

# DEFEND LABOUR RIGHTS

## action focus on ETHIOPIA

AMNESTY INTERNATIONAL TRADE UNION ACTION 1998

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### TEACHERS' UNION LEADER IN PRISON IN ADDIS ABABA

Dr Taye Woldesemayat, President of the Ethiopian Teachers' Association, was arrested on 29 May 1996 at Addis Ababa international airport on his return from a two-month visit to Europe. No charges were brought against him until August 1996 when he was accused of armed conspiracy. If convicted, he faces a sentence ranging from a minimum of five years in prison to the death penalty. He is in Addis Ababa Central Prison.

For several months he was in solitary confinement, with hands and feet shackled for 24 hours a day and denied books and newspapers. Later, he was held with 250 others in a cell which was foul-smelling and infested with lice and fleas. Thanks to international pressure his conditions have now improved. He is in a smaller, cleaner cell, and is allowed short family visits and books, but is

#### Torture allegations in court

denied private access to his lawyer. After 22 months, many adjournments, and the withdrawal of some of the charges, his trial still continues. His request for bail was denied.

Dr Taye returned to Ethiopia from the USA after the overthrow of the Mengistu Haile-Mariam government in 1991. He was assistant professor of political science at Addis Ababa university until he and other government critics were arbitrarily dismissed. In 1996 he returned home from Germany despite rumours that he would be arrested. Although two trade unionists from the Dutch National Association of Teachers and the African Teachers Association were with him, they were unable to prevent his arrest.

As leader of the ETA, Dr Taye spoke critically against government education policies, including regional decentralisation, & sought better conditions for teachers.

He is well-known internationally as a government critic, who has not advocated violence and has no party political affiliation. He firmly denies the trial charges.

PHOTO HERE

Dr Taye Woldesemayat: his defence of teachers' rights and his union work seem to be the real reasons for his arrest and detention since 1996.

## Controlling trade unions in Ethiopia

Dr Taye is not the only casualty of the government's apparent determination to control all trade union activity. Dawi Ibrahim, chair of the Confederation of Ethiopian Trade Unions, fled the country to apply for asylum in the Netherlands after constant government surveillance and harassment and hostile measures by the government against the CETU, whose leaders have been replaced.

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## Government harassment of Teachers' Association members since 1993

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The Ethiopian Government has attempted to curtail the activities of the Ethiopian Teachers' Association and has harassed its members since 1993. The ETA was set up in 1951 to promote the interests of teachers and education in Ethiopia. It has 120,000 members and is a member of Education International. It is the largest national trade union in Ethiopia. In its

efforts to control the ETA, the Ethiopian Government has frozen the ETA bank account and pension fund, shut down its regional offices, carried out illegal searches at its Addis Ababa headquarters, dismissed ETA members from their posts and jailed dozens of teachers.

The government created a rival pro-government teachers' organisation of

the same name which it has officially registered, despite a court ruling in December 1994 which upheld the validity of the original ETA.

The new "official" organisation has appealed this decision, and the result is a lengthy court battle which continues to this day.

On 8 May 1997, Assefa Maru, a member of the ETA executive committee and the Ethiopian Human Rights Council executive committee, was killed by police in Addis Ababa as he walked to work. Assefa Maru was an opponent of the government, and Amnesty International has received eye-witness reports that he was shot dead without warning.

The General Secretary of the ETA, Gemoraw Kassa, fearing for his life, has applied for asylum in the UK.

## Amnesty International concerns:

Ethiopia's 1993 Labour Law allows trade unions but forbids workers in a wide range of 'essential' services from striking, including the civil and security services, and the right to strike is curtailed by lengthy pre-strike requirements.

breach of international standards for fair trial, in respect particularly of the rights of defence and the judges' failure to investigate other defendants' torture allegations. The prosecution case rests heavily on confessions which defendants told the court were made under torture. Amnesty International is also concerned that Dr Taye faces a possible death sentence.

His ill-treatment in the first year of his detention was a serious violation of International Human Rights Standards. He may well be a prisoner of conscience, imprisoned for his trade union activities and non-violent opposition to the government.

Amnesty International is concerned that Dr Taye Woldezemayat's trial is already in

*'Everyone has the right to freedom  
of peaceful assembly and  
association.'* Article 20 THE  
**UNIVERSAL DECLARATION OF  
HUMAN RIGHTS**

**UNIVERSAL  
DECLARATION  
of  
HUMAN RIGHTS**



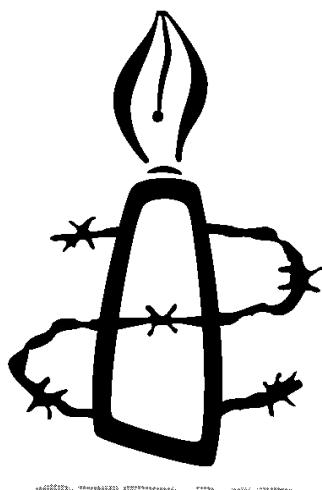
UNITED NATIONS

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# THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

As well as articles on freedom of expression, the right to a fair trial and against ill-treatment, the Universal Declaration of Human Rights also describes other fundamental rights for workers and trade-unionists:

'Everyone has the right to freedom of peaceful assembly and



**GET UP  
SIGN UP**

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

association.'

-Article 20

'Everyone has the right to work...Everyone has the right to

form and to join trade unions'

-Article 23

'Everyone has the right to a standard of living adequate for... health and well-being' - Article 25  
Sign your name in, and circulate within your trade union, the books circulating around the world in which countless other people are pledging to do everything in their power to make the rights proclaimed

action\*action\*action\*action\*action  
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The core International Labour Organisation (ILO) conventions

The International Labour Organisation (ILO) is a body of the United Nations. Through its tri-partite conferences with governments, employers and workers organisations it has built up and monitors sets of standards, in the form of Conventions & Recommendations relating to freedom of association, the right to form and join trade unions, and other working conditions.

# ETHIOPIA

Ethiopia ratified ILO Conventions 87 and 98 in 1963. After severe repression of trade unions under the Dergue government, trade union rights are still inadequately protected. There is international concern at the treatment of union officials, members and assets, and at the actions of the present government of Meles Zenawi to extend its control over the trade unions.

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## *The core ILO Conventions*

*the freedom of association -  
Number 87*

*the right to organise and to bargain collectively -  
Number No. 98 the prohibition of all forms of*

*forced labour - Numbers 29 & 105*

*the right to equal pay for work of equal value -  
Number 100*

*the freedom from discrimination in respect of  
employment/occupation -  
Number 111*

*the establishment of a minimum working age -  
Number 138*

in the Universal Declaration of  
Human Rights a reality.

Ask about the Journey of the  
Book from your national  
Amnesty International office

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# WHAT YOU CAN DO

## 1. Write to the Ethiopian authorities

- express concern at the arrest and several months of ill-treatment of Dr Taye Woldesemayat, President of the Ethiopian Teachers' Association, a possible prisoner of conscience who has been on trial for almost two years;
- express concern that his trial is already in serious breach of international standards of fair trial;
- urge the government to order an independent and impartial inquiry into the torture allegations, to allow lawyers to consult confidentially with their clients, and to ensure that Dr Taye Woldesemayat and his five co-defendants receive a fair trial throughout;
- call for an independent inquiry into the killing by police of Assefa Maru, also of the ETA, citing reports that he was shot dead without warning;
- demand that the government uphold ILO Conventions 87 and 98 which Ethiopia has ratified and that it respect the rights of workers to establish and run organisations of their own choosing without undue state interference.

Send your appeals to the Ethiopian authorities at the following addresses:

His Excellency Meles Zenawi Prime Minister Prime Minister's Office PO Box 1031, Addis Ababa Addis Ababa	Ethiopia Fax:+2511 552030	Mr Werede-Wold Wolde Minister of Justice Ministry of Justice PO Box 1370, Addis Ababa	Ms Genet Zewdie Minister of Education Ministry of Education PO Box 1367, Ethiopia Fax:+2511 550278
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You could send copies of your letters to any of the following press:  
The Editor, Addis Tribune, PO Box 2395, Addis Ababa, Ethiopia/The Editor, The Monitor,  
PO Box 22588, Addis Ababa/ The Editor, Press Digest, PO Box 12719 Addis Ababa

Send messages of solidarity and/or copies of your letters to Dr Taye Woldesemayat and the following addresses:

Dr Taye Woldezemayat    Ethiopian Teachers' Association    Ethiopian Human Rights  
Council

Central Prison

PO Box 1639

PO Box 2432

PO Box 2234

Addis Ababa

Addis Ababa

Ethiopia

Ethiopia

Ethiopia

**2. Spread the message within your work-place and community:**

Ask your trade union to distribute copies of the Universal Declaration of Human Rights to each of its members, so that we can all be aware of the rights to which we are entitled

**3. Take part in Amnesty International's campaign to mark the 50th anniversary of the Universal Declaration of Human Rights in 1998:**

Contact your national office of Amnesty International to find out more.

**4. Pass a resolution at your trade union branch meeting**

There is a model solidarity resolution available from Amnesty International Trade Union coordinator.

Ask your trade union nationally and locally to work with Amnesty International on the cases of victimised Trade Unionists and others targeted because of their work fighting for trade union rights.

# DEFEND LABOUR RIGHTS

*action focus on* **BRAZIL**

AMNESTY INTERNATIONAL TRADE UNION ACTION

1998

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Politically  
motivated  
criminal charges  
against land reform  
activists

Amnesty International is concerned at the use of what appear to be politically motivated charges and preventive detention orders against members of the Movimento dos Trabalhadores Rurais Sem Terra (MST), Landless Rural Workers' Movement, and other land reform activists in Brazil. Such criminal charges seem to have been brought in order to harass and criminalize land reform activists in a context of land conflicts.

The MST was formed in 1985 to campaign for agrarian reform. It has staged a number of occupations of public and private unproductive land to pressurise the federal government to speed up and increase the scope of land reform. Its activities have brought it into conflict with a number of local landowners and with the government.

**José Rainha Júnior**

In June 1997 Amnesty International declared one of the MST's national leaders, José Rainha Júnior, a potential prisoner of conscience after he was convicted and sentenced to 26 years' imprisonment on charges of homicide in a trial which did not meet international fair trial standards. The charges may have been politically motivated and José Rainha was possibly convicted because of his activism in the MST rather than on the basis of the evidence presented.

There is compelling evidence that José Rainha was falsely convicted of having orchestrated the murders of a local landowner and a policeman in Pedro Canário, Espírito Santo state. No material evidence or witnesses to prove José Rainha's guilt were produced in court by

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have been held under preventive detention orders. The most common charges are *esbulho possessório* (the violent seizure of land belonging to another) and *formação de quadrilha ou bando* (the forming of a criminal gang). The use of preventive detention orders in relation to these charges has been ruled unconstitutional by Brazil's Superior Tribunal de Justiça, Supreme Court of Justice, while the charges themselves have been declared inappropriate in relation to campaigns for agrarian reform.

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PHOTO : © Sebastiao Salgado

Landless rural workers  
demonstration

History of police and  
judicial harassment

A number of MST and other land reform activists have had questionable criminal charges brought against them, and some

the prosecution and the impartiality of the judge and jury was severely compromised by holding the trial in the locality where the murders occurred.

Under Brazilian law anyone who is sentenced to a term of imprisonment of more than 20 years is entitled to an automatic second jury trial. Following pressure from Amnesty International and other human rights organizations, José Rainha's lawyers were successful in moving the location of the second jury trial to the capital of Espírito Santo state, Vitória, where it is believed that he will have a better chance of a fair trial. José Rainha is currently awaiting his second trial at liberty, and is therefore not considered a prisoner of conscience. Amnesty International will adopt José Rainha as a prisoner of conscience if the guilty verdict is upheld at the second trial under similar circumstances. At the time of writing this document no trial date had been set.

The trial and conviction of José Rainha took place against a background of several years of police and judicial harassment of organizers of the MST. José Rainha has been the subject of 12 separate police investigations over the last two years. In March 1996, Amnesty International adopted Diolinda Alves de Souza as a prisoner of conscience, believing that she was arrested solely because she is married to José Rainha. She and three other members of the MST were released on 12 March 1996.

Land reform activists who are not members of the MST have also been targeted. Frei Anastácio Ribeiro, a Franciscan priest, *was sentenced in August 1996 to four years and ten months imprisonment together with six other members of the Comissão Pastoral da Terra (CPT) Church Land Commission, for campaigning in favour of land reform in the state of Paraíba. The sentences against all seven were overturned on appeal in October 1996. Frei Anastácio Ribeiro continues to face similar charges in a number of different judicial districts.*

## Land-related conflict

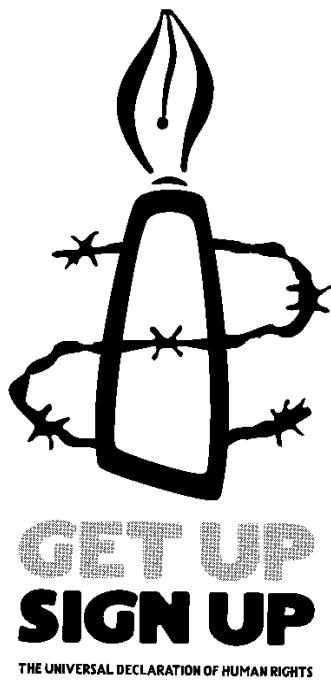
This pattern of harassment follows a history of killings of people involved in promoting rural workers' rights in Brazil. In 1988 Amnesty International took up 50 cases of killings of trade union leaders, nuns, priests, lawyers and peasant small holders by hired gunmen in the 1980s, apparently with the

acquiescence of local authorities. A decade later only a handful of these cases have been come to court.

Brazil, has one of the most unequal patterns of land ownership in the world. The government's last agricultural census of 1985 showed that 43.5% of all cultivated land is held in less than 1% of properties. Meanwhile, the smallholders (53% of

properties) share just 3% of total cultivated land.

Amnesty International takes no position on competing claims for land ownership. However, the organization is concerned about human rights violations in the context of land disputes in Brazil, with its frequent reports of excessive use of force, ill-treatment, torture, extrajudicial executions and arbitrary arrest by military police carrying out land evictions, and continuing violent attacks on rural workers by hired



## THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

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gunmen who go unpunished.

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*'Everyone has the right to freedom of peaceful assembly and association.'*  
**Article 20 of the UDHR**

-Article 20

*'Everyone has the right to work...Everyone has the right to form and to join trade unions'*

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*'Everyone has the right to a standard of living adequate for... health and well-being'*

-Article 25

# The core International Labour Organisation (ILO) conventions

The International Labour Organisation (ILO) is a body of the United Nations. Through its tri-partite conferences with governments, employers and workers organisations it has built up and monitors sets of standards, in the form of Conventions & Recommendations relating to freedom of association, the right to form and join trade unions, and other working conditions.

## Brazil: Convention 87 Not Ratified

Sign your name in, and circulate within your trade union, the books circulating around the world in which countless other people are pledging to do everything in their power to promote the human rights proclaimed in the Universal Declaration of Human Rights.

Find out more about the Journey of the Book

from your national Amnesty office.

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Brazil ratified ILO Convention number 98 on the Right to Organise and Collective Bargaining in 1952. This says that workers' organisations should enjoy protection

against any interference. However, Brazil has yet to ratify ILO Convention number 87 on Freedom of Association and Protection of the Right to Organise, which establishes the right of workers to establish organisations of their own choosing and to run them without undue interference. Significantly, as recently as September 1994, Brazil ratified ILO convention number 141 on Rural Workers' Organisations which states that all such organisations shall be independent and shall remain free from all interference, coercion or repression

### The core ILO Conventions

- the freedom of association - Number 87
- the right to organise and to bargain collectively - Number 98
- the prohibition of all forms of forced labour - Numbers 29 & 105
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- the establishment of a minimum working age - Number 138



## WHAT YOU CAN DO

1 You can campaign on behalf of Brazilian land activists facing ungrounded criminal charges in the following way:

25 July is Brazil's 'Rural Workers' Day'. Mark the occasion by:

- writing to the Brazilian government expressing concern at the pattern of harassment against land reform activists;
- sending letters or faxes of support to the MST.

2 Bring pressure to bear upon the Brazilian federal authorities to take steps to ensure that politically motivated criminal charges are not used as a means of curtailing the legitimate political activities of land reform activists. Remind the federal authorities that, while the judiciary may be independent of the political branch of government, it remains the responsibility of the federal government to uphold human rights in Brazil.

Write to the Minister of Justice: Exmo. Sr. Ministro da Justiça do Brasil

Dr. Iris Resende

Ministério da Justiça

Esplanada dos Ministérios, Bloco 23

Brasília, DF

CEP 70064-900 Brazil

Faxes: +55 61 226 7980/ 322 6817

Salutation: Vossa Excelência/Your Excellency

3 Ask the Brazilian Government to ratify ILO Convention 87 and to respect the rights of workers to establish and run organizations of their own choosing without undue interference.

Write to the Foreign Affairs Minister: Exmo. Sr. Ministro das Relações Exteriores

Sr. Luis Felipe Lampréia

Palácio do Itamaraty, 2º andar

Esplanada dos Ministérios

Brasília, DF

CEP 70170-900 Brazil

Fax: +55 61 226 1762/223 7362

Salutation: Vossa Excelência/Your Excellency

4 Raise in your trade union the cases of Brazilian rural workers whose fundamental human rights are under attack and pass messages of solidarity from your trade-union branch to the MST:

Movimento dos Trabalhadores Rurais Sem Terra  
Alameda Barão de Limeira, 1232  
Campos Elírios  
São Paulo, SP  
CEP 01202-002 Brazil

**5 Spread the message within your work-place and community:**

Ask your trade-union to distribute copies of the Universal Declaration of Human Rights to each of its members, so we can all be aware of the rights to which we are entitled.

**6 Take part in AI's campaign to mark the 50th anniversary of the Universal Declaration of Human Rights in 1998:**

Contact your national office of Amnesty International to find out more.

Ask your trade union nationally and locally to work with Amnesty International on the cases of victimised Trade Unionists and others targeted because of their work fighting for trade union rights.

# DEFEND LABOUR RIGHTS

## action focus on Guatemala

AMNESTY INTERNATIONAL TRADE UNION ACTION 1998

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### TIME TO "CLARIFY" VIOLATIONS OF 1970S & 1980S

Trade unionists have for decades been under constant attack by successive military regimes and civilian governments in Guatemala. A Historical Clarification Commission, set up under the Peace Accord of December 1996, began work in September 1997 to "clarify human rights violations and acts of violence which had caused suffering...". The "disappearance" of Juan Guerra and 16 other trade unionists in 1980 at the hands of the security forces is a prime example of human rights violations that must be addressed by the Commission.

### Juan Guerra Castro & 16 others

Juan Guerra Castro, a leader of the trade union Industria de Café, and 16 other trade

unionists associated with the Central Nacional de Trabajadores (CNT) were detained on 24 August 1980 by combined police and army forces at the Roman Catholic retreat and conference centre Centro Emaús, in Palín, Escuintla. Several hours after the trade unionists had been seized, security forces returned to the centre and detained the administrator of the farm, José Luís Peña, who had witnessed the detentions. He was subsequently found shot dead, his body bearing marks of torture.

The union leaders were reportedly taken directly to Guatemala City, first to the garages of the National Police Detective Branch, which were adjacent to the headquarters of the Mobile Military Police and the Treasury Police. All three police units were frequently named as responsible for extrajudicial executions and "disappearances" during the period. The union leaders were then apparently taken to a secret torture centre, possibly, according to some sources in the National Palace itself. The Guatemalan authorities denied that the trade unionists had ever been detained there, and refused to say

where they were being held or to accept responsibility for their fate.

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involving the "disappearance" of trade unionists in Guatemala City alone.

The abuses were carried out by official security forces,

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One of the 16 "disappeared" trade unionists (far right) with his family

## Persecution of trade union activists in Guatemala

In 1954, before Guatemala's internal armed conflict had begun, Colonel Carlos Castillo Armas's government (1954-1957) outlawed the most prominent union federations, imprisoned labour leaders, and killed at least 200 prominent unionists within weeks of the US-backed coup which overthrew the government of Jacobo Arbenz (1951-1954).

In 1976, the trade union movement began to reorganize, and for the next two decades, Guatemalan trade unionists were deliberately and systematically killed or "disappeared" as part of a state plan to eliminate government critics, opponents, dissidents or those suspected of such activities. During this period, Amnesty International documented thousands of cases in which trade unionists were tortured, "disappeared" or extrajudicially executed because of their legitimate trade union activities. In 1981, for example, Amnesty International recorded 44 cases

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operating sometimes in uniform and sometimes in plain

clothes, but under superior orders, acting in the guise of the so-called "death squads." On still other occasions, uniformed soldiers were hired out by the army to factory owners trying to crush incipient trade union groups. These groups were attempting to organise workers in their plants to campaign for better wages and working conditions. In the countryside, soldiers were also available for rent to large land-owners trying to suppress efforts to organise their workers.

Guatemala's long-term internal conflict formally ended in December 1996 with the signing of the Final Peace Accord between the government and the armed opposition forces. One element of the Accord was the agreement to establish a Historical Clarification Commission, which was to "clarify human rights violations and acts of violence which had caused suffering to the Guatemalan people, in connection with the armed conflict."

The Commission began work in September 1997 and is mandated to function for ten months only.

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## Trade Unions and the Maquilas of Guatemala

There are almost 200 Guatemalan maquilas, which employ over 70,000 people (mainly women). They mostly work in clothing factories which produce for export to the US. Workers who defend union and labour rights are likely to lose their jobs, to be kidnapped or threatened with death.

## Amnesty International concerns

AI believes that the "disappearance" of Juan Guerra Castro and 16 other trade unionists on 24 August 1980 at the hands of the official security forces is just one of the thousands of cases of human rights violations suffered by Guatemalan trade unionists which must be clarified by the Commission. The fate of the unionists must be established and the perpetrators identified and brought to justice. In cases where agents of the State are found to have been the intellectual or material authors of such abuses, victims and/or their families must be compensated by the State.

Factory owners and employers hire thugs and gunmen who act in collusion with or on behalf of state security forces. They are never prosecuted.

In March 1997, Rocael Ruiz Zacarías, Edwin Tulio Enriquez García and Blearnino González de León, maquila workers and trade unionists, were abducted from their place of work, the MI Kwang factory in Villa Nueva, and subjected to ill-treatment and

torture - allegedly by members of the security forces, or persons operating on their behalf.

The trade unionists were held at Villa Nueva police station for about an hour and a half where they were interrogated by their abductors about a robbery that had taken place in the maquiladora a week before. One of the victims was allegedly beaten with the butt of a gun and the other two were kicked in the stomach. A plastic bag was also put over the head of one of the victims.

Afterwards, they were released and warned not to tell anyone about what had happened.

most favourable conditions for the investor, namely low pay and few or no trade union rights.

In some countries basic labour legislation and core workers' rights are set aside in the zones. In others the zone managers simply use a system of pass controls to exclude union organisers and workers who try to join a union. Many of the worst EPZs allow employers the freedom to exploit without restraint, but restrict basic workers' rights to freedom of association.

BEHIND THE WIRE -  
ANTI-UNION REPRESSION IN EXPORT PROCESSING ZONES  
ICFTU, APRIL 1996

'Everyone has the right to freedom of peaceful assembly and association.' Article 20 of the UDHR

#### *Export Processing Zones*

In Mexico they call them maquiladoras or maquilas; in Guatemala "swallow" companies and in China "special economic zones", but their characteristics are virtually identical throughout the world. They are based on the same principle - the international segmentation of the production process - and adopt the same practices: the search, regardless of international conventions, for the

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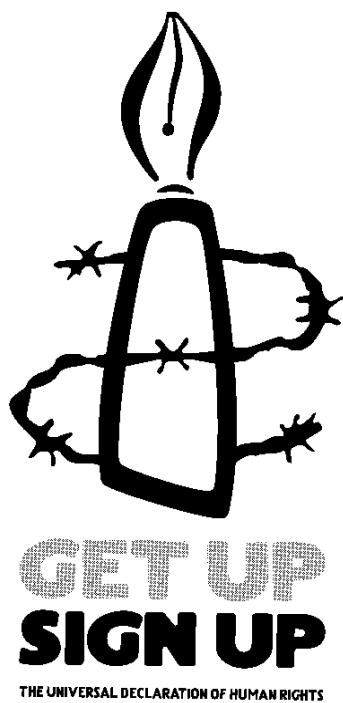
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## Guatemala: ILO Conventions 87 & 98 flouted

In 1952, Guatemala ratified both ILO Convention number 87, on Freedom of Association and Protection of the Right to Organise, and ILO Convention number 98 on the Right to Organise and to Bargain Collectively which are designed to protect workers from anti-union discrimination.

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## WHAT YOU CAN DO

1 Raise the "disappearance" of Juan Guerra Castro & 16 others with the Guatemalan authorities. Write letters:

- asking for a full and impartial investigation into the fate of these trade unionists. Call for the perpetrators to be identified and brought to justice. Ask that if agents of the state are found to be responsible for the "disappearance" of these activists, their families must be compensated by the State. Send letters to:

President of the Republic

S.E. Alvaro Arzú Irigoyen

Presidente de la República de Guatemala

Palacio Nacional

6<sup>a</sup> Calle y 7<sup>a</sup> Avenida, Zona 1

Guatemala, GUATEMALA

Salutations: Sr. Presidente/Dear President

Fax: +502 221 4537

2 In your own union, raise the cases of Guatemalan and other workers whose fundamental human rights are under attack and pass messages of support from your trade-union branch to:

UNSITRAGUA

Unión Sindical de Trabajadores de Guatemala

9<sup>a</sup> Avendia 1 - 43, Zona 1

Guatemala, GUATEMALA

Tel/Fax: +502 238 2272

3 Spread the message within your work-place and community:

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# DEFEND LABOUR RIGHTS

## action focus on INDONESIA

AMNESTY INTERNATIONAL TRADE UNION ACTION 1998

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### TRADE UNIONISTS IMPRISONED FOR THEIR BELIEFS

Coen Husein Pontoh, Mochamad Sholeh and Dita Indah Sari are all prisoners of conscience, arrested and unjustly convicted following a peaceful union demonstration. They are currently serving prison sentences.

Coen Husein Pontoh, known as Pontoh, is a coordinator of the Indonesian Peasants' Union (*Serikat Tani Indonesia* or STN) which was founded to provide education and organizational assistance to peasants.

Pontoh joined workers from ten factories in the Tandes Industrial Zone, Surabaya city in East Java who held a demonstration in July 1996 for an increase in the minimum daily wage from 4000 rupiah to 7000 rupiah (at that time worth approximately from

US\$1.70 to US\$3) and for an end to the role of the Armed Forces in Indonesian politics.

According to reports the demonstration was peaceful. Nevertheless the protestors were blocked by a heavy contingent of police and military who broke up the demonstration, beating some of those taking part.

Pontoh was one of the labour and student activists arrested at the demonstration and during the following day. Three of those arrested were kept in detention: Pontoh, Mochamad Sholeh, a 22 year old student and activist from the Indonesian Student's Solidarity for Democracy, and Dita Indah Sari, a 24-year old woman and leader of the Centre for Indonesian Workers' Struggle who had worked steadfastly to improve workers' pay and conditions in Indonesia.

.....cont

# LEADER STILL IN PRISON

photo here

## One union country

The Indonesian government only formally recognises one trade union. There are many cases of other labour activists being arrested and meetings being broken up. The ILO has referred to the serious and worsening infringements of basic human and trade union rights which characterises the general situation of workers in Indonesia, and expressed its deep concern over allegations of murder, 'disappearance', arrest and detention of a number of trade-union leaders and workers.

.....cont

Pontoh was charged with subversion and 'spreading hatred' against the government of Indonesia. One of the accusations Pontoh faced at his trial was that he was involved in setting up organisations to take political actions or make political statements. He was also accused of being linked to a special congress of the independent Peoples Democratic Party (PRD), to which the STN is affiliated. The congress had produced documents calling for workers to be given more power to build a democratic coalition government, and for international labour standards to be implemented to protect the rights of workers, as well as demands for other basic human rights.

Statement by Coen Husein Pontoh to the court.

not stop here, I will continue to fight for the interest of workers.'

## Banning of PRD

The PRD, an independent left-wing political party was officially banned in September 1997 after the authorities accused it of masterminding riots in Jakarta in July 1996. 14 members of the PRD and of its affiliate organisations, including Pontoh, Mochamad Sholeh and Dita Indah Sari have been sentenced to prison terms of up to 13 years.

## Unfair trials

Pontoh and Mochamad Sholeh are currently serving three-and-a-half year sentences after a trial which fell short of international standards of fairness and where statements from witnesses were used that were reportedly obtained under duress.

Dita Indah Sari is serving a five year sentence also after an unfair trial. During Amnesty International concerns

Amnesty International considers Pontoh, with Mochamad Sholeh and Dita Indah Sari to be prisoners of conscience, imprisoned solely for the non-violent expression of their political beliefs, and demands that they are immediately and unconditionally released.

Amnesty International is concerned about Indonesia's use of anti-subversion legislation against labour and human rights activists which may result in them facing long terms of imprisonment or even the death penalty.

### "Love Song for Marsinah"

Muchtar Pakpahan, head of the Indonesian Prosperous Workers Union, is another who fought for trade union rights only to be charged under anti-subversion legislation. Among his activities which the prosecution considered 'subversive' is the writing of a song "Love Song for Marsinah", a tribute to a woman labour activist who was believed to have been murdered with the knowledge of the security forces in 1993. At the time of writing Muchtar Pakpahan's trial is

his time in prison Pontoh, along with other inmates, was beaten and kicked by military personnel who were brought in to control a prison riot in which Pontoh denies he was involved.

Human rights lawyers have called for an investigation into allegations of ill treatment against Pontoh and Mochamad Sholeh.

underway although it has been delayed for many months because of his serious ill health. In the meantime Muchtar Pakpahan is also serving a four year prison sentence in connection with labour riots in 1994. Despite being acquitted by the Supreme Court the sentence was re-instated in October 1996. Amnesty International

## UNIVERSAL DECLARATION of HUMAN RIGHTS



UNITED NATIONS

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considers Muchtar Pakpahan also to be a prisoner of conscience.

*'Everyone has the right to freedom of peaceful assembly and association.' Article 20 of the UDHR*

**THE UNIVERSAL DECLARATION OF HUMAN RIGHTS**

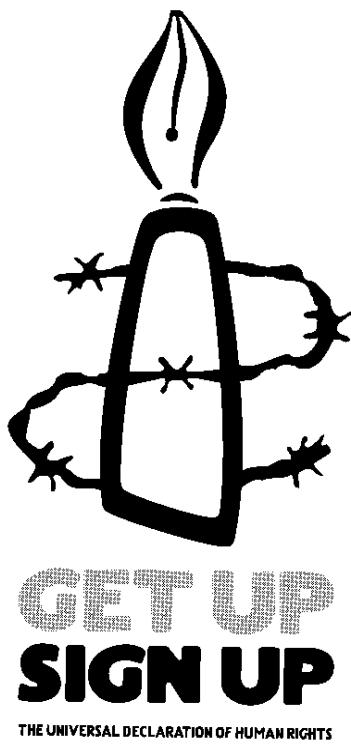
*As well as articles on freedom of expression, the right to a fair trial and against ill-treatment, the Universal Declaration of Human Rights also describes other fundamental rights for workers and trade-unionists:*

**'Everyone has the right to freedom of peaceful assembly and association.'**

-Article 20

**'Everyone has the right to work...Everyone has the right to form and to join trade unions'**

-Article 23



**'Everyone has the right to a standard of living adequate for... health and well-being'**

-Article 25

Sign your name in, and circulate within your trade union, the books circulating around the world in which countless other people are pledging to do everything in their power to promote the human rights proclaimed in the Universal Declaration of Human Rights.

Find out more about the Journey of the Book from your national Amnesty office.

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## The core International Labour Organisation (ILO) conventions

The International Labour Organisation (ILO) is a body of the United Nations. Through its tri-partite conferences with governments, employers and workers organisations it has built up and monitors sets of standards, in the form of Conventions & Recommendations relating to freedom of association, the right to form and join trade unions, and other working conditions.

## Indonesia: ILO Convention 87 Not Ratified

*Indonesia ratified ILO Convention number 98 on the Right to Organise and Collective Bargaining in 1957, which should protect workers from anti-union discrimination. However Indonesia has yet to ratify another of the core ILO conventions, number 87, on Freedom of Association and Protection of the Right to Organise, which establishes the right of workers to establish organisations of their own choosing and run them without undue interference.*

### ***The core ILO Conventions***

*the freedom of association -  
Number 87*

*the right to organise and to bargain collectively -  
Number 98*

*the prohibition of all forms of forced labour -  
Numbers 29 & 105*

*the right to equal pay for work of equal value -  
Number 100*

*the freedom from discrimination in respect of  
employment/occupation -  
Number 111*

*the establishment of a minimum working age -*

*Number 138*

## WHAT YOU CAN DO

Pontoh has said he is prepared to spend the rest of his life in prison in the struggle for fundamental rights for working people. Throughout the world many other labour & human rights activists every day face the possibility of imprisonment, torture and even death in their work.

### 1 Write to the Indonesian authorities to:

Demand the immediate and unconditional release of Coen Husein Pontoh, Mochamad Sholeh, Dita Indah Sari, and all those imprisoned solely because of the non violent expression of their political beliefs.

Request the Indonesian Government to ratify ILO Convention 87 and to respect the rights of workers to establish and run organisations of their own choosing without undue interference.

In your letters you may want to acknowledge the current severe economic problems in Indonesia and to point out that the rights of workers must not be ignored at this critical time.

### 2 In your own union, raise the cases of Pontoh and other workers whose fundamental human rights are under attack.

Send your appeals to the Indonesian authorities at the following addresses:

President Suharto Presiden RI Istana Negara Jln Veteran Jakarta Pusat Indonesia	Minister of Justice Haji Utuyo Usman SH Menteri Kehakiman JL. H.R. Rasuna Said Kav 6-7 Kuningan Jakarta Selatan Indonesia	Dr Abdul Latief Minister of Manpower Menteri Tenaga Kerja Jalan Jenderal Gatot Subroto Jakarta Indonesia
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Letters and messages of solidarity can be passed to Coen Husein Pontoh & Mochamad Sholeh at the prison where they are being held:  
LP Kalisosok, Surabaya, East Java, Indonesia

And to Dita Sari at:  
LP Lowok Waru, Malang, East Java, Indonesia

**3Spread the message within your work-place and community.**

Ask your trade-union to distribute copies of the Universal Declaration of Human Rights to each of its members, so we can all be aware of the rights to which we are entitled.

**4Take part in Amnesty International's campaign to mark the 50th anniversary of the Universal Declaration of Human Rights in 1998**

Contact your national Section of Amnesty International to find out more.

Ask your trade union nationally and locally to work with Amnesty International on the cases of victimised Trade Unionists and others targeted because of their work fighting for the rights to which we are all entitled.

# DEFEND LABOUR RIGHTS

## *action focus on KENYA*

AMNESTY INTERNATIONAL TRADE UNION ACTION 1998

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## STUDENT ACTIVIST PERSECUTED FOR TRADE UNIONISM

The Kenyan authorities have taken steps to ensure that the power and autonomy of Kenyan trade unions is severely restricted. The constitution of the Central Organisation of Trade Unions (COTU) explicitly links it to the ruling party, the Kenyan African National Union (KANU), and imposes a government appointed chairperson. The majority of unions fall under the umbrella of this organisation.

## LECTURERS STRIKE FOR UNION RECOGNITION

After Kenya had its first multiparty elections in 1992, lecturers and doctors went on strike in 1994 in a futile attempt to gain union recognition. Academic staff attempted to form a University Academic Staff Union (UASU). A year long strike followed as the lecturers fought to gain the crucial registration which the government denied them.

The Kenyan government declared the strike illegal and responded harshly. Lecturers responsible for organising the strike were sacked and arrested and found themselves facing criminal charges. Despite support for the strike within Kenya and from

diplomatic missions, the Kenyan government was unbending in its lack of tolerance towards any attempt at independent association. When students gave lecturers their support for the strike, 69 were expelled. At the time of writing, 21 students are still excluded from college.

The strike was finally brought to an end after a systematic programme of intimidation and harassment from the Kenyan government which included: disrupting lecturers meeting in support of the strike; firing all lecturers who supported the strike and withholding their salaries and benefits; evicting them from University houses; declaring it illegal for them to enter the university; arresting and detaining some of those involved and bringing criminal charges against them. Many of the students who had become involved were suspended from the universities, or denied government loans. *Some were arrested, detained, beaten and harassed.*

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## JANAI ROBERT ORINA

PHOTO HERE

*"We are, as Kenyans, at the mercy of the President as far as the right to organise is concerned"*

Janai Robert Orina, November 1997.

**Janai Robert Orina** is an official of the Kenyan University Students Organisation (KUSO). Alongside fellow students he supported university lecturers in their bid to form a trade union. As a result, he suffered intimidation, brutal harassment, imprisonment and expulsion from college.

As a student union official, Orina was at the core of the dispute. A student of political science, he was suspended in his second year after involvement in the strike. To date he has still been prevented from returning despite the Eldoret High Court ordering the university authorities to let him sit his exams.

## **Prevented from returning to university**

The government have stated that if he is accepted back as a student, he will be barred from: standing for a union leadership position; living in a university hostel; meeting in a group of more than five people; receiving a government loan. He is constantly under police surveillance and has been arrested and seriously beaten on several occasions. The future looks unstable for him as he carries the stigma of expulsion, does not have a college certificate which is crucial for gaining work in Kenya, and faces the risk of harassment or even arrest.

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## **Amnesty International concerns**

Amnesty International is concerned by the brutality, intimidation, harassment and denial of rights employed by the Kenyan government in their attempt to deny Kenyan workers and students the right to independent association.

# UNIVERSAL DECLARATION of HUMAN RIGHTS



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*'Everyone has the right  
to freedom of  
peaceful assembly and  
association.'*

## Article 20 of the UDHR

THE UNIVERSAL DECLARATION OF  
HUMAN RIGHTS

As well as articles on freedom of expression, the right to a fair trial and against ill-treatment, the Universal Declaration of Human Rights also describes other

fundamental rights for workers and trade-unionists:

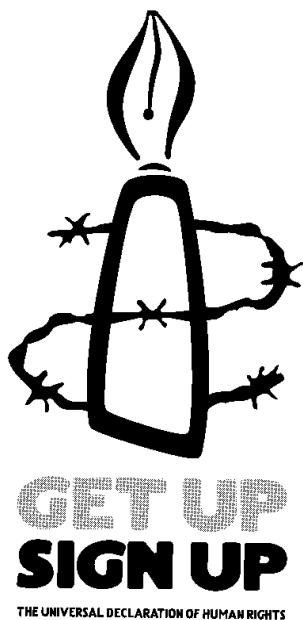
'Everyone has the right to freedom of peaceful assembly and association.'

-Article 20

'Everyone has the right to work...Everyone has the right to form and to join trade unions'

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Sign your name in, and circulate within your trade union, the books circulating around the world in which countless other people are pledging to do everything in their

power to promote the human rights proclaimed in the Universal Declaration of Human Rights.

Find out more about the *Journey of the Book* from your national Amnesty office.

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## The core International Labour Organisation (ILO) conventions

The International Labour Organisation (ILO) is a body of the United Nations. Through its tri-partite conferences with governments, employers and workers organisations it has built up and monitors sets of standards, in the form of Conventions & Recommendations relating to freedom of association, the right to form and join trade unions, and other working conditions.

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Kenya:

ILO Convention 87 Not  
Ratified

Kenya has yet to ratify one of the core ILO Conventions, number 87 concerning Freedom of Association and Protection of the Right to Organise which establishes the Right of Workers to establish organisations of their

own choosing and run them without undue interference.

However, in 1963, it ratified ILO Convention 98 on the Right to Organise and Collective Bargaining, which should protect workers from anti-union discrimination.

*the freedom of association -  
Number 87*

*the right to organise and to bargain collectively -  
Number 98*

*the prohibition of all forms of forced labour -  
Numbers 29 & 105*

*the right to equal pay for work of equal value -  
Number 100*

*the freedom from discrimination in respect of  
employment/occupation -  
Number 111*

*the establishment of a minimum working age -  
Number 138*

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### **The core ILO Conventions**

## **WHAT YOU CAN DO**

1 Write to the Kenyan authorities and send copies of your letters to Kenyan newspapers.

2 Demand that the Kenyan government ratify ILO Conventions 87, and that they uphold convention 98 which they have ratified and that they respect the rights of workers and students to establish and run organisations of their own choosing without undue state interference.

**Send your appeals to the Kenyan authorities at the following address:**

President Moi  
President of the Republic of Kenya  
Office of Presidency  
PO Box 30510  
Nairobi

Registrar General  
Department of the Registrar General  
PO Box 30031  
Nairobi  
Kenya

Send copies of your letters to the following press:

The Daily Nation  
Mr Wangethi Mwangi  
PO Box 49010  
Nairobi

The Economic Review  
Mr Peter Warutere  
PO Box 40894  
Nairobi

The Finance Magazine  
Mr Njehu Gatabaki  
PO Box 444094  
Nairobi

3 In your own union, raise the case of Janai Robert Orina and other workers whose fundamental human rights are under attack and pass messages of solidarity from your trade union branch to:

University Academic Staff Union  
c/o The NGO Council  
PO Box 48278  
Nairobi

Kenya University Students Organisation  
c/o Mr Suba Churchill Meshack  
PO Box 51806  
Nairobi

4 Spread the message within your work-place and community:

Ask your trade-union to distribute copies of the Universal Declaration of Human Rights to each of its members, so we can all be aware of the rights to which we are entitled.

**5 Take part in Amnesty International's campaign to mark the 50th anniversary of the Universal Declaration of Human Rights in 1998:**

Contact your national office of Amnesty International to find out more.

Ask your trade union nationally and locally to work with Amnesty International on the cases of victimised Trade Unionists and others targeted because of their work fighting for trade union rights.

# DEFEND LABOUR RIGHTS

## action focus on MEXICO

AMNESTY INTERNATIONAL TRADE UNION ACTION 1998

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### 67 CIVIL SERVANTS JAILED FOR PEACEFUL STRIKE

On 21st July 1997, 67 civil servants were arbitrarily and violently arrested by riot police in Villahermosa, Tabasco state, during a peaceful strike to demand improved labour conditions.

They were held incommunicado for 36 hours and were denied access to lawyers, relatives and medical care.

The workers were exercising their constitutional right to peaceful union activism as members of the recently formed Coalición de Trabajadores Burocratas (Coalition of Administrative Workers), an organisation created as an alternative to the official government union.

ENRIQUETA RUIZ (FEMALE) &  
JOEL ALBERTO GARCÍA  
GONZÁLEZ

On the same day their advisers - Enriqueta Ruiz, a union activist, and Joel Alberto García González, a lawyer - were arbitrarily detained in the office of the Attorney General of Tabasco state while requesting a visit to the 67 detained workers.

Eye-witness accounts state that Enriqueta was ill-treated and Joel Alberto was repeatedly hit with a rifle butt and dragged down the stairs of the premises.

On 25th July, Joel Alberto was released without charge. On 28th July, the 67 workers were released on bail. The following day, Enriqueta Ruiz was released on bail, having started a hunger strike three days before in protest at her illegal arrest. On the same day 63 of the workers had all charges against them dropped.

2 PHOTOS here

*La Verdad del Sureste, Tabasco*

Enriqueta Ruiz  
García González

Joel Alberto

## AMNESTY THANKED

After featuring the case in an Urgent Action appeal, Amnesty International received the following message from members of the *Comité de Derechos Humanos de Tabasco (CODEHUTAB)*, Human Rights Committee of Tabasco:

## Harassment of trade union activists in Mexico

Amnesty has recorded a long-term pattern of harassment by security forces and threats targeted at critics of the government and journalists, lawyers and union leaders. Since 1996 harassment of human rights defenders has increased significantly

Although trade union rights and freedom of association are recognised in the constitution and in law, the right to organise and the right to strike are not always respected in practice. Fierce resistance by employers, colluding with local officials, to attempts to organise trade unions remains a major cause for concern at Mexico's **maquiladoras** plants.

Mexico has 2,700 maquiladoras – these are border assembly plants which assemble imported parts for re-export tax free. Not one of these plants has an independent union, labour experts say.

More than three quarters of workers in the maquiladoras are female – mostly young and single. With little education and work experience, they are considered suitable for repetitive tasks in disciplinarian conditions. As trade union membership is low among young workers it is also easier to dismiss them.

"*Gracias por el apoyo solidario, las respuestas de grupos afines a hecho posible la excarcelación de 67 trabajadores. Gracias por su generosa respuesta*".

"Thank you for your solidarity, the action taken by groups has made possible the release of the 67 workers. Thank you for your generous response".

## CURRENT CONCERNS

Amnesty International welcomes the release of the 63 prisoners of conscience, but is concerned about the lack of investigation into the violent and arbitrary arrests of those detained and the ill-treatment suffered by Enriqueta Ruiz and Joel Alberto García González by members of the *Procuraduría General (PGE)*, Attorney General's Office, Tabasco State. Amnesty International is also concerned that Enriqueta and Joel Alberto and two of the most active members of the *Coalición de Trabajadores Burócratas* have now unfoundedly been charged with revolt and illegal association, and are awaiting trial.

This maquila system amounts to a strategy of exploitation that the law allows employers to perpetuate.

### **Export Processing Zones**

*In Mexico they call them maquiladoras; in Guatemala "swallow" companies and in China "special economic zones", but their characteristics are virtually identical throughout the world. They are based on the same principle - the international segmentation of the production process - and adopt the same practices: the search, regardless of international conventions, for the most favourable conditions for the investor, namely low pay and few or no trade union rights.*

*In some countries basic labour legislation and core workers' rights are set aside in the zones. In others the zone managers simply use a system of pass controls to exclude union organisers and workers who try to join a union. Many of the worst EPZs allow employers the freedom to exploit without restraint, but restrict basic workers' rights to freedom of association.*

**BEHIND THE WIRE - ANTI-UNION REPRESSION IN EXPORT PROCESSING ZONES**  
**ICFTU, APRIL 1996**

*Han Young is a Korean-owned feeder factory producing chassis for a Hyundai tractor-trailer plant in Tijuana. In October 1997, workers at the plant went to the polls to elect a union of their choice to represent them. They voted for an independent union by a margin of 55-32 - despite the participation of 32 fraudulent "voters", including some who had no employment history at the plant. The vote marked the first time an independent union has won the right to represent workers at a maquiladora factory on the US/Mexican border.*

*After the election, workers who supported the independent union were fired. They charge that the company used government delay to pack the factory with dozens of new workers who oppose their efforts.*

*In November 1997, the Mexican authorities denied certification of the elected union, thus refusing to recognise the validity of this historic vote. Workers at the plant embarked on a hunger strike until their demands for recognition of their independent union were met.*

*On December 16th 1997, after nearly four weeks of hunger strike, the government gave official recognition to the independent union that had*  
**THE UNIVERSAL DECLARATION OF HUMAN RIGHTS**

As well as articles on freedom of expression, the right to a fair trial and against ill-treatment, the Universal Declaration of Human Rights also describes other fundamental rights for workers and trade-unionists:

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-Article 20

'Everyone has the right to work...Everyone has the right to form and to join trade unions'

-Article 23

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and to Bargain Collectively which is designed to protect workers from anti-union discrimination

### ***The core ILO Conventions***

***the freedom of association -  
Number 87***

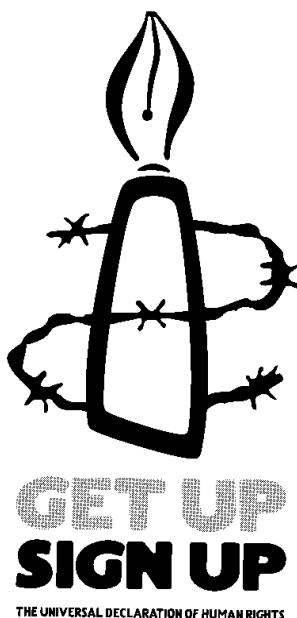
***the right to organise and to bargain  
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***the prohibition of all forms of forced labour -  
Numbers 29 & 105***

***the right to equal pay for work of equal value  
- Number 100***

***the freedom from discrimination in respect of  
employment/occupation -  
Number 111***

***the establishment of a minimum working age  
- Number 138***



## Mexico: Convention 98 Not Ratified

**Mexico** ratified ILO Convention number 87, on Freedom of Association and Protection of the Right to Organise in 1950. However, Mexico has yet to ratify ILO Convention number 98 on the Right to Organise

## WHAT YOU CAN DO

### 1 Take action on behalf of these trade unionists. Write:

- calling for prompt, thorough and impartial investigations into allegations of arbitrary arrest and ill-treatment (citing the cases of Joel Alberto García González, Enriqueta Ruiz and 67 others) by members of the riot police on 21 July 1997 in Villahermosa, state of Tabasco;
- asking that those responsible be brought to justice and to be kept informed of the result of any investigation
- protesting that Enriqueta Ruiz and Joel Alberto García, together with two other active members of the union still awaiting trial for *motín y asociación ilegal*, revolt and illegal association.

Appeals should be sent to:

Attorney General of the Republic

Lic. Jorge Madrazo Cuéllar

Procurador General de la República

Procuraduría General de la República

Paseo de la Reforma y Violeta

Col. Guerrero, 06300 México D.F., MEXICO

Telegrams: Procurador Madrazo, México D.F., México

Faxes: +52 5 626 4419

Salutation: Sr. Procurador General / Attorney General

Attorney of Tabasco State

Patricia Febrero Iruarte

Procuradora del Estado de Tabasco

Procuraduría General de Justicia

Paseo Usumacinta s/n, esquina Ayuntamiento

Villahermosa, Tabasco, MEXICO

Telegrams: Procuraduria, Tabasco, México

Faxes: + 52 93 15 5221

Salutation: Sra. Procuradora / Dear Attorney

Messages of solidarity and copies of the appeals should be sent to the following union, as well as to CODEHUTAB:

Lic. Faunes Baños Baños

Unión Nacional de Trabajadores (UNT),

Cerrada Guillermo Prieto No. 102-A,

Esquina con Fidencia,C.P.

86000, Villahermosa, Tabasco.

MEXICO

Sres. Comité de Derechos Humanos de Tabasco (CODEHUTAB)

A. Sánchez Magallanes 844 Altos

86000 Villahermosa, Tabasco, MEXICO

Faxes: +52 93 12 8362

### 2 Han Young: it should be clear that the employer and state authorities are likely to try to take away what they had to concede while the international spotlight was focussed on them. The International Metalworkers' Federation is monitoring the situation.

IMF Fax: +4122 308 5055 email: imf@iprolink.ch

Route de Acacias 54 bis

Case Postale 1516

1227 Carouge-Geneva

SWITZERLAND

### 3 Request the Mexican Government to ratify ILO Convention 98 and to respect the rights of workers to establish and run organisations of their own choosing without undue interference. Write to:

Minister of Foreign Affairs

Rosario Green Macías

Secretaría de Relaciones Exteriores

Lic Rosario Green Macías

Av. Ricardo Flores Magón No. 1

Col. Nonoalco Tlatelolco C.P. 06995 México D.F. Mexico

Telegrams: Secretaria Relaciones Exteriores,México D.F.,México

Faxes: + 52 5 782 4109

Salutation: Sra. Secretaria/Dear Minister

### 4 Spread the message within your work-place and community:

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