

PUBLIC COMMUNIQUÉ FROM SINALTRAINAL

This communiqué aims to make a number of clarifications in response to the letter from Martin Norris, Director of Communications of Coca-Cola Great Britain.

In spite of all our denouncements, demands and petitions to the government to safeguard our lives and trade union activity, the same *modus operandi* continues. The aggression is accentuated each time we enter the annual negotiation round within the collective agreement, or each time The Coca-Cola Co. implements restructuring that affects the workers and SINALTRAINAL.

This is shown by recent events:

- On August 22, 2003 there was an assassination attempt on **JUAN CARLOS GALVIS**, Vice-president of SINALTRAINAL in Barrancabermeja.
- Then on September 10, 2003, at 1 p.m. at Simón Bolívar Boulevard (the emerald shop) in Barranquilla, four unknown subjects who had covered their faces with hoods took 15-year-old **DAVID JOSE CARRANZA CALLE** from the bicycle he was riding. David is the son of **LIMBERTO CARRANZA**, a worker and a national leader of SINALTRAINAL in Coca-Cola in Barranquilla. They forced David Jose into a white van, in which he was driven around, while he was tortured and interrogated on the whereabouts of his father. At about 4.30 p.m. they threw David Jose out at Ahuyama Canyon, where the youth was picked up by a passer-by and taken to the police. Meanwhile, a telephone call was received at Limberto Carranza's residence. The caller said: "Son of a bitch trade unionist, we are going to crush you, and not just you, we are going to attack your home."
- At about 9 p.m. on September 11 in Bucaramanga, Coca-Cola workers and local union leaders **LUIS EDUARDO GARCIA** and **JOSÉ DOMINGO FLORES** were together at the entrance to Almendros residences when two subjects beat them.
- And on October 30, **EVERTH SUÁREZ**, president of the Cali branch of SINALTRAINAL, who works at the Coca-Cola bottling plant in that city received a death threat.

Meantime, on September 9, 2003, COCA-COLA FEMSA S.A. launched an offensive in all the Colombia bottling plants, following similar offensives in 2000 and 2001. The company imprisoned the workers by force in the factories or in hotels, pressuring them to renounce their employment contracts in exchange for a one-off payment. They used the [consultancy] firm called HTM for this, and they posted armed guards at the doors of the hotel meeting rooms. Even more sensitive is that the authorities did not act to prevent this, but on the contrary, they acted in coordination with the employer, pressuring the workers to sign the papers, which had also happened in Barrancabermeja with **SANDRA MARIA PAJARO**, an official of the Ministry of Work and Social Protection.

Using this blackmail, psychological terrorism and illegal procedure, Coca-Cola has converted bottling plants into mere distribution centers, closing down bottling production in Montería, Cartagena, Valledupar, Cúcuta, Barrancabermeja, Pereira, Neiva, Villavicencio and Duitama. After holding the workers on September 9 to September 12, they started handing out redundancy notices according to the Ministry of Work and Social Protection formula. And on September 10, the employer unjustly sacked two workers, **PEDRO ANDRADE** and **SERGIO SILVA**, in Cúcuta to create fear amongst the workers so that they would renounce their contracts.

This decision of COCA-COLA FEMSA S.A. forms part of its cost reduction strategy, of subcontracting the workforce, eliminating trade union organisation and the collective work agreement, to concentrate production in a small number of bottling "*megaplants*" with fewer workers, from which they supply the market through distribution centres. We have seen this scenario coming for many years. The corporation has been preparing the way to strike this blow against the workers, and is now taking advantage of the

situation of sharpening unemployment, poverty and misery in the country handed to it by the government of Álvaro Uribe Vélez.

This action by Coca-Cola as an employer violates Colombian law, since it closed the bottling plants without following legal process concerning employer's strike, illegal closures and sackings. For this reason we have placed motions at the regional offices on the Ministry of Work and Social Protection for it to intervene against the illegal closures, the lockout and the boss's strike being executed by COCA-COLA FEMSA S.A., PANAMCO COLOMBIA S.A., EMBOTELLADORA ROMAN S.A. and/or EMBOTELLADORA DE SANTANDER S.A.

The corporation is violating the procedures established in the current Collective Agreements. It cannot sack workers, but must retrain them and relocate them in a new function. Because of the above, and as a demonstration of our good will, we held a meeting with the vice-president of Coca-Cola Femsa S.A. at 3:00 p.m. on September 16, 2003 in Bogotá. We demanded the application of this norm [in the agreement], but up to now it has not been implemented.

In spite of all the pressure today, more than 300 workers continue resisting and struggling in the factories, but the responses of the management has been to try and illegally dismantle the machines, as happened on November 12, 2003 in the Cúcuta and Cartagena factories, where the response of the workers stopped them from carrying out this act.

It is an unethical and immoral abuse to try and justify [these actions by saying that] it is a problem of general violence that persists in Colombia. This renders invisible the persecution that we the trade unionists are victims of, resulting in our stigmatization and demonisation by employers sectors and the state — as is established in the security manuals on national security imposed by the U.S.A. Even less do we accept that the corporation is trying to compete [in matter of human rights violations] by claiming how many on one side or the other have been victims, when at root we are people who lend a service to the corporation through a work contract.

What is certain is that Coca-Cola Co. has directly or indirectly benefited, and that we have been the victims of sexual harassment, nine assassinations, more than 15 imprisonments, 67 death threats, kidnappings, forced displacements, the setting fire of a trade union office, all executed by paramilitaries and obliging many workers to renounce the union. [We have also suffered] the unjust termination of work contracts, the subcontracting of more than 88% of the workers and the impact that this has had on their conditions of life, besides the stigmatization and false accusations against the trade unionists, trying to link them with terrorism and delinquency.

It is no lie to say justice is inoperative in Colombia. Government officers do not act to prevent these crimes and their authors have impunity.

We continue in the search for truth, justice and reparations, initiating a claim in the Florida District Court in the USA against Coca-Cola's bottlers. On March 31, 2003, Judge José E. Martínez concluded that the cases taken out under the Alien Tort Claims Act (ATCA) concerning violations of human rights can go forward because, amongst other reasons, there exists a symbiotic relationship between the paramilitaries and the [Colombian] state.

But now, as a mechanism of impunity where the victimisers cast themselves as victims, in an attempt to criminalize our right to claim justice by taking a case to a U.S. court, Coca-Cola's Colombian bottling companies PANAMCO Colombia S. A. and Embotelladora de Santander S. A., (now Coca-Cola FEMSA S.A.) have through Mr. JAIME BERNAL CUELLAR who acts as lawyer for the Coca-Cola multinational, demanded a warrant against us who have entered the case in the U.S., accusing us with the crimes [under Colombian law] of slander and calumny. And so Public Attorney 61, Juan Carlos Losada Perdomo proffered a charge of accusation against **LUIS JAVIER CORREA SUAREZ**, **JORGE HUMBERTO LEAL**, **JUAN CARLOS GALVIS**, **LUIS EDUARDO GARCÍA**, **ÁLVARO GONZÁLEZ**, **JOSÉ DOMINGO FLÓREZ** and **EDGAR ALBERTO PÁEZ MELO**, all members of the leadership of Sindicato Nacional de Trabajadores de la Industria de Alimentos, **SINALTRAINAL**. **JAIME BERNAL CUELLAR** was,

paradoxically, Prosecutor General of the Nation at the time when several crimes were committed against the workers and SINALTRAINAL. We protested and sought his intervention but he never acted.

The efforts that have been made to protect trade unionists have, firstly, been insufficient. Secondly, they are a duty of the employer and the state. Thirdly, the few measures are a result of our struggle and protests, as are the gains we have achieved in collective agreements to try and minimize risks. But since the corporation has wanted to portray these gains as the fruit of its benevolence and not its duty, it is necessary to explain that the majority of the measures have been put in place by the Colombian state as a result of all the national and international pressure, and because the Political Constitution of our country establishes [this duty]. But the attacks have not stopped, so what does it serve to try and show that trade unionists are being protected when we continue to be criminalized, persecuted and assassinated for our trade union activity.

Coca-Cola's bottling companies say that they deplore any act of violence against any trade union leader, but it has been they themselves who falsely accused us of being guerrillas or terrorists, it is they who are carrying out anti-union campaigns to avoid workers joining the union, or pressuring union members to resign. It is not sufficient that they condemn violence theoretically; they have to adopt a respectful conduct towards our human rights and repair the damages suffered by the victims.

For some years SINALTRAINAL did not dare make public denouncements because it waited trustingly for justice to work, but this did not happen. And so we are now seeking justice, truth and reparations and above all, we count on international solidarity. The facts are there. But on each and every occasion, we give our evidence, Coca-Cola says that it did not happen, but we have lived through these experiences with our flesh and blood. We have realized that this is a way of maintaining impunity, to try and make people believe the opposite of things that really happened by repeating lies indefinitely.

Other trade union organizations exist inside Coca-Cola's bottling plants, and they are trying to say that the events that we are denouncing did not take place. All of these organizations were created recently and the majority of them were not present where the crimes were committed.

The International Foodworkers Union does not have the right to interpret for us and less to lie about what has occurred. They have not been present in the places where the barbarities took place. It is very easy to speak from long distance without really knowing what happened. We do not want to enter into a debate with them because this would divert attention away from the pressure we are building up on Coca-Cola to modify its behaviour in Colombia.

It is true that the US judge removed Coca-Cola [the parent company], but this decision was appealed [and is still pending]. In any case Coca-Cola is directly involved as a shareholder of Panamco and through its control of the whole process through the franchises. This is not only a legal matter, but an ethical and moral point, as well.

It is not true to say that Colombian justice has not been involved with the bottling companies. Rather it is precisely the failure of the justice system in Colombia to act, which is responsible for the grave problem of impunity that allows the intellectual and material authors of crimes to remain free while committing all forms of abuse.

Yours faithfully,

LUIS JAVIER CORREA SUAREZ

President SINALTRAINAL

Bogotá D. C. – Colombia, 18th November 2003