



EMBASSY of COLOMBIA

W A S H I N G T O N

PROSECUTING ACTS OF VIOLENCE AGAINST UNION MEMBERS

Important reforms to the criminal justice system, and a new emphasis on prosecuting crimes against trade union members is proving effective in ending the culture of impunity that has afflicted Colombia in recent years.

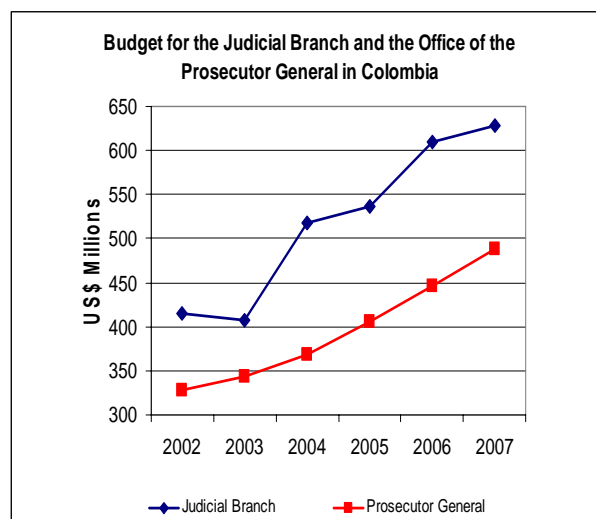
These changes include the legislative reform of the criminal justice system in 2004 that moved it from an inquisitorial closed-door system to an open accusatorial system with oral procedures and open trials. This new system began in 2005 and will be fully operational in 2008. The effort, which is supported by the U. S. Department of Justice, has reduced criminal case backlogs, dramatically decreased the time required to resolve criminal cases, and increased convictions.

A second major change is the focus given by the government to stop the past pattern of impunity for crimes against Colombia's labor movement. In October 2006, a special subunit within the Human Rights Unit of the Office of the Prosecutor General was established with this purpose. The mandate of this subunit was developed through consultations with unions under the framework of the 2006 Tripartite Agreement.

INCREASED RESOURCES FOR THE JUDICIAL SECTOR

In order for any criminal justice system to work effectively, it must have the appropriate resources. The government has been backing up this commitment with funding. The Office of the Prosecutor General of Colombia – which is autonomous from the Executive Branch and does not sit in the Cabinet of the President – has received full budgetary support from the current government of Colombia.

Overall, the resources for both the judicial branch and the Office of the Prosecutor General have increased every year since 2002. The budget has grown from US\$ 346 million in 2002 to US\$ 598 for 2008 – an increase of over 70 percent.



A provision in the Law that established the 2006-2010 National Development Plan provides the President with the authority to reorganize and strengthen the Office of the Prosecutor General through executive decrees. The National Planning Department and the Office of the Prosecutor General completed a restructuring proposal addressing three priority areas: the Justice and Peace Law, compliance with international treaties, including human rights treaties, and the protection of victims and witnesses.

In order to implement these additional priorities, in January 2008 the President signed a decree with further funding of almost \$50 million over the next two years to support 2,165 new positions in the Office of the Prosecutor General, an increase of total personnel of 12 percent, which will include 418 prosecutors, 545 judicial police investigators and 1,202 other operational staff.



LABOR SUBUNIT IN THE OFFICE OF THE PROSECUTOR GENERAL

Since 2006, a Labor Subunit was created in the Office of the Prosecutor General. This Office is fully operational since February 2007, and it underscores the commitment of the Government to establish an effective and efficient justice system, where impunity is no longer an issue.

Trade unions have been partners in developing the work of the Subunit. The Office of the Prosecutor General worked with Colombia's three largest labor confederations to jointly identify 187 priority cases of violence against labor union members out of a total referral to this subunit of 1,262 pending cases (most of these cases are those subject to review under the ILO's Committee on Freedom of Association Case 1787).

The operations of the subunit, charged with prosecuting the 187 priority labor cases (and all of the 1262 cases), include 13 public prosecutors, 78 judicial police investigators, and 24 additional lawyers. Moreover, resources from the additional funding committed under the President's 2008 decree will expand the Subunit by adding additional prosecutors as well as the required support professionals.

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[The ILO Committee] "*recognizes the efforts made by the government to improve the protection of union leaders, affiliates, and union organizations and to make progress in the investigation of cases. The Committee agrees on the importance of the three-way dialogue to move ahead on these efforts*"

In addition, three specialized judges were appointed in 2007 to hear the cases developed by this Subunit.

Under the additional budgetary resources committed to the Office of the Prosecutor General, funding for the Subunit has been secured for the next four years, in addition to the funding for the three special judges.

The results achieved under the Subunit in 2007, **have been significant**, with 38 total convictions for the murder of trade union members last year. This result compares impressively with a total of 45 convictions in the prior five years – and only one from 1991 to 2001.

Since the Sub-Unit began operation in February 2007, it has achieved the following results as of February 20, 2008:

- 702 cases have open investigations to establish the facts and the suspects.
- Suspects have been identified in 239 cases, with 24 cases ready to be referred to court for trial.
- 88 suspects have been arrested and placed in preventive detention, and 40 cases have resulted in the conviction of a total of 64 criminal defendants.

Of the 187 priority cases identified with Colombia's trade union confederations in October 2007, almost all of them homicides, as of February 20, 2008 investigations have been completed in 34 cases. This represents significant judicial action on 18 percent of the priority cases in less than one year. There are already convictions in 14 of these cases against 27 individuals. Additionally, some six cases have been referred to court for trial and two more are pending some additional legal proceedings before being formally referred to the courts.

Since 2001, 156 persons in total have been convicted under 88 sentences for crimes against union members, with 110 of those currently in detention. Of these 156 individuals it has been established that 63 were members of the paramilitaries, 17 from guerilla groups, and 13 from the public security forces. In 40 percent of the cases no specific affiliation of the criminal has been determined.