

President

John Hendy QC
Lawyer, UK

Vice Presidents

Jamshid Ahmadi
*Union of Metalworkers and Mechanics,
Iran*

Kurshid Ahmed

*General Secretary, All Pakistan Workers
Confederation*

Professor Jan Buelens

*Advocaat, Progress Lawyers' Network,
Belgium*

Dr. Anita Chan

Academic, Australia

Dr. Ericson Crivelli

*Advogado, Crivelli Advogados
Associados, Brazil*

Professor Keith Ewing

Academic lawyer, UK

Fathi El-Fadl

*Director, Trade Union Rights
Centre (independent NGO), Sudan*

Avalon Kent

*Policy Analyst / Legal Officer, New
Zealand Council of Trade Unions*

Esther Lynch

*Confederal Secretary, European Trade
Union Confederation*

Lornts Nagelhus

Advokat, LO Norway

Yoshikazu Odagawa

Secretary General, Zenroren, Japan

Jeffrey Sack QC

Lawyer, Canada

Jitendra Sharma

*Senior Advocate, Supreme Court of
India*

Surya Tjandra

*Lawyer and Director of the Trade
Union Rights Centre, Indonesia*

Ozlem Yildirim

*Policy Officer, International
Department,
CGT France*

Director

Daniel Blackburn, MA, barrister

Researcher

Ciaran Cross, LL.M.



International Centre for Trade Union Rights

*Centro Internacional para los Derechos Sindicales
Centre International pour les Droits Syndicaux*

E-mail: ictur@ictur.org
Web: www.ictur.org

ICTUR was founded to
defend and extend trade union rights and
to raise awareness of these rights and their violations
around the world

By e-mail:

prensa@ivandunque.com, contacto@presidencia.gov.co,
prensasenadorivandunque@gmail.com, trasladopqrsd@mintrabajo.gov.co,
solicitudinformacion@mintrabajo.gov.co,
servicio.ciudadano@minjusticia.gov.co

Attn:

Iván Duque Márquez
President of the Republic of Colombia
Casa de Nariño: Carrera 8 No.7-26
Edificio Administrativo: Calle 7 No.6-54.
Bogotá D.C., Colombia

CC:

Gloria María Borrero Restrepo, Minister for Justice and Law
Alicia Victoria Arango Olmos, Minister for Labour
Clément Nyaletsossi Voule, United Nations Special Rapporteur on the
rights to freedom of peaceful assembly and of association
Education International (EI)
Human Rights Department, CUT, Colombia
Legal Dept., ITF Transport Workers
Director, Trade Union Rights, ITUC

OCTOBER 2018

Dear President,

The International Centre for Trade Union Rights wishes to express grave concerns about the alarming escalation of violence against trade unionists, human rights defenders and community leaders in Colombia. It is reported that between 1 January 2016 and 30 June 2018, over 300 community leaders and human rights defenders were murdered in Colombia, among them many trade union leaders and members.

ICTUR wishes to raise particular grave concern for the following cases of trade unionists threatened, attacked, and killed in recent months:

- Héctor Sánchez Gómez, an activist member of the USO oil workers' union, received a telephone death threat on 3 June. Mr Sánchez has previously received threats and at the time of the call he was already under the Colombia government's protection scheme.
- On 16 June, a pamphlet threatening Aldo Amaya, the national president of the miners' union SINTRACARBON and other social activists, signed by the Black Eagles paramilitary group, was distributed in San Juan del Cesar, La Guajira Department
- Saudi Solarte and Cristobal Guamanga, a married couple, both holding leadership positions in local associations affiliated to the

FENSUAGRO agricultural workers and peasant farmers' union, received a telephone death threat on 7 July, demanding that they leave their town, Miranda, in the Cauca Department.

- Luis Alberto Galvis, a member of the Executive Committee of FUNTRAMIEXCO union within the USO oil workers union, known for his opposition to oil sector 'fracking' was the victim of an attack on 10 July, when two men on a motorcycle threw an object at his vehicle. The object exploded but Mr Galvis escaped unharmed.
- María Eugenia Londoño, political activist and former leader of the Riseralda teachers' union SER (FECODE), was fired upon by two men on 11 July. Professor Londoño escaped unharmed when the protection officer assigned to her by the government returned fire, causing the attackers to flee the scene.
- Robert Emiro Jaraba Arroyo, a leader of the Sintramineros miners' union in Cerro Matoso, was assassinated on 17 July in Cauca, Antioquia. Two men on a motorcycle shot him multiple times.
- Luis Eduardo Dague was found dead on 16 July in Caloto, Cauca. His body showed signs of torture. He was a community leader and active member of the Association of Workers Pro-Constitution Zonas de Reserva Campesina de Caloto - Asociación pro Constitución de Zonas de Reserva (ASTRAZONACAL), an affiliate of the union federation, Federación Nacional Sindical Unitaria Agropecuaria (FENSUAGRO), as well as of the political movement, "Marcha Patriótica", and the Proceso de Unidad Popular del Suroccidente (Pupsoc).
- On July 12, Arbey Gómez a member of the Asociación de Trabajadores Campesinos de Almaguer (ASTRACAL) received a call from men claiming to be from the Ejército de Liberación Nacional (ELN) and demanding payment. On July 21, Gómez received another call, threatening his life unless he paid within 48 hours.
- Eighteen people in Valle del Cauca received written death threats from paramilitaries on 2 July. Recipients included Asociación de Trabajadores Campesinos del Valle del Cauca (Astracava), FENSUAGRO and Asociación Nacional De Zonas De Reserva Campesina (Anzorc).
- Four teacher trade unionists were murdered earlier this year in May: Holman Mamián Mamián, in Cauca; Evelia Atencia Pérez and Hernando Manjarrez Escudero, in La Guajira; Delmayro Reyes González, in Valle del Cauca. The same month, several other teacher unionists were attacked, and another received death threats.

The above accounts of endemic lethal violence and intimidation against trade unionists – as well as the multiple other incidents reported involving human rights defenders and community leaders – demand to be urgently addressed by the government. The grave deterioration in the safety and security of those engaged in labour and social activism in Colombia casts serious doubt on the meaning and efficacy of the peace process and the measures adopted to bring an end to the country's long history of conflict. ICTUR urges the government to implement immediately measures to ensure the fundamental human rights of these actors and to take prompt and effective action against armed paramilitary groups and any other parties responsible for these egregious crimes.

ICTUR wishes to remind the government that the ILO's Committee on Freedom of Association has called for the institution of independent judicial inquiries to investigate incidents of murder of violence against trade unionists, 'in order to

shed full light, at the earliest date, on the facts and the circumstances in which such actions occurred and in this way, to the extent possible, determine where responsibilities lie, punish the guilty parties and prevent the repetition of similar events'. Failure to hold guilty parties to account creates a culture of impunity, 'which reinforces the climate of violence and insecurity, and which is extremely damaging to the exercise of trade union rights' (*Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO*, Fifth Edition, 2006, paras. 42-45, 46, 48 and 52).

ICTUR is further seriously concerned by a retaliatory campaign of mass dismissals, disciplinary action, and civil and criminal legal actions against workers and their union for their role in a strike, specifically:

- Numerous reprisals have been reported by the Avianca airline against the ACDAC pilots union, following strike action in November 2017. According to information provided by the Washington Office on Latin America (WOLA), Avianca has fired 94 pilots and suspended 112 for 'planning and executing the strike', while 300 pilots faced disciplinary investigations during the strike. Captain Hernandez, President of ACDAC, is facing criminal charges, which WOLA reports as 'generating economic panic', providing 'false testimonies' and 'obstructing justice', while the ACDAC union is being sued for US \$190 million in compensation for alleged losses during the strike, which WOLA says cannot be reconciled with the company's reported profits.

ICTUR recalls that the ILO's Committee on Freedom of Association has confirmed its longstanding principle, that airline pilots 'do not constitute essential services in the strict sense of the term' (Digest, para. 587), hence the right to strike for these workers cannot be restricted on these grounds. Concerning reprisals for strike action, the Committee has said that 'imposing sanctions on unions for leading a legitimate strike is a grave violation of the principles of freedom of association' (Digest, para. 658), 'no one should be penalized for carrying out or attempting to carry out a legitimate strike' (Digest, para 660), 'the dismissal of workers because of a strike constitutes serious discrimination in employment on grounds of legitimate trade union activities and is contrary to Convention No. 98 (Digest, para. 661), that the use of extremely serious measures, such as dismissal of workers for having participated in a strike and refusal to re-employ them, implies a serious risk of abuse and constitutes a violation of freedom of association (Digest, para. 666).

ICTUR further calls on the authorities to undertake an investigations into these incidents, ensure access to remedy to all victims, and adopt all measures necessary to ensure the fundamental freedoms of workers to join and form unions and to take action in defence of their interests. ICTUR will report these incidents in the journal *International Union Rights*, which was established in 1993, and which enjoys a readership in more than 100 countries.

Yours faithfully,



Daniel Blackburn, Director