



International Labor Rights Fund

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November 21, 2005

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Dear Ed:

This responds to your letter of November 16, which purports to respond to my letter of November 14. I will be as brief as possible as I have little time to be drawn into your scheme. You can posture all that you want, but the objective record is absolutely clear that you have been representing to the university community *for months* that you would work with me to develop a reasonable proposal to go forward with the investigation in Colombia. Indeed, my understanding is that the USAS representatives terminated their dialogue with you precisely because they were fed up with your interminable delay. I hope we can at least agree that the first time you proffered any proposal to me was at our meeting on Friday, November 11, 2005. For you to attribute any fault to me or my clients for the delay resulting from your conduct is a degree of projection that would make Freud proud.

As to the substance of your proposal, your characterization of it is objectively false. Any reasonable interpretation of it is that it is designed to preclude us from using in court any new evidence that is uncovered in the investigation. As you know, it would be an ethical violation for me to agree to bury evidence that could assist my clients in trial. Since you extracted from me an agreement not to share your proposal with anyone but my clients, I am not at liberty to disclose it to the university community. If you really think your proposal is reasonable, then you should disclose it.

You never responded to my offer to go forward with the investigation without restrictions on the use of the evidence and the final report. You mimic my challenge by questioning whether we really have evidence of the complicity of the Coca-Cola bottling plant management in the anti-union violence in Colombia. In doing this, *you conspicuously avoid answering the ultimate question – if you are so sure that there is no evidence that Coca-Cola is complicit in the violence,*

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***as you and your colleagues have been asserting to the public, then you need not be concerned.
The truth shall set you free.***

The inherent bad faith of your position is revealed by your argument that it would not be fair to use in court the evidence gathered in the investigation because it will not have been subjected to the rigors of cross-examination. Ed, I know that you, an experienced lawyer, are quite aware that we would not be able to introduce evidence at trial if the witnesses are not available for cross-examination. Let's play out this important point. Assume, for example, that the investigators identify an eye-witness who says that the manager of the Coca-Cola bottling plant in Carepa, Ariosto Milan Mosquera, appeared in the plant with paramilitaries and threatened the workers with violence if they joined the union. Assume further that the witness gives a statement to the investigators. Any reference to the statement in the report would not be admissible evidence because it is hearsay. The statement itself would not be admissible unless, possibly, it is a sworn declaration. You can obfuscate all you want, but the objective fact is that, agreement or not, the facts gathered by the investigation would not themselves be admissible in court. We would have to call the witness or take a preservation deposition, either of which would require that the witness be subjected to cross-examination, and we would use *that* testimony at trial. However, your evidence-suppression scheme would assure that if a witness turns up in the investigation, we could not use his testimony under *any circumstances* because he was first identified by the investigation. Your real objective, I'm now convinced, is to make such an unreasonable demand upon us that you can then use our inability to agree as an excuse to avoid letting the public learn the true facts of Coca-Cola's complicity in violence in Colombia. I can only repeat that it would be unethical for me to agree to never use a witness simply because he was identified first by the investigation. Further, given the certainty of Coca-Cola's assertions to the public that there is no evidence of the company's complicity in violence, you need not be concerned that witnesses to Coca-Cola's crimes, new or otherwise, will be identified by an independent investigation.

Finally, I wish I could say that your posturing is a shocking departure from normal conduct based on my 17 years of working with the ILRF to hold multinationals accountable for international labor rights violations. Sadly, your actions are straight from the corporate play book:

- use vast public relations resources to deny any wrongdoing to the consuming public;
- delay as long as possible any honest discussion;
- commission a study from a friendly contractor that "finds" you innocent of all charges;
- when the pressure mounts, announce a grand scheme to change practices, and delay some more, feigning implementation issues, and continue to try to appease the consuming public by issuing denials;
- obstruct and delay any independent verification efforts.

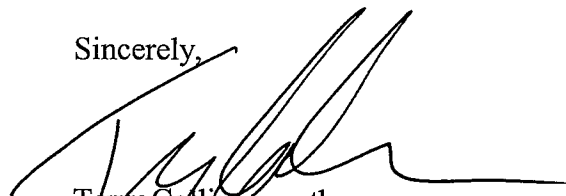
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Nike should be credited with inventing this technique, but Coca-Cola is taking it to a higher level. Coca-Cola's recent public response to the violence against trade union leaders in Turkey demonstrates its mastery of the game. Your colleague at Coca-Cola, Kari Bjorhus, actually told the press last week that the 110 workers fired by your bottler in Istanbul after they joined a union were terminated for "performance reasons." What an amazing coincidence! All of the 110 workers who joined a union, many of whom had been with the company for years and had consistently received positive evaluations, suddenly had a collective failure of performance. (Please convey to Ms. Bjorhus that I can't wait to depose her to discover her factual basis for telling that whopper to the consuming public).

Ed, how can you expect any of us to trust you or your company when the first response to a well-documented violation of labor rights (regardless of who is ultimately responsible) is an utter, contemptible lie? Further, your apparent position is that Coca-Cola "solved" the Turkey situation by paying the terminated workers the minimum amount of back pay they could get under Turkish law, when they were desperate after being on strike and without wages for over four months, and refusing to reinstate them. That's not progress; that's text book union-busting.

Not only have you squandered your initial credibility, you have damaged mine as well because I told USAS (the people who resigned from your commission in disgust) that you could be trusted. My door is open to further communications, but I need to see some objective progress, rather than more talk. You have several existing problems, including Colombia, Turkey, Indonesia, Guatemala and India, that need to be dealt with decisively to build a foundation of good faith for the future. Your delay games on Colombia and the Coca-Cola sanctioned union-busting in Turkey are huge setbacks on that score. But if you ever do address appropriately the known existing problems, then, as we discussed back in the days of innocence, you need a clear and transparent policy to prohibit violations of fundamental labor rights throughout the Coca-Cola empire, including bottling plants, and a process for providing quick remedies for those violations. I remain interested in working with you to develop and implement that policy, but I now have my doubts that Coca-Cola will proceed in good faith on that initiative. Let me know. In the meantime, as they say, I'll see you around campus.

Sincerely,



Terry Collingsworth
Counsel for the SINALTRAINAL Plaintiffs