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“The Nacional Government has declared tonight State of Internal Commotion related to the problem of justice”¹. Those were the words used by Álvaro Uribe, president of Colombia, to declare the State of Internal Commotion (Emergency), the night of Thursday 9th of October. The reason given was the “serious” problem supposedly facing the country because of the strike of Workers of the Legal Sector, organised in the union ASONAL. The very president who is infamous for his constant attacks against the Supreme Court of Justice, who has done as much as possible to hinder the free exercise of the Judiciary, who has done everything he could to guarantee the impunity for his associates charged of links to right-wing death squads (who had been accomplices and masterminds behind crimes against humanity), he was the same person to give a quasi-apocalyptic account of the effects of the legal sector workers “neglection”, according to which thousands of “misfits” would end up running wild in the streets. The very president who is pushing forward a reform to strengthen his grip over the Judiciary and who is a champion of the para-politics

¹ www.elespectador.com

impunity, at the same time that he is sabotaging the draft law being discussed in the Senate to compensate the victims of the armed conflict (for he does not recognise that people displaced, maimed, raped, murdered, disappeared and massacred by State forces can possibly be “victims”!), he, all of a sudden, has turned into the champion of Justice!

Let us remember that the State of Internal Commotion is a legal instrument created with the 1991 Constitution as a way to limit the excessive use of the State of Emergency in the past (between 1970 and 1991 only, 17 full years were under State of Emergency)². This is a sort of State of Emergency, which has to be ratified by the Constitutional Court, which is at Uribe’s feet, so it is obvious that it will follow orders from its master and the State of Emergency is likely to be approved for 90 days, with the possibility of two more periods of identical duration³. However, while the Constitutional Court decides, what could take over a month, the decree is in effect. In this particular case, the excuse of the government is the unavoidable need of the government to replace workers in the judiciary and to avoid people to be left free as the terms of their process expire without anyone looking after their cases because of the strike. This is done with an eye of avoiding the supposed apocalyptic scenario which Colombia faces, according to the government.

But in reality, the decree has been used as a way to break ASONAL’s strike, something which has been admitted even by the official press: *“Of course, it is up to the Constitutional Court to determine if this faculty is in accordance to the requirements of the State of Internal Commotion. But that constitutional control will only be effective in a couple of months, while the decree had been applied for that time and the strike had been suffocated by this mechanism. This is nothing but a shortcut in order to avoid the existing regulations to face the supposed illegal nature of the strike*

² www.elespectador.com

³ www.elespectador.com

*in a public sector such as the judiciary (...) It will be a difficult task to justify to the international community, concerned as it is on the issue of the fundamental rights of Colombian trade unionists, this supposed consensus to crush a strike with exceptional mechanisms of public order*⁴

The State of Emergency is nothing but another way to use repression against the workers, just as it has been used in the past ESMAD (ed. riot police) to face every single conflict in Colombia, conflicts that burst in a non-stop chain reaction over the last couple of months. This shows the extremes to which the government is willing to go to suffocate a movement which is only aiming at a wage increase as stipulated by law. And repression has already started: the first disciplinary investigations started against workers on strike⁵. Needless to say, these investigations are aimed at breaking the workers unity, intimidate workers and look for scapegoats, so as to force workers into work again. The only guarantee for workers' victory in any strike is unity: to spread panic and to play the card of the "survival instinct" in the face of reprisals, are ways of breaking it.

This measure represents, also, a new step in order to strengthen the control of the Executive over the Judiciary, for it has been a long year since they have not stopped having conflict after conflict. And it is also a way to reinforce Uribe's road to an open dictatorship which has been silently being consolidated in Colombia; a dictatorship which is, by the way, unashamedly at the service of Big Business. In honour to the truth, this measure was not even Uribe's idea, as he was following precise orders given by the banker Luis Carlos Sarmiento Angulo, an important businessman from Aval holding. This chain of command let clear for everyone where does power lay in Colombia and which are those interests

⁴ www.elespectador.com

⁵ www.elespectador.com

that the State subserviently defends⁶. It is clear, also, that the State of Emergency which will give extraordinary faculties to the Executive, in no way is intended to be a transient measure: this will remain in place irrespective from the strike and it will be applied in two phases until 2010, as the minister of home affairs and justice, Fabio Valencia Cossio, admitted⁷.

The State of Emergency is an authoritarian response to the difficult scenario ahead of Uribe and the Big Business he represents: numerous labour conflicts, with oil workers, ASONAL, sugar cane cutters on strike, the latter giving a tough fight for over a month, conflicts about housing, crisis within the State because of the struggle between the Executive and the Judiciary, corruption cases and links to right-wing paramilitaries of government politicians, and on top of all this, an economic crisis that will hit hard on Colombia. The scenario is quite difficult and an iron fist is needed to control this volatile situation. But the authoritarian resort and the disproportionate use of force to suppress the strikes, will likely cause further conflicts within the very dominant block. Indeed, the State Council expressed disagreement with such a measure claiming it inadequate and hasty⁸.

Workers of ASONAL, after analyzing and pondering the situation, decided not to call off the strike, what constitutes an amazingly brave decision if we take into account the difficulties ahead⁹. So the strike will keep going on until the demand of wage increase is met now and not in March 2009 as proposed by Uribe¹⁰. Together with the sugar cane cutters and other people's movements, this week there will be increased mobilisation. As the spokesperson of the judiciary workers stated, decisions like this reinforce the will of the workers. Hopefully this prompts a higher degree of

⁶ www.elespectador.com

⁷ www.elespectador.com

⁸ www.elespectador.com

⁹ www.elespectador.com

¹⁰ www.elespectador.com

unity of the popular layers of society, in order to avoid the open dictatorship.

It is difficult to foresee the impact of this measure, but it is clear that the mechanisms for the dictatorship of an hypertrophied Executive are in place and strengthened, a State which is highly militarised and where the Executive has no counter-balance. We know for sure that Uribe will try to use this moment to his best advantage, at a time when the Colombian oligarchy though is still on a full speed ahead offensive against the working class, it is also running out of steam and showing the first cleavages on its foundations. It is time for the people, which are still on a defensive situation, disorganised and battered for two decades of relentless repression and paramilitary genocide, to struggle with whatever forces they have, in a realistic but not pessimistic manner, and looking for chances to take an offensive step again. To hesitate now equals a self-imposed defeat. It is necessary to prompt the unity of the various expressions of the people's movement, from the bottom up, with an eye on the necessary and joint struggle to get as much as possible in this moment, where the people can recover some of the lost ground.

From this platform we have kept track of the authoritarian evolution of Uribe's regime. From this platform we have called for the unity of the Colombian people for the sake of a social programme of far-reaching change. From this platform we support today, without any sort of hesitation, the struggle of the Colombian people against the State of Emergency decreed by Álvaro Uribe's "democratic façade" dictatorship. And from this platform, as well, we call for national and international solidarity with the unions on strike, who are giving an exemplary lesson in courage and dignity to all of the Latin American people.

Down with the State of emergency! Solidarity with the Judiciary workers and sugar cane cutters! In support of the people's resistance against this authoritarian system!