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## **Witnesses link U.S. company, Colombian paramilitaries**

BY GERARDO REYES AND STEVEN DUDLEY

Four new witnesses in a U.S. lawsuit against the Alabama-based Drummond coal company have alleged the company had close links to illegal paramilitary groups in Colombia that murdered three local union leaders.

Paramilitary fighters pulled Drummond union leaders Valmore Locarno and Víctor Orcasita from a company bus in northern Colombia, where the company operates a coal mine, and killed them in March 2001. A third union leader, Gustavo Soler, was killed in September 2001.

Lawyers from the International Labor Rights Fund (ILRF) and the United Steelworkers filed suit in Alabama in March 2002 against Drummond on behalf of relatives of the three victims. The suit goes to trial next month.

In recent days, the plaintiffs' attorneys have submitted to the court sworn affidavits from four new witnesses both expanding and detailing the allegations of close links between Drummond and the paramilitaries. Three of the new witnesses were scheduled to give videotaped depositions this week in an undisclosed location for fear of reprisal.

One alleges that Drummond's branch in Colombia provided money and vehicles to the paramilitaries. Another says the company paid off the paramilitaries directly from its employment office. A third says he was told by one paramilitary fighter that the Colombian man in charge of Drummond operations here paid the paramilitaries to murder two of the union leaders.

### **PREVIOUS DENIALS**

Drummond officials in Colombia refused numerous requests for comment on the latest allegations. In the past, company officials and attorneys have denied any connection to the paramilitaries or the three murders.

Colombia is enmeshed in a four-decade conflict involving left-wing guerrillas, right-wing paramilitaries and the government. The illegal groups have long extorted money from companies, landowners and even municipal governments to help finance their war. The paramilitaries were blamed for the majority of the extrajudicial killings until some 30,000 fighters demobilized as part of a peace process with the government launched in 2004.

The allegations against Drummond go far beyond paying off the paramilitaries to protect its Colombian coal operations from guerrillas.

Edwin Manuel Guzmán, a retired army sergeant who led one of the four platoons assigned to guard Drummond's operations near the village of La Loma in the northern province of César, said in his affidavit that the company gave trucks and motorcycles to the paramilitaries to patrol the area.

Guzmán also alleged that the company's local chief of security coordinated contacts between the paramilitaries and the armed forces at the time of the murders. Colombian security forces have often been accused of cooperating with the paramilitaries in the fight against the guerrillas.

## **CONFUSION OF NAMES**

Another man, Isnardo Roperó González, a former security guard for Drummond, alleged in his affidavit that the company paid paramilitaries directly from the employment office, which he said was under the supervision of Alfredo Araújo, then the company's chief of operations in the region.

The fourth witness, Ernesto Ochoa, a former paramilitary leader in the region who is in jail, alleged in his affidavit that Drummond, a Drummond company employee he identified as Alvaro Araújo, and a Drummond food concession operator named Jaime Blanco were the "intellectual authors" of the three murders.

It's not clear if Ochoa meant to write Alfredo Araújo in his statement. Alvaro Araújo, Alfredo's cousin and a former senator now jailed on charges of working with paramilitaries in the same region, has never worked for Drummond.

Ochoa's affidavit also alleges that Blanco identified the two union leaders when they were pulled from the company bus. The union had complained about Blanco's food for months, and Drummond dropped his concession just before the killings, union members told The Miami Herald after the murders.

Blanco could not be reached for comment.

Ochoa added that Drummond paid the paramilitaries a "tax" for every ton of coal shipped out by the company. The U.S. government has listed the paramilitaries as a terrorist group, making any financial dealings with them illegal.

Another former paramilitary, Alberto Visbal, who took the government's amnesty deal and is not in jail, said in his affidavit that he was present at two meetings between Drummond Colombia President Augusto Jiménez and a top paramilitary leader, Rodrigo Tovar Pupo. He did not hear everything that was said but claimed another paramilitary fighter who attended told him that Jiménez paid Tovar Pupo \$200,000 to "neutralize" union leaders Locarno and Orcasita.

Visbal's testimony parallels that of Rafael García, a former computer systems chief for DAS, the Colombian presidential security unit. García is serving a 24-year sentence for erasing information about drug traffickers.

An affidavit by García submitted earlier to the Alabama court alleges he attended a meeting at which Jiménez gave a paramilitary leader money to "undertake violent actions against union workers at Drummond." In his sworn statement, Visbal says he saw García at one of the meetings.

## **REACTION IN CONGRESS**

The murders of scores of Colombian labor leaders has put a Colombia-U.S. free trade agreement in danger as Democrats in the U.S. Congress push for more protections for unionists. Colombia's largest union umbrella group has said that one union member is killed every three days here, making this country the world's most dangerous place to be labor activist.

Last month, six U.S. representatives, including Rep. William Delahunt, D-Mass., who is actively involved in Latin American issues, sent a letter to Attorney General Alberto Gonzales urging him to investigate whether Drummond paid the paramilitaries and requested U.S. government help in providing security for two of the witnesses, Guzmán and García.

Drummond is not the only U.S. company under scrutiny for alleged links to the paramilitaries.

In February, Cincinnati-based Chiquita Brands International pleaded guilty to criminal U.S. charges of paying \$1.7 million in protection money to paramilitaries over a seven-year period ending in 2004. Chiquita was fined \$25 million.

ILRF lawyers earlier this month filed a civil suit against Chiquita in Washington, accusing the company of paying off both paramilitary and guerrilla fighters responsible for the deaths of 173 people in the areas where the company operated. Chiquita also is under investigation in Colombia for weapons trafficking.

Legal advocacy groups in the United States, including the ILRF, also have filed suit in Florida against Coca-Cola and two of its subsidiaries for alleged links to the murder of several union leaders in Colombia in the mid-1990s. The suit was thrown out of court, but the 11th Circuit Court of Appeals in Atlanta is considering an appeal to reinstate the case.

Llanos Oil, a Dutch company, also has asked the Colombian Attorney General's office to investigate Drummond for allegedly using its connections with the government of Colombian President Alvaro Uribe to secure rights to an oil exploration concession earlier held by a Llanos company.

García, the DAS computer chief, testified before a Colombian court that then-DAS chief Jorge Noguera ordered him to investigate Llanos. García said that when he didn't find any suspicious activity, Noguera sought to trump up charges against the company "by order of the presidency."

Colombian prosecutors are investigating Noguera because during his time as head of DAS, the intelligence agency gave the paramilitaries lists with the names of labor leaders and activists, some of whom were later murdered.

Llanos provided The Miami Herald with the Ochoa affidavit.

Gerardo Reyes reports for El Nuevo Herald.