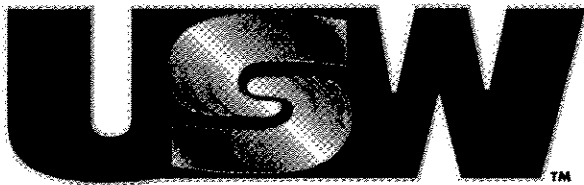


UNITED STEELWORKERS



UNITY AND STRENGTH FOR WORKERS

Leo W. Gerard
International President

April 18, 2007

**VIA FAX (202-226-4183) AND
FIRST-CLASS MAIL**

Honorable Tom Lantos
Chairman
Committee on Foreign Affairs
U.S. House of Representatives
Washington, D.C. 20515

Re: Parabusiness in Colombia

Dear Congressman Lantos:

I am writing to express the USW's grave concern over what Colombia's own Attorney General Mario Iguaran has recently referred to as the phenomenon of "Parabusiness" in Colombia – that is, businesses that support and collude with violent paramilitary forces with the express intention that those forces then target trade union leaders for assassination. Of course, such illegal connections have now reached a new crescendo in light of the guilty plea by Chiquita Banana corporation, which admitted to providing material support to the AUC over a period of several years.

Now the Drummond Company, an Alabama-based coal business, is about to stand trial in July in a civil case in which Colombian plaintiffs allege that it colluded with AUC paramilitaries in the murder of three top union officials at Drummond's La Loma mines – Valmore Locarno, Victor Orcasita and Gustavo Soler. In addition, Colombian Attorney General Iguaran has recently announced that his office is in the "advanced stages" of a criminal investigation against Drummond on the same charges.

This matter is of grave concern to the United States in that it involves claims of corporate support for a group designated by the State Department as a "terrorist organization" – a serious crime under 18 U.S.C., §233B. It further bears directly on the U.S. Congress's current debate over whether to approve the Free Trade Agreement with Colombia and whether to initiate Plan Colombia 2 – a plan through which the U.S. would give further substantial military assistance to Colombia. It is the USW's adamant position that neither of these initiatives should be approved in light of the Colombian government and military's terrible track record of colluding with the AUC to target trade unionists for assassination – many times in the interest of both domestic and international businesses in Colombia, such as the Drummond Company.

United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union

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The Drummond case is especially important to the USW as we have been intimately involved in it from the very beginning. To wit, the USW had a fact-finding mission in Colombia on March 12, 2001 – the very day in which Valmore Locarno and Victor Orcasita, the president and vice-president of Drummond's mining union, were taken off a company bus by AUC militaries and murdered. Indeed, the USW delegation was meeting with mining workers, including members of Sintramienergetica, Drummond's mining union, the evening of these killings. Since that time, the USW has been active in pursuing justice for Sintramienergetica, the families of Valmore and Victor, and for the family of Gustavo Soler – the successor president to Valmore who himself was killed by the AUC shortly after telling the press of his belief that Drummond was behind the first killings. It was in the interest of finding justice for these plaintiffs that the USW spearheaded the civil lawsuit against Drummond in Alabama in March of 2002.

We now urge Congress to take a role in pursuing justice for the victims of these killings by holding hearings on Drummond's links to the paramilitaries and its role in these murders. Such hearings should also focus on the role that the Colombian government and military played in both helping Drummond carry out and cover up these crimes. The attached declaration of Edwin Manuel Guzman, which was recently given to a USW attorney, touches upon the close and dangerous relationship of Drummond, the military and the paramilitaries during the time in question, and it raises issues going to the very core of Congress's current debate over the FTA and Plan Colombia 2.

We note that Mr. Guzman, as well as Rafael Garcia -- another key witness in the Drummond case and one of the chief witnesses against the Colombian government in the ongoing government-paramilitary link scandal -- are in grave danger of being assassinated in order to silence them. A copy of Mr. Garcia's declaration, also given to a USW attorney, is also enclosed. We urge you to take all measures to have these gentlemen put in a witness protection program to preserve their crucial testimony.

Sincerely,



Leo W. Gerard
International President

LWG/yj
Attachments

- c: Honorable William Delahunt (via fax 202/225-5658)
- Honorable Eliot Engel (via fax 202/225-5513)
- Honorable George Miller (via fax 202/225-5609)
- Honorable Sander M. Levin (via fax 202/226-1033)
- Honorable Nita M. Lowey (via fax 202/225-0546)
- Honorable Christopher H. Smith (via fax 202/225-7768)
- Honorable Frank R. Wolf (via fax 202/225-0437)
- Honorable Dan Burton (via fax 202/225-0016)
- Honorable James P. McGovern (via fax 202/225-5759)
- Honorable Sam Farr (via fax 202/225-6791)

In The United States District Court
For The Northern District of Alabama

Juan Aguas Romero, et al. v. Drummond, et al.

This relates to all cases

Declaration of Edwin Manuel Guzman

1. My name is Edwin Manuel Guzman, cedula number 10881662. I am an adult individual with personal knowledge of the following facts. I give this declaration voluntarily.
2. I was a member of the Colombian Armed Forces for 18 years and 3 months, having reached the rank of Sergeant. In particular, I was a Sergeant in the Popa Battalion in Valledupar, Colombia from 1999 to 2002. I first served under Colonel San Miguel Peña Eduardo, and then under Colonel Hernan Meija Gutierrez.
3. From the year 2000 until the second quarter of 2001, I was in charge of one of the four platoons of the Popa Batallion which guard the mining operations of Drummond Ltd. The Popa Batallion had close ties with the AUC paramilitaries at this time. Indeed, the Battallion took great pains to prevent the official military forces and the paramilitaries from coming in contact with one another so as to prevent any confrontation from ensuing. This coordination between the military and paramilitaries was directed by retired Colonel Luis Carlos Rodriguez, the chief of security for Drummond and the key connection between Drummond and the paramilitaries. In addition, we, the member of the Colombian Armed Forces of the Popa Batallion and the paramilitaries cooperated in "legalizing" the killings of civilians, meaning that we would plant guerilla uniforms and weapons on civilians that AUC killed in order to make the killings appear legitimate.
4. While heading up one of the platoons which protected the Drummond mines, a problem developed with left-wing guerillas harassing cattle ranchers in the area. In order to assist the ranchers with this problem, Drummond gave the AUC paramilitary group in the zone lorries and motorcycles to patrol the area. In addition, Drummond provided us, the members of the Colombian armed forces, with food from Drummond lorries which travelled through the area, after stopping at the army points these same lorries continued their route and provided the paramilitaries with food. I also recall that a man called Mitchell/Michael, who also had a high position in Drummond security, even higher than Mr. Rodriguez, met with a paramilitary leader named "Samarior."
5. At the time I was heading the platoons which protect the Drummond mines, I began to worry about the paramilitaries working so openly in the area. Therefore, I decided to lead an ambush of the paramilitaries. This was around April of 2001, shortly after the killing of the two trade unionists. On the night I was setting up an ambush of the paramilitaries, a black SUV drove up to my platoon. Out of this SUV stepped the chief of Drummond security, Luis Carlos Rodriguez. Mr. Rodriguez asked what we were doing. I told him that we were there to ambush the

paramilitaries. I explained that the paramilitaries were patrolling the area in Drummond vehicles, and that this just wasn't right. Mr. Rodriguez said that no one told me to do that and that we had no business bothering the paramilitary groups. Mr. Rodriguez then phoned the head of the Popa Battalion at the time, Colonel San Miguel Peña Eduardo and explained what was happening. The Colonel contacted me by radio and addressed me, again telling me that I had no business leading an ambush of paramilitaries. Very shortly thereafter, I was relieved of my command of the platoons by the Second Lieutenant who told me that I was losing my command because of my attempted action against the paramilitaries. However, I continued to work with the same platoon, but in a different role. It was at this time that I personally began to work in "legalizing" civilian victims of the paramilitaries.

6. Around this same period, Drummond began experiencing problems with the guerillas attacking the rail lines. Drummond announced that it was thinking of leaving Colombia as a result. In response, the chief of Drummond security, Luis Carlos Rodriguez, stepped in and contacted paramilitary leader "Cebolla," and asked that he take care of the problem with the guerillas attacking the rail lines. At this same time, Drummond provided the paramilitaries under the command of "Cebolla" with motorcycles to carry out this work. I have been told by paramilitaries in the zone that "Cebolla" was responsible for the killing of the three trade unionists at Drummond.

7. I am currently in a witness protection program with the Fiscalia Nacional de la Nacion. I have been asked for and given extensive testimony against Colonel Hernan Mejia Gutierrez and his connections with the paramilitaries, a case which has received much prominence in Colombia. However, though I have given statements to Semana magazine regarding the connection of Drummond with the paramilitaries, the Fiscalia has never asked me about this subject.

8. While I do not speak English, all of the contents this document have been verbally translated for me into Spanish by Gearóid Ó Loingsigh.

I swear under the penalty of perjury of the laws of the United States that the foregoing is true and correct.

Date 03-04-2007


Edwin Manuel Guzmán
cc 10881662


Gearóid Ó Loingsigh
Witness/Translator Colombian
C.E 310078

INTERNATIONAL TRANSLATION CENTER, INC.



DECLARATION OF TRANSLATOR

I, Lawrence B. Hanlon, of the International Translation Center, Inc., do hereby avow and declare that I am conversant with the English and Spanish languages and am a competent translator of Spanish into English.

I declare further that the attached English translation was prepared and reviewed by me and is, to the best of my knowledge and belief, a true and correct translation of the original Spanish-language Declaration of Rafael García, the Spanish original of which is also attached hereto.

I hereby further declare that the statements made above are true and that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.


Lawrence B. Hanlon

Date: 05/16/2006

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION

In Re Juan Aguas Romero et. al.

Case No: CV-03-BE-0575-W

Este Documento Relación a: Todos Acciones.

Declaración de Rafael García

1. Mi nombre es Rafael García. Tengo cuarenta dos (42) años y soy un ciudadano y residente de la República de Colombia. Doy esta declaración voluntariamente. Tengo el conocimiento personal de los hechos siguientes.

2. Soy un ingeniero de sistemas de profesión y fui nombrado como director de sistemas de la oficina del DAS en el año 2002. La posición fue dada a mí por el director del DAS, Jorge Noguera, después que yo era el cerebro exitoso de un esquema del fraude de las elecciones por parte de ~~algunos~~ ^{algunos RR} candidatos de la Costa Norte Colombiana al Congreso, quién fueron apoyados por el grupo, Bloque Norte del AUC. ~~Y~~ ~~momento en el escenario político para las pasantías de los AUC.~~ Durante mi tiempo con el DAS, actué también como el enlace entre el Director Jorge Noguera y el líder

Rodrigo Tovar RR

~~Jorge~~ Pupo del AUC Bloque Norte (alias, "Jorge 40" o "Jorge Cuarenta"), ^{Por ordenes de Jorge Noguera Cotes, actuando como director del DAS RR}

^{registros migratorios RR}

3. Estoy ahora en el cárcel acusado de haber borrado los ~~antecedentes criminales~~ de traficantes de drogas cuándo yo estaba encargado de la oficina de sistemas del DAS. He dado mi testimonio al Fiscal General de Colombia sobre la corrupción dentro el DAS de la que estoy personalmente enterado. Esta corrupción incluye la creación y conservación de una lista de dirigentes sindicales del DAS entregada a las AUC para



asesinarlos, a pesar de que su mandato legal es proteger el trabajo de líderes bajo amenaza. Soy un testigo del estado en el caso presentado al Fiscal General de Colombia contra el DAS. El día 9 de mayo del 2006, el director del DAS, Jorge Noguera fue acusado formalmente.

4. *Vinculado al movimiento político autodenominado 'La Provincia Unida' RPL*
~~trabajaba como un consejero político de las AUC,~~ viajé a Valledupar con un enviado de *Rodrigo Tovar RPL* las AUC, Bloque Norte con el líder ~~Jorge~~ Pupo. Cuando nosotros estábamos en *nos reunimos RPL en un hotel,* Valledupar, ~~encontramos~~ Augusto Jiménez, de quién yo estaba enterado que tuvo alguna posición de la administración para Drummond, pero yo no supe qué posición precisa. Ahora yo entiendo que él es de hecho el Presidente de las operaciones mineras de la compañía Drummond en Colombia. En esta reunión, presencié que el Sr. Jiménez dio al *enviado de* ~~Jorge~~ Pupo una maleta llena de dinero - ~~presenció un millón de pesos,~~ pero yo no sé la cantidad exacta. El Sr. Jiménez y este representante de las AUC hablaron abiertamente en esta reunión acerca del propósito de este dinero - tomar las medidas violentas contra *(Victor Hugo Orcasita y un Sr. de apellido Lozano) RPL* trabajadores del sindicato a Drummond. Según lo que yo oí que El Sr. Jiménez indica en *Rodrigo Tovar RPL* esta reunión, este dinero debía ser dado a ~~Jorge~~ Pupo para asesinar a dirigentes sindicales específicos de Drummond. Eran muy claras las cosas que dijo en esta conversación, que el plan para atacar violentamente a los dirigentes sindicales habían sido hechos algún tiempo antes y había sido un asunto discutido entre el Sr. Jiménez y el Bloque Norte de las AUC. Yo hice notas sobre esta reunión, notas que incluyen los nombres de los dirigentes del sindicato de los que se habló en la reunión, como una forma de seguro para mi vida. Desde que he estado en la cárcel, no he tenido acceso a estas notas.



5. Transcurrido un tiempo después de la reunión descrita arriba en el párrafo 4, yo supe del asesinato de los dirigentes sindicales que trabajaron para Drummond. Estos eran los mismos dirigentes sindicales de los que se discutió en la reunión referida, a la que yo asistí con Augusto Jiménez.

Juro bajo la pena del perjurio de las leyes de los Estados Unidos que lo declarado es verdad y correcto.

Bogotá, 13 de mayo de 2006.



Rafael García

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION**

In re Juan Aguas Romero et al.

Case No. CV-03-BE-0575-W

This document relates to: All Actions

Declaration of Rafael García

1. My name is Rafael García. I am forty-two (42) years old, and I am a citizen and resident of the Republic of Colombia. I am giving this declaration voluntarily. I have personal knowledge of the following facts.

2. I am a Systems Engineer by profession, and in 2002 I was appointed Director of Office Systems at DAS (Administrative Department of Security). I was assigned to this position by the Director of DAS, Jorge Noguera, after I had become the brain behind a successful election fraud scheme on behalf of several candidates from the Northern Coast of Colombia elected to the Congress who were supported by the Northern Bloc of the AUC paramilitaries. During my employment with DAS I also served, by order of Jorge Noguera Cotos, acting in his capacity as Director of DAS, as the liaison between Director Jorge Noguera and the leader of the AUC Northern Bloc Rodrigo Tovar Pupo (alias "Jorge 40" or "Jorge Cuarenta").

3. I am now in prison accused of having erased the migration records of the drug traffickers when I was in charge of Office Systems at DAS. I have given my testimony to the General Prosecutor of Colombia regarding corruption inside DAS of which I personally have knowledge. This corruption includes the creation and maintenance by

DAS of a list of union leaders that was delivered to the AUC for the assassination of these union leaders, in spite of the fact that DAS's legal mandate is to protect the work of union leaders who are being threatened. I am a state witness in the case filed by the General Prosecutor of Colombia against DAS. On May 9, 2006, Jorge Noguera, the Director of DAS, was formally indicted.

4. Sometime in 2001, during a period when I was living in Santa Marta and was connected with a political movement that had named itself "The United Province" [La Provincia Unida], I traveled to Valledupar with a representative of the AUC Northern Bloc leader Rodrigo Tovar Pupo. When we were in Valledupar we met in a hotel with Augusto Jiménez, whom I was told held some type of management position at Drummond, but I did not know what position exactly. I now understand that he is in fact the President of Mining Operations for Drummond in Colombia. At this meeting, I witnessed Mr. Jiménez give to the representative of Rodrigo Tovar Pupo a suitcase full of money, but I do not know the exact amount. Mr. Jiménez and this AUC representative spoke openly at this meeting about the purpose of this money, namely to undertake violent actions against union workers at Drummond. (Victor Hugo Orcasita and a man with the last name of Locarno). According to what I heard, Mr. Jiménez indicated at this meeting that this money was to be given to Rodrigo Tovar Pupo to assassinate specific union leaders at Drummond. The things he said in this conversation were very clear, namely that the plan to violently attack union leaders had been drawn up sometime ago and had been a subject discussed between Mr. Jiménez and the Northern Bloc of AUC. I took notes concerning this meeting, notes that include the names of the

union leaders who were talked about at this meeting, as a form of life insurance for my own life. Ever since I have been in prison, I have not had access to these notes.

5. Some time after the meeting described above in Paragraph 4, I learned about the assassination of the union leaders who worked at Drummond. These men were the same union leaders who were discussed at the aforementioned meeting that I attended with Augusto Jiménez.

Under penalty of perjury of the laws of the United States I do hereby solemnly swear that the declaration that I have made herein is true and correct.

Bogotá, May 13, 2006

/ signature / [fingerprint]

Rafael García