

Nestlé and the death of a trade unionist in Colombia

14 September 2015

The 11th of September – a truly calamitous date. And I don't just mean the attacks on New York and Washington in 2001, even if the United States has, in its typically vigorous manner, branded that date forever as 9/11, as though all other 11th of Septembers don't count.

That the United States has claimed that date as its own is particularly jarring for many Latin Americans, for whom this date is more likely to evoke the 11th of September 1973, the day the democratically elected President of Chile Salvador Allende was ousted in a US-supported putsch by General Augusto Pinochet. This date also has another connotation in Pakistan, where in Karachi on 11 September 2012 more than 250 workers suffocated and burnt to death in a fire at the Ali Enterprises factory which had been producing clothes for customers including German discount retailer KiK.

Yet another tragic commemoration: on this day the Colombian trade union movement remembers its late leader Luciano Romero, a former Nestlé employee who was tortured, repeatedly stabbed and murdered by paramilitaries on 11 September 2005. This year, to mark the ten years since his murder, activists from the Swiss organization Multiwatch are unveiling a commemorative plaque in a square in Berne that has been renamed in his honor. Like Romero's family and colleagues and me, this group is convinced that his death had links to Switzerland where Nestlé has its headquarters.

Romero is one of more than 3,000 trade unionists who have been murdered in Colombia over the past decades. In his case, at least, the direct perpetrators of his murder – two paramilitary killers – have been identified and convicted. This is extremely rare in Colombia where most of these murders go wholly uninvestigated and the perpetrators enjoy impunity. On convicting the paramilitaries, the judge called for an investigation into the role of Nestlé in the murder. To date no such investigations have taken place.

Together with Romero's family, his trade union Sinaltrainal and Colombian lawyers, we at the European Center for Constitutional and Human Rights lodged a criminal complaint in Switzerland in March 2012. We found that Nestlé managers in Switzerland were informed of the situation in Colombia and had been asked to take measures to protect Romero in the face of threats but failed to do so, making them criminally liable. We weren't successful with the Swiss authorities, which refused to even open investigations. After a series of different decisions we were told the case was statute barred. Now I'm due to record a video message for the commemoration ceremony in Colombia. But what to say? Should I curse the Swiss authorities? Was all of our work for nothing? I don't think so.

The Nestlé/Romero case was the first of its kind. No such criminal complaint had ever been taken against companies in Switzerland for human rights violations; everyone involved struggled with the case. But since then there has been a number of dossiers compiled, some of them involving mining companies. We can expect to see a certain amount of legal action there in future. There is also a discussion now underway in Switzerland – as well as in Germany and further afield – about how best to reform the law to allow for legal action against unlawful acts or omissions by companies.

But can I present this small measure of progress to Romero's family and the trade unionists as the product of our efforts? Yes, I can, since these are political people who, like us, are used to experiencing temporary setbacks and continuing on regardless.

While my message won't be a hugely significant contribution to the commemoration on the 11th of September, it does convey the fact that we too are remembering Luciano Romero – a sign of solidarity. But organizations like ours won't truly be a force to be reckoned with until we manage to

ensure that Europe-based companies not only avoid facilitating trade unionist oppression around the world but also go further, that they take action to actively prevent murder and violence.