes, the government of President Alvaro Uribe now controls all 1,092 of the national municipalities. Rightist paramilitaries have surrendered by the tens of thousands; 30,000 is estimated. The Marxist guerillas have been forced to retreat deep into the jungle. The economy is growing at more than 5 percent per year. In the past 5 years, close to 2 million jobs have been created. Colombian professionals and managers no longer flee but are returning to rebuild their country. Violence against labor has declined to the point that the International Labor Organization has taken Colombia off its so-called black list of violators of labor rights. Colombia had been on the list for 30 years.

In the past 5 years, terrorist attacks are down by 61 percent. Assassination of labor leaders is down by 75 percent. We heard the figures. I won't repeat them.

Even one murder is too many, but the downward trend is impressive and encourages us to think that Colombia is on the path to eliminating this kind of violence altogether.

I commend the committee for looking into the violence in Colombia. I hope it will recognize the progress that is being made by our two countries working together and give credit to where credit is due. This progress is due to closer United States-Colombia cooperation, to the bipartisan support which Plan Colombia illustrates and makes possible, and to the courageous leadership of President Alvaro Uribe and his team of honest and dedicated civilian officials, police and military personnel.

I hope the committee will look at the numbers, look at the progress in prosecutions, in reduction of violence against labor leaders. The Government of Colombia should be applauded and rewarded by approving the Free Trade Agreement and expanding aid so it can carry out more reforms and create more good jobs. By helping pacify the country, Plan Colombia is helping trade members to have more jobs and better working conditions. By restoring the power of the state and the rule of law, President Uribe is promoting labor freedoms as well as creating other liberties. Why would someone stop that progress by opposing a Free Trade Agreement or Plan Colombia?

It is commendable that the committee is looking into the issue of labor freedom and violence against labor leaders. I look forward to similar hearings about violations of labor freedom next door in Venezuela, where a government that calls itself socialist is attempting to replace free labor unions with a single government controlled union, and to extinguish labor rights altogether, as in Cuba.

I look forward to United States labor unions and religious and human rights organizations clamoring just as loudly for labor freedom in Venezuela and Cuba as they do for Colombia. Unfortunately, too many have been silent in the face of those massive violations of human rights.

Thank you.

[The prepared statement of Ambassador Reich follows:]

Ambassador Otto J. Reich
President, Otto Reich Associates, LLC
Thursday, June 28, 2007
“House Committee on Foreign Affairs, Subcommittee on
International Organizations, Human Rights, and Oversight.”

Mr. Chairman and Members of the Committee. It is always a privilege to testify before the elected representatives of our nation. I accepted this invitation because the topic of these hearings is important to our country and to me personally. Moreover, how the US Congress deals with US-Colombian relations in the next few weeks will have a lasting impact on US and regional security and prosperity.

Colombia is an important country, among other factors because of its seldom-recognized strategic value. Colombia is the keystone of South America, with gateways to the Andes Mountains, the Amazon basin, two oceans, and its close proximity to the Panama Canal. Our enemies recognize that significance. And make no mistake, the Marxist guerrillas who have been fighting for nearly five decades to gain control over Colombia are enemies of the United States and of the freedoms we value, as are the drug traffickers, paramilitaries and organized crime syndicates which have destabilized that nation.

A second reason why this hearing is important is because labor freedoms are critical to a free society and free labor is a pillar of Colombian democracy. The fascist dictators of the 20th Century, from Lenin to Hitler to Castro, followed a pattern: to gain absolute power, they needed to take over, to command but not destroy civil institutions. The first two targets, almost invariably, were the press and the labor unions.

To me personally, labor unions are important because my mother was a proud member of the Telephone Workers Confederation of Cuba, a union which no longer exists. It does not exist because all unions in Cuba, as in all communist countries, were replaced by one union controlled by the ruling party in the name of workers who no longer have any voice in their affairs. Many Cuban labor leaders, including some with whom my mother worked, were executed by Fidel Castro for opposing his version of the Workers' Paradise. As the US Congress looks for ways to strengthen labor freedoms in Colombia, it must take particular care not to undermine the very system which has enabled those freedoms to survive and improve.

There is no question that violence has been a problem in Colombia, but not only against labor leaders. We should put this issue in perspective. When I was sworn in as Assistant Secretary of State for Western Hemisphere Affairs in January of 2002, barely 5 years ago, the big debate inside the US Government centered on how long the government of Colombia could survive. Most of the national territory was outside of the government's control, and the government's hold on power was so tenuous that it had ceded to the FARC guerrillas a region the size of Switzerland. Tens of thousands of paramilitaries, narco-traffickers and Communist guerrillas fought each other and government forces simultaneously. This led educated Colombians to flee their country in droves, taking their

money with them. The U.S. embassy in Bogotá faced an 18-month backlog of applications from 180,000 Colombians seeking permanent residence in the U.S. There were daily reports of massacres and atrocities committed by all sides.

While Colombia is still far from lasting peace, its situation has improved. The US revamped intelligence-sharing with Colombia, and offered it greater economic and military assistance. Having built on these changes, the government of President Álvaro Uribe now controls all 1,092 of the national municipalities. Rightist paramilitaries have surrendered by the tens of thousands, and the Marxist guerrillas have been degraded and forced to retreat deep into the jungle. The economy is growing at more than 5 percent per year; in the past five years close to 2 million jobs have been created; capital flight has been reversed; and Colombian professionals and managers no longer flee but are returning to rebuild their country. Violence against labor has declined to the point that the International Labor Organization has taken Colombia off its so-called black list of violators of labor rights. Colombia had been on the list for 30 years.

In the past 5 years, terrorist attacks are down by 61%, assassinations of labor leaders down by 75%, of mayors down by 58% and of journalists by 73%. Even one murder is too many. But the downward trend is impressive and encourages us to think that Colombia is on the path to eliminating this kind of violence all together.

I commend the Committee for looking into the issue of violence in Colombia. I hope it will recognize the progress which is being made by our two countries working together and give credit to where credit is due. This progress is due to closer US-Colombia cooperation, to the bipartisan support which Plan Colombia illustrates and makes possible, and to the courageous leadership of President Alvaro Uribe and his team of honest and dedicated civilian officials, police and military personnel.

I hope the Committee will look at the numbers, look at the progress in prosecutions, in reduction of violence against labor leaders. The Government of Colombia should be applauded and rewarded by approving the Free Trade Agreement, expanding and aid, so it can carry out more reforms and create more good jobs. By helping pacify the country, Plan Colombia is helping trade union members to have more jobs and better working conditions. By restoring the power of the state and the rule of law, President Uribe is promoting labor freedoms as well as other liberties. Why would some want to stop that progress by opposing the Free Trade Agreement or Plan Colombia?

It is commendable that this Committee is looking into the issue of labor freedom and violence against labor leaders. I look forward to similar hearings about violations of labor freedom next door in Venezuela, where a government that calls itself socialist is attempting to replace free labor unions with a single government controlled union, and to extinguish labor rights altogether, as in Cuba. And I look forward to US labor unions and religious and human rights organizations clamoring just as loudly for labor freedom in Venezuela and Cuba as they do for Colombia. Unfortunately, too many have been silent in the face of those massive violations of rights.

Thank you

Mr. DELAHUNT. Thank you, Ambassador.

We have just been joined by the chair of the Western Hemisphere Subcommittee.

It is my intention to go first to Mr. Andrews for his questioning, but, with no objection despite his tardiness, I know he was very busy in his other committee, I would defer to Mr. Engel of New York, my good friend and a leader in issues implicating Latin America, for a concise opening statement.

Eliot.

Mr. ENGEL. Thank you, Mr. Chairman, I want to say how delighted I am to be here, I apologize for coming at this hour, but we had an energy bill markup in my other committee.

I am very happy to join you at this hearing on United States corporate malfeasance in Colombia. The Western Hemisphere Subcommittee, which I chair, held a hearing on United States-Colombia relations in April in which we began to explore this issue.

And I want to thank you, Mr. Delahunt, Mr. Chairman, for organizing the oversight hearing for a more in-depth look at the corporate involvement with Colombia paramilitaries. As was discussed this morning, Chiquita Brand International recently admitted to paying off the AUC, a Colombia paramilitary group on the United States terrorist list, and is now paying a \$25 million fine to the U.S. Department of Justice. Even more egregious than the case against Chiquita, United States-owned Drummond Coal Company has been accused of serious crimes giving money to a terrorist group to kill certain Colombian labor leaders.

If the allegations against Drummond are true, it would be an extremely serious violation of our laws. In the wake of 9/11, it is shocking to me that allegations of payments to terrorist groups have not been aggressively investigated and prosecuted by the U.S. Justice Department. It seems to me that there are terrorist groups, and then there are terrorist groups. I can only imagine the force and speed at which the entire prosecutorial force of the U.S. Government would have come down on a company alleged to have assisted al-Qaeda or Hezbollah, and rightfully so.

But, however, in Colombia, we have very credible allegations of a United States company, Drummond Coal, having paid a terrorist group to kill three prominent labor leaders in 2001, and I haven't heard a peep from the Justice Department.

The victims of terrorist attacks are turning over in their graves, and leaders of the labor movement of today and years past who have fought for rights of workers have demanded justice and so do I. It appears that we have only scratched the surface of United States corporate malfeasance in Colombia. New revelations of possible criminal behavior, each of which must be judged on its own merit, have emerged recently, and I believe the Justice Department must carefully investigate each allegation.

In May, former right-wing paramilitary Salvatore Mancuso testified as part of the peace and justice law proceedings in Colombia and listed the names of various United States companies which he said collaborated with the AUC, including other U.S. companies. I very much hope a full investigation can be done on these serious allegations.

Let me say, I am a New Yorker and the memory of September 11th remains fresh with me. I am shocked by the turn of events that have made today's hearing necessary, but in the memory of all the victims of terror, we must pursue this in the name of justice. There is no distinction in our law between terrorists in the Middle East and Latin America. I will be watching to see that an even hand will guard our investigations and prosecutions. I thank you for allowing me to make this statement, you, Mr. Andrews, and Ms. Woolsey. I yield back.

Mr. DELAHUNT. Thank you Chairman Engel.

With that, let me recognize the gentleman and chair of a subcommittee of the Education and Labor Committee for his questions, Mr. Andrews.

Mr. ANDREWS. Thank you, Mr. Chairman, I thank each of the witnesses for their testimony. I particularly want to say to Mr. Guzman and Mr. Ramirez, thank you for the personal risk you have taken by testifying before us today. We appreciate it very much.

Mr. Ambassador, thank you for being here this morning. In your statement, you say: Violence against labor in Colombia has declined to the point the International Labor Organization has taken Colombia off its so-called black list. When did this happen?

Ambassador REICH. I received, in preparation for this testimony I received a document with a letterhead of the ILO that said—that listed the countries that are included, and Colombia was no longer on it. And I was told that they had been taken off. When they were taken off, I believe, is very recently.

Mr. ANDREWS. Three questions with the consent of the chair, if you could supply us with a copy of that letter, I would appreciate it.

Ambassador REICH. Sure.

Mr. ANDREWS. We spoke with representatives of the International Labor Organization this morning who tell us that there is no such thing as a black list that they keep, and they were unaware of the reference in your testimony. Perhaps there is a disagreement on terminology.

Ambassador REICH. It was referred to me as a black list, that is why I said, "so-called black list." There is a list of violators, and there are other materials that indicate that there is a list the ILO keeps of countries. By the way, the United States is on that list. So I don't know how reliable it may be, but it is on ILO letterhead. It is a list—a number of allegations, accusations against particular countries, and it lists the countries—

Mr. ANDREWS. Your testimony implies the International Labor Organization has made a subjective judgment about whether labor conditions have improved in Colombia. I am not so sure that's true. My understanding is the list is more of a catalogue of incidents reported, and the ILO offers any judgment as to whether the degree of severity being more or less severe.

Ambassador REICH. I am happy to send you both documents. One is the so-called list or documentation, and the other is like a cover letter, memorandum.

[The information referred to is not reprinted here but is available in committee records.]

Mr. ANDREWS. I would ask for the record you do that.

Mr. KOVALIK. Did I pronounce your name correctly?

Mr. KOVALIK. Yes.

Mr. ANDREWS. Aside from the case in which you're presently involved, so outside the scope of your gag order, do you think there are sufficient tools under U.S. law for us in either the civil or criminal courts to retard the conduct that is alleged in the suit in which you are involved? Do we have sufficient legal tools under American law to prevent American companies from subsidizing this kind of violence?

Mr. KOVALIK. Congressman Andrews, first of all, thank you very much for having us here. My answer to that would be that we do not have adequate laws in that regard. We do have some. As you know, we have brought these cases under the Alien Tort Claims Act, which does prevent or certainly permits a civil cause of action if a company or person presents egregious human rights abuses abroad.

Mr. ANDREWS. What improvements do you think could be made in the Alien Tort Claims Act that would strengthen our hand in preventing this kind of misconduct?

Mr. KOVALIK. The problem with the Alien Tort Claims Act is a problem that is inherent with all types of tort litigation is that it is incredibly costly and takes a long time to complete. We filed this lawsuit now 5 years ago; it is just now going to trial. Others have sat for almost 10 years. It is not an efficient way to get these companies to stop if they are doing it or to prevent them from engaging in this kind of conduct. And it appears that, right now, in terms of the other laws, like the Foreign Corrupt Practices Act, which the Justice Department can enforce, it seems to be frankly enforced more on the breach.

Mr. ANDREWS. I should know this, is injunctive relief available under that statute, or is it simply monetary damage?

Mr. KOVALIK. There certainly is. Although I think it is weak, and I think we need more. That's a good question. I think it is fair for me to mention the Drummond example.

Mr. ANDREWS. You can interpret your own gag order.

Mr. KOVALIK. In that case, for example, we brought claims on behalf of several trade union leaders who were not killed but who were being threatened to be killed. The judge said, "Well, under the Alien Tort Claims Act, you can sue for an extrajudicial killing." These guys weren't killed yet, so we thought certainly we can get an injunction, "don't engage in an extrajudicial killing." She disagreed. So I do think we do need some more affirmative ways to go into court and say, "Don't engage in that, don't engage in that, don't torture and engage in a killing."

Mr. ANDREWS. I see my time is expired. And I would encourage the others members, I would say, Mr. Chairman, that one of the things I hope we can explore together is this notion of beefing up injunctive relief. If one is willing to assume the facts of these cases are true, in situations where it is established that there has been subsidizing of this activity by American firms, it would strike me that the prospect of a contempt order for continued misconduct that would run personally the executives of the company would be far

more effective than a damage remedy that might occur 10 or 15 years down the road.

Mr. DELAHUNT. I think that's a very worthy consideration, and I know I for one would be happy to discuss it with you.

Now let me go to my ranking member, Mr. Rohrabacher.

Mr. ROHRABACHER. Thank you very much, and let me thank Ambassador Reich for trying to put things into perspective here. I hope we will all pay attention to the fact that he stated very clearly that those of us who are more on this side of the spectrum believe that labor union rights—and that this is—the right to organize and the right to go on strike is fundamental to all Americans. We believe in that, and let me just note that when I worked in the private sector, I am one of the few non-lawyers here in Congress, I was a journalist, and I actually was the major force behind unionizing the shop that I was in. And the boss did everything he could to stop us, and he didn't put a contract out on us, but he made sure the union we were trying to organize with wasn't helpful. And we had to go to another union, and that's another day. But the fact is, because those of us may see things in a different perspective or demand a certain level of proof before we accept such allegations, as we have heard today, does not mean that we in any way sympathize with anyone trying to suppress labor, either in our country or in other countries.

It seems to me that what we have got here is a perception that American businessmen who are overseas are playing this very negative role in terms of labor freedom and other freedoms in their country. And in some cases, that's true. We know, in China, today, our business community supports a monstrously totalitarian regime that does not permit the type of organization that we are talking about today. So it is not beyond businessmen to go overseas and support totalitarian regimes who step on the rights of their people in a number of ways.

We also have the possibility of the fact that there are businessmen who are trying to do business in other countries and find that, in chaotic situations, they have to pay protection. Frankly, this Congressman does not see anything wrong with a businessman who, when his life or her life has been threatened by a leftist guerrilla movement, would want to protect themselves by hiring someone.

But the allegations today that these business entities, some business entities anyway, went beyond that. They hired someone, not just for protection, but to suppress those people who were trying to organize for labor rights within their country.

I'd love to tell you, all I have heard is allegations today. And I was expecting Mr. Guzman to give us evidence. I have not heard evidence from him that would in any way back that up. All we have is that there is a relationship between an American company and a paramilitary. That does not in any way prove that that was actually done for anything more than for protection against what were threats. I am sure the company will tell us they have had lots of threats, and Mr. Reich has indicated that lots of corporate leaders have been kidnapped and brutalized in Latin America. I noted that Mr. Kovalik harkened back to an incident in 1928. Certainly, I will tell you, that there have been over the years, including since

1928, a lot of things to complain about American corporations doing certain things. That's not what we are talking about today and may well not be part of the corporate culture today. But if it is, we need to do something about it. And that's why we are having this hearing, to determine whether or not the corporate culture accepts the hiring of thugs overseas to murder and intimidate those who had unionized facilities.

From your testimony, sir, it seemed to me that you were saying that the actual issue at hand with the union people who were taken off that bus, the issue at hand was that they couldn't spend the night at the mine. Was there a union negotiation going on at the moment for higher wages or whatever, because the union was recognized at the time, was it not?

Mr. KOVALIK. That is correct.

Mr. ROHRABACHER. What was the—did you say that was the issue?

Mr. KOVALIK. Well, it was one of the issues in negotiations, and it was brought about by the fact that the union leaders found Valmore Locarno and Victor Orcasita had been receiving threats from the paramilitaries that they were going to be killed. And they brought those threats to the attention of Drummond, and they feared rightly that one of the ways they may be killed is on the roads home at night. There were subcontractors for Drummond who were allowed to sleep overnight for the very reason that it is dangerous to travel at night.

Mr. ROHRABACHER. Was this a time when Drummond was in a major contract negotiation? Was there something that would indicate why Drummond would—by the way, I have heard no evidence in this hearing to back up the notion that Drummond hired those people for anything more than protecting themselves against being kidnapped—but was there some circumstantial evidence or mayor negotiation?

Mr. KOVALIK. Let me address that.

Mr. DELAHUNT. We are going to have a second round, and I am going to ask you to be very concise in response to the ranking member's—

Mr. KOVALIK. They were in major negotiations, and I do want to say, and I do cite again, to be careful of the gag order, there is a *Miami Herald* article which details very well witnesses who talk about witnessing meetings where the president of Drummond—the president of the mines did make payments to paramilitary representatives of Jorge Calento, who stands indicted, according to these witnesses—

Mr. DELAHUNT. We can read that particular—

Mr. ROHRABACHER. Can I hear the end of statement, he's making an important point, excuse me—

Mr. KOVALIK. Those witnesses say—and again it is catalogued in that article very well—that it was stated between Mr. Jimenez and the paramilitary representative that the purpose of the money was to kill those unionists.

Mr. ROHRABACHER. Do you have that in affidavits?

Mr. KOVALIK. Yes, we do—

Mr. ROHRABACHER. Could you present those affidavits to this committee?

Mr. KOVALIK. Yes—

Mr. ROHRABACHER. Thank you.

Mr. DELAHUNT. Without objection.

The chair now recognizes the chair of the full Committee of Education and Labor, Mr. Miller.

Mr. MILLER. Thank you.

Ms. McFarland, if I might, earlier in my opening statement, I quoted your testimony that suggested there may be two levels of violence and two separate systems, that's my interpretation, taking place here. There is a pattern of general violence that has permeated the society over the past many years, and for many reason, whether it is drugs, or etiology, or it is land basis, and a lot of things that we know that have historically been in the mix, but you suggest also there is a concentrated campaign against ISA labor members, organizers, officials in Colombia. Would you please elaborate on that?

Ms. MCFARLAND. Yes, thank you. There is a difference between violence against trade unionists and other violence in Colombia. As Ambassador Reich describes, Colombia has experienced violence for decades, in the 1940s and 1950s; it goes back very far. The violence against trade unionists started to increase in the 1980s with the appearance of paramilitary groups who directly targeted them. If you look at the pattern of violence against trade unionists geographically, it tracks the expansion of paramilitary groups. Specifically about half the killings of trade unionists in Colombia occurred in the state of Antioquia, which is where paramilitary groups are most active. That's where the banana growing region is.

As paramilitary groups expanded to other areas of Colombia, to other northern states, the paramilitary violence against trade unionists also expanded and dropped in Antioquia.

In addition, the pattern that we see is that the killings of trade unionists have occurred most frequently in areas where you have also had a high rate of union activity. Specifically in Antioquia at the time when it was the state with the highest rate of killings of trade unionists, you also had the highest rate of strikes, so there is a connection there.

If you look more specifically at the cases that have been documented by the National Labor School in Colombia, which is a highly respected organization that keeps a database on all this information, the majority of killings of trade unionists have occurred at a time when the trade unionists were organizing, exercising their rights to organize and bargain collectively.

Mr. MILLER. Let me ask you, and my most recent meeting with President Uribe and others have testified, and your testimony also relates to that, there is a decline in numbers, but if you have a selected campaign against a selected strata of society, in this case, people involved with and promoting labor unions, given the level of killing it is up to today, you are going to run out of people to kill I suspect, because the recruitment of people to stand in the shoes of those who were killed before them, I would assume, is much more difficult. And the movement, as you suggest, away from the outright killing a laborer or killing a member of the family or threatening a member of the family or actions against those individuals has—so there has—so there's been some evolvment here

in this campaign, and it's a question of whether or not you are running out of targets. If the kinds of actions you've seen are taking place, I don't know how easily it is to get people to stand up and help organize the workplace.

Ms. MCFARLAND. There has been a reduction in membership of trade unions over the years. At the same time, though, this may be a pattern that happens with other sectors as well, for example, journalists. You've seen in the case of journalists more self-censorship by journalists. This is what has been documented by the Inter-American Commission on Human Rights, for example, and because they are engaging in self-censorship and threats are more effective, you don't need to get to the point where you are killing them.

Looking at the trade unionists, according to the National Labor School, what they are recording in much greater numbers is threats and killings of family members, which are obviously much more—

Mr. MILLER. It is an effective policy. In the United States last year 30,000 workers had their pay and their jobs restored because they were illegally fired, or pay was illegally withheld from them because they were engaged in legal union organizing activities. The National Labor Relations Board restored that.

So this pattern of intimidation and threat sort of runs through the employer community worldwide. I have been involved with it in Ecuador, El Salvador, Chile, Cambodia, Laos. This is not an unusual pattern. The violence associated with this here is out of the norm, even though the violence takes place in those other countries also, and has taken place.

But my concern is that we get an accurate picture. I mean, I believe that the numbers show some improvement, but I want to know whether or not that suggests a lessening of a campaign, and violence comes in many forms, not just the killing, but in many forms against the labor sector, the society when they are seeking to join, promote and organize unions.

Ms. MCFARLAND. I think it is undeniable that the killings have dropped. This is not the first time that has happened. There was a similar fluctuation in the 1990s when killings dropped from 275 in 1996 to only 80 in 1999. Similarly, now you have a drop from 197 to 72. There are many reasons why that can happen, and it could easily go up again.

What we see as probably one of the main factors is this shift in strategy by paramilitary groups who are using other mechanisms to intimidate trade unionists.

Mr. MILLER. Thank you.

Thank you, Mr. Chairman.

Mr. DELAHUNT. Let me now recognize the ranking member on the Western Hemisphere Subcommittee, Mr. Burton of Indiana.

Mr. BURTON. Thank you very much, Mr. Chairman. I listened with great interest to all the testimony, and from this hearing, I have not heard any hard evidence that these transactions took place. Now you say you have affidavits; I would like to see those, my colleague would like to see them as well.

The government, by putting pressure on the paramilitaries, have had 30,000 demobilized and 3,000 I guess have gone bad and gone back. Hundreds of paramilitary have been killed by the govern-

ment. I didn't hear much about FARC and ELN today, but they have been a major problem down there. Companies have been charged. The banana company has paid a fine I think of what, \$20-some million. But the case of Drummond is going on right now, and there have been a lot of accusations today, but I haven't heard any proof, and I am sure that Mr. Kovalik, when he goes to the trial, that he will be able to present that proof.

One of you said something about lowering taxes, and that kind of got to me because I don't know anything that is wrong with lowering taxes. I wish we did more of it here.

You know, Cuba doesn't have any trade unions, and before you finish your testimony, I would like to ask Mr. Kovalik if he likes such people as Che Guevara—I have got a picture here, it was allegedly taken in your office with a big poster on the wall of Che, so I would like to know how you feel about him. And the reason is because Che Guevara and Fidel Castro killed hundreds and hundreds of trade unionists in Cuba when they took over, and if you are an admirer of his, I would like to know about it.

The other thing I would like to know is if Mr. Ramirez has ever been to Cuba, has he ever met with people in Cuba; and the same thing for Mr. Kovalik. I think it is important to know possibly the genesis of your concern about the problems in Central and South America, and if you are admirers of Che Guevara or if you have been to Cuba and worked with people in that government down there, I would like to know why there isn't a great deal of hue and cry about that. Selective judgment is one of the things that really bothers me.

There is no question, in conclusion, and I would like for you to respond to my remarks, there is no question that we ought to and every country in the world ought to put pressure on paramilitary groups and groups like ELN and FARC who have been involved in killing people down there. Nobody likes that. I admire my chairman for having this hearing. But I would like to find out what the motivation is for some of the people on this panel. And so I would like for you to be very straight forward and give me your answer on that.

Let's see if I have anything else here, Mr. Chairman. One more thing, you said you had evidence that there has been financial transactions between members of the paramilitary and the Drummond executives, and I would like to know if any of you have ever seen or any of the people you know have ever seen money being transferred from the Drummond Corporation to the paramilitary leaders. And I think your affidavit might shed some light on that, and that is why I am interested in looking at it. If you would like to respond as well.

Mr. KOVALIK. Thank you, Mr. Burton. First of all, I guess I will address, since you asked that question, the Rafael Garcia declaration, which I think you have a copy of, does indicate that Mr. Garcia did witness cash being passed between the president of the mines and a representative of Jorges Calento, who has now been indicted for the murders of these three unionists, and that it was discussed between Mr. Jimenez and the representative of Jorges Calento what that money was for, and accordingly it was—

Mr. BURTON. You can respond further. I would like to know if he is in prison now, and on what charge was he put in prison, and that might shed a little light on his credibility.

Mr. KOVALIK. Yes, Mr. Burton. He is in jail for his own misdeeds. He was the chief of intelligence for the DAS. And, ironically, while the U.S. gave money to the DAS to protect trade unions, Mr. Garcia himself and his boss Jorge Noguera had relationships with the paramilitaries themselves, and he is in jail for his own misdeeds in regards to that. I believe it had something to do with erasing the names of drug traffickers from DAS computers.

Let me say, Mr. Garcia, for whatever he did, has led successfully to indictments against, for example, Mr. Noguera, the former head of the DAS, who we paid to protect trade unionists, for actually working with paramilitaries who are killing trade unionists. Mr. Noguera stands on indictment largely on Mr. Garcia's testimony.

Let me just say—

Mr. BURTON. I don't want to interrupt you; we have limited time. The rest you can submit to the record. I will read it.

Mr. KOVALIK. Let me just add, again, as the *Miami Herald* pointed out, Javier Ernesto Ochoa Quinonez, also in prison for his paramilitary involvement, has also come forward and talked in detail about taxes that Drummond paid the paramilitaries.

Mr. BURTON. You have already gone into that. You don't need to redo it.

Mr. KOVALIK. So in terms of the question about Che Guevara.

Mr. DELAHUNT. In Cuba, I might add.

Mr. KOVALIK. I admire his intent to build a more just society. That is not to say that he didn't have—

Mr. BURTON. He killed trade unionists in Cuba right alongside Fidel Castro, and you admire this guy.

Mr. KOVALIK. Let me also say, again, first of all, I do not condone that. I do not condone oppression of trade unions in Cuba; neither does the United Steelworkers Union. But let me also say, Mr. Burton, no other country in Latin America or the world has the rate of trade union assassinations that Colombia has. That is our main partner in Latin America. They are killing trade unionists—

Mr. BURTON. I would like to hear from Mr. Ramirez on the question that I have asked. Have you been to Cuba? Have you participated in any meetings down there, and, if so, I would like to know on what they were?

[The following testimony was delivered through an interpreter.]

Mr. RAMIREZ. I have been to Cuba and enjoyed their beautiful beaches. I am friends with unionists in Cuba and the United States, in Canada and in Europe. I have shown solidarity with worker strikes in Canada, and with worker protests in Cuba and the United States, and I don't accept any kind of repression against any kind of worker in any part of the world, whether it be in the United States, in Cuba, or Canada, or any country in the world.

Mr. DELAHUNT. The gentleman's time has expired. We will have a second round.

Before I go to the chair of the Western Hemisphere Subcommittee, I should note for the record that I recently had a conversation with President Uribe about the negotiations between the ELN and his government, and he noted to me his gratitude to the

Cuban Government for serving as an interlocutor and assisting in progress in that regard.

I would further note for the record that in today's newspaper it was reported that it is anticipated that there will be an agreement between the ELN and the Uribe government regarding significant progress in terms of ending the participation of the ELN and the violence in Colombia. That would be a significant achievement. If that is in fact accurate, I would congratulate once more President Uribe. He appeared to have the good sense to use as an interlocutor the Cuban Government, who clearly must have had some influence with the ELN.

With that, I yield to the gentleman from New York, Mr. Engel.

Mr. ENGEL. I thank the chairman, and it is my pleasure to work with him. As chairman of the Western Hemisphere Subcommittee of the Foreign Affairs Committee, we are going to be looking at more of these allegations.

It appears to me that United States companies working in export-oriented industries in Colombia in certain instances have had to pay all sides, the Colombian military, the paramilitaries, and the FARC guerillas. There are no angels here. There have been allegations of malfeasance in this regard by FARC on the left and the AUC on the right, and, frankly, I condemn all of it.

If U.S. companies are paying for protection to operate in the country and export products, I would like to know. I will make this open-ended, or perhaps Mr. Reich can answer this; what did the United States and Colombian Governments know about these practices of the United States companies? And did our Government take any actions to stop them?

For instance, we know Drummond had collusion with the AUC, and I don't think the investigation was as rapid as it should have been.

Let me ask Mr. Reich, when you were Assistant Secretary of State for the Western Hemisphere, did you know that payments by U.S. corporations to these terrorist groups were taking place. There is, for instance, with Chiquita, after our laws were passed post-9/11, makes it a crime to fund terrorist organizations, payments continued for 10 more months with the knowledge of the U.S. Department of Justice until 2004, and the Justice Department didn't do more to stop the payments after finding out about them.

So I am just totally angry at what seems to be a lack of pursuing this by the United States Government and by the Colombian Government. Frankly, I don't care if it is a left-wing group or right-wing group, I think these payments are horrendous, and we should have done more to stop them.

So maybe I will start with Mr. Reich, and then if anyone else cares to comment, I would be grateful.

Ambassador REICH. Mr. Chairman, during my 3 years in the administration, I saw no evidence to support the allegations that I have heard here today. There were many allegations, but I saw no evidence. And I read every piece of intelligence that came across my desk from every source, and I can't add anything more to that.

I agree with you that it would be wrong whether it is left-wing or right-wing, and in fact, there are a lot of things that I have heard here today that I have heard for the first time, and they are

worth looking into. But I also disagree with the reason for some of them.

For example, Mr. Guzman said that a particular United States company with which, by the way, I have had absolutely no dealings, hired paramilitaries for protection because the military was unable to provide protection and that the alternative was to pull out of Colombia.

Now pulling out of Colombia, would that have helped the workers that Mr. Ramirez alleges to represent when he is not at the beach in Cuba? I think we need to think about what this administration faced, what our Government faced 5 years ago when President Uribe came into office, and that is what I tried to say in my testimony. And that was a country that was about to be a failed state, and companies were leaving Colombia in droves. Colombians were leaving in droves, because there was no security.

One of the things we did, and Mr. Ramirez, I'm sorry, misrepresented, was to arm new battalions and brigades of Colombian military so they could provide the security for the companies, including Occidental Petroleum, because the Cano-Limon pipeline was being bombed by the guerillas, by the FARC, not by the paramilitaries and not by other people, FARC and the ELN, to the point where the spilling of oil from that pipeline alone amounted to two Exxon Valdez spills. So even from an environmental standpoint, you have to support what we did. I am proud of what we did. We should do a lot more.

One thing, to finish, everything we have heard here today, if it is true, is a violation of Colombian law and American law. Some of it is violation of American law, depending on whether it took place there, or it is a violation of the Foreign Corrupt Practices Act or whatever.

We have given a lot of money to the Colombian Government to enforce the law, and I think that it would be foolish for the United States to cut off that assistance now when it is beginning to have that kind of an impact. We can differ on the number of people who have been killed, but the trend is in the right direction because of the aid that this Congress has made available.

Mr. ENGEL. Let me just say that I think—and I think Mr. Delahunt has said it also—that there are a number of us who believe that Mr. Uribe has tried to do a lot of things that we support. However, that doesn't take away from the fact that if we knew that these things were happening, why didn't we as Americans do more?

I know you said that you heard a lot of allegations, but it seems to me, if there was a U.S. company collaborating with Hezbollah or al-Qaeda, we would have moved a lot quicker. I think we should. I take, as you know, a hard line against terrorist organizations like al-Qaeda and Hezbollah. But I think this seems to me a situation where we kind of looked the other way and didn't move with force.

I am wondering if anybody else, if I may, Mr. Chairman, would like to comment, perhaps anyone with a different view than Mr. Reich.

Mr. KOVALIK. Yes. Thank you very much. First of all, I will address a couple of things. First of all, in terms of the aid to the 18th Brigade, which protects Occidental, in August 2004, three trade union leaders were killed in Arauca where the 18th Brigade oper-

ates. The 18th Brigade killed them. The 18th Brigade claimed they were guerillas. In fact, the Attorney General concluded that the 18th Brigade planted guns on them, claiming that they were killed in battle, and that was not true.

I met personally the head of the 18th Brigade, Colonel Medina, who told me up front, when I asked him about the murders of these unionists, again, echoing something that Mr. Guzman said, that he views and his brigade views trade unionists as guerillas who are legitimate military targets.

So I think that while a lot of aid was going to protect trade unionists, to the DAS, which gave its list over to kill trade unionists or to the 18th Brigade, which killed trade unionists, I think we have to ask ourselves whether it is going to the right people and whether they are doing the right things. I think there should be an audit of any moneys that go to the Colombian military or Government.

The other thing I want to comment on, if I may, Congressman Engel, is that Mr. Reich didn't complete the reasoning that Mr. Guzman gave in his written testimony, which is before you, and I think should be submitted for the record, and I think is very important about why the paramilitaries were viewed as more effective for security by companies. He says they are more effective; he says five paramilitaries can do what 15 military guys can do because they can kill people they view as insurgents, and their families, without any due process. I don't think that is the kind of effectiveness that we are interested in.

Mr. DELAHUNT. Thank you. I really do want to move on. We will have a second round. But I hear what all of you are saying, and it is going to continue. Let me emphasize that this is the beginning of a long journey. There are a number of individuals that this committee intends to depose, to interview, sometimes hopefully in collaboration with the Colombian Government, to ascertain the truth.

We can all opine, and we can speculate. I just consulted with my friend, Mr. Mack, about the need to be particularly careful about where the money goes. About a year ago, there was an incident where a group of military, Colombian military we have supported with our tax dollars actually ambushed and murdered a vetted Colombian police union.

So do we have problems? I don't think there is any doubt that we have problems. This committee intends to vet it out, and our purpose is going to be to examine the role of American companies, because that is our responsibility. We do not want American companies to fuel, if you will, the unacceptable level of violence that exists in Colombia today.

As I said in my opening statement, I acknowledge that things are improving. We want to ensure that that trend continues. With that, I yield to the gentleman from Florida, Mr. Mack.

Mr. MACK. Thank you, Mr. Chairman.

Before I begin, I would like to yield to Mr. Burton.

Mr. BURTON. Real quickly, you don't have to answer, Mr. Ramirez, but you said you helped unions, trade unionists in Cuba. They are controlled by Castro. They cannot strike. If they even breathe wrong, he puts them in jail, and you know it.

Mr. MACK. Reclaiming my time. Mr. Chairman, I think what you just said is important, and it should be obvious that with some of the allegations that we hear today, if there are U.S. companies participating, they need to pay that price. But it is curious to me that today there are some who on one hand want to or will support someone like Hugo Chavez in Venezuela but then condemn what is happening in Colombia. And there just seems to be something missing, how you can have that support for Hugo Chavez and Venezuela but then turn around and have a different set of beliefs for Colombia.

I have a simple question that I would like to ask and that is how a panel of people can look at the same information and come up with two different conclusions, completely different conclusions. And I am going to ask the Ambassador to respond to that.

Mr. Kovalik, I was going to ask you to respond to it, but, frankly, I feel like today you have destroyed your credibility on that. So I am going to ask Ms. McFarland to respond to that as well. Thank you.

Ambassador REICH. Thank you, Congressman Mack. I think perhaps one of the things that I would like to think I bring to this table is those 25 years of perspective. This discussion reminds me so much of the debate in this room and in many other rooms on the Hill in the 1980s about our policy toward Central America, toward El Salvador, for example. A lot of the arguments that were being made about the Reagan administration policy, which I am also very proud—I served President Reagan for almost 8 years—which resulted in what everybody now recognizes, even the *Washington Post*, that was one of our biggest critics, as a successful policy in Central America.

There were human rights violations, unacceptable massive human rights violations by both the right and left in Central America, particularly El Salvador. What the administration did was work with the elected Government of El Salvador as today we are working with the elected Government of Colombia to isolate the violent extremes, as we, I believe, are doing, isolating the violent extremes in Colombia. The guerillas are being sent into the jungle, the paramilitaries being defeated and forced or enticed into surrendering, not to the extent that anybody here would like to see; I would like to see zero paramilitaries, zero guerillas. But it is a process that began in 1948 with the assassination of a very popular Presidential candidate and, as I said earlier, caused 300,000 deaths in the next 4 years until a military dictator came in and stopped the violence. Do we want a military dictatorship to stop the violence? That leads to additional problems.

That was one of the things we had to face in Central America. I think that if we go back and reread the lessons of the 1980s in Central America and realize that the best way to build that political center to guarantee labor rights is not to go to Cuba; it is absolute nonsense to say Che Guevara wanted a just society. I saw Che Guevara in person; from about as far as you are, Che Guevara would take a pistol and shoot a man in the head. He was a murderer, a cold-blooded murderer. That is not the kind of person we want to serve as the model for any system.

But that is the kind of people who are training the ELN to be in Colombia. The reason, Mr. Chairman, why the ELN—Cuba has influence over the ELN—and President Uribe is forced to go to Cuba to ask for Cuban support, is because the ELN is trained, armed, supplied and, in many cases, directed by Castro.

The brother of the former President of Colombia was kidnapped and miraculously appears in Havana. And Guevara asked Castro for help, and he said, “I will try to find him for you.” He was in Havana, kidnapped by the guerillas.

Castro uses gangster tactics against the elected leaders because he knows that they are constrained by the law. And it is the rule of law that we have to build up, and that is what saves Central America. We have a long way to go in Central America, a long way to go in Colombia. I think that is one of the reasons why we look at things differently. My model is certainly not Che Guevara.

Mr. ENGEL [presiding]. Mr. Payne.

Mr. MACK. Mr. Chairman, I ask that both the Ambassador and I also would like to have Ms. McFarland have an opportunity to respond, so there is some balance in it.

Mr. ENGEL. Without objection.

Mr. Payne, if you would wait a second. I apologize.

Ms. MCFARLAND. With respect to the Cuba issue, I will just state that Human Rights Watch has strongly condemned all the human rights abuses that occur in Cuba as well as abuses in Venezuela especially. Right now we are preparing a report, a full book about violations of freedom of expression and encroachment of the executive on the judiciary and concentration of power in Venezuela.

To us, human rights abuses are just as serious, no matter who commits them. We have been very critical of the FARC, ELN, and we are very critical of paramilitary groups. I think we are probably all looking at more or less the same facts but some of us in greater depth than others.

For example, I do not have access, personally I have not investigated the Drummond and Chiquita cases; I cannot comment on the facts in those cases beyond what is publicly known.

Where I think we differ is in our explanation of the causes and of what is to be done about it. In our case, the question of how the Colombian Government has approached paramilitarism is a central issue. This demobilization process that has been in place for paramilitary groups in the past few years is not a genuine dismantlement of paramilitary groups. Yes, we have 30,000 individuals who went through ceremonies and turned over weapons, and the government has lost track of several thousand of them. We don't know what they are doing; we don't know what they did before. They were never required to give any kind of explanation to the government about what they were doing.

And you have paramilitary commanders who supposedly demobilized and are sometimes making statements that are useful, thanks to a Supreme Court decision that requires them to confess. But overall they have been able to maintain their assets. Nobody has really moved against all their wealth, even though these are Colombia's biggest drug lords, and they have access to cell phones from prison through which they continue communicating, and we still see abuses.

Yes, I agree that there has been a reduction in kidnappings. There has been a reduction in homicides. In part, this has to do with the fact that the FARC has been pushed out of many regions, and that is significant, and Plan Colombia has something to do with that.

It also has something to do with the fact that paramilitaries took over control of much of the north of the country, and so they now only have to consolidate and maintain that control.

Mr. ENGEL. Thank you.

Let me go to Mr. Payne. Let me turn the chair back to Mr. Delahunt.

Mr. PAYNE. Thank you very much. This is really a very interesting hearing. I am not so sure I would agree that the Reagan years were the greatest. Once again, we see things differently. All I remember primarily is the Iran-Contra affair where our Government was doing illegal activities bringing drugs and crack into our community, in the black community, where we have seen us never recover from that. So if that is a time we should pat ourselves on the back about our South America policy, it is disgraceful in my opinion.

I haven't been to the beaches in Cuba, but I have been to the medical schools. And I have traveled to Cuba, and I think that there are a lot of things that has to be straightened out there. But I also think that there are a number of things that are happening that are going in the right direction, especially as relates to education.

I am also disturbed at the concentration of the power from Chavez in Venezuela. I don't know what has created this situation. However, the fact that the people in Venezuela were given universal education for the first time—they have had oil forever, but for the first time, they were able to go to school; the fact that health care was being dispensed, I think, like I said, it is according to how you look at things and whether the glass is half full or half empty.

I know how strong Chiquita Banana is because they took the Clinton administration to the WTO with Mr. Cantor arguing for Chiquita that ended the whole banana trade and Dominican oil, that now all they have is drug trafficking because the treaties they had where they had a preference in selling their bananas had been totally eliminated by the powerful Chiquita Banana Company in South America. Matter of fact, that was one of the big reasons the Caribbean countries did not want to vote for Guatemala in the Security Council, which our Government didn't realize as they pushed them to oppose Venezuela. I think one thing we are lacking is a real policy in Latin America.

Let me just ask quickly to you, two quick questions, Ms. McFarland. I hear about what is happening, one thing, and it is not focusing on that, but the Afro Colombians, they are getting it from the FARC. They call the military; they don't come. They are getting it from the guerrillas, as I mentioned, and the FARC. Their land is being taken to grow these large corporations of banana and other things. Can you just comment? President Uribe said things are getting better. Could you comment, please?

Ms. MCFARLAND. Yes. The situation of Afro Colombians is that they are a marginalized sector of Colombian society, even though they are quite a large population. They have been disproportionately impacted by abuses, including most significantly probably by forced displacement by armed groups in the Pacific and Atlantic coast, and a major issue for them is the question of land. Many Afro Colombians, traditional lands have been taken from them by armed groups. In some cases these lands are being reportedly used to establish businesses involving African palm, and from everything that I hear, although this is not something that I have investigated recently, but from everything that I hear, the government's proposals on land with respect to Afro Colombians have been usually to legalize land now that has been taken in the past.

For example, there is a bill pending in the Colombian Congress that I think was initially proposed by a senator who is the brother of Colombia's Foreign Minister, and now in prison for his link to paramilitaries, his alleged links to paramilitaries. This bill would, in 5 years, allow a person who had no title to land gain that title without necessarily having to prove that they didn't get that land by force, and therefore, it is a law that might allow legalization of land paramilitaries took by force.

Mr. PAYNE. Thank you. Just my last question to Mr. Guzman. In Mr. Guzman's written testimony, you talk about the AUC operating on or around the Drummond property, and in your written testimony, while you were in the military in that area, my question is, did you attempt to stop AUC activities and if you did, what happened?

[The following testimony was delivered through an interpreter.]

Mr. GUZMAN. I tried to conduct an attack by surprise on the paramilitaries, but this effort was not approved by Rodriguez, who I mentioned before who was the link between the paramilitaries and Drummond.

Mr. PAYNE. Okay. I yield back since my time has expired. Thank you.

Mr. DELAHUNT [presiding]. I recognize the gentlelady from Texas, Ms. Sheila Jackson Lee.

Ms. JACKSON LEE. Mr. Chairman, let me thank you for your kindness. I hope that you will have a second round so that I may pose questions. I am going to leave this as part of my thoughts in that I am getting called for another vote. But let me just simply acknowledge that we have to find solutions, and I hope that the hearing is still going on upon my return to hear from each of you about the immediate solution that we could put forward because killings aren't acceptable. Government efforts must be promoted, but they must be serious; there must be a strong commitment, and we must see relief. I yield back to the chairman.

Mr. DELAHUNT. I thank the gentlelady.

The gentlelady from New York, Ms. Clarke.

Ms. CLARKE. Thank you very much, Mr. Chairman. I am a new member here but certainly one of the first issues that have confronted us has to do with the Free Trade Agreement. I want to really go straight there because it has been said here by many of my colleagues that the Congress's failure to ratify the Colombian-U.S. Free Trade Agreement could derail, would derail Colombia's

road to recovery and thereby make the situation worse for trade unionists and all Colombians.

Can I have a response from folks sitting there about that?

Ms. MCFARLAND. We have called for Congress to delay consideration of the Free Trade Agreement with Colombia. The reason we are doing that is because we think the best way to get Colombia to take some necessary, if difficult for various reasons, steps to address human rights abuses and to address specifically paramilitary infiltration of the political system—paramilitaries are responsible for the majority of trade unionists' killings—to get Colombia to address these two issues, you need to ask them to show some results first before they get the Free Trade Agreement. Pre-conditions must be attached to the Free Trade Agreement; side letters will not do the trick.

Ms. CLARKE. Let me just ask, Ms. McFarland, because some of what we are hearing is that what we are seeing now with the decrease in deaths of trade unionists is the result of good faith efforts on the part of President Uribe. So it is kind of hard to gauge it. You are dealing with a lot of new members, particularly, coming in, and there are a lot of concerns, how do we necessarily gauge what your request is with respect to what progress actually means?

Ms. MCFARLAND. There are two things to keep in mind: One is the impunity rate remains at over 98 percent, and even though President Uribe has been in office since 2002, that has not changed in any major way. If you want to have a real long-term decrease in killings of trade unionists, you need to punish the perpetrators. That is not happening yet.

We would like to see that happen. They have established this new entity in the Attorney General's office that will supposedly investigate these cases, but we have to see results. We have seen so many cases in the past of units being established and the Attorney Generals' office investigating things, and then, for one reason or another, the cases don't move forward.

The other factor is, with respect to paramilitary groups, the government has made concession after concession in the paramilitary demobilization process and has yet shown the will to dismantle the underlying structures. That means getting at their money, the money they use to hire new guys to replace the ones that demobilize, and getting at their backers, figuring out what their political networks are, figuring out who backed them financially. That means that Colombia should be focusing all its efforts right now on supporting the investigations by the Supreme Court and the Attorney General's office into paramilitaries' links to politicians and businesses. It also means the U.S. should, to the extent that U.S. corporations are involved, be investigating.

Unfortunately, President Uribe's proposal right now is to release from prison anybody who is convicted of having these links, and that would be a disaster. It would be—would completely undermine the rule of law.

Ambassador REICH. Ma'am, I agree with your colleagues who say the Free Trade Agreement and the increased economic cooperation and commercial relations with Colombia is one of the things that has contributed a very dramatic improvement, and there are a couple of charts that I would direct you to that I didn't prepare—they

were there this morning—that show that there has been an improvement across the board.

We have all used a lot of figures here today, and I think it is important to verify those figures. But no one has said that there has not been improvement. I think it is dramatic improvement, not only in terms of violations of human rights directed against a particular segment of the population, labor leaders, which has been reduced dramatically, but across the board, terrorist acts, homicides, common crime. The number of internally displaced persons, people in Colombia who have had to flee their homes because of the war, all of that has improved over the last 5 years. It is the 5 years of President Uribe, and it is the 5 years the United States has contributed a great deal, but also through trade, open trade. The fact is that the Free Trade Agreement with Colombia will benefit the United States even more than it will Colombia because most of Colombian products already enter the United States duty free through other programs we have.

So withholding the Free Trade Agreement from Colombia is not really an economic sanction against Colombia, it is a political statement. I think it is a bad political statement because it weakens the very government that has made all these improvements that needs the support of the United States and needs more money for administration of justice, for more prosecutions. Almost all of the crimes that we have heard here today have been brought to the—the accusations have been made by the Colombian Government prosecutors, by the Colombian Government. There are a lot of other allegations, and there are trials going on in this country to find out if an American company or others have been involved.

By the way, I am all for enforcing the law. I mean, I happen to agree with Congressman Rohrabacher, that sometimes our companies—and I represent some companies, but I am very careful not to represent the wrong companies—that sometimes our companies take advantage of very bad labor conditions; for example, in China. And I think that that is wrong.

We are different. We are not like some of the other countries in the world that take advantage of the workers. I agree that we should expand our trade with Colombia. I think the Free Trade Agreement should be ratified.

By the way, there is a practical reason why it cannot be delayed. We have the Andean Trade Preference Act, which was just extended yesterday, extended for 8 months. If the Free Trade Agreement is not ratified in those 8 months, then trade, bilateral trade, is going to be disrupted severely.

Mr. DELAHUNT. Mr. Kovalik, I am going to cut you off because I am informed by the ranking member that he needs to leave soon and I want to get to him for his final round of questions.

Mr. Rohrabacher.

Mr. ROHRABACHER. Thank you very much, Mr. Chairman, and I appreciate your commitment to getting to the heart of the matter and getting to the truth. The Iran-Contra affair had nothing, zero, to do with drug importation into this country. The charge that was controversial in that was that there was a Presidential Directive that prevented any type of arms interaction with Iran, and in order to try to save some hostages in Beirut, some questionable judg-

ments were made by the President as to exchanging arms for hostages in Beirut. Then the leftover residuals from that transaction were given to the Contras. It had zero to do with drugs. But that statement feeds into the fantasy that is perpetuated by Hollywood that the United States just right under the surface is committing all of these monstrous crimes and that we are no better than the likes of Fidel Castro or Che Guevara.

And we are better than Fidel Castro and Che Guevara.

Let me note that, today, having witnesses who admire Mr. Guevara and a supposed union leader who goes to a country which represses their right to strike and union rights in that country, a union leader that goes there to have his holiday rather than to other countries that are free, undermines the credibility of what you are trying to have us believe. Let me note, that doesn't mean that if you present us facts that we don't look at the facts. And I do.

Mr. DELAHUNT. If I can interrupt. I don't think Mr. Kovalik testified that he went to the beaches of Cuba.

Mr. ROHRABACHER. Mr. Ramirez did.

Mr. DELAHUNT. I just saw a quizzical look because it would appear that Mr. Kovalik hasn't.

Mr. ROHRABACHER. Mr. Kovalik suggested at one point he was someone who admired, at least at one point, Che Guevara. Mr. Reich described full well the dictatorship and the murderous activity of Mr. Guevara, even in terms of the labor union movement of Cuba. Many of the people who fought Castro early on were trade unionists who had been kicked out when Castro came to power because they thought they were going to support a democracy, and then Castro turned it into a Communist dictatorship. That is why Castro is still in power in Cuba after all of these years, for Pete's sake.

Now with that said, let's look at evidence, and because I think that you have got some philosophical problems here does not mean that when human rights organizations come to us with specific evidence that we should in any way just dismiss the evidence because the persons backing up the allegations have questionable philosophical backgrounds.

Today I didn't hear anything from Mr. Guzman at all that would suggest to me that he is proving the case that American companies hired someone specifically to kill labor union organizers. His testimony indicates to me that there was some sort of agreement made with American companies that was protection money.

Now the only evidence suggested and the only crime that I see against labor union movements is this affidavit that I have read. And I understand that this is an individual—this is the only affidavit that brings it together.

Mr. KOVALIK. No, there are others as well, which I would like to submit.

[The information referred to is not reprinted here but is available in committee records.]

Mr. ROHRABACHER. Please submit it for the record, and I will be happy to go over it. I appreciate that. When we went down to ask for the affidavit, this is the one we were given. If this is the best one, because this is the one you are presenting, it is presented by

a man in prison, who when he first wrote this affidavit, from what I understand, wrote the affidavit and quoted a date in which he was having a meeting with a person who proved that he was not in the country at that date.

Mr. KOVALIK. Mr. Congressman, that was proven not to be true later, and they don't even claim that any more, that he was out of the country. Just to be very clear.

Mr. ROHRABACHER. Then you have just corrected that, and we will take a look at that. I am happy that you were here to refute that argument.

Mr. KOVALIK. I appreciate that.

Mr. ROHRABACHER. Let me note this. So we have this fellow in prison. He may or may not be a reliable source. He was involved with a drug-connected crime, and he was protecting certain drug elements. But today, even at the very—stretching it, we are hearing some testimony that some people working for this American company made some sort of agreement with the paramilitaries, and again, as far as I am concerned, someone who is hiring someone to protect themselves—Chiquita Banana, for example, hired one of the left-wing guerilla groups to protect themselves. I mean, that was much less hiring them to suppress their labor union movement.

But is there any evidence that you have that suggests U.S. citizens, U.S. executives were involved in this? Do you have any evidence U.S. executives were involved and not just perhaps the local manager of a company worrying about his security, the security of his workers, hiring somebody to protect them against outside threats? Are U.S. names directly involved?

Mr. KOVALIK. The answer to that is that, again, in the affidavit you see, and, again, as this article that pointed out, there is another witness who corroborates that testimony, involved Augusto Jimenez, the president of Drummond operations. As I understand it he actually jointly has offices in Colombia and Alabama. In fact, he accepted service at the Alabama office.

Mr. ROHRABACHER. Is he a U.S. citizen?

Mr. KOVALIK. I really don't know, but I think he has joint residency. The other point is that Drummond Limited, which operates the mines in Colombia, their headquarters is in Jasper, Alabama. So we are not just dealing with a mere Colombian subsidiary; we are dealing with a company that, if these things are true, is based in Jasper, Alabama.

Mr. ROHRABACHER. How long did a union exist in that company prior to the death of these two union organizers?

Mr. KOVALIK. Probably Francisco could answer better, but I think around I would say 5, 6 years.

Mr. ROHRABACHER. 5 or 6 years. This isn't a case where someone is trying to organize a union, and the boss says, we are going to get rid of these guys because we don't have to have a union; this is a case where a union has existed for 5 to 6 years, and you are suggesting earlier in your testimony that they were in the middle of a major negotiation, and this just wasn't a request to spend the night?

Mr. KOVALIK. It was contract negotiations which were going on at that time and which continued after they were dead. Gustafo,

who died later, continued those. Let me say, in Colombia, the most dangerous time for trade unionists is during contract negotiations. That is a time when people do tend to be assassinated.

Mr. DELAHUNT. That is real negotiation.

Mr. KOVALIK. That is some leverage there.

Mr. ROHRABACHER. I appreciate the chance to ask these questions. Again, I do not take lightly charges that any person trying to organize a union or represent workers to a company is brutalized or murdered. That should not be taken lightly. That is what happens when people like Che Guevara come to power. That is what you can expect will happen when any unions start bucking Mr. Chavez in Venezuela. These tough guys come in.

Now I know there is a left-wing fantasy fed by Hollywood that this is what American executives are all about; this is what our Government people are all about. And that is a pure fantasy, and it deals a lot with people who philosophically hate this country. But if, indeed, there is some proof to a charge that would indicate we are involved with that type of activity, we need to get to the bottom of it and clean it up. Mr. Reich knows that. He was an ambassador. He hated Communism, but he was a guy who had strong standards about the things we are talking about. That is the type of individual that I have run across in our ambassadorial positions all around the world. So if you would like to answer that.

Mr. KOVALIK. I just wanted to just emphasize again that, again, when we go back to Chiquita, I want to make it clear that Mr. Iguaran himself, the Attorney General of Colombia, who works for President Uribe, he himself doesn't believe that this was protection money. I think it is important. He is seeking the extradition of Chiquita officials because he thinks they were paying knowingly for people who were going to carry out, in his words, the bloody pacification of Uraba. I think it is important we defer to that.

Mr. ROHRABACHER. This is the prosecutor, and I will say that I know that prosecutors make accusations all the time, and if these are accurate accusations, and he is proven correct, I am happy to hear you telling us about this and happy the chairman called this meeting and happy the prosecutor is down there trying to correct the situation.

So I am not discounting the information we have heard today at all. I have not heard evidence at this hearing that would—minor evidence. I would say, if I was on the jury right now, I would say, not guilty, just from what I have heard today. But that is not to say that I couldn't see some of the other affidavits you are presenting and that this prosecutor may well have some information, Mr. Chairman, that proves your charges, and I am open-minded in looking at that.

The most important thing is truth, getting to the truth, and, quite frankly, over the years, when we have heard people who party in Cuba, who like Che Guevara, it undermines our confidence that we are being given the truth. Human rights organizations struggle—and I have a lot of respect for your organization and for Amnesty International, but there are other people who are partisan in trying to bring out the truth.

Thank you, Mr. Chairman.

Mr. DELAHUNT. I can assure you, Mr. Rohrabacher, that we will pursue the truth. I have no doubt that you will have another occasion to meet Mr. Kovalik and Mr. Guzman.

Mr. KOVALIK. I am a nice guy when you get to know me.

Mr. DELAHUNT. In fact, I would hope at our next hearing we have the opportunity to have the Attorney General of Colombia, Mario Iguaran, present to testify so that you can inquire of him as to the quality of the cases that he is prepared to go forward with.

For the record, let me just read from a *Miami Herald* story posted on April 17th:

“The details laid out in the document, and the document is the prosecution document filed in the Federal district court of Colombia, it does show top Chiquita executives and most board members ignored the risks involved and even assumed that violation of the law would be civil rather than a criminal matter.”

I don't believe that is the opinion of the Attorney General of Colombia, and I am confident, given your search as is mine for the truth, and I am sure Mr. Mack will join us in this request, but if there is a request from the Attorney General of Colombia to seek the extradition of eight executives from Chiquita Brands International, the Ohio banana company, that he will support that request from the Uribe government. I yield to the gentleman to listen to his assent.

Mr. MACK. Well thank you. I believe, like I said earlier, that if there are crimes being committed by U.S. businesses, then they ought to stand and be judged and they ought to be punished for breaking those laws. I have said it, I know what you want me to say, but—

Mr. DELAHUNT. Reclaiming my time, I will give you an opportunity to respond, but I would hope that you would concur with me that given what I think is unanimous kudos thrown to the Attorney General of Colombia, there are requests that he makes of our Government to secure the presence of American executives. Presumably American citizens in legal proceedings in Colombia ought to be supported by this subcommittee.

That is my very simple question, and I yield to the gentleman from Florida.

Mr. MACK. Thank you, Mr. Chairman. I say again, anyone who is found breaking the law whatever the standing is in the United States ought to be punished, and I will continue to stand on that.

Mr. DELAHUNT. Well, I thank the gentleman. I know that he, and I am sure everybody here including my friends from California and Indiana, are all concerned about double standards, and we all condemn human rights abuses. I know you condemn the human rights abuses in Saudi Arabia, Mr. Mack, I know you condemn the human rights abuses in Kazakhstan, I know you condemn the human rights abuses in Egypt, I am confident that you condemn the human rights abuses in Pakistan. I have no doubt that you and others and all of us condemn the human rights abuses in Equatorial Guinea. I have no doubt we condemn, all of us, the human rights abuses that exist anywhere on the planet. I have no doubt

that we condemn the human rights abuses that are currently being perpetrated in Vietnam, despite the fact that we just signed—

Mr. MACK. Mr. Chairman, do you yield?

Mr. DELAHUNT. I yield.

Mr. MACK. And I am sure all of us here condemn the human rights abuses in Venezuela as well.

Mr. DELAHUNT. Absolutely and I am glad to know that you concur with me, but the point is when we talk about double standards, I find it fascinating that we become very selective. You know when I see this wonderful snapshot of our President, President Bush, in Vietnam signing a Free Trade Agreement and we all encourage free and fair trade, and there behind him is this looming figure of Ho Chi Minh, it kind of brings it all together. But I think we can all say, whether it is Mr. Kovalik, whether it is me, Mr. Mack or Ambassador Reich, we all condemn human rights abuses and particularly when it attacks the weakest and most vulnerable in any society. And I don't think there is any doubt whatsoever that the history of Colombia, when it is written 100 years from now, will focus in on the poor people in Colombia that have been absolutely victimized, where the organized labor union during the course of time has been suppressed, has been abused, and that is the purpose and that is the effort that this subcommittee is going to make, we will get to the truth. We will ask Salvatore Mancuso about the veracity of his statement that—and I am looking for it here—according to Mancuso, U.S.-based banana producers Chiquita, Del Monte and Dole supposedly paid a percentage of their profits to the AUC, they paid us .01 cents on the dollar for every crate that went out of the country. Dole is in charge of collecting the money and executing the operation. He said all of the companies were aware of the payments and put them on the books as contributions to private security concerns while the paramilitaries killed dozens of banana union activists.

There is a moral imperative and I know my friend agrees with me to get to the bottom of this, to peel back, if you will, the skin on this onion. It is ugly. And I have defended the Uribe government and President Uribe because he started a process that allowed these statements to become public. There has never, ever in my memory in a hearing such as this or ones that will be held in the future about the truth and the reality of what occurs on every day, not just in Columbia but elsewhere in Latin America.

Mr. Engel.

Mr. ENGEL. I don't know how I can stop that, Mr. Chairman. I agree with everything you said and I agree with Mr. Mack.

I think this is not a hearing about Cuba or anything else, I don't—I am no fan of—

Mr. DELAHUNT. If the gentleman will yield for a moment. I know Mr. Mack is aware of this in Cuba. Can we condemn, Ambassador Reich, what is happening in Saudi Arabia, too, the denial of religion?

Ambassador REICH. Sir, I have no problem condemning human rights violations anywhere in the world. I join you in that.

Mr. DELAHUNT. I appreciate it. I want to make sure we don't get too selective. We all have our favorite little targets and I found it very disappointing, for example, that the thug, the despot of

Uzbekistan, was provided military assistance because of the supposed war on terror. Let's talk about double standards, but let's be very clear that it is not done on a selective basis.

With that, I yield back to the gentleman from New York.

Mr. ENGEL. Thank you, Mr. Delahunt. The point I was trying to make is I have been no fan of Fidel Castro through the years and I condemn any dictatorship, right-wing or left-wing. I don't find one better than the other. I condemn it in whatever country there is a lack of human rights. I condemn in whatever country trade unionists are not allowed to organize or intimidated or assassinated, and there is plenty of proof it has happened both under right-wing and left-wing dictatorships.

But I don't think that we should get off the topic, and the topic here of course is Colombia and what has gone on with Colombia and whether the United States Government looked the other way because that is something that we can control as the U.S. Congress, that we can appropriately investigate, and that is what I am concerned with. I think all of us believe that Mr. Uribe is trying, has opened up on a lot of things and is trying to lead the country in a good direction, which is why I organized a trip to Colombia with my Subcommittee on the Western Hemisphere, and I believe that we need to work with Mr. Uribe in partnership. But I don't believe working with him means that we have to whitewash what happened or is alleged to have happened, that we need to turn the other way because we are working with a government or a leader and therefore we are not going to condemn what needs to be condemned when we see that there may have been some abuses, and I applaud Mr. Uribe for being open about it and investigating and allowing these investigations to go on.

So I am happy to join with Mr. Delahunt in looking at what is alleged to have happened in Colombia. And as I said, whether it is the FARC on the left or the AUC on the right, if there are things that are wrong our subcommittees ought to investigate them.

So I think that this has been a very, very good hearing. I told Mr. Delahunt—he is coming back—I was going to ask Mr. Mack if he has any further comments. I turn it back over to Mr. Delahunt and I guess we will adjourn after Mr. Mack makes his comments.

Mr. DELAHUNT. Mr. Mack.

Mr. MACK. Thank you, Mr. Chairman.

First, I would like to say that I have a lot of respect for the chairman of the subcommittee, Mr. Engel. I think that his heart is in the right place and he is a caring individual that really does want to see positive change in the Western hemisphere and I want to thank you for that.

I would like to also point out that in the idea of kind of selecting who we are going to condemn and who we are not going to condemn, I know that my friend Mr. Delahunt also wants to condemn, like I said, those human right violations in Venezuela, those human right violations in Cuba, and I know we wouldn't want to stand with leaders of countries who continue to either allow or provide for human rights abuses in our own hemisphere. I know he would want to stand with me as we challenge Hugo Chavez and the human rights violations that he continues to perpetrate on the people of Venezuela.

You know, it is sad when a leader of a country wants to see or doesn't want to take on the issue of poverty so he can hand out assistance to try to keep his power. Today's hearing should be about the successes of Plan Colombia and the need for free trade so that there are more job opportunities in Latin America, in our hemisphere. That is how you combat drug trade; that is how you combat poverty; that is how you provide more education and health care.

Something that Mr. Payne said earlier I think hit the nail right on the head and that is we don't have a real expanded policy in Latin America and we need to do that. These hearings are wonderful because it really starts a dialogue, but we really need to move to the next step, Mr. Chairman. We need to move to the next step, and that is instead of having hearing, after hearing, after hearing of condemning people, maybe it would be a good cause if we actually put together a plan, put together a plan that is going to help the people of Latin America fight for and defend themselves and provide for themselves.

There is nothing better than creating policy that is going to allow people to be proud of who they are, to allow people to create opportunities for themselves so they have hope, so they have those opportunities. I would hope that in the future hearings that we also try to have a more balanced approach of our panel so that we can get ideas from all spectrums of thought.

Mr. Chairman, I do applaud you in taking this forward and putting this hearing together. I do think it is time though that we move to the next step and that we go, we sit down, we roll up our sleeves, we put together a plan that deals with all of the issues in Latin America, not just one country, so that our friends in Latin America have a real hope for a better life and have real hope and opportunity for themselves.

Thank you, Mr. Chairman.

Mr. DELAHUNT. Thank you, gentlemen. And let me state that clearly this expression of moving forward with a plan that factors in all of the issues that confront Latin America is well received. I would point out I have no doubt that that is underway, under the leadership of Chairman Engel.

I note for the record that this subcommittee is a subcommittee on oversight and what we attempt to do is to lay out the truths, acknowledge our imperfections and learn, because we can only learn if we acknowledge our mistakes.

I would like to just take a moment to address some observations to Ms. McFarland. I understand your frustration with the Peace and Justice Act and some of the statements that have been made by President Uribe. At the same time, it was President Uribe who pushed and secured the passage of the Peace and Justice Act.

I dare say we would not be having this hearing today but for the Peace and Justice Act. I think it provides us a window inside the dynamic of Colombian society, it will give us a significantly better understanding of what that plan that Mr. Mack alludes to ought to look like.

When we see and learn from the paramilitaries themselves, what has occurred specifically in terms of the union movement in Colombia, and the purported, or in the case of Chiquita, the acknowledged involvement of American corporations, I think it provides us

with a basis to have the kind of discourse that I heard Mr. Mack suggest.

So it is messy; every peace process is messy. And there is never a full measure of justice and decisions about where Colombia and how Colombia moves toward peace, and justice is something that the Colombians are going to have to answer for themselves.

I think we have the pieces in place. I think the Attorney General, with the support of the Uribe government, is sincere, he is genuine. He came here, visited Washington, requested support in the foreign appropriations bill that recently passed this House. There is significantly increased funding for the unit that you referred to for the constitutional—for the Supreme Court, for a whole array of other resources that hopefully will culminate in a society that at least has had a shot in terms of some small measure of justice and ending with a different society, one that is free of the kind of violence that has ravaged Colombia for far too long.

Respond, if you wish.

Ms. MCFARLAND. Yes, we are very pleased to see the increase in assistance to the Attorney General's office and to the court system. This is absolutely essential if they are going to make progress in investigations. And one reason why we called and have been calling for a very long time to the institutions of justice is that they are the ones who are actually producing some of these results these days. If the justice—

Mr. DELAHUNT. I am briefly interrupting you for a moment. The fact that 14 members of the Colombian Congress are currently under indictment to me speaks loudly of the sincerity of the effort. Now, it is not—it is certainly messy and yes, statements are being heard that I don't necessarily agree with, but we are beginning to expose it.

Ms. MCFARLAND. If the justice and peace law was applied as it was passed, we would not be here today. The only reason they are required to confess truthfully is because the Colombia constitutional court fixed the law. The original law did not require confession, it did not provide for investigations. The paramilitaries were supposed to say whatever they wanted; a judge would accept their statement and a prosecutor would have 60 days to investigate. That was it, and that was the law President Uribe put forward. It was a constitutional court who changed that. And it was a Supreme Court through independent investigations that were not led by the executive branch that started the prosecution of the congressmen.

So I want to make it clear, yes, we want to support institutions of justice, there are good things going on there, but that doesn't mean that the political will is necessarily there to see this through to its conclusion and the proposal to allow these people, everybody, all the politicians, all the supporters of paramilitaries who are eventually convicted to let them go free has no justification, it does not further peace. On the contrary, what it does is say no matter what you do, no matter how many paramilitaries you support, you can always find a way to get off the hook and you don't even have to be mobilized to do it, you don't even have to come forward, even if we catch you, we are going to let you go. That is exactly the message it sends.

Mr. DELAHUNT. Thank you. My staff informs me that there is shortly to be another hearing in this room.

I understand the gentlelady from Texas, Ms. Jackson Lee, is returning. We will give her a few seconds, but in the interim let me thank all of you for your testimony. I think it was a good beginning. I think that this process will be extremely beneficial for the American people as well as for the Colombian people.

As I have said to others, I, earlier this week, had a meeting with the Deputy Minister, the Deputy First Minister of the new government in Northern Ireland, Martin McGuinness, who allegedly—allegedly—was a member of the Irish Republican Army, and with the English Peter Robinson, who is the Finance Minister in the new government.

They were sitting side by side and we all were celebrating what clearly is an historic moment, not just in the history of Ireland, but an opportunity and an example for other nations and in other societies to emulate. It is not easy, it is messy, it is difficult, but I can say this as an Irish American, if the Irish can do it, anybody can do it.

With that, I will yield to the gentlelady from Texas.

Ms. JACKSON LEE. So wonderful to have the kind of spirited and committed leadership of this committee, I want to thank the chairpersons, Mr. Delahunt—I am not Irish, but I have celebrated in that settlement of which Chairman Delahunt—I traveled extensively with former Chairman Gilman, who engaged in those discussions along with Bill Clinton. So whenever we can celebrate that kind of legacy and ultimate resolution, we are happy and I thank Chairman Engel for turning the page on this important question of South and Central America.

I am going to use this time to say that we might have now filled the record over and over again and I heard the closing or the remarks of the chairman, said everybody should get together, but I am going to pose this question because I left on the note that the killing must stop.

Ms. McFarland, you made an interesting point. It goes up, it goes down, the decline is sometimes explainable by many, many reasons, but that does not give us comfort that it is stopped. I am going ask for the same documentation about who is involved with whom in committing these crimes. I think many of us who are lawyers want to see the evidence. But the most important point is to be able to say to families that your loved ones who have chosen to be freedom fighter union organizers, when I say freedom fighters, freedom fighters for rights of workers do not have to meet an untimely death just because of their profession.

To each of the panelists, tell me what the United States needs to do, one, to give credibility to what has been represented to us by President Uribe that we are not involved; two, to give comfort to those who, are being said, are dying, and I will ask each of you, starting with Mr. Ramirez—I assume someone is interpreting or he is listening and he will then respond in Spanish—what does the United States need to do? Are we continuing as foreign policy, continuing to ignore, are we continuing to embolden, empower, can we be instrumental in one or two actions to begin to turn a corner, and

I am not talking about the Colombia plan, I already know that, I have been there, what else?

Mr. Ramirez.

[The following testimony was delivered through an interpreter.]

Mr. RAMIREZ. I will reiterate the petition of the Colombia workers to this Congress. We need there to be control over the military aid that is arriving in Colombia to fight the drugs and to fight the guerillas. And I want to reiterate that companies must have good conditions for investment in our country, but that does not need to translate into corruption and violence against the civilian population.

We also need you and the other organizations that we work with, for example, the churches, to pressure the multinational companies to have better practices. We know there are companies like Drummond that contribute to political campaigns, but if I were a politician the first thing I would demand the company contributing to political campaigns have ethical practices. This should be true of Drummond and of all companies. And we have hoped that you will understand this message and work with us to preserve and protect the lives of Colombian unionists.

There have also been complaints filed before the ILO and the U.N., and this pressure could also help improve the situation. That is basically what we are asking.

Ms. JACKSON LEE. Thank you.

Mr. Guzman, a solution.

[The following testimony was delivered through an interpreter.]

Mr. GUZMAN. I think one thing that is controlling the arms and the drugs coming into this country, which are one of the reasons for the conflicts happening in Colombia and the fighting over the land, and to take a look at and try to control the Colombia politics that are controlled by any of the illegal groups that are operating there, that pressure could help get rid of those links. And to ask the multinational companies operating in Colombia to not make any more payments to any illegal groups.

Ms. JACKSON LEE. Gracias. Mr. Kovalik.

Mr. KOVALIK. Thank you, Congresswoman, I think first of all my own thought is one should be guided by the first tenet of the Hippocratic Oath, and that is to do no harm.

I think the support for the Colombian military as constituted, particularly the army, is doing a lot of harm. I think it is supporting—the State Department says this military we are supporting is collaborating with paramilitaries. Look at every State Department report for the last several years. Supporting the military is supporting the paramilitaries.

I think the House has done something wonderful in changing the mix now between the military and social aid to Colombia, but I think it has to go farther, I think you need to focus on the economic and social supports to improve that society, to get people work so they are not lured into armed groups as a lifestyle and as a job.

And I think one has to go back to the RAND Corporation study that is now 20 years old—I don't know if it is 20, but RAND Corporation some time ago said it is 20 times more effective to treat drug addiction in this country than it is to try to destroy coca at the source, and that is what we are doing in Colombia. We need

to treat addiction in this country and find why people feel they need to be anesthetized all the time by cocaine or whatever, which will improve lives here and not focus on military assistance on coca medication which isn't working. After the billions of dollars put there coca production went up last year 8 percent, it is not working.

So we need to help with crop substitution, we need to do things to support the peace and not support the war, and I think that that is a start for any policy that this Congress could have.

Thank you, and thank you, Mr. Chairman, as well.

Ms. JACKSON LEE. Thank you for your passion.

Ms. McFarland.

Ms. MCFARLAND. Thank you, Congresswoman. I think there are three ways the U.S. can help. One, the U.S. has a responsibility to investigate corporations to the extent they are involved. These are serious allegations that are being made. The U.S. should take them seriously and look into them.

Secondly, in terms of Colombia I know you have already done a lot on this, but conditions on military assistance have to be stronger, they have to be enforced. Unfortunately, the State Department typically certifies regardless of what is going on, and I think the new language helps in that regard.

Also, the U.S. should be increasing the support for the institutions that are working, the institutions of justice, and it needs to support human rights protection, monitoring and civil society.

And finally, I think that support needs to be coupled with pressure. It needs to come with strong conditions, demanding Colombia to meet, to show certain results before the Free Trade Agreement. This is leverage, this is something that Colombia really wants and we want Colombia to get there. We want Colombia to one day be able to have a Free Trade Agreement, but it shouldn't have it while it has this atrocious record of impunity for workers' rights abuse, for killing workers and while it is making these concessions to paramilitary commanders instead of ensuring a full dismantlement.

I think Colombia needs to show that it has an unambiguous policy toward paramilitaries and it is actively moving to take away their assets, take away the cell phones of the commanders who are in prison who are apparently committing crimes with them.

There are a number of very basic steps to show that it is serious about protecting workers' rights. It can start showing that the unit that is investigating the trade unions is actually producing well-grounded convictions.

Ms. JACKSON LEE. Ambassador?

Ambassador REICH. Yes.

Ms. JACKSON LEE. Thank you. And thank you, Ms. McFarland, for your work.

Ambassador REICH. I think the source of the problem not only in Colombia but the rest of Latin America is money. One thing we can do is enforce our own laws and several of the members of the panel have stated that, but let me tell you a specific section, section 212(F) of the Immigration and Nationalities Act is something that is available, that is part of the law, it is enforced sporadically, it is an anti-corruption tool which President Bush signed as a proclamation in January 2004, and in the interest of full disclosure I had

something to do with that, because I as an ambassador and someone who has been in Latin America for 4 years professionally, I know that if we can fight corruption we can fight the violence. A lot of the discussion has centered around money—

Ms. JACKSON LEE. What is your explanation of the language not being enforced by—

Ambassador REICH. It has been left to the discretion of the local U.S. ambassador in the country. It enables the Embassy to revoke a visa; we revoke visas on many grounds, there are like 700 different grounds. Everybody knows narcotic trafficking is criminal, but we actually made the law very, very clear that corruption is one of the bases on which a visa can be revoked. It is an incredible tool, but it is powerful. The State Department is reluctant to use it. I am happy to spend more time with you on it.

Second, we need to increase the human rights training for the Colombian military. It would be counterproductive to cut off funding. I don't think a reasonable person would consider that. You said you wanted to go beyond Plan Colombia. I would increase the human rights training. A lot of people think U.S. influence, U.S. military influence is bad, it is very positive. When I was—100 years ago I was a second lieutenant in the United States Army in Panama and we trained, we taught courses on human rights and civic action to a lot of reluctant officers from Latin America. We don't need to teach people to beat innocent civilians over the head. They do that unfortunately on their own. We need to show them why they shouldn't do that.

Third, we need to stop the Cuban and Venezuelan support for FARC and the ELA in Colombia. And President Uribe has said that Venezuela provides a safe haven for the FARC. We know they do. I can't get into things that I may have picked up when I was in government, but it has been reported. And I think that more has to be done to expose the Cuban and Venezuelan support for the guerillas in Colombia and stop it militarily if necessary.

Fourth, I agree—I find myself in unusual agreement with one of the members of the panel to shifting the anti-narcotics fight to the demand side. We have spent far too much money on the supply side. On eradication I was the head of AID for Latin America, I had to defend these practices at this very table. And frankly 25 years later they are just not working. We need to shift the anti-narcotics fight to the demand side and make it much more difficult for people to get away with dealing and using narcotics.

Finally, we have to be very careful to avoid another Iran. Let's not make the mistakes that our Government made with Iran under the Shah. That was a government that violated human rights. That was replaced by a government much, much worse. The world is not just black and white, there are a lot of shades of gray. We have to have a policy that—we have to be careful that some of the recommendations you have heard here today, if we undermined the Uribe government it could very well—we could go back to where we were 5 or 6 years ago, which was chaos and the possible collapse of Colombia or he could be replaced by Chavez, Castro or some ayatollah or somebody we can't even imagine.

Ms. JACKSON LEE. Let me first of all thank you for your enormous charitable spirit on this and I just want to conclude by saying

I respect the Ambassador, who has made some very good points and all the other members. Let's not have another Iraq with respect to any conversation on attack.

I do think improving the diplomacy between Cuba and Venezuela and the United States would—I am sure many would want to comment, but I am ending my remarks—go a long way on some of these issues.

Lastly, I hope that the advocates who are here it may be interpreted—I would not like to surmise who is Afro-Colombian and who is not at the table, but in your advocacy do not leave out the rights of millions of Afro-Colombians whose rights by whatever basis have been diminished, and certainly I know there are great efforts to move in that direction. We applaud actions of the government, but I do believe human rights issues and labor should embrace, though many may be in labor, the lack of equity for Afro-Colombians as we move toward helping Colombia rise where it should be.

I yield back.

Mr. DELAHUNT. I thank you, gentlelady. With that we now adjourn.

[Whereupon, at 1:44 p.m., the subcommittees were adjourned.]

