

US coal firm linked to Colombia militias

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LA LOMA, Colombia --

The bus had just left Drummond Co. Inc.'s coal mine carrying about 50 workers when gunmen halted it and forced two union leaders off. They shot one on the spot, pumping four bullets into his head, and dragged the other one off to be tortured and killed.

In a civil trial set to begin Monday before a federal jury in Birmingham, Ala., union lawyers have presented affidavits from two people who allege that Drummond ordered those killings, a charge the company denies.

The Chiquita banana company admitted paying right-wing militias known as paramilitaries to protect its Colombia operations. Human rights activists claim such practices were widespread among multinationals in Colombia, and that Drummond went even further, using the fighters to violently keep its labor costs down.

The Drummond case, they say, is their best chance yet of seeing those allegations heard in court.

The union has presented affidavits to the Alabama court from two people who say they were present when Drummond's chief executive in Colombia, Augusto Jimenez, handed over a large sum of cash to representatives of the local paramilitary warlord. They claim the money was for the March 10, 2001, killings of Sintramienergetica union local president Valmore Locarno and his deputy, Victor Orcasita.

Union leaders, former army soldiers and ex-paramilitary fighters also allege that family-owned Drummond, which shifted most of its operations to northern Colombia in the 1990s as its Alabama veins gave out, paid and provisioned the paramilitaries as a matter of policy.

Drummond says neither charge is true.

"Drummond did not pay any paramilitary or illegal or unlawful group," it said in a written response to questions from The Associated Press. Senior company executives declined interviews.

Rafael Garcia, the former technology director of the DAS state security agency, says in an affidavit that he saw Jimenez give "a suitcase full of cash" to paramilitary commanders "to assassinate specific union leaders," naming Locarno and Orcasita. Garcia is in prison, convicted of erasing drug traffickers' names from DAS records.

Former paramilitary fighter Alberto Visbal says in an affidavit that he saw Jimenez pay his boss, who went by the alias "Julian," \$200,000 in cash. Visbal, who has fled Colombia, said he understood from another fighter present that the money was in exchange for the killings. Visbal says he was later sent to confirm Locarno's death.

In a filing in an Atlanta circuit court Thursday seeking more time to gather depositions, plaintiffs for the union also alleged that former union treasurer Jimmy Rubio saw a Drummond official - they didn't specify which one - pay a paramilitary leader for the killings. Rubio went into hiding when his father-in-law was murdered just before he was to give a deposition in the case, they said.

Affidavits from Rubio, Visbal and Garcia have all been entered into the public record in Birmingham.

Drummond challenged the accounts. "We have evidence that some (of the witnesses) are being paid and/or offered assistance by the United Steelworkers Union," it said in its written response.

The union said the only assistance provided to witnesses was helping some of them leave the country after their lives were threatened.

The lawsuit, filed under a U.S. statute that lets foreigners sue U.S. corporations for their conduct abroad, seeks hundreds of millions of dollars in damages, alleging Locarno, Orcasita and Gustavo Soler - who was killed after he took over for Locarno - "were direct victims of Drummond's plan to violently destroy the union."

"I think they thought they could get away with anything, literally get away with murder," United Steelworkers lawyer Daniel Kovalik said.

Drummond's relationship with the Sintramienergetica union, which represents a third of its 6,200 local workers, has long been tense. The union accuses the company of unsafe conditions it says contributed to 13 accidental deaths since 1995, of forcing injured employees to work and of indiscriminately dismissing workers.

Drummond said: "We have a good relationship with our rank and file workforce."

The landowner-backed paramilitaries arose in the 1980s to counter kidnapping and extortion by leftist rebels but grew into terrorist organizations in their own right, killing more than 10,000 people, stealing land from peasants and taking over much of Colombia's drug trade.

As the paramilitaries demobilize under a peace pact with the government, many former fighters are coming forward to describe the groups' ties with business leaders and politicians in revelations that are shaking the nation.

The U.S. Justice Department fined Chiquita Brands International Inc. \$25 million this year for giving \$1.7 million to the militias from 1997-2004. Chiquita said the regular monthly payments by its wholly owned subsidiary Banadex were "to protect the lives of its employees."

Colombia's chief prosecutor, Mario Iguaran, has opened criminal investigations into both the Drummond and Chiquita cases. Last month, the families of 144 people killed by paramilitaries operating where Chiquita harvested bananas sued the company in U.S. federal court in Washington.

And Rep. Bill Delahunt, D-Mass., said a congressional hearing that he called on the subject last week would be the first of many.

"We don't want American companies to fuel the unacceptable level of violence that exists in Colombia today," he said.

While the Birmingham trial focuses on the union leaders' murders, witnesses will also accuse Drummond of employing paramilitaries to protect its operations, which exported more than 25 million tons of coal last year from Colombia to the United States and Europe.

Previous efforts to use the Alien Tort Claims Act to make multinational corporations accountable for actions in other countries have failed. To win this case, the families must show the slayings amounted to war crimes sanctioned by state officials. Their attorneys say they can prove this since union activists have been systematically slaughtered in Colombia. Three people unaffiliated with the union told The Associated Press that Drummond paid paramilitaries to guard its 25,000-acre La Loma mine and its coal trains against leftist rebel sabotage. They said the company supplied the mercenaries with pickup trucks and motorcycles and routinely fed them and let them gas up on mine property.

Two of them have offered testimony to Colombian and U.S. authorities: Edwin Guzman, a former army sergeant who later joined the paramilitaries, and Isnardo Roperero, who worked as the personal bodyguard for Drummond's community relations director. Both have fled Colombia.

The third is a former midlevel paramilitary member who worked in the region until early last year and spoke on condition of anonymity because he remains in Colombia and fears for his life. He said paramilitaries guarded Drummond's coal trains on the 120-mile rail line from La Loma to the coast. Every few miles, a motorized team shadowing the train on a parallel dirt road would hand off to another team, he said.

In an affidavit, Javier Ochoa, an ex-paramilitary who is serving time for murder, named the people he said collected "taxes" from Drummond, including between 20 and 32 cents per ton of coal produced. His affidavit was provided to the AP by Llanos Oil Exploration Ltd., which has sued Drummond separately for alleged theft of oil rights in an Orlando, Fla., federal court.

Rubio, the former union treasurer, said in an affidavit that he saw the mine's community relations director, Alfredo Araujo, hand over two checks to a known paramilitary member on mine grounds. Araujo denied the claim.

"That's false and will be so proven in court," he said in a telephone interview.