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**APEC  
Appeal Cases**

*The six case studies overleaf illustrate a range of Amnesty International's concerns related to patterns of economic development within APEC member states.*

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# TRADE UNIONS

## People's Republic of China: *Harassment and Detention of Independent Trade Union Organizers*

### **Trade Unions and Economic Reform in China**

In over 15 years of economic reform, China's GDP has grown at an average yearly rate of 7%, according to some measures. A major part of this growth has come from the availability of a large, disciplined and cheap workforce. However workers in China face serious challenges in the coming years: the Bank of China in September 1996 estimated that the urban unemployment rate stood at about 7-8%. A further 20% of the workers in the state sector have been described by officials as surplus or underemployed. A great majority of the unemployed receive no economic assistance from the state.

The economic reforms have not led to fundamental changes in the system of representation of workers, which remains rigid and tightly controlled by the ruling Chinese Communist Party. Independent trade unions are banned. Under the Trade Union Law of 1992, all trade union organizations across China must belong to the All China Federation of Trade Unions (ACFTU). New trade unions can only be set up as part of the ACFTU and grass-root unions are placed "under the leadership" of higher-level ones, thus ensuring tight central control of their activities. Under its charter, the ACFTU is itself placed "under the leadership" of the CCP. Research among workers suggests that they have limited confidence in the ACFTU's capacity to protect their interests.

China is a member of the International Labour Organization (ILO). The ILO has criticised China's repression of independent workers groups. China has not ratified Conventions 87 and 98, which safeguard workers' rights to freedom of association to collective bargaining.

### **Harassment and Detention of Labour Activists**

Those who have attempted to organise alternative, independent labour groups have been arrested and accused of "counter-revolutionary activities" or "disturbing public order". Many have been sentenced to prison terms or assigned, without charge or trial, to periods of "re-education through labour".

Several founding members of an independent labour rights group, the *League for the Protection of the Rights of Working People (LPRWP)*, were arrested in Beijing during the first half of 1994. Five of them have either been sentenced or remain detained without charge or trial. The LPRWP was intended to be a "corporate social body established according to the law" to unite people devoted to the protection of the rights of working people. Its founders wanted, among other things, to establish a nationwide information network to promote the protection of labour rights and to help negotiate and settle labour disputes.

Several of the League's founders were arrested just a few days before they were able to formally register it. Zhou Guoqiang, a lawyer, was arrested on 3 March 1994 in Beijing, and accused of "collaborating with hostile organizations and elements both inside and outside the country to carry out anti-government activities". In September 1994 he received a three-year

term of "re-education through labour". In July 1995 an extra year was added to his sentence. His health deteriorated seriously since his imprisonment.

Another LPRWP founder, schoolteacher Liu Nianchun, was first detained in Beijing on 26 May 1994 and released five months later on 17 October 1994. He was redetained on 21 May 1995 by Beijing police without a warrant and has been given a three-year term of re-education through labour. His first arrest in May 1994 was probably in connection with his LPRWP activities and his recent arrest may have been linked with the petitions he signed before the sixth anniversary of the 4 June 1989 crackdown. Other LPRWP leaders now in detention include Zhang Lin, a physicist, and Liu Huanwen, a member of an unofficial Protestant church in Beijing. All are prisoners of conscience.

*Zheng Shaoqiang, aged 31, Chen Rongyan, aged 60, and Hu Yunquan, aged 30, were taxi drivers in the city of Zhuhai. On 15 January 1996 they held a half-day strike to protest against traffic police who were allegedly imposing high fines for minor traffic offences and impounding cabs for months if the drivers failed to pay the fines. Zheng Shaoqiang and Chen Rongyan were sentenced, without charge or trial, to two years "re-education through labour". Hu Yunquan was sentenced to one year's detention, also without charge or trial. Five other taxi drivers were sentenced to terms ranging from 10 to 15 days, and were fined. The Zhuhai Public Security Bureau said in a statement that the eight drivers were sentenced because their strike action on 15 January "seriously disturbed social security and road traffic management order". According to press reports, more than 300 taxi drivers took part in the strike on 15 January.*

In May 1994 three labour activists, journalists Li Wenming and Kuang Lezhuang, and worker Liao Hetang were arrested by the Shenzhen Public Security Bureau. It is not known whether they have been charged or tried; their present whereabouts are unknown. They are believed to have been arrested in connection with attempts to form an independent labour rights group in Shenzhen, the production of various publications including the *Workers Square*, and advising workers of their legal rights. Working conditions in Shenzhen are often poor and workers do not have recourse to the most basic labour protection rights.

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**Recommendations:**

- Amnesty International calls on the Government of the PRC to amend legislation so as to allow the establishment of trade unions independent of the ACFTU and of any other existing organization.
- Amnesty International urges the Government of the PRC to ratify and implement all relevant ILO conventions, in particular Conventions 87 and 98.
- Amnesty International calls on the Government of the PRC to end the harassment and detention of people who attempt to set up independent labour groups, or otherwise to defend peacefully the rights of workers. All those detained for these activities, including those named in the present document, should be released immediately.

**Please send appeals to:**

Mr Xiao Yang  
Minister of Justice  
11 Xiguangli Chaoyangqu  
Beijingshi 100016  
People's  
Republic of China

Mr Li Boyong  
Minister of Labour  
12 Hepingli Zhong Jie  
Beijingshi  
People's Republic of China

Mr Tao Siju  
Minister of Public  
Security  
14 Dongchang'anlu  
Beijingshi 100741  
People's Republic of  
China

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# TRADE UNIONS

## *South Korea: Curbs on Independent Trade Union Activity*

### **The South Korean industrial relations scene**

In South Korea trade unions are formed at company level and under the Trade Union Law only one trade union may be recognized at each workplace. This prohibition extends to trade union federations. At the national level the Federation of Korean Trade Unions (FKTU) is the only legally recognized national trade union confederation. The FKTU is generally seen to be supportive of government policy.

The Korean Confederation of Trade Unions (KCTU) was established in November 1995 as an alternative to the FKTU. It comprises some 450,000 members from over 850 trade unions and describes itself as a national centre of independent and democratic trade unions. Its aims include the repeal or amendment of labour laws which restrict the right to freedom of association, including a ban on teachers and government employees from forming and joining trade unions and the ban on multiple unions. It hopes to build and unify the trade union movement in South Korea; to improve working conditions and to develop links with trade unions in other countries. However, the KCTU is not recognized as a national trade union confederation because its work is deemed to overlap with that of the FKTU.

South Korea has seen rapid industrialisation in recent decades and is now world's 11th largest economy. South Korea joined the ILO in 1991 and in October 1996 it was admitted as a member of the Organization for Economic Co-operation and Development (OECD).

### **The ban on "third party intervention"**

Trade union leaders in South Korea face arrest and imprisonment under legislation which curtails their right to freedom of expression. Article 13-2 of the Labour Dispute Medication Act prohibits a "third party", that is anyone who has no immediate connection with a workplace where a dispute is taking place, from intervening in the dispute. Article 12-2 of the Trade Union Law prohibits "third party intervention" for the purpose of influencing the formation of a trade union or collective bargaining with an employer.

The authorities regard as "third party intervention" advice given to trade union members about their labour rights. During the first nine months of 1996 four trade union leaders

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were arrested on charges of “third party intervention” and ten others are currently under investigation. Most are members of the Korean Confederation of Trade Unions (KCTU).

In response to domestic and international pressure, a Presidential Commission was established to review South Korea’s labour laws. The Commission’s recommendations are currently under review and the government plans to draft new legislation before the end of 1996. But trade unionists are concerned that the reforms may not include removal of the ban on “third party intervention” and may not adequately safeguard other basic labour rights.

### **The arrests of Kwon Young-kil and Yang Kyu-hun**

Within two months of the KCTU’s inauguration both its President, Kwon Young-kil, and its First Vice President, Yang Kyu-hun, had been arrested on charges of “third party intervention” in labour disputes. Kwon Young-kil was arrested on 23 November 1995 and Yang Kyu-hun on 1 February 1996. Both are currently released on bail, but awaiting trial. If reimprisoned, Amnesty International would consider them to be prisoners of conscience.

The two leaders were accused of giving advice to trade union members in a series of speeches in May and June of 1994. They had supported various trade union activities, criticised the authorities for using armed police to arrest striking workers and expressed support for workers involved in industrial disputes, including a dispute at Korean National Railroad. They were additionally charged with interference of traffic during a KCTU demonstration, holding unauthorized demonstrations and illegal fundraising.

### **International concern**

The International Labour Organization (ILO) and the United Nations have expressed concern about workers’ rights in South Korea, including the ban on “third party intervention”.

- In March 1993 the ILO called on the South Korean government to repeal the ban on "third party intervention", saying that it was *"of the opinion that the ban on third party intervention in the settlement of disputes constitutes a serious restriction on the free function of trade unions"*.
- In July 1995 the UN Human Rights Committee found that another trade unionist, Sohn Jong-kyu, sentenced to 18 months' imprisonment for "third party intervention" in a labour dispute, had been convicted for exercising his right to freedom of expression. The

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Committee urged the South Korean Government to review Article 13-2 of the Labour Dispute Mediation Act and to ensure that similar violations did not occur in future.

**Recommendations:**

- Amnesty International calls for charges against Kwon Young-kil and Yang Kyu-hun to be dropped.  
The charges against the two leaders relate to non-violent and legitimate trade union activities, in violation of their rights to freedom of expression and association.
- Amnesty International calls for removal of the ban on “third party intervention”, in accordance with international standards on freedom of expression and association.

**Please send appeals based on the above recommendations to:**

President Kim Young-sam  
The Blue House  
1 Sejong-no  
Chongno-gu  
Seoul  
Republic of Korea  
Fax: +82 2 770 0253

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# MINING, LAND AND ENVIRONMENT

## *Indonesia: Arrests, Disappearances and Killings*

### **Irian Jaya and the Freeport Mine**

There has been opposition, both peaceful and armed, to Indonesian rule in Irian Jaya since *de facto* authority for the region was transferred from the Netherlands to the Indonesian Government in May 1963. In recent years the issue of land and resources has been the focus for discontent and in particular the impact on local lives and livelihoods of the massive mining operation at Tembagapura owned by the American company Freeport McMoRan Copper and Gold Corporation.

The copper, gold and silver mine began operations in 1967. Today the total exploration and mining area is 2.6 million hectares covering land occupied by five groups of indigenous peoples, the Amungme, Koro, Dani, Akimungga and Akari peoples. Discontent in these communities over the perceived lack of benefits from the mine, the social impact of the mine's presence and environmental concerns, have flowed into broader opposition to Indonesian rule.

Opposition activities intensified after July 1994 and included armed clashes between the Free Papua Movement (*Organisasi Papua Merdeka* - OPM) and the Indonesian Armed Forces (ABRI), flag raising ceremonies and demonstrations. Extra Indonesian forces were sent to the region to search for the OPM and military surveillance intensified in the region. Clashes between the OPM and the armed forces have continued since then, as have peaceful actions against the military's handling of the dispute between the local community and PT Freeport Indonesia.

### **Alleged violations**

Allegations of human rights violations first emerged in April 1995, in a report published by the Australian Council for Overseas Aid (ACFOA). The report, which included eyewitness testimony, alleged that the security forces had killed at least 22 civilians and 15 alleged members of the OPM between June 1994 and February 1995. It also alleged that the armed forces had carried out arbitrary arrests, "disappearances" and torture of civilians. Another report released a few months later by the Catholic Bishop of Jayapura contained further details about these violations as well as details of subsequent incidents.

One alleged incident concerned the reported extrajudicial execution of 11 civilians on 31 May 1995 in the village of Hoesa, in the region of Paniai, about 90 kilometres east of the mine. The 11, including a priest, women and children had gathered for a prayer meeting to discuss returning to their village which they had fled when fighting broke out between the OPM and the army in 1994. As the group were praying they were reportedly surrounded by troops who shot the officiating priest, Reverend Martinus Kibak and then fired at the others killing 10, including two children aged five and six and two teenagers, aged 15 and 14.



In response to these reports Indonesia's National Commission on Human Rights (*Komisi Nasional Hak Asasi Manusia* - Komnas HAM) sent two fact finding teams to the region. They also found evidence of human rights violations, specifically 16 extrajudicial executions, torture, unlawful and arbitrary arrests, and four "disappearances" as well as excessive military surveillance and destruction of property.

Initially, the Indonesian military authorities either denied or downplayed the role of members of the security forces in the violations. However, in the face of mounting national and international pressure, an investigation was conducted resulting in the trial and imprisonment of four soldiers for between one and three years. While Amnesty International welcomes the action taken by the military to bring to justice soldiers responsible for human rights violations, it remains concerned that the allegations have not been fully or independently investigated.

Both the ACFOA and the Catholic Church reports allege the use of PT Freeport Indonesia security posts and equipment in the arbitrary detention of individuals. PT Freeport Indonesia has denied the allegations, stating that Komnas HAM had since exonerated the company from any involvement in the violations and that the Bishop of Jayapura has also retracted the accusations contained in the report by the Catholic Church. According to Amnesty International's information the Bishop has not retracted allegations contained in individual testimonies in the report, but neither he nor Komnas HAM have investigated the role of the company themselves.

Amnesty International has not been able to independently investigate the allegations. Restrictions on travel and heavy surveillance render independent monitoring extremely difficult.

**Recommendations:**

- Amnesty International calls on Freeport McMoRan Copper and Gold Corporation to use its influence with the Indonesian Government to press for a full, independent and impartial investigation into the alleged human rights violations. In addition, the company should use its influence to prevent violations from occurring in the future, by reminding the Indonesian Government of its international human rights obligations.
- The organization calls on the Indonesian Government to act on the findings of Komnas HAM, which point to the need for further comprehensive investigation into alleged human rights violations in Irian Jaya around the Freeport mine.
- The organization calls on the Indonesian Government to ensure that *all* those responsible for the killing, "disappearance" and arbitrary arrests and torture of civilians around the mine are

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brought to account.

**Please send appeals based on the above recommendations to:**

President Suharto  
Presiden RI  
Istana Negara  
Jl. Veteran  
Jakarta Pusat  
Indonesia

Thomas Egan  
Senior Vice President and Senior  
Administrative Deputy to the Office of the Chairman  
Freeport McMoRan Copper & Gold  
PO Box 51777  
New Orleans LA 70151, USA

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# PEASANTS AND INDIGENOUS PEOPLE

## *Mexico: Killings and "Disappearances"*

### **Poverty and social unrest**

Mexico is undergoing a serious economic recession, which has fuelled increasing social unrest, particularly among the hardest hit, namely the peasants and the indigenous peoples. Out of a population of 91 million there are reportedly around 30 million people living below the poverty line (i.e. with less than the minimum wage), including a substantial proportion of the country's 9 million indigenous people. During the last two years alone around 2 million people have lost their jobs, bringing the total of unemployed and sub-employed people to around 18 million.

Growing social and political dissent is being increasingly curbed with violent means, including human rights violations. Over the last 12 months there has been an alarming increase in the use of the army in police operations, including arrests and interrogation of suspects, particularly in impoverished areas of the country. Complaints of human rights violations by the army are investigated by military courts, which have consistently failed to bring to justice perpetrators of such abuses. For instance, dozens of gross human rights violations, including EJE's, carried out by the Mexican Army in the state of Chiapas in January 1994 remain uninvestigated and unprosecuted.

### **Violations against peasants and of indigenous communities**

The Mexican security forces have stepped up operations to clamp down the Ejército Popular Revolucionario (EPR), Popular Revolutionary Army, an armed opposition group active in several states of the country. In recent months, there has been a growing number of reports of serious human rights violations by members of the Mexican Army and other security forces in the context of such operations. One of the root causes of the January 1994 uprising of Indian communities in Chiapas state and subsequent guerrilla activity in Guerrero, Oaxaca and other states is discontent among indigenous people and peasants over the denial of basic economic, social and cultural rights. It is these underprivileged people who have been the most frequent victims of human rights violations.

On 5 August 1996 soldiers of the Mexican Army raided the Indian community of Acatepec, in the mountain region of the State of Guerrero. During the raid a Tlapaneco Indian woman and her daughter were reportedly raped by a group of around ten soldiers. The son of the woman was forced to watch the rape, and threatened with death to disclose information about alleged EPR activities in the region. The victims were released without charge on that same day, but were threatened with death against presenting any complaint. While the community complained to the governmental National Human Rights Commission, those responsible have not been brought to justice.

On 12 September 1996 Rafael García Santiago, a Mixteco Indian activist and member of the Partido de la Revolución Democrática (PRD), Democratic Revolutionary Party, an opposition party, was killed in the municipality of Tlacoachistlahuaca, Guerrero, by members of a local paramilitary group reportedly linked to the Partido Revolucionario Institucional (PRI), Institutional Revolutionary Party, the ruling party. Dozens of members of the opposition were targeted by paramilitary groups and local authorities in the running up to state elections in Guerrero on 6 October 1996.

On 16 September Tomás D. Tacuba, Salomé Aguirre Bahena, Benito Bahena Aguirre, Joviel R. Ventura and Celso Sánchez, peasant activists and members of the Organización Campesina de la Sierra del Sur (OCSS), Southern Sierra Peasant Organization, “disappeared” after their arrest by a patrol of the Mexican Army near the town of Coyuca de Benítez, Guerrero. Their whereabouts have remained unknown and those responsible have not been brought to justice.

On 25 September at least 8 people from the communities of Llano Maguey and San Agustín, in Loxicha, Oaxaca, were arbitrarily arrested by the security forces. On 29 September a further six members of the nearby community of San Francisco were arbitrarily arrested by security forces operating in the region. They remain in prison in Oaxaca, where they have reportedly suffered torture to extract confessions of links with guerrilla groups.

On 26 September Gregorio Alfonso Alvarado López, a teacher and Indian rights' activist in Chilpancingo, Guerrero, "disappeared" after weeks of threats and intimidation by unidentified individuals. Although state authorities have acknowledged that he might have been abducted by paramilitary groups operating in the region, he remains "disappeared" at the time of writing, raising grave fears about his safety.

Amnesty International has also condemned abuses reportedly perpetrated by members of the EPR, including the apparent extra-judicial execution of one prisoner, Alberto Zamudio Estrada, a municipal police officer in Papalotla, State of Mexico, who was killed on 29 August with close range shots after his detention by members of the EPR.

**Recommendations:**

- Amnesty International calls on the Mexican Government to adopt urgent and effective measures, in line with its obligations under the ICCPR and the UN Convention Against Torture, to halt the spiralling pattern of human rights violations in Mexico, and end impunity for the perpetrators.
- Amnesty International also calls on the authorities to take immediate steps to investigate, identify and prosecute the perpetrators of the violations outlined above, and provide compensation and redress to their victims.

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**Please address appeals, preferably in Spanish, or otherwise English or French, to:**

President of the Republic

Lic. Ernesto Zedillo Ponce de León

Presidente de la República

Palacio Nacional, 06067 México D.F

MÉXICO

**Telegrams: Presidente Zedillo, México D.F., México**

**Telexes: 170937 sppnme; 1774468 sppnme**

**Faxes: + 52 5 271 1764, or 515 1794 or 542 1648 (voice line: ask "me puede dar tono de fax, por favor")**

**Salutation: Sr. Presidente / Dear President**

## **LAND DISPUTES**

***Philippines: The threat of "disappearances", illegal killings and harassment***

### **Philippines 2000: Benefits and Costs**

Since his election in 1992 President Fidel Ramos has pursued an ambitious 'Philippines 2000' economic development program by which the government has sought to match the successes of neighbouring Southeast Asian 'Tiger' economies through market liberalisation, privatization and the stimulation of domestic and foreign investment.

Renewed prospects of sustained economic growth have given rise to hopes for a gradual reduction in poverty levels (over 35% of the population are currently estimated to live below the official poverty line) and for the alleviation of severe social and economic inequalities which have fuelled decades of political unrest and insurgency. In 1992 President Ramos also initiated peace talks with the major armed opposition groups and, as internal conflict waned, the number of human rights violations occurring in the context of counter-insurgency operations began a steady decline.

However, a range of non-governmental organizations in the Philippines, many of which have serious concerns over the social and environmental costs associated with the government's economic program, have also expressed alarm that patterns of insurgency-related human rights violations, including extra-judicial executions, "disappearances" and harassment of community activists, have continued within the context of development disputes which include conflicts over land rights, environmental degradation and the rights of indigenous peoples.

Those at risk include human rights defenders working for the economic, social and cultural rights of their communities. The perpetrators include corporate private security guards with

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apparent connections with provincial or *barangay* (local administrative unit) officials and to officers within local police forces.

While Amnesty International is unaware of any substantive evidence suggesting the existence of a coherent government policy supporting such human rights violations in the interests of development, the organisation is concerned that in some instances the authorities appear to tolerate human rights violations by non-state agents, or, in some cases accept the connivance of local officials or security personnel in human rights violations against individuals involved in community work that is regarded by developers as a threat to their projects.

### **The “disappearance” of Domingo Banaag**

Domingo Banaag, a 47 year-old farmer and President of the *Pasong Bayabas* Farmers Association Inc (PBFAI- associated with the national peasant organisation KASAMA) “disappeared” in Cavite province, south of Manila, on 17 September 1996. Domingo Banaag had been active in a dispute between local farmers (represented by the PBFAI) and the Credito Asiatic development company over the planned conversion of 27 hectares of agricultural land into a residential estate.

The land under dispute had been settled over twenty years ago by farmers brought in by the original owner. The farmers, with the owner’s permission, built houses with the last being constructed in 1980. During the 1980s the area was sold to a development company which proposed but did not carry out its conversion. However in the late 1980s the residents applied for the distribution of the land to them under the 1988 Comprehensive Agrarian Reform Program (CARP). The Department of Agrarian Reform (DAR) agreed to the application and initiated procedures for the land to be surveyed for partition and distribution.

In 1996 Credito Asiatic Inc, who claimed ownership of the land, began to clear the area with bulldozers. The farmers affected filed a suit before the DAR Adjudication Board and were able to obtain a Temporary Restraining Order (TRO) against the company. However Credito Asiatic applied for a Petition of Exemption under the CARP and clearance continued. The farmers appealed against the Petition and the legal dispute was continuing in September 1996 when a group of farmers sought to block the work of the bulldozers.

On 8 September Domingo Banaag and other farmers stood in front of the bulldozers and an angry confrontation with company security guards developed. Threats were allegedly made against the farmers and a lawyer of Credito Asiatic reportedly ordered three Philippines National Police (PNP) officers at the site to arrest the farmers. The men were taken to a

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local jail but subsequently released without charge. A police captain later allegedly stated that undercover police officers were also present among the company security guards.

On 17 September Domingo Banaag, who reportedly had received death threats, “disappeared” after leaving his house to meet unidentified visitors near General Mariano Alvarez town in Cavite. Subsequent searches of local police stations and hospitals by relatives, national non-governmental organizations and representatives of the governmental Commission on Human Rights (CHR) failed to reveal his whereabouts. There is continuing grave concern for Domingo Banaag’s safety.

Subsequently 14 farmers, among whom were those temporarily detained on 8 September, were arrested for alleged illegal possession of firearms and illegal assembly. Credito Asiatic security guards claimed to have discovered firearms belonging to the farmers, although KASAMA representatives refuted this claim stating that the firearms involved were found at a location far away from the dispute and that there was no clear proof of ownership.

**Recommendations:**

- Amnesty International calls on the Philippine Government to demonstrate clearly that it will not tolerate the involvement or connivance of state agents in any development-related instances of “disappearances”, illegal killings or harassment of those seeking to defend the economic, social or cultural rights of their communities.
- The organization calls for a full, impartial investigation into the “disappearance” of Domingo Banaag and all other cases of alleged grave human rights violations.
- Alleged perpetrators, whether private citizens or state agents, should be prosecuted and brought to account without excessive delay. By doing so justice and the rule of law can be maintained in the face of pressures generated by rapid economic development.

**Please send appeals based on the above recommendations to:**

President Fidel V Ramos  
Malacañang Palace  
Manila  
Philippines  
Fax: + 632 833 7793

## **MIGRANT WORKERS**

### **Malaysia: *Exposing Ill-treatment***

#### **Migrant workers: participating of Malaysia’s prosperity**

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With annual growth rates averaging above 7% over the past decade Malaysia has become one of the most economically vibrant of developing countries within APEC. Increasing prosperity has expanded opportunities for employment to such an extent that labour shortages have become apparent. Attracted by the prospect of sharing this prosperity, and to meet an evident demand for labour, increasing numbers of Asian migrant workers, particularly Indonesians, Filipinos and Bangladeshis have entered Malaysia. Migrant workers will continue to play an important role in sustaining Malaysia's vision of reaching fully developed status by the year 2020.

Estimates of the number of migrant workers, both legal and illegal, now in Malaysia range from over 1 million to over 2.5 million. Exact figures are unknown because of the movement of high numbers of unregistered, illegal workers. Thousands of these workers end up in eleven detention camps throughout the country. The detainees include both those who entered the country illegally, and those who entered with the necessary papers but were disowned after disputes with their employers.

Over recent years reports have emerged highlighting the vulnerability of illegal migrant workers, many of them women, to unscrupulous or abusive employers and to corrupt immigration officials and police. In addition allegations have been made concerning ill-treatment and harsh conditions in some of the official camps for detained migrant workers. In August 1995, as a result of a research project into health and HIV/AIDS issues in the camps, a Malaysian women's Non-Governmental Organisation (NGO), *Tenaganita*, headed by Irene Fernandez, published a report alleging medical negligence and abuse in the detention camps.

#### **Conditions in detention camps for migrant workers**

*Tenaganita's* report detailed allegations of a pattern of abuses in the camps, including a series of deaths reportedly caused by malnutrition, beri-beri and other easily treatable illnesses. During the course of a year *Tenaganita* staff interviewed over 300 migrant workers following their release from detention as alleged illegal immigrants at various centres in Semenyih, Juru, Kelantan, Johore and Melaka. Most of the migrant workers interviewed are believed to be of Bangladeshi, Indonesian or Filipino nationality.

The majority of the former detainees are alleged to have been suffering from dehydration and malnutrition on their release. Many claimed to have been beaten or made to stand in the sun for hours if they asked for water and there were allegations of sexual abuse of female detainees. Medical treatment was also claimed to have been denied to sick detainees.

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Following publication of *Tenaganita's* report, the Deputy Minister of Home Affairs, Datuk Megat Junid Megat Ayob, admitted that 46 deaths had occurred in the detention camps and announced in September 1995 the appointment of a visitors' panel to study conditions in the camps. He stated that the deaths had occurred due to 'natural causes' including beri-beri. In April 1996 the Ministry of Home Affairs is reported to have said that 71 detainees, including 37 Bangladeshis, had died in camps for detained migrants since 1992. However, the Ministry claimed that medical reports showed that the deaths were not caused by any abuse or torture and dismissed all allegations of sexual abuse of female detainees.

### **Irene Fernandez charged**

However, Irene Fernandez, 46, was subjected to police investigation in relation to *Tenaganita's* report. Initially she was interrogated and accused by the police of 'criminal defamation'. Subsequently in March 1996 she was arrested and charged under Section 8A(1) of the Printing Presses and Publications Act with publishing "false news" in the report. Her trial began in June 1996 and is continuing.

If found guilty, she faces a prison term of up to three years, or a fine of up to RM20,000, or both. Should she be imprisoned, Amnesty International believes Irene Fernandez would be a prisoner of conscience jailed solely for her peaceful work in defence of the rights of migrant workers .

### **Condemning the Messenger: attacks on freedom of expression in Malaysia**

Amnesty International is concerned that the Malaysian Government is again using existing legislation to threaten and intimidate those who seek to expose human rights violations or publicize issues of public concern. NGO workers, opposition politicians and other individuals who exercise their lawful right to freedom of expression and who publicly criticize the government appear to be increasingly vulnerable to prosecution and imprisonment for "criminal defamation" under the penal code and under legislation such as the Printing Presses and Publications Act or the Sedition Act.

#### **Recommendations:**

- Amnesty International calls on the Malaysian Government to conduct a full and impartial investigation into the cause of all deaths of migrant workers in detention camps and into other allegations of ill-treatment of detained migrant workers, and to make the findings public.
- The organisation calls for the charges against Irene Fernandez to be withdrawn and her trial under the Printing Presses and Publications Act halted.
- Amnesty International further calls on the authorities to ensure that those peacefully expressing their

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right to freedom of expression may do so free from intimidation and arrest.

**Please send appeals based on the above recommendations to:**

Prime Minister Dr Mahatir bin Mohamad  
Prime Minister's Department  
Jalan Dato'Onn  
50502 Kuala Lumpur  
Malaysia  
Fax: +603 298 4172

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