

NOVEMBER 2007

# RIGHTS in ACTION

A monthly e-update on developments in the work of IRAdvocates. IRAdvocates is a project of the International Labor Rights Fund ([www.ilrf.org](http://www.ilrf.org)).

## Nestle Among Corporations Using Child Labor

Many chocolate lovers probably started thinking twice about purchasing their favorite guilty pleasure after word got out in 2005 that Nestle, along with Archer Daniels Midland and Cargill (both large food and ingredients companies), was facing a class action human rights lawsuit filed by the legal team at IRAdvocates on behalf of Malian former child slaves seeking injunctive relief and damages for forced labor and degrading treatment. According to the plaintiffs, who were trafficked to Cote d'Ivoire from Mali to work on cocoa farms, they were forced to perform labor as children in violation of certain International Labor Conventions, eventually working twelve to fourteen hours a day without pay, getting little food and sleep, and suffering from frequent beatings.

This case marks the first effort to use a company's "code of conduct" as legal ammunition against a violating corporation. According to the complaint,

the defendants are guilty of ignoring its promised codes of conduct by being inappropriately lax in its enforcement of those codes, which created an environment where a system of child labor was able to thrive.

Though the legal case is currently pending in federal court in Los Angeles before Judge Wilson, the International Labor Rights Fund expects to coordinate a major consumer campaign to put continued pressure on Nestle to

terminate its complicity in child slavery. This campaign is slated for the next coming year.

Like many of IRAdvocates' pending cases, this one also tests the individual consumer's personal integrity. The question remains, however, how much this case and the other cases like it will influence consumer habits in an incredibly globalized world.

If it means helping to end child slavery, are you willing to boycott Nestle? ●



Child slaves from the Ivory Coast. IRAdvocates is suing Nestle on behalf of former child slaves seeking injunctive relief and damages for forced labor and degrading treatment. Photo courtesy of the International Labor Rights Fund.

# DaimlerChrysler Case Currently on Appeal

In 2005, families of several disappeared workers from Argentina filed suit in federal court in San Francisco alleging that Daimler Chrysler's (DC) predecessor company, Mercedes Benz, willfully collaborated with state security forces in order to orchestrate the forced disappearance and presumed murders of nine workers and trade unionists at the Mercedes Benz Argentina plant in Gonzales Catan, Argentina. The case has since been mired in a dispute over personal jurisdiction, with DaimlerChrysler contending that they cannot be sued in the U.S., and has been on appeal since April of this year.

The history of the case goes back a little over thirty years ago in Argentina during the country's "Dirty War" when trade unionists were considered "subversives" and targeted by state police. During Argentina's labor strife in 1975, Mercedes Benz-Argentina (MBA) signed an agreement that was ratified by the national Labor Ministry of Argentina approving the allocation of 1% of its sales for the "eradication of the negative elements of the factory."

As a measure of fighting against this hostile accord, workers at MBA in Gonzalez-Catan organized a commission called "the group of nine" or the "Internal Commission", a trade union that would effectively seek to represent workers at the plant.



**A poster by the Asociación Madres de Plaza de Mayo of Argentina's "disappeared." IRAdvocates is seeking damages and relief for the disappearance and extra-judicial killings of several workers and trade unionists at the Mercedes Benz Argentina plant in Gonzales Catan, Argentina. Photo credit: Asociación Madres de Plaza de Mayo. Photo courtesy of Wikimedia Commons.**

Approximately 4,000 workers went on strike, demanding MBA to recognize and bargain with the Internal Commission. Shortly thereafter, MBA fired 117 of these striking workers, a decision that was also ratified by the Labor Ministry of Argentina.

In 1976, following the installation of a military junta in Argentina, approximately 30,000 individuals were "disappeared" by the military and police forces, with a disproportionate number of these individuals being blue collar workers with ties to trade unions.

For its part, MBA approved and was fully aware of the violent methods being used by the military and police forces, having provided these forces with the names and addresses of individuals they deemed to be "subversive" or "extremist", many of whom were members of the Commission and are all plaintiffs in this case.

IRAdvocates is seeking damages and relief for the disappearance and presumed extra-judicial killings of Oscar Alberto Alvarez Bauman, Miguel Grieco, Diego Nuñez, Estaban A. Reimer, Alberto Francisco Arenas, Alberto Gigena, Fernando Omar del Connte, Jorge Leichner and Hector Belmonte, as well as the kidnapping, detention, and torture of Hector Ratto, Eduardo Olasiregui, Ricardo Martin Hoffman, Eduardo Estivill, Alfredo Manuel Martin, Juan Jose Martin, Jose Barreiro and Alejandro Daer.

IRAdvocates is also cooperating with attorneys Mark A. Chavez and Kim E. Card of *Chavez and Gertler, LLP*, and Dan Kovalik of the United Steelworkers' Union. ●

# IRAdvocates Executive Director Joins Colombian Senator in Congressional Briefing



On October 15, 2007, IRAdvocates Executive Director Terry Collingsworth joined Colombian Senator Gustavo Petro in a congressional briefing at the Rayburn Building on Capitol Hill. The briefing addressed the implications of an impending free trade agreement with the South American country in the midst of a serious and continuing human rights situation involving the murders and assassinations of numerous trade unionists by Colombian paramilitaries.

Collingsworth, who is IRAdvocates' counsel on several cases against U.S. companies in Colombia, lauded the Senator "for being a voice" for the Colombian people.

Senator Petro, who is from Colombia's opposition Democratic Pole Party, has been the leading voice in Colombia's Congress, insisting, among other things, upon anti-corruption probes against some of the country's key institutions,

several of which have been infiltrated by paramilitary groups.

During the briefing, the Senator called into question the effectiveness of the U.S. government's controversial "Plan Colombia," which since 1999 has involved the fumigation of heroine and cocaine plantations across the Colombia-Ecuador border, but has done little to curtail the exportation of illegal drugs.

The Senator also stated that the mafia has been taking control over specific sectors of the Colombian state.

"They've specifically been taking over the points of power that are needed for them to grow and continue exporting drugs," he said.

In Colombia, narco-traffickers have been taking over municipal offices and provincial governments in regions that are strategically important for the drug industry. The Senator also said that narco-traffickers have managed to take over the justice system as well, creating "rings of impunity."

Giving a U.S. law perspective on the human rights situation in Colombia, Collingsworth noted, "We're in favor of trade that has some rules that ensure that worker rights and labor rights are respected in the global economy."

Speaking about the fundamental human rights violations sweeping Colombia, which has been designated by the

International Trade Union Confederation as the most dangerous country in the world for union activists, Collingsworth stressed that it is important to consider a country's human rights situation before deciding if it qualifies for a trade preference.

"Colombia is far from qualifying from that kind of trade preference," Collingsworth pointed out, noting the ease with which Colombian trade unionists are murdered by paramilitaries like the Revolutionary Armed Forces of Colombia—People's Army (FARC) and the United Self-Defense Forces of Colombia (AUC).

"If you think about benefits from free trade agreements, it is going to be large companies—and that's fine, that's normal. But right now they're operating in a country where they know you can have somebody murdered; you can pay a suitcase full of cash and no one is going to do anything to you. That has to change before we're going to open that door further, to further multinational investment and participation in Colombia or anywhere," he said.

"That should be the rule—no free trade agreements for countries that [allow this kind of impunity to continue]."

Senator Petro was in Washington, DC, to accept the Letelier-Moffitt Human Rights Award for his efforts to improve the human rights situation in his country.

The briefing was moderated by U.S. Representative Betty Sutton (OH-13). ●

**Above: Senator Gustavo Petro. Senator Petro joined IRAdvocates Executive Director Terry Collingsworth in a congressional briefing at the Rayburn Building on Capitol Hill to discuss the implications of impending free trade agreement between Colombia and the United States in the midst of a serious human rights situation in the South American country. Photo credit: Andres Valenzuela. Photo courtesy of flickr™.**

# Staff Spotlight Interview:

## Guadalupe Lizondo, Legal Intern

### 1. What attracted you to work with IRAdvocates?

*I was looking for an internship with a non-profit and wanted to work with human rights. I was very impressed with the work IRAdvocates does and amazed to see that this team was involved in so many ground-breaking human rights cases.*

### 2. Briefly describe your experience working here.

*Never a dull moment. Every day there was something new to research. With so many cases I rarely worked on the same one twice in one week. The staff here is amazing and makes you feel as part of the team from the moment you walk in the door. My schedule was 3 days a week, but this is the only thing that was set. From translating documents to drafting memos to interpreting for clients I never knew what the day ahead held for me. It was also interesting to learn that the researched we needed not only included human rights, but contract, corporate, constitutional law and many other areas that I would not have expected to focus on.*

### 3. As a legal intern, what exactly is it that you do?

*I am mostly involved with research. I would research different areas of the law to support brief writing as well as analyzing the application of human rights and foreign law in US courts. I was also heavily involved in researching human rights the 9th amendment as it applies to domestic law and how these human rights would include the right to vote for places such as Puerto Rico.*

### 4. Was there any case in particular that interested you the most? Why?

*The case that I felt closest to was the one against DaimlerChrysler Corporation, which involves officials at a plant operated by the car maker in Argentina who collaborated with death squads to “disappear” union activists during that country’s military dictatorship almost 30 years ago. Being from Argentina and having been alive during this period makes this case very special to me and it is an honor to do my part to make sure this case advances. It’s good to feel that I play a part, albeit a small one, in helping those in my country seek justice.*

### 5. What has been your impression of the kind of work that IRAdvocates does?

*It is not only amazing, it is very much needed. If it wasn’t for organizations such as IRAdvocates, many victims of human*

*rights violations would have no voice. IRAdvocates helps these people reach a forum where they can be heard. The people here are very dedicated to their work and are passionate about what they do. It is humbling and inspiring to be able to work with them,*

### 6. Is there anything that you will take from this experience to your own career?

*I’ve met an amazing group of people that I hope to stay in touch with for years to come. I have also come to understand much more about human rights litigation and how it encompasses so much more than just human rights law. I’ll take with me the friends, the knowledge acquired and the example of dedication that was set by all who work at IRAdvocates. ●*



Marquel Ramirez and Guadalupe Lizondo leaning in for the camera.



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