

UN Human Rights Committee declares the Colombian State responsible for violating the right to life and to effective judicial recourse in the case of murdered trade unionist

The UN Human Rights Committee has ruled against Colombia for failing to investigate those who ordered the murder of a trade unionist who was defending the rights of workers at the multinational Coca-Cola in the country.

Following the assassination of Colombian trade unionist Adolfo Múnera in the city of Barranquilla, in August 2002, the Committee for Solidarity with Political Prisoners (CSPP) and the Europe-Third World Centre (CETIM) - representing the Múnera family and the trade union SINALTRAINAL - brought a complaint to the United Nations Human Rights Committee in 2015, in which they highlighted that: "The Colombian State (. ...) while recognizing that the murder of Mr. Adolfo Múnera was politically motivated, did not investigate those who allegedly ordered the murder, including the possible responsibility of the multinational Coca-Cola that had been publicly denounced for links to paramilitary groups". Adolfo had repeatedly requested protection from the state, especially after being threatened by these groups. However, despite the allegations, the Colombian state did not investigate the masterminds of the trade unionist's murder.

Eighteen years after his murder, on 19 May 2020, the United Nations Human Rights Committee concluded that the Colombian State had violated article 2, paragraph 3 and article 6, paragraph 1 of the International Covenant on Civil and Political Rights (ICCPR). In its decision, the Human Rights Committee recognized that in the Caribbean region there were numerous cases of murders of trade unionists during the period in which Adolfo Munera was murdered. Therefore, one or more masterminds should be suspected, which have not been investigated or sanctioned by the Colombian judicial authorities. In its ruling, the Human Rights Committee referred to the State's obligation to provide effective legal recourse and to apply the regulatory and administrative tools to protect the lives of persons under its jurisdiction.

Although the perpetrator was sentenced to 17 years for Adolfo's murder, it should be noted that there was no criminal investigation into the interests behind the death of the well-known trade unionist, or into those who plotted or benefited from the crime. This type of situation has been recurrent in cases of this nature in the country. SINALTRAINAL, the trade union organization of which Munera was a member, has been particularly affected.

In fact, days before filing the complaint, the Coca Cola workers affiliated with Sinaltrainal arrived in the city of Bogotá and protested on Bolivar Square, near the presidential palace and the Congress of the Republic. During a week-long hunger strike, they demanded that the State provide justice for the murders and death threats against unionized Coca Cola workers in Sinaltrainal, without an effective response from the company or the State. On the contrary, there are still complaints about the possible involvement of this company's management in acts of union persecution, which have become notorious, among others, with the arrest of the head of investigations of Coca Cola - FEMSA, Julián Villarraga in 2019, against whom a judicial process is underway for allegedly being part of an illegal espionage network, in which high ranking members of the Colombian public forces allegedly participate.

After five years of litigation and monitoring, the Committee has recalled that the right to life includes the obligation of the State to adopt any law or measure appropriate for the protection of said right, especially in the case of persons who are particularly vulnerable due to specific threats and/or previous patterns of violence¹. According to the Human Rights Committee, an essential part of the right to life is the State's obligation to investigate and prosecute those responsible for its violation, since this is part of the concept of protecting and guaranteeing all rights recognized in the International Covenant on Civil and Political Rights.

The Committee's decision to declare the State responsible for non-compliance with the Covenant in violating the above-mentioned rights is transcendental and useful for all persons and organizations fighting against impunity in this type of crime, because it recalls the importance, as a guarantee of non-repetition, of an enlightening judicial investigation of truth and justice, which results in criminal prosecution of the material and masterminds of the crimes, and consequently in the dismantling of the criminal organizations behind them.

Finally, the UN Human Rights Committee orders the State to provide, within 180 days, information on the measures it has adopted to shed light on the murder of trade union and community leader Adolfo Múnera, so that after 18 years of waiting, the motives and identities of those who determined his death can be known.

This decision comes at a time when the few judicial results of the Colombian State against those who determined and ordered the murders of social leaders and human rights defenders are publicly known. It also shows the importance of developing legal strategies to clarify these crimes, which allows the contexts in which they occur, the interests, motives, patterns and the systemic nature in which they were committed to be revealed. It also ensures that the members of the criminal structures and those behind them are brought to justice.

¹ Decision of the United Nations Human Rights Committee, adopted on 19 May 2020 under article 5, paragraph 4, of the Optional Protocol in respect of communication No. 3076/2017, p. 12.

