

Daniel Kovalik is Associate General Counsel of the United Steelworkers, AFL-CIO/CLC ("USW") and is counsel for the Colombian Plaintiffs in the Alien Tort Claims Act cases against Drummond Company, Coca-Cola & Occidental Petroleum.

Daniel Kovalik will testify to the following:

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 then, Boston-based United Fruit Company -- now, Cincinnati-based Chiquita Banana which recently pled guilty to making regular monetary payments to the AUC paramilitaries from 1997 until 2004. Chiquita, through its subsidiary was also indicted for running 3000 guns to these same paramilitaries.

As Mario Iguaran, 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 -- which was officially designated by the U.S. State Department as a "terrorist organization" on September 10, 2001 -- to prevent the AUC from attacking their property and personnel, such companies in fact were knowingly paying for "**blood.**" As Iguaran has further stated, "This was not payment of extortion money. It was support for an illegal armed group whose methods included murder." Further, Iguaran has stated, "This was a criminal relationship. Money and arms and, in exchange, the bloody pacification of [the banana region of] Uraba." See, "Colombia May Seek Chiquita Extraditions," Juan Forero, *Washington Post* (March 21, 2007)(attached hereto).

And, indeed, Chiquita -- along with the yet unindicted Dole and DelMonte which have been recently named in Colombia as other banana companies who paid the AUC -- got what 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. As the Christian Science Monitor further explains, "during the time Chiquita was paying the paramilitaries, thousands of people across Colombia died at the hands of the right-wing militias, **which expanded from [the banana region of] Urabá.**" "COLOMBIA: Chiquita case puts big firms on notice," Sibylla Brodinsky, *Christian Science Monitor* (April 11, 2007).

And, 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 murders such payments helped to finance.

Meanwhile, on June 25, 2003, four Congressional representatives, some who sit here today, sent a letter to the Justice Department asking it to investigate other U.S. companies, including Drummond Company, for their alleged material support for the same AUC paramilitaries. A copy of this letter is attached hereto. Aside from a cursory acknowledgment

letter, the Justice Department provided no effective response to this request. This brings us to the Drummond case.

On March 12, 2001, the two top union officers working at Drummond Company's La Loma, Colombia mines were forcibly removed by armed gunmen from a company bus taking them home from work. One of these officers, Valmore Locarno, the union president, was murdered on the spot by these assailants. Victor Orcasita, the union vice-president, was taken away, tortured and then assassinated. Shortly thereafter, in October of 2001, the individual who succeeded to union president in Locarno's stead, Gustavo Soler, was himself taken off a bus bringing him home from the mines and killed. Gustavo Soler had recently stated to the press his belief that someone at Drummond had told the paramilitaries which bus Locarno and Orcasita were riding on these night they were killed.

I note that on the very night of the killings of Mrrs. Locarno and Orcasita, members of a USW delegation to Colombia, which included myself, were in Bogota, Colombia. We were in fact meeting with workers and union leaders from the mining and energy sector of Colombia, including representatives from SINTRAMIENERGETICA, the union of Valmore Locarno and Victor Orcasita. The USW delegation learned of these killings the next day (March 13) upon arriving at the offices of the CUT (Colombia's largest trade union confederation) whose leadership and staff were visibly shaken by the news of the deaths the night before.

As became apparent shortly after these killings, the Drummond Company was well aware of the threats posed to Locarno and Orcasita by right-wing paramilitaries in the region. Indeed, Locarno and Orcasita, who had been receiving threats from the paramilitaries for months preceding their killings, had feared they were going to be killed in precisely the way they were – by paramilitary gunmen patrolling the highways leading to and from the mines. And, they made these fears known to Drummond and asked that Drummond provide them with an accommodation which Drummond offered to their subcontractors – the permission to stay overnight at the mines after their day shifts so that they would not be forced to travel these dangerous highways at night. Enclosed herewith is correspondence from the union to Drummond apprising the company of these threats and asking for safety accommodations.

Drummond nonetheless denied it on a number of occasions, telling Mrrs. Locarno and Orcasita that they hoped the government, in particular the agency known as the DAS, would be able to assist them with their security concerns. In addition, even after the killings of Mrrs. Locarno and Orcasita, Drummond denied the same safety request of Gustavo Soler, who would later perish as well by being removed from a bus on his way home from work and then assassinated.

Moreover, Drummond's leaving the fate of its workers to the DAS was tragically ironic, for in early 2006, the DAS itself was, at the time of these killings, collaborating with right-wing paramilitaries to have trade unionists killed. Indeed, according to former DAS intelligence officer Rafael Garcia, the DAS was keeping and providing the paramilitaries with a list of trade unionists whom the DAS wanted the paramilitaries to kill. While the new chief of the DAS has recently been on Capitol Hill to apprise Congress of the DAS's findings that it never passed such

a list to the paramilitaries, the Fiscalía of Colombia concluded otherwise, finding that the DAS did in fact provide such a hit list. A copy of the Fiscalía's findings in this regard is being forward separately. *See*, Radicado 3244, p. 32.

In addition, while ignoring the safety concerns of its Colombian union workers, Drummond was providing, and continues to this day to provide, housing for its U.S. employees on its mining property – housing which is protected by the 300 Colombian troops who serve at Drummond's behest to protect Drummond's operations.

As time has passed, more and more evidence has emerged indicating that the murders of these three trade unionists was not merely the product of negligence. Thus, former DAS chief Rafael Garcia has filed a sworn declaration stating that he witnessed Drummond Ltd. President Augusto Jimenez handing a suit-case full of cash to a representative of AUC Commander Jorge 40, and that Mr. Jimenez expressly stated that the money was in exchange for the AUC murdering Valmore Locarno and Victor Orcasita the following week.

We note that Augusto Jimenez has admitted that the company never investigated the murders of the 3 union unionists. Further, Mr. Jimenez told workers in two sets of meetings held after the murders of Valmore Locarno and Victor Orcasita, that “the fish dies who opens his mouth.”

Recently, new witnesses have come forward who have corroborated he testimony of Rafael Garcia. *See, generally*, “Witnesses link U.S. company, Colombian paramilitaries,” Gerardo Reyes and Steven Dudley, *The Miami Herald* (June 22, 2007)(attached hereto). For example, Javier Ernesto Ochoa Quinonez, who is serving time for his own crimes as a paramilitary, has recently come forward with a declaration stating that he joined the AUC in 2001 and was an AUC commander in the Cesar Province in which Drummond operates. *Id.* at p. 2. He states in detail that coal companies in the region, including Drummond, paid regular taxes to the AUC for every ton of coal shipped, and that Drummond paid the largest of these taxes. *Id.* at p. 2. He further states that Drummond manager Araujo, and Drummond contractor Blanco, were the “authors” of the murders of Locarno, Orcasita and Soler. *Id.* at p. 2.

Further, Mr. Alberto Visbal has recently given a statement in which he states that he was present at two meetings, which took place in the first few months of 2001, in which AUC leader Jorge 40 and Augusto Jimenez, Drummond's President, met together. “Witnesses link U.S. company, Colombian paramilitaries,” Gerardo Reyes and Steven Dudley, *The Miami Herald* (June 22, 2007)(attached hereto) Paralleling the statement of Rafael Garcia, Mr. Visbal states that an AUC leader he was working for at the time received \$200,000 from Augusto Jimenez to “neutralize” union leaders Locarno and Orcasita. *Id.*

In short, we believe that there is ample cause for Congress to take seriously, and to further investigate what Colombian Attorney General Mario Iguaran characterized as the “para-business” phenomenon which has existed in Colombia for some time, and which sadly involves companies based here in the United States.

washingtonpost.com

Colombia May Seek Chiquita Extraditions

Eight Executives Targeted in Paramilitary Payment Scandal

By Juan Forero
Washington Post Foreign Service
Wednesday, March 21, 2007; D01

BOGOTA, Colombia, March 20 -- Colombia's attorney general said Tuesday that his office would try to seek the extradition of eight executives from Chiquita Brands International, the Ohio banana company that last week admitted to paying \$1.7 million to right-wing death squads that have killed thousands in this country's long civil conflict.

In deal with the Justice Department, Chiquita last week agreed to plead guilty to doing business with the United Self-Defense Forces of Colombia, a coalition of paramilitary groups whose members have massacred peasants and murdered leftist activists for years. In agreeing to pay a \$25 million fine, the company characterized the payments as extortion that helped protect banana workers in the northwest Uraba region near the border with Panama.

In forceful, lengthy comments to RCN Radio, Attorney General Mario Iguaran said his office did not view Chiquita's link with the paramilitaries as "an extortionist, victim-of-extortion relationship." He said his office, which has been investigating Chiquita, would carefully study the plea deal and determine if the U.S. executives, whose names were withheld by the court and the banana company, could be extradited to Colombia.

"For reasons of justice, because the victims were Colombian, because of that we insist on extradition," Iguaran said. Colombia and the United States have an extradition treaty.

Mike Mitchell, a spokesman for the company in Cincinnati, said: "We have seen the news reports about it but we have not been contacted about any extradition requests." He said the payments were "old news" that has been dredged up because of the plea deal with the Justice Department.

In his extensive comments, Iguaran also said his office has made significant progress in an investigation of Drummond Co. of Birmingham, Ala., which is facing trial in the United States after Colombian workers filed a lawsuit in federal court in Alabama accusing the company of paying paramilitaries to murder three union organizers. The company denies the allegations.

Iguaran's comments came during an investigation that has progressed from uncovering ties between paramilitaries and congressmen allied with President Alvaro Uribe to dredging up links that death squads might have had with big companies and wealthy families. Up until now, the scandal has been known as "para-political," but Iguaran suggested it could snowball into the corporate world.

"You're very close to also talking about para-businesses," Iguaran said.

Iguaran said that among the issues the attorney general's office is investigating in the Chiquita case is the November 2001 unloading of Central American assault rifles and ammunition at the Caribbean dock

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operated by the firm's Colombian subsidiary, Banadex. The smuggling operation was detailed in a 2003 report by the Organization of American States.

The Justice Department did not deal with the smuggling operation in its plea deal. Chiquita admitted making payments to the paramilitaries from 1997 to 2004, which Iguaran said violated Colombian law. On Sept. 10, 2001, the State Department declared the AUC, as the paramilitary coalition is known, an international terrorist group, making it a violation of U.S. law for a U.S. company to conduct business with the organization.

"This was a criminal relationship," Iguaran said. "Money and arms and, in exchange, the bloody pacification of Uraba."

In the 1990s, the leader of the paramilitaries, Carlos Castaño, consolidated the group's hold in Uraba, murdering hundreds of people in a scorched-earth campaign designed to terrorize anyone who might support Marxist rebel groups. Castaño's paramilitaries then used Uraba as a platform to launch attacks, often with the help of military units, across the country.

"This is where Castaño hatched and started implementing his plan to exterminate not only guerrillas, but any civilian who got in their way," said Maria McFarland, Colombia researcher for Human Rights Watch, the New York rights group. "And it's from that starting place that the paramilitaries grew and took over control of much of the country."

Francisco Ramirez, a leading labor lawyer with the biggest group of workers, the Unified Confederation of Workers, said Chiquita and other companies took advantage of a lawless region to support paramilitaries who not only focused on liquidating rebels but also organized labor. "These are the policies of the companies," he said. "This is their security policy, just like they have a corruption policy and a policy to violate labor laws."

U.S. prosecutors said that after a 1997 meeting between Castaño and Banadex's general manager, who is unnamed in court documents, Chiquita made more than 100 payments. Castaño told the executive that Banadex should make the payments to a local Convivir, then a legal vigilante group that was propelled by Uribe, who was finishing his term as governor of the state where Uraba is located. U.S. court documents say the AUC used the Convivirs as fronts to collect money from businesses, which was then used to support their illegal activities.

The Justice Department said that Chiquita's senior executives reviewed and approved the payments, even though they had the knowledge that the AUC was "a violent paramilitary organization," court documents showed. In corporate books, the company called the money security payments, doling out checks at first and then paying in cash. Even after the State Department labeled the AUC a terrorist group, Chiquita made 50 payments totaling \$825,000, court documents showed.

Iguaran said the evidence shows that Chiquita, as well as other companies that have paid the AUC, have been "conscious of what they did, that what these groups did, among other things, was to assassinate."

Staff writer Sam Diaz in Washington contributed to this report.

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Congress of the United States

Washington, DC 20515

June 25, 2003

The Honorable John Ashcroft
U.S. Attorney General
Robert F. Kennedy Building
Washington, DC 20530

Dear Mr. Attorney General:

We are writing to express our concern regarding reports that certain U.S. companies, operating through their wholly-owned subsidiaries in Colombia, have been providing material support or resources to the United Self-Defense Forces of Colombia (AUC), a violent paramilitary group that was designated a "terrorist" organization on September 10, 2001. As you know, it is unlawful under 18 U.S.C. § 2339B for any person knowingly to provide material support or resources to an organization that has been so designated. Moreover, on June 2, 2003, the President also designated the AUC as a "drug kingpin" to be subject to the sanctions provided for in the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1901-08). U.S. companies and individuals are prohibited from doing business with foreign entities that have been designated as drug kingpins.

We understand that the International Labor Rights Fund (ILRF) has provided you with information citing credible allegations that three American-owned firms, the Florida-based Panamerican Beverages Company, LLC, through its wholly-owned Colombian subsidiary, Panamco Industrial de Gaseosas; Bebidas y Alimentos, a closely held company owned by Richard Kirby and other members of his family, also based in Florida; and Drummond Company, Inc., an Alabama coal company which through another Alabama company, Drummond Ltd., owns and operates a coal mine in La Loma, Colombia, have provided cash, equipment and supplies to the AUC in exchange for "security services." According to those allegations, these services have included acts of violence and intimidation directed at union workers and labor organizers.

The enactment of 18 U.S.C. § 2339B and 21 U.S.C. §§ 1901-08 expresses the commitment of Congress and the Administration to fighting terrorism and drug trafficking on all fronts. It is vital that the United States not undercut that commitment by permitting U.S. companies to violate the law with impunity. While we are not in a position to assess the accuracy of the allegations, we urge you to act promptly to see that they are thoroughly investigated, so that the American people and the nations of the world can be assured of our government's determination to punish those who violate our laws and provide assistance to terrorist or narcotics-trafficking organizations, whether here or abroad.

We thank you for your consideration of this request and would appreciate your apprising us of the steps that are being taken to investigate this matter.

Sincerely,



Howard E. Marman

Member of Congress



William D. Delahunt

Member of Congress



Tom Lantos

Member of Congress



Christopher M. Smith

Member of Congress

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The National Mining and Energy Industry
Workers' Union
SINTRAMIENERGETICA
El Paso District, Cesar Chapter
Legal Entity Nr. 122, est. on 15 June 1938
TIN 8903186639

Valledupar, September 19, 2000

To:
Minister of the Interior
ATTN: Dr ORLANDO RAMIREZ
Protection Program
E. S. D.

Dear Sir,

This letter is to inform you of the difficult security situation that we, the board of directors of the El Paso District, Cesar chapter of the SINTRAMIENERGETICA, the National Mine and Energy Industry Workers' Union, find ourselves in due to continuous threats and harassment we are suffering from outlaw groups.

These incidents have increased as a result of the continuous acts of sabotage against the interests of the transnational DRUMMOND LTD. company, specifically targeting the company's railway line. Each time such an incident has occurred, a number of slanderous allegation have suspiciously emerged pointing to Sintramienergetica as a guerilla union, putting our lives in danger. These allegations are also made during full collective labor negotiations.

These acts are intended to create a rift within the workers and the union's board of directors since we are working in a high-risk area where there are a number of armed groups operating. The workers and the union's board of directors are defenseless since we cannot count on any type of protection of our lives.

This union has always opted to take the route of dialog. Proof of this is that we have negotiated 3 collective bargaining agreements with the company without experiencing a single problem.

Similarly, we ask that our right to free association and union liberties, as established in the Colombian constitution, be respected.

Please find attached documents concerning the situation.

Thank you for any humanitarian cooperation that you may provide in satisfying this request.

Sincerely,

SINTRAMIENERGETICA, EL PASO DISTRICT, CESAR

[signature]
Valmore Locarno
President

[signature]
Victor Orcasita
Vice-President

[signature]
Yuris Pareja
Secy. General

[signature]
Francisco Ruiz
Treasurer

[signature]
Ramon Gonzales
Protest Comm.

Trans. 18B #20-60

Fax: 5712930

Valledupar
Doe v. Drummond 227

National Union of Workers of the Mining and Energy Industry
"SINTRAMIENERGETICA"
El Paso, Cesar Branch
Personeria Juridica No. 122 from June 15, 1938
Nit. 8033186839

Valledupar, September 28, 2000

Sirs
PEDRO MAYA / RICARDO URBINA
Human Resources
DRUMMOND LTD.
E. S. D.

Cordial greetings

Due to the unsafe conditions that we, the union board of directors, are experiencing, where we have been the targets of threats against our lives, and taking into account [REDACTED] appearance of [REDACTED] and given that in the place of La Soma we do not have any guarantee for our safety, we request that you grant the union leaders lodging within the installations of the mine during the time that we are on shift.

It is worth noting that this request was made last September 19, in a conversation with you, on the telephone.

We hope to be able to count on your collaboration and your help for the protection of our lives and to be able to continue working as normal, which is our desire as Colombians who love Peace.

Sincerely,

SINTRAMIENERGETICA SECTION IN EL PASO, CESAR

VALMORE LOCARNO
President

DX 40

FOR MY FAMILY

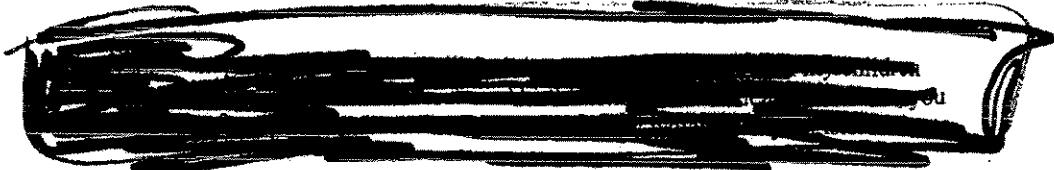
I, VÍCTOR HUGO ORCASITA AMAYA, identified by the citizen number [REDACTED] of Valledupar, would like to declare that if I die under any circumstances, you should be prepared and know what to do after the 9 nights.

My words and what is written should be honored in my memory, this should be done because in my 36 years (recently completed) I have lived through many experiences where someone has passed away and has left things or objects for which there were fights, envy or gossip, etc.

For all these benefits, the company and the union will publish proclamations for approximately 45 days, so you should not worry, you should have a little patience.

If I die working in the mine, it is called a work accident, so the pension will be with the [REDACTED]. If I am going in company transportation it is also called a work accident.

REDACTED



Saying good-bye with pain in my heart, your father, brother, son, and friend:

Signature

VÍCTOR HUGO ORCASITA AMAYA

I, Nora Fern, do proclaim myself to be competent to read, write, and speak the Spanish language. I am therefore able to efficiently translate the Spanish language to the English language and the English language to the Spanish language. I certify what I have translated here to be a true and representative translation of the original document.

/s/

Nora Fern

National Union of Workers of the Mining and Energy Industry
"SINTRAMIENERGETICA"
El Paso, Cesar Branch
Personeria Juridica No. 122 from June 15, 1938
Nit. 8903186639

Valledupar, September 19, 2001

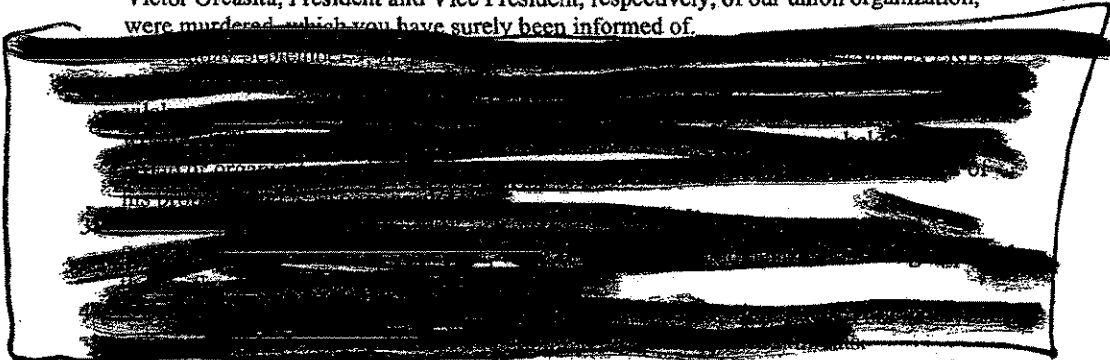
Mr.
GARY DRUMMOND
Drummond Ltd Company
Alabama, United States
E. S. D.

Issue: Request for urgent meeting with SINTRAMIENERGETICA in Colombia, to deal with worker safety issues

We respectfully request an urgent meeting between the union and the Drummond Ltd. Company, with your personal and direct intervention, to discuss and determine the safety measures that the company should adopt for its workers, both in the Pribbenow mine and in the Port of Ciénaga, Magdalena, Colombia.

This request is based on the following events:

1. Cándido Méndez, a worker at Drummond Ltd., and union leaders Valmore Locarno and Victor Orcasita, President and Vice President, respectively, of our union organization, were murdered, which you have surely been informed of.



5. The attacks by illegal groups against the company's railroad infrastructure has put the lives of machinists, operators, and assistants in grave danger.
6. All of the union leaders, both in the Mine and in the Port, have suffered death threats, and some have received an ultimatum demanding that they leave the region; additionally, there have been besieged and leaders have been followed by suspicious vehicles and individuals. Furthermore, the union organization has received anonymous messages abusively linking them to illegal groups, all of which becomes more complicated when the company has not offered all of the guarantees necessary for the free exercise of union activities and the free exercise of the right to freedom of association, nor has it complied with all of the commitments it has made in this area.

DX 740

In consideration of the aforementioned, we have met several times with DR. AUGUSTO JIMENEZ, President of the Company in Colombia, and with other leaders of the same, as well as with the Ministry of the Interior, in order to seek solutions to this situation of insecurity.

While the State, via the Ministry of the Interior, has responded with some minimal safety plans for the leaders, the company on two occasions has signed commitments which it has not fulfilled, and today even more urgently we need an effective security detail to cover all of the workers of your company in Colombia.

Finally, we present some additional considerations that we suggest you take into account when analyzing our invitation:

1. The Drummond Company Ltd. should include in the concept of "company" not just the capital represented in the infrastructure for the production, transport, and sale of coal, the mining right, the production, and the management levels of the structure, but also, fundamentally, the workers. This means that the policies and safety measures should be extended to the entire workforce; this is indispensable for production.
2. Colombia is a country with an internal social armed conflict, which affects the foreign investment. We see this as negative and worrisome, given that we are good people who want progress for our country and job stability for the workers and for the economy of our families. However, we think that the company is aware of this internal conflict and is willing to assume the possible risks compared to the profitability of the business. That is to say, we hope that you will understand the urgent need to design a collective security detail for all of the workers without considering the increase in production costs.
3. Sintramienergetica has always been characterized by its permanent willingness to find a solution to all employer-employee conflicts through dialogue. It does not have any link to any illegal group in Colombia and, as a result, has wanted to act as a neutral organization in the conflict, and hopes for a respectful treatment of our rights by the different armed actors. With this said, we turn to the company that, constitutionally, should fulfill a social function in Colombia, and to the State which is legally obliged to protect our lives, our honor, and our property, so that they adopt safety measures that guarantee not only the production of the company but also the lives and integrity of its workers.

This situation does not allow for delays, so we hope that you understand the urgent need for a real, effective, and lasting commitment to guarantee the stability of the productive process and, in particular, the safety of all of the workers. Aware of this serious situation, we hold the company responsible for the acts that can occur in the future, because, as on past occasions, we are denouncing the situation ahead of time.

Sincerely,

BOARD OF DIRECTORS
EL PASO, CESAR SECTION

GUSTAVO SOLER MORA
President


Fiscal

Copy to Dr. Augusto Jiménez, President of Drummond Colombia
Trans 18B #20-60 Telefax 571 2930 Valledupar

DX 741

MiamiHerald.com 

Posted on Fri, Jun. 22, 2007

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.