

## Drummond coal goes on trial over Colombia killings

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(Adds testimony, paragraphs 13-14)

By Verna Gates

BIRMINGHAM, Ala., July 11 (Reuters) - The Drummond coal company helped finance a Colombian paramilitary group that murdered three union leaders who opposed company mining policies, a plaintiffs' attorney told a U.S. court on Wednesday.

Herman Johnson was speaking at the start of a civil trial of the Alabama-based company on charges that it committed a war crime by providing support to a paramilitary group suspected of the 2001 killings.

Privately-held Drummond Company Inc. denies any connection with paramilitary groups in a case considered a landmark because it could, if successful, open the door for other parties to sue transnational companies on human rights abuses.

A Drummond lawyer called the charges "unbelievable."

Witnesses will testify that Drummond gave cash and cars to the paramilitary groups fighting in a 40-year insurgency in the Latin American country.

"U.S. companies operating overseas should be held to the same standards as they are here," said Johnson, whose clients are seeking financial damages.

"Union leaders at the La Loma mine were fighting to change conditions. They are not here today because in 2001 they were executed."

Paramilitaries stopped a company bus carrying union leaders Valmore Locarno and Victor Orcasita and other workers from the La Loma mine at the end of a shift on March 12, 2001, he said.

Locarno was shot in the head and Orcasita was tortured and killed. A third union leader, Gustavo Soler, replaced Locarno and was found dead in October.

### DROWNING FISH

At the time, the union was negotiating with Drummond over protective equipment after an accident killed three workers, Johnson said. That year paramilitaries were seen riding around the mine in Drummond vehicles, he said.

A lawyer for Drummond said the company had not supported the paramilitaries.

"These were three among thousands of union leaders murdered in Colombia," said William Jeffress. "Nobody at Drummond believes in assisting in murder of any kind. These charges are not fair. They are not true. They are unbelievable."

The Birmingham trial follows a suit by the International Labor Rights Fund and the United Steelworkers union in Alabama in March 2002 using the 1789 Alien Tort Claims Act.

The act has been used to sue transnational companies over human rights abuses. But such suits have rarely succeeded because they require proof that war crimes were condoned by the companies. Plaintiffs say union activists were targeted for extermination.

Plaintiffs' witness George Pierce said he resigned as a maintenance worker at the mines because of a hostile atmosphere between management and unions.

Pierce said in 1999 he asked Augusto Jimenez, president of the La Loma mines, how it was going with the unions and Jimenez replied: "The fish that swims with its mouth open soon drowns," an implied threat to union activists.

Presiding federal judge Karon Bowdre has rejected a claim by plaintiff Juan Aquas Romero that he was tortured and threatened by Drummond officials.

Drummond, started in 1935, is a family-run business headed by Garry Neil Drummond. Last year it transported more than 25 million

tonnes of coal from Colombia, where it operates the largest open-cast mine in the world.

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