

**Statement by José Nirio Sánchez**

**House Committee on Education and Labor  
Honorable George Miller, Chairman**

**“Examining Workers’ Rights and Violence against Labor Union Leaders in Colombia”**

**February 12, 2009**

I would like to extend a sincere and cordial greeting to all those present. Thank you for inviting me to help shed light on the truth regarding the criminal acts against Colombian labor union leaders. With my testimony, I hope to contribute to reducing these criminal acts to zero, and to making sure those that have been committed do not remain in impunity.

My name is José Nirio Sánchez, former 2<sup>nd</sup> criminal judge of the specialized circuit of the Republic of Colombia. I held this post from July 1, 2007 to December 31, 2007, by unanimous designation. I was replaced January 12, 2008 in an election, in which I lost re-election by one vote. I served the Colombian government for 35 years.

I had national jurisdiction to rule on acts of violence committed against labor union leaders and unionists, as part of the program to fight impunity that the national government is pursuing.

During my tenure as judge, I issued 8 convictions. My conclusion from this personal experience and from having read my colleagues’ rulings, is that there is a determining pattern in all of these investigations. The Public Prosecutor formally orders an investigation, but does not carry it out.

They make mistakes in judicial classification of the crime. For one reason or another, they misdirect the investigations, and they fail to investigate the intellectual authors.

I want to tell you about the facts and legal outcomes of three of the cases I ruled on.

**1-** For the Murder of Mister Darío Hoyos: The motives that led to the death of this labor union, community and civic leader were his union convictions and battles. The threats were not only directed at him, but even at his family. But the Public Prosecutor developed another hypothesis, arguing that the death was a crime of passion. The evidence did not support this hypothesis, which was later rejected in the sentence.

Mr. Monroy was sentenced to 40 years in prison for this crime. However, several days ago, I discovered that this sentence was in vain, since the accused had died more than one year earlier. This case, like other cases, thus, remains in impunity. The true intellectual authors were not brought to account. Also, it is disturbing that the Public Prosecutor did not realize that a person with an outstanding arrest warrant was in fact deceased. In this manner, the Public Prosecutor wasted a large amount of physical and human resources that could have been used to clear up other criminal acts and to identify the intellectual authors of the crime.

**2-** For the murder of three unionists in Arauca, Colombia, 4 Colombian servicemen and one civilian were sentenced to 40 years in prison as material authors because they conspired in their criminal intent. Their objective was to cause the death of the three unionists. From the moment these acts occurred, both those charged and those who were responsible for the operation, directly or indirectly, allowed the scene of the crime to be concealed, destroyed or changed, in

order to throw the investigation off course (the firing test on the person who was said to have fired the weapon was negative, an inoperable pistol was placed on him).

The material authors were convicted but the officers up the chain of command were never investigated. With regard to their conduct, direction and responsibility for the outcome, Coronel LUIS FRANCISCO MEDINA CORREDOR, and other officials, Captain HIZNARDO ALBERTO BRAVO ZAMBRANO and Captain LUIS EDUARDO CASTILLO ARBELAEZ, never explained their behavior. They remained silent. They must at least be held accountable as guarantors, which is why it was ordered they be investigated. I understand that the Inspector General of the Nation removed them from their posts, and disqualified them from holding official posts for 20 years. However, in this case as well, the public prosecutors failed to investigate these officials, even though they could have been tried along with the material authors.

**3-** For the murder of the unionist Luciano Romero, 2 material authors were sentenced to 40 years in prison and other accessory penalties. The deceased was preparing to testify as a witness to the policies of the transnational company, NESTLE-CICOLAC, at the session of the Permanent People's Tribunal, which was to take place October 29 and 30, 2005, in Bern, Switzerland. Three labor union leaders from the Union of Food Industry Workers and former CICOLAC workers were also murdered in similar circumstances: VICTOR MIELES, ALEJANDRO MARTINEZ TORIBIO DE LA HOZ and HARRY LAGUNA. As always, verification of attested copies was ordered from the NESTLE-CICOLAC board, in order to investigate their presumed participation in, and/or, determination of the murder of labor union

leader LUCIANO ROMERO. Mr. Carlos Alberto Vélez, in his capacity as Chief of Security for Latin America, sent a letter to the Public Prosecutor, warning that if this investigation were to become public, it would seriously affect its reputation and foreign investment. As I considered the situation serious and abnormal, I ordered an investigation, as I stated earlier.

#### Final Conclusion

It is a systematic pattern that in all of these criminal acts, the Public Prosecutor is content to determine the responsibility of the material authors, leaving out the intellectual authors, who are the most important, given that they are the ones who sponsor, order the executions, put up the money, and always remain in impunity. Thus, these crimes will not stop, since the true perpetrators are not prosecuted. The investigations are directed off course toward other hypotheses that the judge ultimately debunks in his ruling, or accepts with no reservations whatsoever. Then, it is already too late. The evidence no longer exists and the authors disappear, when the normal thing would be for them to be identified in the initial phase of the investigation. This waste of resources causes an increase in crime and a decrease in the credibility of the institution, which is reflected in the unwillingness of witnesses to testify.