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Coca-cola Sued for Human Rights Abuses

by LADB Staff

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The United Steelworkers of America (USWA) and the Washington-based International Labor Rights Fund (ILRF) filed suit July 20 in the US District Court for the Southern District of Florida against Coca-Cola and Miami-based Panamerican Beverages, Inc., the primary bottler of Coke products in Latin America.

The lawsuit charges that Coca-Cola's Colombian bottlers are working with death squads to kill, threaten, and intimidate plant workers. The case was brought under the Alien Tort Claims Act (ACTA) and US racketeering statutes. It was assigned to US District Judge Paul Huck in Miami. Also named in the suit are Colombian bottlers PANAMCO, owned by Panamerican Beverages, and Bebidas y Alimentos, owned by Richard Kirby and his son, Richard Kirby Keilland, both US citizens living in Key Biscayne, Florida.

The lawsuit was filed on behalf of the Colombian trade union Sindicato Nacional de Trabajadores de Industrias de Alimentos (SINALTRAINAL), which represents 2,500 food workers, including 500 Coke bottling-plant employees, and the estate of Isidro Segundo Gil, a worker murdered in 1996. The other plaintiffs are SINALTRAINAL leaders Luis Eduardo Garcia, Alvaro Gonzalez, Jose Domingo Flores, Jorge Humberto Leal, and Juan Carlos Galvis. The suit claims they were subjected to torture, kidnapping, or unlawful detention to encourage them to cease their trade-union activities while employed by Coke.

Paramilitaries used for union busting

The 66-page complaint alleges that Atlanta-based Coca-Cola bears indirect responsibility for the killing of Gil, who was shot to death at the entrance to the Bebidas y Alimentos plant in the northern town of Carepa. The union claims Gil was killed by paramilitaries acting on orders from a plant manager and on behalf of the bottling company's owners. At the Carepa plant, the complaint says, paramilitary forces murdered two activists in April 1994 and then were invited by Bebidas y Alimentos management to come onto the premises to warn other union leaders to either resign from the union or leave town altogether.

In 1995, every member of the union's executive board left. When the union elected a new board, management hired paramilitary members to work in the sales and production departments. They carried out a campaign of intimidation that included death threats against board members, culminating in the murder of Gil in December 1996. The suit also contends that plant manager Ariosto Milan Mosquera had told workers that he had given an order to paramilitary forces to destroy the union. Two days after Gil's death, plant managers passed out union resignation forms prepared by Bebidas y Alimentos staff. Dozens of workers resigned soon after that.

Although Bebidas y Alimentos is a defendant in the suit, Mosquera is not. At PANAMCO's Cucata and Barrancabermeja plants, the complaint says, since 1999, several local union officials have been forced into hiding after receiving death threats from paramilitaries in connection with their union work.

In Barrancabermeja, plant management has openly collaborated with and supported the paramilitaries. "With respect to their business operations in Colombia, the Defendants hired, contracted with, or otherwise directed paramilitary security forces that utilized extreme violence and murdered, tortured, unlawfully detained or otherwise silenced trade-union leaders of the union representing workers at Defendants' facilities," the lawsuit said. In each case, the union repeatedly asked Coca-Cola Colombia and the bottling company's management for protection.

"Coke did nothing," said USWA lawyer Dan Kovalik.

"We are confident that if any of these plants make a mistake in applying Coca-Cola's formula or in delivering Coke, they would be there to correct it. But in cases where they kill union leaders, they do nothing." In all these cases, said Terry Collingsworth, ILRF's chief attorney, the bottlers effectively acted as Coca-Cola's agent given the degree of control the company exercised over their operations under the standard bottling contract. "There is no question that Coke knew about and benefitted from the systematic repression of trade union rights at its bottling plants in Colombia, and this case will make the company accountable," said Collingsworth. He said that, in a similar case in Guatemala 20 years ago, Coke arranged for the bottling-plant owner, John Trotter, to sell his franchise.

Trotter was accused of using death squads to kill several union officials between 1978 and 1979. After the sale, the repression at the plant ceased. But in Carepa, Coke turned down an offer by the Kirbys to sell the plant in 1997, despite reports that the elder Kirby had threatened to kill union leaders before Gil's death. Coca-Cola, bottling companies respond

"The Coca-Cola Company does not own or operate any bottling plants in Colombia," said spokesman Rafael Fernandez in Atlanta. "It is not true that the agreement [with the bottlers] gives us control." He also denied that the company received "any notice from Colombian police or anybody of any wrongdoing" in any of the plants.

"We adhere to the highest standards of ethical conduct and business practices and we require all of our companies, operating units, and suppliers to abide by the laws and regulations in the countries that they do business," said Natalie Rule, another Coca-Cola spokesperson.

PANAMCO also denied that it used paramilitary groups to terrorize trade unionists, and it said that its lawyers were considering whether the charges were defamatory. "We have rejected and continue to emphatically and totally reject any suggestions, which we can only describe as the product of ill-will, that link this company to outlawed groups or to practices that are forbidden and punished by Colombian law," said Juan Carlos Dominguez, PANAMCO's legal and public-affairs manager.

Bill McCaughan, a lawyer in Miami who represents Kirby, said the allegations in the suit were "totally baseless." "Mr. Kirby is a well-respected businessman," McCaughan said. "He has no association with either the paramilitary group or the guerrilla group, and obviously had no association with any group that would take any people out and shoot them."

Lawsuit raises broader issues

The suit was filed on Colombia's Independence Day to emphasize that Colombia leads the world in the number of trade-union leaders murdered each year. The lawsuit said persecution of trade unionists in Colombia had been "at epidemic proportions" for years, with more than 3,800 unionists murdered since 1986 when the Central Unitaria de Trabajadores (CUT) was formed.

The CUT, the major labor organization in Colombia with more than 750,000 affiliated workers, backs the suit because those responsible for killing union members must be held accountable, said CUT president Miguel Antonio Caro. "Of every five trade unionists murdered in the world, three are Colombian," said Kovalik. He said more than 50 union leaders have been killed so far this year, including Oscar Dario Soto Polo, an employee and union official at a Coca-Cola plant in Monertia who was gunned down June 21. Six union leaders who worked for Coca-Cola bottlers have been assassinated since 1989, three of them during union negotiations with the company.

"In 1995, in May, while we were preparing for negotiations with Coca-Cola on the northern coast of Colombia, I was detained just for being at the entrance of the bottling plant waiting for the workers to give them a report on the progress of the negotiations," said SINALTRAINAL president Luis Javier Correa, who has worked for Coca-Cola since 1983.

"There has been a very concerted campaign against trade unionists for many years and it seems to have even stepped up in recent months," said Robin Kirk, a Colombia expert at Human Rights Watch (HRW).

"This case is extremely important for trade union and human rights. If we cannot get Coke, one of the most well-known companies in the world, to protect the lives and human rights of the workers at its worldwide bottling facilities, then we certainly have a long way to go in making the global economy safe for trade unionists," said Kovalik.

-- End --