

ACT 73/02/95

CHINA

Liu Jingsheng

15 years' imprisonment for attempting to organise a trade union and joining a dissident political group

Liu Jingsheng is a 40-year-old worker from the Tongyi chemical factory near Beijing. He is in prison because he dared to speak out for workers rights and joined in efforts to try and set up an independent trade union. He was charged with "organising and leading a counter-revolutionary group" and "carrying out counter revolutionary propaganda and incitement". Amnesty International believes that Liu Jingsheng is a prisoner of conscience, imprisoned for his peacefully held beliefs.

Liu Jingsheng was a founder member of the Preparatory Committee of the Free Labour Union of China (FLUC), and also took part in pro-democracy activities. Four other people involved with the Preparatory Committee of the FLUC and in pro-democracy activities were also sentenced at the same time as Liu Jingsheng. The Preparatory Committee of the FLUC was established in late 1991. The Committee distributed leaflets which called on workers to form free trade unions. They said that workers' living standards had declined over the past decade and that the official trade union, the All China Federation of Free Trade Unions, acted as a tool of the authorities and failed to defend workers' interests. The leaflets also said that China was a member of the International Labour Organisation (ILO) and had an obligation to respect the right to form a free trade union.

Liu Jingsheng, Hu Shigen, and Lu Zhigang were detained in late May 1992, before the third anniversary of the massacre on 4 June 1989 in Beijing. They were formally arrested (charged) on 27 September 1992. They, together with Wang Tiancheng and Li Quanli, who were arrested later that year, were among 15 people convicted on 16 December 1994 of "counter-revolutionary" crimes, which included establishing and participating in the Preparatory Committee of the FLUC and other dissident groups, drafting documents relating to them, distributing leaflets and preparing or disseminating pro-democracy leaflets. The sentences against 10 of them ranged between 20 years' imprisonment and 2 years' supervision.

Liu Jingsheng is a veteran pro-democracy activist. He took part in the "Democracy Wall" movement of the late 1970s and co-edited the dissident journal Explorations. At the time of his arrest in June 1992, pro-democracy leaflets were said to have been seized by police at his home. Liu Jingsheng is married and has an 11-year-old daughter.

The Chinese authorities have consistently stifled attempts to form independent trade union organisations. Those attempting to organise autonomous trade union structures have been detained. In 1994 a committee was formed to organise a new labour movement, the League for the Protection of the Rights of the Working People (LPRWP). The members of the committee prepared a request to register the LPRWP legally. However, shortly before submitting their request in early 1994, key members of the League were arrested.

ACTION: Write a letter to the Chinese authorities and send copies to the Embassy of the People's Republic of China:

Express concern at the imprisonment of;

Liu Jingsheng

Hu Shigen

Lu Zhigang

Wang Tiangcheng

and at the 2 years' supervision imposed on

Li Quanli

for their peaceful trade union and pro-democracy activities;

Ask the authorities to release Liu Jingsheng, Hu Shigen, Lu Zhigang and Wang Tiangcheng immediately and unconditionally, and to lift the supervision order on Li Quanli in accordance with international human rights standards;

Ask the Chinese authorities to ratify International Labour Organization Convention 87 on Freedom of Association and the Right to Organize and Convention 98 on the Right to Organize and Collective Bargaining and permit the organization of free trade unions.

Li Peng Zongli

Premier Li Peng

Guowuyuan

State Council

9 Xihuangchenggenbeijie

Beijingshi 100032

People's Republic of China

Xiao Yang Buzhang Sifabu

Minister Xiao Yang

Sifabu

Ministry of Justice

Xianguangli

Beijingshi 100016

People's Republic of China

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ACT 73/02/95

COLOMBIA

photo captions: Trade unionists have been the target of human rights violations carried out by security forces and their paramilitary allies and armed opposition groups.

Hernando Cuadros
Rodrigo Flórez

Victims of political killings

On 10 October 1994 Hernando Cuadros, a trade union leader of the Tibú branch of the oilworker's union, Unión Sindical de Obreros, USO, was abducted from his home and killed. At the same time, unsuccessful attempts were made to abduct other members of the same union. It is believed that paramilitary groups operating in collaboration with the armed forces in the region carried out the killing.

On 17 November 1994 Rodrigo Flórez was killed by gunmen in a moving vehicle when they opened fire on the headquarters of the Unión Patriótica (UP), Patriotic Union and the Partido Comunista Colombiano (PCC), Colombian Communist Party. The building had been under police guard until 30 October 1994 when the guard was withdrawn without explanation. Rodrigo Flórez was a construction worker, trade unionist and political activist.

In July 1994 a paramilitary group calling itself COLSINGUE Colombia sin Guerrilla - "Colombia without Guerrillas" issued a communique to the press in Medellín in which it declared war against "the members, politicians and combatants of subversive groups in the country", and went on to declare that just as guerrilla forces did not respect non-combatant opponents, "neither will we respect their political and trade union cadres". COLSINGUE also claimed responsibility for the killing of trade union leaders Jairo de León Agudelo, Guillermo Marín and Luis Efrén Correa. Rodrigo Flórez died in an indiscriminate attack on the UP/PCC headquarters following COLSINGUE's threat to eliminate opposition political party members, trade unionists and political activists.

Paramilitary forces were originally set up and trained by the security forces. Although their legal basis was removed by the government in 1989, they continue to operate with impunity. Trade unionists, opposition political activists and popular activists who have been labelled as subversive by members of the security forces and their paramilitary protégés often subsequently fall victim to human rights violations. Many trade union leaders have been killed or have received death threats. According to the CUT, Central Unitaria de Trabajadores, the Trade Union Confederation, 1500 union members have been killed since 1986. In less than 8 years, 2% of the organised labour force in Colombia have died violently. In the first nine months of 1994, 27 trade unionists, including 12 leaders, were shot dead in the department of Antioquia alone, although not all were necessarily killed as a direct result of their union activities.

The new government of Ernesto Samper Pizano which came to power in August 1994 has pledged to eradicate paramilitary groups and end impunity. However killings by paramilitary groups have continued. Until the government acts to disband paramilitary groups, trade unionists as well as opposition political leaders, popular and community activists will continue to be under threat.

ACTION:

Write to the Colombian authorities;

Express concern at the killing of Hernando Cuadros and Rodrigo Flórez;

Express concern that the lives of other trades unionists in Colombia may be in danger;

Urge that there be immediate and thorough investigations, the results of which should be made public and those found responsible brought to justice.

Urge that immediate steps be taken to dismantle the paramilitary force COLSINGUE and other paramilitary groups in accordance with President Samper's electoral promises and to undertake full and impartial investigations into any links between paramilitary and security forces;

Urge that the government take all possible measures to protect the lives of trade unionists and members of political opposition groups;

ADDRESSES:

President of Colombia
Señor Presidente Ernesto Samper Pizano
Presidente de la República
Palacio de Nariño
Santafé de Bogotá, Colombia
Faxes: + 57 1 286 7434/287 7939

Salutation:

Excelentísimo Sr. Presidente / Dear President Samper

Procurator General

Dr. Orlando Vásquez Velásquez
Procurador General de la Nación
Procuraduría General
Edificio Banco Ganadero
Carrera 5, No. 15-80
Santafé de Bogotá, Colombia
Faxes: + 57 1 281 7531

Salutation:

Sr. Procurador de la Nación / Dear Dr. Vasquez

Minister of Defence

Dr. Fernando Botero Zea
Ministro de Defensa Nacional
Ministerio de Defensa Nacional
Avenida Eldorado CAN - Carrera 52
Santafé de Bogotá, Colombia
Faxes: + 57 1 222 1874 or 288 4906

Salutation:

Sr. Ministro / Dear Minister

Minister of the Interior

Dr. Horacio Serpa Uribe
Ministro de Gobierno

Ministerio de Gobierno
Carrera 8a, No.8-09, Piso 7
Santafé de Bogotá, Colombia

Salutation:

Sr. Ministro / Dear Minister

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EGYPT

'Abd al-Hamid Shayboub, Mohammad Mahrous, 'Abd al-Qadir 'Abd al-Mun'im and Mohammad 'Izzat Foda (aged 9) were killed during a sit-in in October 1994.

Four people, including a child, were killed and dozens injured when security forces broke up a sit-in in a textile manufacturing factory in October 1994. More than 70 people were arrested in connection with the sit-in.

The sit-in began on 27 September 1994 in the premises of the Misr Weaving and Textile Company in Kafr al-Dawwar. The workers were protesting at management decisions to change working conditions, particularly sick-leave, bonus, public holiday pay and procedures for applying penalties. They demanded the resignation of the chairman of the board. Reports received confirm that the sit-in was orderly and peaceful.

In the early morning of Sunday 2 October, families of the workers reportedly heard that the security forces had stormed the factory. The news was in fact false, but many families gathered on a bridge close to the factory. The security forces apparently fired into the air to break up the gathering at first, and then opened fire on the assembled crowd injuring several people.

Later that morning, the families of the workers apparently attempted to take food to the workers in the sit-in. The security forces refused to allow them into the factory and allegedly threw the food into a nearby canal. This led to a demonstration and clashes in which people threw stones at members of the security forces. In response, the security forces reportedly fired rubber bullets indiscriminately on the area surrounding the factory which contains houses and schools. They opened fire on a school killing one 9-year-old child, Mohammad 'Izzat Foda.

Security forces reportedly entered the factory and beat people inside it, they also fired bullets and tear gas canisters. After leaving the factory they apparently fired rubber bullets indiscriminately at the assembled crowd which led to three further civilian casualties: 'Abd al-Hamid Shayboub aged 32, Mohammad Mahrous aged 38 and 'Abd al-Qadir 'Abd al-Mun'im aged 28. Dozens of others were injured, and nine people who received wounds to their eyes were left in danger of losing their eyesight.

In addition, at least 70 people, including a number of workers were arrested. Those arrested were held for several weeks before they were released on bail. The workers ended their sit-in during the same day, after their demands had been accepted.

ACTION:

Write a letter to the Egyptian authorities;

Express grave concern at the deaths of

Abd al-Hamid Shayboub

Mohammad 'Izzat Foda

Mohammad Mahrous

'Abd al-Qadir 'Abd al-Mun'im

during a sit-in organized by workers of the Misr Weaving and Textile Company in Kafr al-Dawwar on 2 October 1994;

Urge the government to set up a thorough, prompt and impartial investigation into the events which led to the death of the four people named above and make the methods and findings of such an investigation public. Urge that those found responsible for ill-treatment and use of excessive force be brought to justice;

○ Ask the government to give guarantees that those exercising their right to strike and to peaceful assembly will be allowed to do so in safety and that Egypt complies with its international treaty obligations to uphold these rights. Egypt has ratified the International Covenant on Civil and Political Rights (ICCPR) and International Labour Organisation (ILO) Convention 87 on Freedom of Association and Protection of the Right to Organize and Convention 98 on the Right to Organize and Collective Bargaining.

H.E Muhammad Hosni Mubarak

President of the Arab Republic of Egypt

'Abedine Palace,

Cairo, Egypt

Salutation: Your Excellency

Mrs Nayla Gabr

The Human Rights Department

Ministry of Foreign Affairs

Corniche al-Nil, Cairo, Egypt

Fax: +202 732173

Salutation: Dear Ambassador

General Hassan al-Alfy

Mr Faruq Sayf al-Nasr

Minister of the Interior

Minister of Justice

Ministry of the Interior

Ministry of Justice

Al-Sheikh Rihan Street

Midan Lazoghly

Bab al-Louk, Cairo, Egypt

Cairo, Egypt

Fax: +202 355 7792

Fax: +202 355 8103

Salutation: Dear Minister

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INDONESIA

Muchtar Pakpahan

4 years' imprisonment for organising an independent trade union

Muchtar Pakpahan, National Chairman of the independent trade union Indonesian Prosperous Workers' Union (Serikat Buruh Sejahtera Indonesia - SBSI) was found guilty of "incitement" to disobey a government order. On 16 January 1995 his sentence was increased from 3 to 4 years by the High Court on appeal. He is reported to be suffering from ill health in detention.

Pakpahan and 10 other labour leaders and activists were detained in April 1994 after a week of massive, and sometimes violent, strikes and demonstrations in Medan, North Sumatra. The striking workers called for an increase in the minimum daily wage; official recognition of the SBSI; an investigation into the death of a worker widely believed to have been killed by Indonesian security forces; and the reinstatement of some workers after a strike. They were charged with "incitement" under Articles 160 and 161 of the Indonesian Criminal Code which forbid inciting others to disobey a government order. The organisers were accused of activities ranging from encouraging workers to make banners for the protest, organising a training course for workers, to teaching workers how to read their demands with enthusiasm.

Amnesty International considers Muchtar Pakpahan to be a prisoner of conscience. It considers that the allegations against him were politically motivated, even though the charges brought were criminal. The actions described as "incitement" by the prosecution, such as urging workers to protest peacefully to demand an increase in the daily minimum wage and calling for official recognition of the SBSI, are consistent with rights guaranteed in principle in Indonesia's Constitution (Article 28). The prosecution did not allege that Pakpahan had urged others to commit acts of violence.

Arrests and intimidation are frequently used by the government to intimidate activists. Arrest for "incitement" has previously been used against SBSI officials and members of labour organisations to prevent them from carrying out their peaceful activities in support of labour rights and to intimidate others from engaging in similar work.

These latest arrests are part of a broad and persistent pattern of military and police intervention in labour disputes in Indonesia, which has resulted in workers and activists facing ill-treatment, imprisonment, torture, rape and even death. Two young labour activists have been killed since the beginning of 1993: Marsinah, a young woman and labour activist raped and killed in May 1993 in East Java; and Rusli, a 22-year-old worker, whose body was found floating in a river on 13 March 1994, a few days after he took part in a strike at a factory near Medan. Given strong indications of military and police responsibility in both deaths, Amnesty International is urging that those responsible be brought to justice promptly, before a civilian court.

ACTION: Write to the Indonesian authorities:

Write to the Foreign Minister and the Minister of Justice:

- Express concern that Muchtar Pakpahan and other labour activists have been imprisoned for their peaceful trade union activities, and that Muchtar Pakpahan's sentence was extended on appeal to the High Court;
- Urge that the imprisoned labour activists are immediately and unconditionally released;
- Say that although they were convicted of "incitement" under Articles 160 and 161 of the Indonesian Criminal Code, their actions were consistent with rights guaranteed under Article 28 of the Indonesian Constitution;
- Express concern that the killings of Marsinah and Rusli show that trade unionists are victims of human rights violations in Indonesia.
- Urge that the government take measures to protect the rights of trade unionists going about their legitimate and peaceful activities;

Minister of Foreign Affairs: Ali Alatas S.H.

Menteri Luar Negeri

Jl. Medan Taman Pejambon No.6

Jakarta, Indonesia Salutation: Dear Minister Alatas

Minister of Justice: Haji Utoyo Usman SH

Menteri Kehakiman

Jalan HR Rasuna Said Kav 6-7

Kuningan

Jakarta Selatan, Indonesia Salutation: Dear Minister Utoyo Usman

Write to the Minister of Manpower:

- Express concern that trade unionists and labour activists have been victims of human rights violations in Indonesia. Cite the cases of Muchtar Pakpahan and the other labour leaders, and the killings of Marsinah and Rusli.
- Welcome the fact that Indonesia has ratified ILO Convention No. 98 on the Right to Organize and Collective Bargaining.
- Ask the Minister to take further measures to protect the human rights of Indonesian trade unionists and to ratify ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organize.

Minister of Manpower: Drs. Abdul Latief

Menteri Tenaga Kerja

Jl. Jenderal Gatot Subroto

Jakarta Pusat

Indonesia Salutation: Dear Minister Latief

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NIGERIA

photo caption: Fuel supplies are guarded by the Nigerian police during the oil strike

Nigerian trade union leaders held in incommunicado detention without charge or trial.

Chief Frank Ovie Kokori,
Francis A Addo,
Fidelis Aidelomon,
Wariebi Kojo Agamene,

These trade union leaders have been in incommunicado detention without charge or trial for over nine months. Although the authorities have acknowledged the detention of these trade union leaders, their whereabouts are unknown. Frank Ovie Kokori, Secretary General of the National Union of Petroleum and Natural Gas Workers (NUPENG) was arrested on 20 August 1994 in Lagos and was initially transferred to Abuja. He has been refused necessary medication. Francis A Addo a Vice-President of the Petroleum and Natural Gas Senior Staff Association of Nigeria (PENGASSAN) and Chairman of the Port Harcourt branch of PENGASSAN and Fidelis Aidelomon, Chairman of the PENGASSAN branch of the Pipeline and Products Marketing Company were arrested in August and Wariebi Kojo Agamene President of NUPENG was arrested in September 1994. They are believed to be held in administrative detention under the State Security (Detention of Persons) Decree, No. 2 of 1984, as amended in by Decree No. 11 of 1994. This allows the Inspector General of Police and the Chief of General Staff to order the detention without charge or trial of any person considered a threat to the security of the state for an initial period of three months. Military governments have routinely treated the initial period as indefinitely renewable, detaining people incommunicado for months or years without charge or trial.

Their detention follows a strike by oil industry workers to protest at the arrest of Moshood Abiola, winner of the annulled 1993 presidential elections. Abiola and leaders of NADECO (National Democratic Coalition) were arrested and charged with treason in May 1994 when they demanded that the military government hand over power to the elected president. Oil industry workers came out on strike on 4 July 1994 in protest at the arrests. They were soon joined by senior oil staff and employees in other businesses. The strike disrupted supplies of domestic fuel, electricity and water, and closed oil refineries. Eventually it disrupted Nigeria's oil exports. A general strike called by the Nigerian Labour Congress (NLC) on 3 August was called off the next day when the government promised to release Moshood Abiola. Moshood Abiola has not been released. On 18 August the government replaced oil union and NLC leaders with appointed administrators and ordered strikers back to work. Later in the month it announced the arrests of saboteurs attempting to blow up oil pipelines. Under threat of dismissal and without financial backing, the strike collapsed. It was called off on 4 September.

Amnesty International is concerned that the trade union leaders may be prisoners of conscience detained for their peaceful trade union activities.

ACTION: Write to the Nigerian authorities and send copies of your letters to Nigerian newspapers;

○ Express concern at the detention without charge or trial of;

- Chief Frank Ovie Kokori, Secretary General of the National Union of Petroleum and Natural Gas Workers (NUPENG)

- Francis A Addo, a Vice-President of the Petroleum and Natural Gas Senior Staff Association of Nigeria (PENGASSAN) and Chairman of the Port Harcourt branch of PENGASSAN.

- Fidelis Aidelomon, Chairman of the PENGASSAN branch of the Pipeline and Products Marketing Company.

- Wariebi Kojo Agamene, President of NUPENG.

○ Express concern that Frank Ovie Kokori has been denied appropriate medical treatment;

○ Seek assurances of the detainees' physical safety and guarantees that they are not being subjected to torture or ill-treatment;

○ Urge that their whereabouts in custody be made public and they be granted immediate and regular access to their families, legal counsel and any necessary medical attention;

○ Urge that they be immediately and unconditionally released unless they are to be charged with a recognisably criminal offence and brought promptly to trial;

○ Urge that detainees be held in conditions which conform to the UN Standard Minimum Rules for the Treatment of Prisoners.

Chief of General Staff: Inspector General of Police:
Lieutenant-General D. Oladip Diya Alhaji Ibrahim Coomassie
Chief of General Staff: Inspector General of Police
State House Nigeria Police Force Headquarters
Aso Rock, Abuja Garki, Abuja
Federal Capital Territory, Nigeria Federal Capital Territory, Nigeria

Minister of Labour and Productivity: Dr Samuel Ogbemudia
Minister of Labour and Productivity
Ministry of Labour and Productivity
Abuja
Federal Capital Territory, Nigeria

Nigerian News Media: The News, PMB 21531, Ikeja, Lagos
Tell, PMB 21749, Ikeja, Lagos
Vanguard, PMB 1007, Apapa, Lagos
Port Harcourt: Daily Sunray, 220 Aba Road, Port Harcourt
Edo State: Nigerian Observer, PMB 1334, Benin City

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