

# APEC

## Human Development, Human Rights

On Sunday, 20 July 1997, Benjie Abao, Narcisco Guimba and Juvy Maniana were shot dead by Philippines National Police officers near Impasug-ong on the southern Philippine island of Mindanao. Several of their clan were wounded, including Lilibeth Antolilao, an eight year old girl. Members of the Higaonon indigenous people, they were resisting eviction from their ancestral lands by powerful local interests during a land dispute. According to the police they were armed with knives. But the bulldozers that came to demolish their homes were backed with the full force of the state.

In a region being transformed by economic change, incidents of this kind are not isolated. Economic growth is creating new divisions within societies and putting increased pressure upon resources and the environment. Governments overseeing the adjustments required by a globalized world economy are resorting to authoritarian methods to facilitate projects and maintain competitiveness.

Over the past two decades, economic growth in the Asia-Pacific region has outstripped that of the rest of the world. Through the Asia-Pacific Economic Cooperation (APEC) forum and other sub-regional free trade areas, governments have promoted regional economic integration through concerted trade and investment liberalisation. These initiatives have in turn fed into broader multilateral efforts, through the World Trade Organisation and other bodies, to advance the globalization of the world economy.

Economic growth has transformed people's lives in many parts of the region. Levels of absolute poverty have fallen, per capita incomes have increased, literacy rates have improved and health services have become more widely available. In many instances, people enjoy greater freedom of choice and movement and exposure to new influences and media. Across the region, relatively privileged urban "middle class" have emerged, enjoying lifestyles often more advanced than their counterparts in the west.

But the dividends of economic growth have not been evenly shared. In China, for instance, there is a burgeoning gap between the booming eastern seaboard and poorer inland areas. In Indonesia, according to the World Bank, poverty levels have fallen but at the same time become more localised in terms of geography, gender and other characteristics. In many places, economic liberalisation has deepened the marginalisation of women, the poor and other vulnerable groups, depriving them of traditional resources and livelihoods.

Nor has economic growth translated into genuine human development. Quality and security of life cannot be measured solely in terms of GDP and per capita income. Development is a holistic process embracing the place of individuals in civil society, their personal security and their capacity to determine and realise their potential. Development

should advance the full range of human rights as one indivisible and interdependent whole. The UN General Assembly held in its 1986 Declaration on the Right to Development:

**“the human person is the central subject of development”**

The World Summit on Development in Copenhagen affirmed in 1995:

**“in order to promote development, equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights...”**

And as the governments of the world declared at the World Conference on Human Rights in Vienna in 1993:

**“All human rights are universal, indivisible, interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis...”**

**While development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgment of internationally recognised human rights.”**

Throughout APEC, governments are failing to live up to this promise. All too often, “development” is being pursued at the expense of human rights, rather than as their realisation. All too often, governments use the language of “development” as a cloak for abuses they visit on their people. All too often, business and international financial institutions are complicit in this process, driving forward economic reform without complementary political and social transformation.

This paper presents six case studies from a variety of APEC countries which highlight the indivisibility of human rights. They demonstrate how violations of civil, cultural, economic, political and social rights often intersect and intertwine. They show how people cannot properly defend and advance their economic, social and cultural rights without the civil and political opportunity to do so -- and how the deprivation of economic and social rights can circumscribe and undermine the same civil and political freedoms.

The leaders of APEC have declared that people are the Asia-Pacific’s most important resource in economic growth and development and that one of their goals is to enhance the quality of life and the well-being of the people in the region. They have stated that the development of human resources can contribute to the attainment of such fundamental interests as the alleviation of poverty, full employment and the full participation of all groups in the process of economic growth and development. The cases highlighted below by Amnesty International show how far apart that rhetoric is from reality for many people of the region. The APEC vision will only be fulfilled if APEC governments, businesses and other institutions, work to ensure development is about the promotion, realisation and protection of the full range of human rights.

As APEC leaders, ministers, officials and businesspeople meet in the hotel lobbies of Vancouver to discuss ways of promoting and sustaining economic growth in the region, they should recognise that development is about people as well as markets. People like those in the following cases – migrant workers, independent trade unionists, indigenous people – who should be able to participate in and benefit from the process of development, without fear of intimidation, without fear for their lives. People who have a right to be heard on the issues which affect their lives.

# **APEC Appeal Cases**

**The six case studies overleaf illustrate a range of Amnesty International's concerns related to patterns of economic development and human rights. They highlight the indivisible nature of human rights - civil, political, economic, social and cultural - and are key issues which APEC member states and the APEC bodies must address.**

**For further information about the cases you can contact Amnesty International's APEC Unit, at the International Secretariat, 1 Easton Street, London WC1X 8DJ, United Kingdom.**

## ENVIRONMENTAL ACTIVISTS

### *MEXICO: threats, imprisonment and death*

On 1 July 1996, Leticia Moctezuma Vargas, a 36 year old mother and nursery teacher, from the community of Tepoztlán, Morelos State, Mexico, received two phone calls. A man's voice said, "*Stop interfering in politics.*" and "*You should take it easy with your politics or we kill you.*". The following day, at the nursery where she works, there was another phone call. This time a woman's voice said: "*Take it easy or things will go bad for you, take it easy or we will kill you*".

Leticia Moctezuma Vargas, mother, teacher and community activist, doesn't want to see a government-sponsored multi-million dollar golf course and tourist complex built on the land that she and members of the *Comité de Unidad Tepozteca* (CUT), Committee of Tepoztecan Unity, an indigenous peasant organization, regard as sacred. But the Mexican Government, the State Governor of Morelos, Jorge Carrillo Olea, and a major development company think differently. Leticia Moctezuma Vargas and the Tepoztlán community have been peacefully protesting against this development. She and others believe that it would seriously damage the community's environment. And they have been joined by human rights activists and grassroots organization at the national and international level working to protect the rights of the poor.

On 10 April 1996, Leticia Moctezuma Vargas and her daughters, Nana Laura, aged 13, and Anel, aged 11, joined a peaceful protest against the golf course and tourist project. Did the authorities want to listen? The police came and broke up the rally. They seized old women and children, brutally beat them and hit them with stones on the head. They arrested 34 members of the CUT and, in all, more than a hundred arrest warrants were issued against CUT members. But they also did something which demands immediate justice and a thorough investigation. The victim's name is Marcos Olmedo Gutiérrez, a 64 year old man and elder member of the Tepoztlán community. Leticia saw how it took three policemen to drag this old man, wounded and alive, into a police vehicle. They found him later - dead, killed by a bullet in the back of the head. No impartial investigation into his death has taken place in spite of the overwhelming forensic evidence of an unlawful killing.

On 11 January 1997, there was a further spate of arrests connected with the peaceful protests. CUT activists, Laurencio Guarneros Sandoval, Julio Bello Palacios and Remigio Ayala Martínez, together with Carlos Ricardo Ruiz Canada, a restaurant manager, were imprisoned. There were allegations that Laurencio Guarneros Sandoval and Julio Bello Palacios were tortured while being held. Julio Bello Palacios was released soon after the arrest, but the other three remained in prison for nine months before being released without charges in September.

Others who have suffered include three leading members of the community: Fortino Mendoza and José Carrillo Conde both taxi drivers, and Gerardo Demesa Padilla, teacher and trade unionist. They were accused of killing a supporter of the project in December 1995, despite witnesses' accounts and forensic evidence substantiating their claims of innocence and taken into custody. In October 1996, Fortino Mendoza and José Carrillo Conde were released from prison. The judge did not find any evidence against them. The judge said: "Sorry, I knew from the beginning that you were innocent. You had instructions from the top." But on 15 September 1997, Gerardo Demesa Padilla was sentenced an eight year prison sentence. Amnesty International believes him to be a man of conscience and has been calling for his release since

Amnesty International believes that Leticia Moctezuma Vargas has a right to be free from fear, to be respected, to be listened to. It believes that Gerardo Demesa Padilla should be released immediately and unconditionally.

It is time to ask the APEC leaders, officials and the business people and the officials who are mapping out a grand vision for development in the region, what has development done for Leticia Moctezuma Vargas, Gerardo Demesa Padilla, María Olmedo Gutiérrez and the countless others who live in fear of the very development that is meant to benefit them?

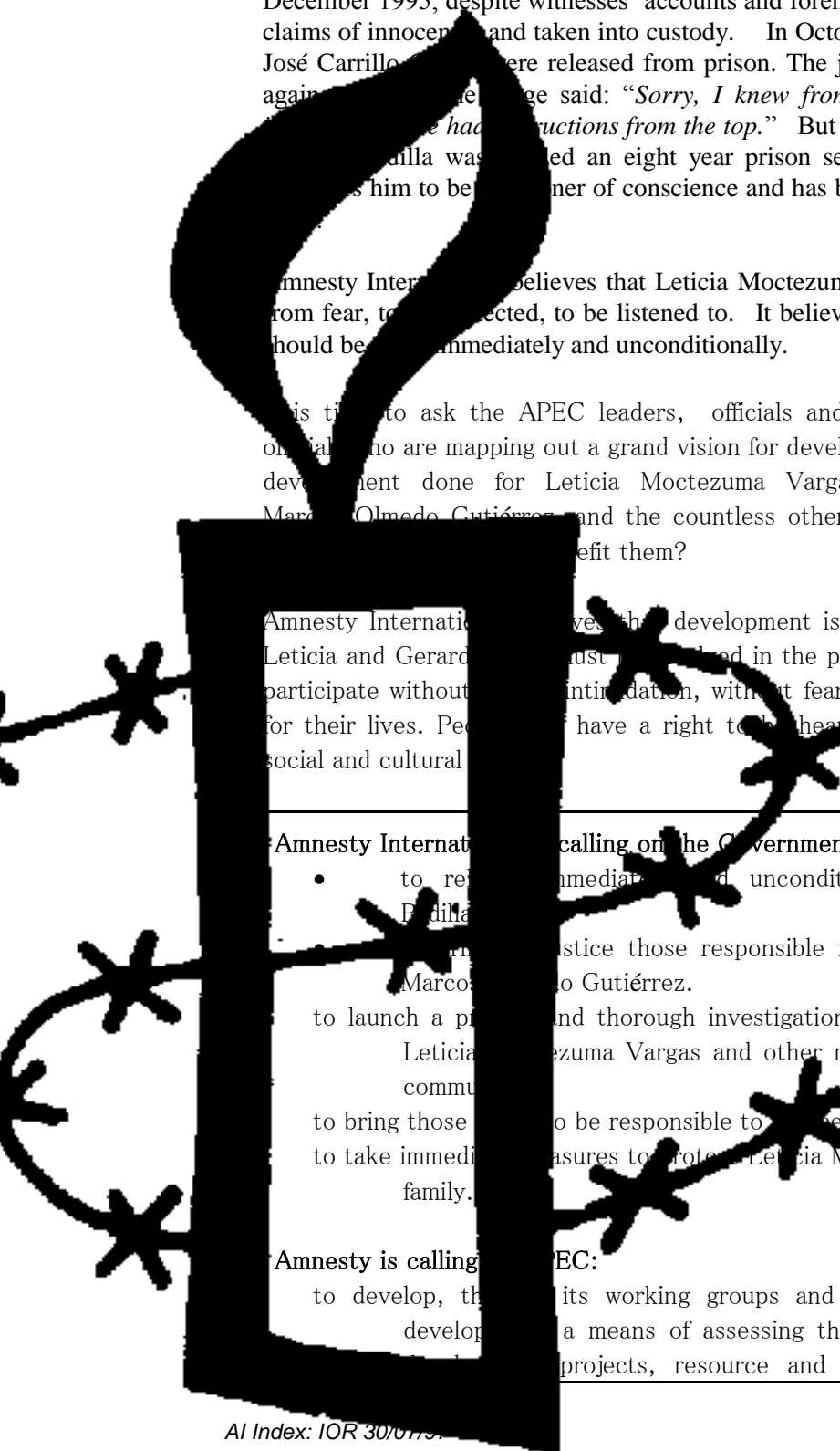
Amnesty International believes that development is about people, people such as Leticia and Gerardo Demesa Padilla must not be excluded in the process of development and can participate without intimidation, without fear of imprisonment, without fear for their lives. People have a right to be heard on issues which affect their social and cultural

**Amnesty International calling on the Government of Mexico:**

- to release immediately and unconditionally Gerardo Demesa Padilla
- to bring to justice those responsible for the unlawful killing of Marco Olmedo Gutiérrez.
- to launch a prompt and thorough investigation into the attacks against Leticia Moctezuma Vargas and other members of the Tepoztlán community.
- to bring those who are responsible to justice.
- to take immediate measures to protect Leticia Moctezuma Vargas and her family.

**Amnesty is calling on APEC:**

- to develop, through its working groups and programs on sustainable development, a means of assessing the human rights impact of development projects, resource and land use and promoting



approaches to development which protect human rights to involve NGOs and those directly affected by development issues in the APEC sustainable development process.

Appeals, preferably in Spanish to the Mexican authorities, or otherwise in English, to:

Procurador General de Justicia  
Lic. Jorge Carrillo Olea  
Gobernador del Estado de Morelos  
Palacio de Gobierno  
Cuernavaca  
Estado de Morelos,  
MEXICO  
Faxes: +52 73 11 30 20

Lic. Jorge Carrillo Olea  
Gobernador del Estado de Morelos  
Palacio de Gobierno  
Cuernavaca  
Estado de Morelos,  
MEXICO  
Faxes: + 52 73 11 30 20

Government of the State of Morelos  
APEC Economic Committee

Mr Stewart Goodings  
Executive Director  
International Affairs Branch  
Human Resources Development  
Canada

Coordinator  
Trade and Economic  
Department of Foreign  
& International Trade  
Lester B. Pearson  
125 Sussex Drive  
Ottawa, Ontario  
K1A 0G2 Canada  
Fax: +1 613 941 4576

360 Laurier Ave,  
West 7th Floor,  
Ottawa, Ontario, K1A 0J9  
Canada  
Fax: +1 613 941 4576

APEC Tourism Working Group  
APEC Secretariat  
Mr Claudio Rojas  
Director (Program)  
438 Alexandra Road  
#13-00 Alexandra Point  
Singapore 119958  
Fax: + 65 276 1775

APEC Secretariat  
Mr Reynaldo A. Catapang  
Director (Program)  
438 Alexandra Road  
#13-00 Alexandra Point  
Singapore 119958  
Fax: +65 276 1775

APEC Human Resources Development Group

## MIGRANT WORKERS

### *Japan: Exposing ill-treatment*

The Story of Zhou Bizhu (Peoples  
 Democracy Club International)

*... I have been wrong to stay in  
 Japan after my visa had  
 expired, but my baby  
 had committed a crime?",*  
 Zhou Bizhu said in an interview  
 with Amnesty International  
 delegates in Japan.

On 3 March 1997, Zhou Bizhu and her  
 unborn baby paid a heavy  
 price for breaking immigration  
 laws. Thousands  
 of women before

being arrested  
 Bizhu started  
 from her vag  
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 April - 50 day  
 her arrest. The  
 who examined  
 her that her  
 died

her, she had come from China  
 to Japan to improve her living  
 conditions, lured by stories of  
 Japan's economic miracle.  
 When the authorities  
 discovered her, she was  
 arrested and taken to a Tokyo  
 police station. Although sick  
 and distressed, vomiting and  
 complaining of stomach  
 cramps, she was ignored by  
 police and denied medical  
 treatment. On 17 March, after  
 14 days in custody, she was  
 finally taken to a hospital. A  
 doctor there confirmed that  
 she was seven weeks pregnant.

17 April, Zhou Bizhu's  
 lawyers had been  
 appealing for her  
 temporary release from  
 detention. They finally  
 released her for two  
 weeks on medical  
 grounds. On 26 April,  
 Zhou Bizhu went for  
 another medical  
 examination and her  
 unborn child was  
 aborted.

On 1 May 1997, Zhou Bizhu  
 went to court and  
 stood trial for violating  
 immigration  
 regulations. She was  
 handed a two-year  
 suspended prison  
 sentence and ordered  
 to be deported. She  
 is now working with her



lawyer to appeal for state compensation before she is deported to China.

*Migrant workers in Japan*

Japan is not a developed country. In recent years thousands of foreign migrants have come to Japan in search of work. The numbers have been growing rapidly as the Japanese economy prospered. The majority of these workers come from

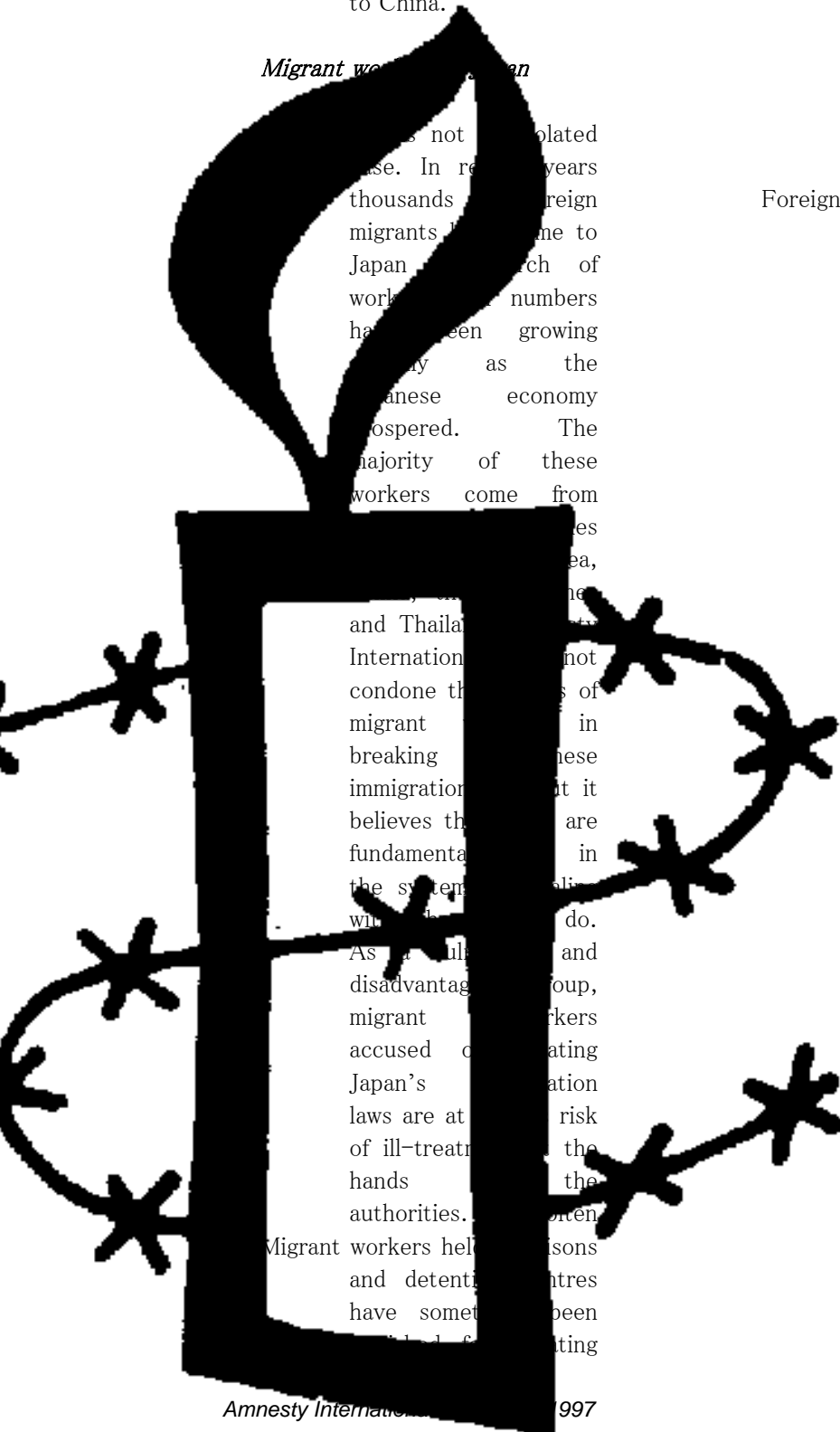
and Thailand. The International Labour Organization does not condone the mistreatment of migrant workers in breaking these immigration laws. It believes that such practices are fundamental to the system of collective bargaining. As a result of this and disadvantages of migrant workers, they are accused of violating Japan's immigration laws are at risk of ill-treatment at the hands of the authorities.

Migrant workers held in prisons and detention centres have sometimes been subjected to ill-treatment

have little knowledge of the Japanese language and legal system. As a consequence they are unable to exercise the rights to which they are entitled under Japanese and international law.

Foreign workers who have remained in Japan after the expiry of their visas have suffered arbitrary punishments, humiliation and beatings at the hands of Immigration Bureau officials. In Japan detainees do not have access to state-appointed lawyer until after they have been charged and this means that they may be questioned for several weeks without access to any legal advice. Medical facilities in prisons, police stations and immigration detention centres are inadequate. Detainees are often given little more than cursory medical examinations and in many cases officials have refused to comply with inmates' repeated requests for medical attention.

written or spoken rules they did not fully understand or for making a complaint



about their conditions of imprisonment. Internal rules govern the day-to-day lives of prisoners. In minute detail, not only the activities such as work, but also the times when prisoners may converse together and even when they may have contact with another. Minor violations of these rules may be punished with periods in solitary confinement, sometimes in "protection cells".

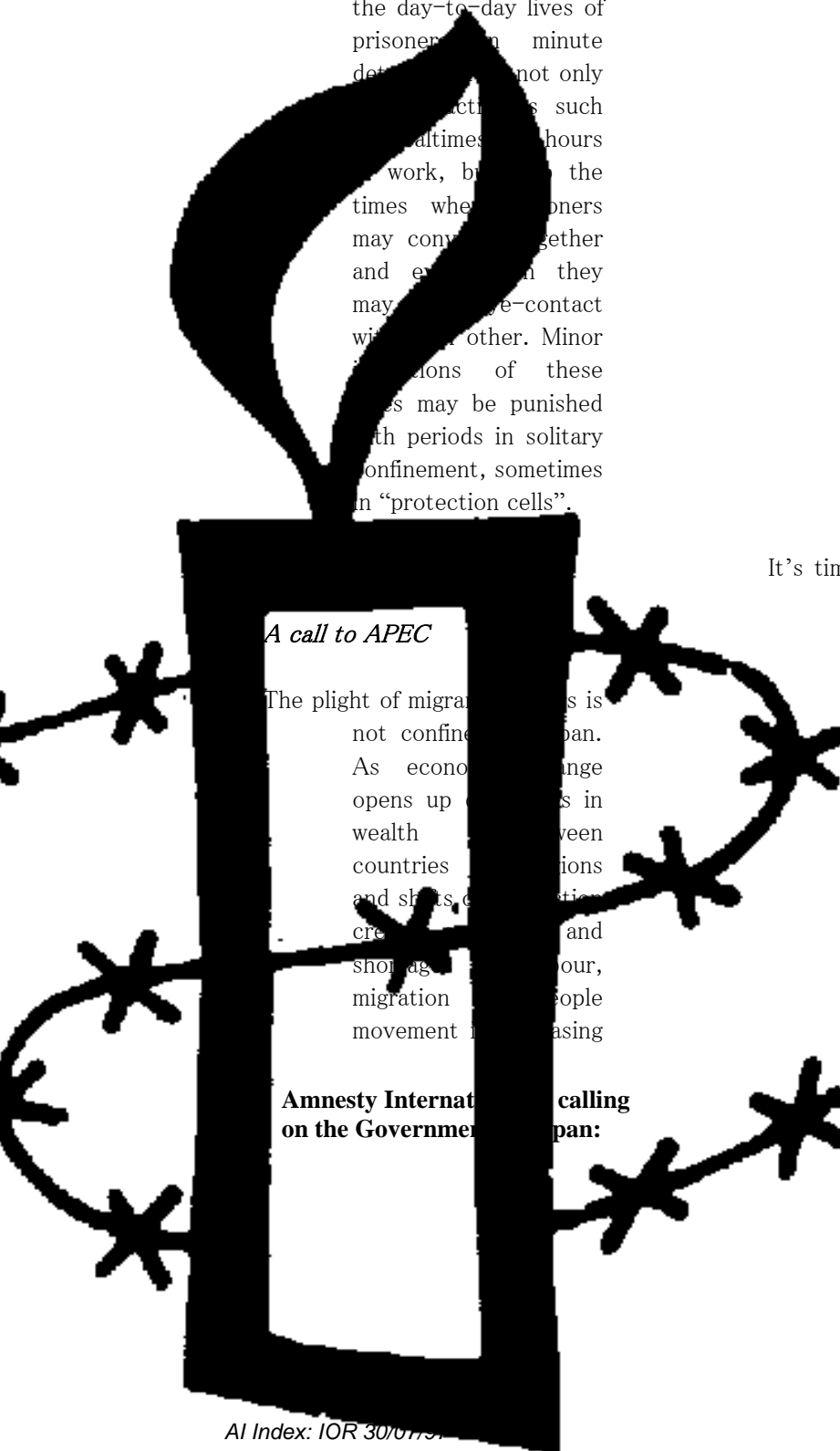
across the APEC region. The contribution migrant workers make to the economy is often treated by host countries as informal and they do not always enjoy full legal protection from abuses such as rape, battering, ill-treatment and illegal detention. Many have found themselves on death row, disadvantaged in their legal defence to criminal charges such as drugs trafficking.

**A call to APEC**

The plight of migrant workers is not confined to Japan. As economic change opens up markets in wealthier countries and shifts domestic credit and investment, shortages of labour, migration and people movement are increasing

It's time for APEC leaders and officials to recognise that behind the statistics of growth and development are human stories such as Zhou Bizhu. APEC governments should work together to ensure that the treatment of migrant workers in each other's economies is in accordance with international human rights standards.

**Amnesty International is calling on the Government of Japan:**



- to ratify the Convention against Torture and the Optional Protocol to the International Covenant on Civil and Political Rights; to bring Prison Law and all other regulations at places of detention into full accordance with international human rights standards; to improve access to medical care; reduce permissible length of detention of suspects by police; to close the accounts of centres of detention; to establish independent investigations and to strengthen governmental organizations;
- to end the use of restraints as punishments, and bring other disciplinary measures into accordance with international human rights standards;

Please send appeals or write letters based on the above recommendations to:

**Government of Japan**

Prime Minister  
Ryutaro Hashimoto  
Prime Minister's Office  
1-6, Nagata-cho, Chiyoda-ku,  
Tokyo  
Japan

**APEC Human Resources Development Working Group**

Mr Stewart Goodings  
Executive Director  
International Affairs Branch  
Human Resources Development  
Canada  
360 Laurier Ave, West 7th Floor,  
Ottawa, Ontario, K1A 0J9  
Canada  
Fax: +1 613 941 4576

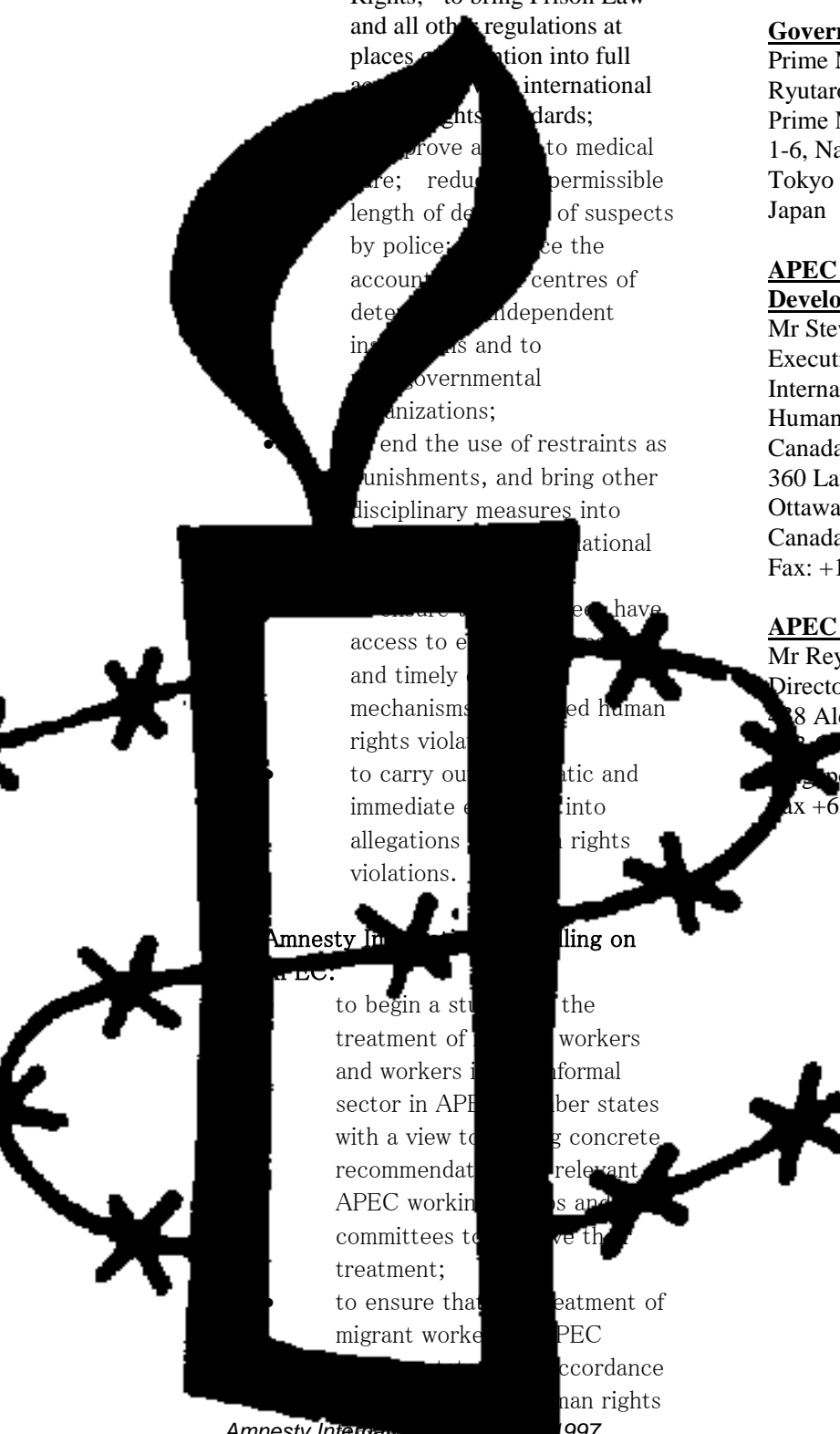
**APEC Secretariat**

Mr Reynaldo A. Catapang  
Director (Program)  
238 Alexandra Road  
Singapore 119958  
Fax +65 276 1775

**Amnesty International's findings on**

... APEC:  
to begin a study of the treatment of migrant workers and workers in the informal sector in APEC member states with a view to making concrete recommendations to relevant APEC working groups and committees to improve their treatment;  
to ensure that the treatment of migrant workers in APEC member states is in accordance with international human rights standards.

- to ensure that NGOs and those involved in monitoring the conditions of migrant workers are involved in the APEC human resource development process.



## TRADE UNIONS

### *South Korea: Basic rights still denied*

#### The story of the Korean Confederation of Trade Unions

South Korea has become a rapidly industrialised nation in recent decades to become one of the world's major economic powers. In October 1996 it was admitted as a member of the Organisation for Economic Co-operation and Development (OECD). But like other nations in the region, South Korea has sought to maintain competitiveness in the face of global economic globalisation by restricting independent trade union activity, curbing the legitimate exercise by workers of basic freedoms of association and expression as set out in the International Covenant on Economic, Social and Cultural Rights and Articles 87 and 98 of the International Labour Organisation.

*"The present government neither guarantees nor respects the worker's right to organise. For example, the authorities still wield arbitrary power to grant a trade union legal status, without which the union becomes an unlawful organization under current law. . . More often than not, those who are persecuted for their struggle tend to be ignored despite the fact that the struggle constitutes an essential condition for human existence"*

(Statement by the Korean Confederation of Trade Unions President Kwon Young-kil, July 1997).

At a secretive parliamentary session in December 1996, South Korea's ruling party secured the adoption of new labour legislation. The main opposition party was absent and had not been invited to the vote. The new legislation contained restrictions on trade union rights that trade unionists had hoped to see lifted. For example, it delayed the right to elect more than one trade union at industrial federation and national level until the year 2000 and at company level until the year 2002. The ban on third party interference in disputes was only partially lifted. Provisions were introduced to replace workers and to make it easier for companies to lay off workers and reemploy them. Further, workers holding trade union membership and office were intimidated. Furthermore, teachers and public service workers were still to be denied the right to form a trade union.

In response thousands of Korean trade unionists belonging to the Korean Confederation of Trade Unions (KCTU) and its counterpart, the Federation of Korean Trade Unions (FKTU) decided to take strike action. The authorities responded by issuing arrest warrants for 20 union leaders, on charges of organizing "illegal" strike action. There were mass protest rallies throughout the country involving students, teachers, parents, lawyers, journalists, religious groups and many other ordinary people. International support came from the International Confederation of Free Trade Unions (ICFTU), which sent a delegation to South Korea, and from trade

union and human rights groups in many different countries who organized protests and sent messages of support.

Faced with this level of protest, the authorities withdrew arrest warrants against the trade union leaders and agreed to reconsider the new labour legislation which was subsequently passed by the National Assembly in March, with the agreement of the oppositional parties.

#### Amendment still violates rights

The amended legislation allowed the immediate legal recognition of the KCTU and other trade union organizations and also delayed provisions allowing mass lay-offs of workers. But the amendments were minor and some meant little in practice. The KCTU remains an illegal organization because several of its leaders are dismissed workers and some of its affiliates are unauthorized trade unions. Teachers and public servants continue to be denied the right to form a trade union. Trade unionists continue to face arrest and imprisonment for peacefully defending their basic rights.

Despite the continuing restrictions, the trade union movement in South Korea still faces many obstacles to ensuring respect for basic trade union rights. But the huge domestic and international protests in early 1997 were an important demonstration to the region that a global economy also brings global solidarity.

*"International solidarity has become a vital conduit for information as well as support for trade unionists in Korea. It has, for example, helped to counter the government's propaganda mechanism of exploiting the example of other countries to say that it is an international norm to radically curtail workers' rights these days. By mobilising a powerful international propaganda mechanism including pro-government press and media. Then international solidarity lets us know what is really happening in other countries. This is a very important supply of information in front of the government's offensive. And we also learn a great deal about workers' activities and experiences overseas. It enables us to counter the government's claim that workers should be sacrificed first in order to save the economy like elsewhere in the world. The solidarity gives us moral support too when it is very necessary in times of industrial dispute". (KCTU President Kwon Young-kil, July 1997)*

At a time when workers are feeling vulnerable to changes in domestic legislation and the economic situation in the region, Amnesty International believes that APEC must share a responsibility to ensure that international human rights standards are respected and protected in the region. Most members of APEC are members of the International Labour Organization (ILO) and they have a duty and obligation to respect and protect the rights in their own countries such as Convention 87 on Freedom of Association. Freedom of association is a basic right and is not conditional upon a country's level of development. The ability of workers to make free choices is a prerequisite for freedom and transparency in the labour market. APEC has the ability to support, through its Economic Committee and various working

groups, to ensure that a parallel development of the liberalization of trade and the promotion of ILO Conventions happens.

**Amnesty International is calling on the Government of the Republic of Korea:**

- to ensure that labour legislation to be reviewed and amended so that it conforms with international standards concerning freedom of association and labour rights;
- to stop trade union members and workers from being arrested solely for taking strike action or demonstrating in defence of their basic rights;
- to continue to protecting basic labour rights by ratifying Conventions 87 and 98 of the International Labour Organization (ILO), which guarantee the right to establish and join a trade union and to be protected from discrimination.

**Amnesty International is calling on APEC:**

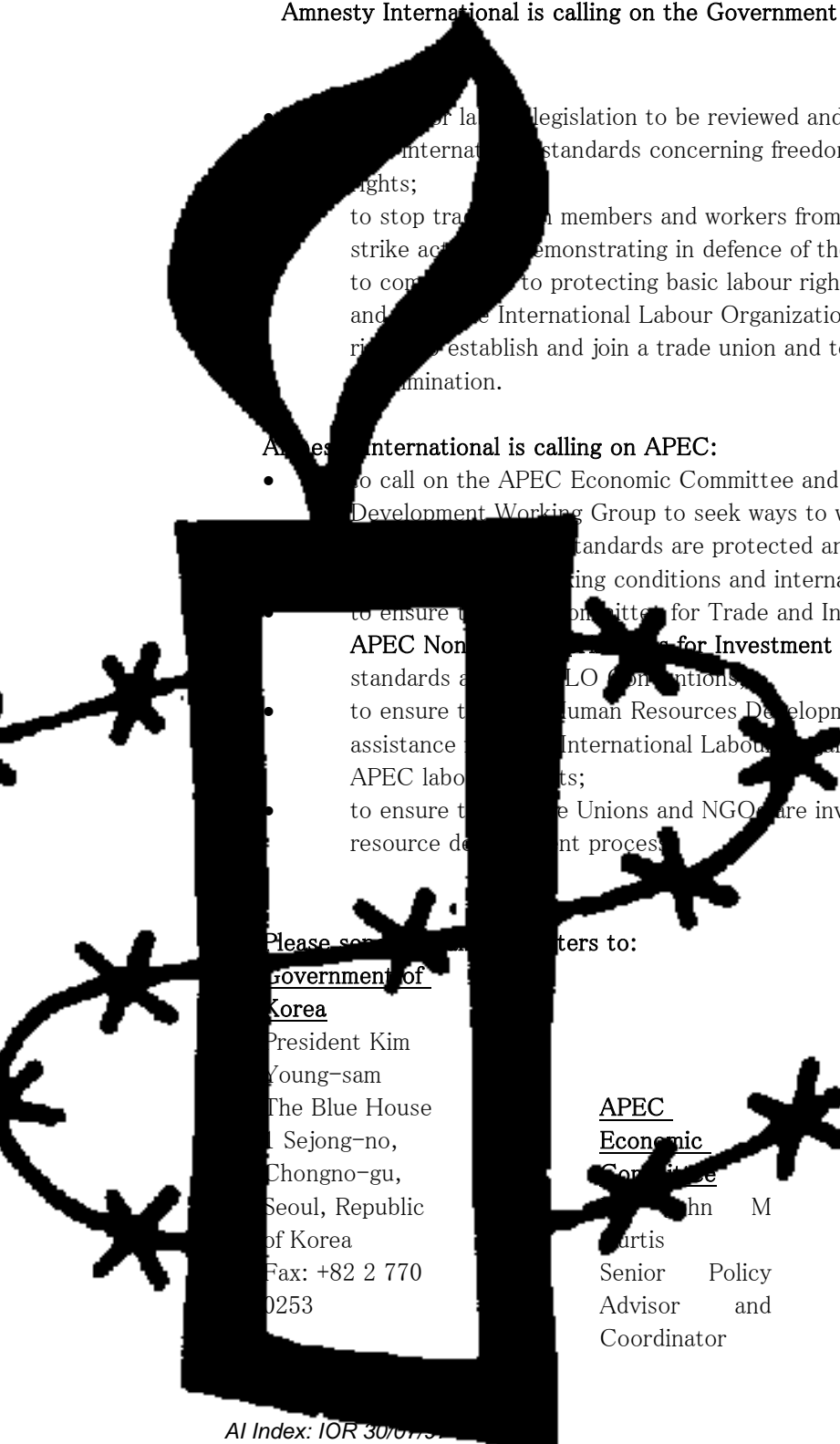
- to call on the APEC Economic Committee and the Human Resources Development Working Group to seek ways to work with the ILO to ensure that international standards are protected and to analyse the impact of trade liberalization on working conditions and international labour standards;
- to ensure that the APEC Committee for Trade and Investment incorporate into the APEC Non-Discrimination Agreement for Investment international human rights standards and ILO Conventions;
- to ensure that the Human Resources Development Working Group seek assistance from the International Labour Organization during its study of APEC labour markets;
- to ensure that trade Unions and NGOs are involved in the APEC human resource development process.

Please send letters to:

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

APEC  
Economic  
Committee  
 John M  
 Curtis  
 Senior Policy  
 Advisor and  
 Coordinator

Trade and  
 Economic Policy  
 Branch  
 Dept. Of  
 Foreign Affairs  
 and  
 International  
 Trade  
 Lester B.  
 Pearson  
 Building  
 125 Sussex  
 Drive, Ottawa,



Ontario K1A  
0G2, Canada  
Fax +1 613 992  
4695

APEC Human  
Resources  
Group

Stewart  
Findings  
Executive  
Director  
International  
Affairs B  
Human  
Resource  
Development  
Canada



Ottawa,  
Ontario, K1A  
0J9, Canada  
Fax: +1 613  
941 4576

## TRADE UNIONS

### *Case study: a story of harassment and intimidation*

Organizers and workers who are independent trade unionists in Indonesia face harassment, harassment and imprisonment for undertaking peaceful union activities. In Indonesia only one trade union is allowed to operate, the All Indonesia Workers' Union (SBSI). Union recognition continues to be denied to independent trade unions including the Prosperous Indonesian Workers' Union (Sikat Buruh Sejahtera Indonesia, SBSI). As workers in Indonesia seek better working conditions, their meetings are often broken up by the police and their leaders such as Muchtar Pakpahan, arrested.

### *Labour activists targeted*

In late 1997, twenty six trade unionists and human rights activists were arrested during a training meeting in Kalianda, South Lampung, organized by the non-governmental organization Yayasan Pendidikan dan Bantuan Hukum Indonesia, (YPBHI, the Indonesian Foundation for Education and Legal Aid). The training meeting was for 23 members of the Lampung branch of the SBSI.

Around 3pm on 29 November a mixed unit of police and the Indonesian Armed Forces (ABRI) from the ABRI Intelligence Body (BIN) of the Resort Military Command (Korem), the District Military Command (Kodim) and the Sub-district Military Command (Koramil) arrived and broke up the meeting. They began questioning all participants through the night, when three other men from the YPBHI who had acted as facilitators for the training meeting arrived at which point 26 were taken into custody in Kalianda. They were all arrested without warrants in contravention of international human rights standards and also of Indonesia's own Code of Criminal Procedure. Their families were not informed of their arrests and were denied access to their families following their arrest.

Police in Kalianda stated that the 26 were held for holding a meeting without a permit. However, the activists stated that a permit had been applied for and had not been granted. This is a common occurrence in Indonesia where police permits are required for meetings.

The 26 were held for ten days before being released. However, it appears that the authorities are still conducting an investigation into the meeting. It is believed that the case is being dealt with the State prosecutor under Article 510 of the



**Indonesian Criminal Code** which punishes holding a public gathering without prior police authorisation with a fine or two weeks' imprisonment. These files were returned by the Prosecutor to the police, although the reason for this was not clear. It is believed that the police may resubmit the files, possibly under another charge. The police investigation has not been formally closed.

The treatment of the SBSI members in Lampung is consistent with the authorities' attitude towards other activists elsewhere in Indonesia. On 19 September 1997, police broke up the second annual congress of the SBSI in Jakarta and arrested 14 people. The SBSI had been refused permission to hold the Congress at a hotel so instead held it in their headquarters in Jakarta. Police arrived during the day and told the meeting should end by 3pm. The SBSI conformed with this request. However, around one hour later police arrived at the headquarters and arrested 20 Indonesian SBSI officials, two foreign trade union representatives and two Dutch journalists.

As with the meeting in Lampung, the authorities described the SBSI Congress as illegal. All of those arrested were released on 19 or 20 September, however, the arrested individuals were required to report once a week to the police.

Amnesty International believes that the freedom to associate is a fundamental human right, as stated in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and Conventions 87 and 98 of the International Labour Organisation. Yet freedom of association is curbed in many APEC member economies often on the pretext of pursuing trade and investment liberalisation or improving wage and industrial competitiveness.

APEC members should not act inconsistently with obligations they have voluntarily assumed in international institutions, such as the United Nations and the International Labour Organisation. It is time for APEC to act to ensure that workers throughout the region enjoy basic human rights and that the behaviour of APEC members is in line with their international obligations to workers. APEC has the ability to provide international support, through its Economic Committee and various working groups, to ensure that a parallel development of the liberalization of trade and the promotion of ILO Conventions takes place.

**Amnesty International is calling on the Government of Indonesia:**

- to dismiss any charges against the 26 trade unionists and activists who held a meeting in Lampung in July 1997;
- to bring an end to harassment and intimidation including the arrest of trade unionists;
- to recognize that trade unionists have the right of freedom of association and to form their own independent trade unions;
- to ensure that labour legislation to be reviewed and amended so that it conforms with international standards concerning freedom of association and labour rights.

#### Amnesty International calling on APEC:

to call on the APEC Economic Committee to assist the ILO to ensure that international labour standards are respected and protected;

to urge the APEC Economic Committee and the Human Resources Development Working Group to seek ways to work with the ILO to analyse the impact of trade liberalization on working conditions and international labour standards;

to ensure that the Committee for Trade and Investment incorporate into the APEC non-binding principles for Investment international human rights standards and core ILO Conventions;

to urge the Human Resources Development Working Group seek assistance from the International Labour Organization during its study of APEC labour

- to ensure that trade unions and NGOs are involved in the APEC human resource development

Please send appeal to write to:

#### Government of Indonesia

President Suharto  
Presiden RI  
Kastanegara

Jl. Veteran, Jakarta  
Indonesia

#### APEC Economic Committee

Dr John M Curtis  
Chair

Senior Policy Advisor  
Coordinator

Trade and Economic  
Branch

Dept. Of Foreign Affairs and  
International Trade

Lester B. Pearson Bldg  
125 Sussex Drive, Ottawa

Ontario K1A 0G2  
Canada

1 613 992 4695

#### APEC Human Resources Development Working Group

Mr Stewart Goodings  
Executive Director  
International Affairs Branch  
Human Resources Development  
Canada

360 Laurier Ave,  
West 7th Floor,  
Ottawa, Ontario, K1A 0J9

Canada  
1 613 941 4576

#### APEC Secretariat

Mr Reynaldo A. Catapang  
Director (Program)  
438 Alexandra Road  
#13-00 Alexandra Point  
Singapore 119958

Fax +65 276 1775

## HUMAN RIGHTS DEFENDERS

### Malaysia: Story of Irene

#### workers: an important role

#### Malaysia's progress

Despite recent uncertainty in the financial markets in Malaysia, with annual growth rates averaging above 7% over the past decade, has emerged as one of the most economically vibrant of developing countries within APEC. Increased prosperity has expanded

to such a degree that such changes have become apparent.

prospect of sharing and to meet an ever increasing demand for labour, increasing the number of Asian migrant workers, particularly Indonesians, and Bangladeshis in Malaysia.

Migrant workers will continue to play an important role in sustaining Malaysia's economic growth fully until the year 2020.

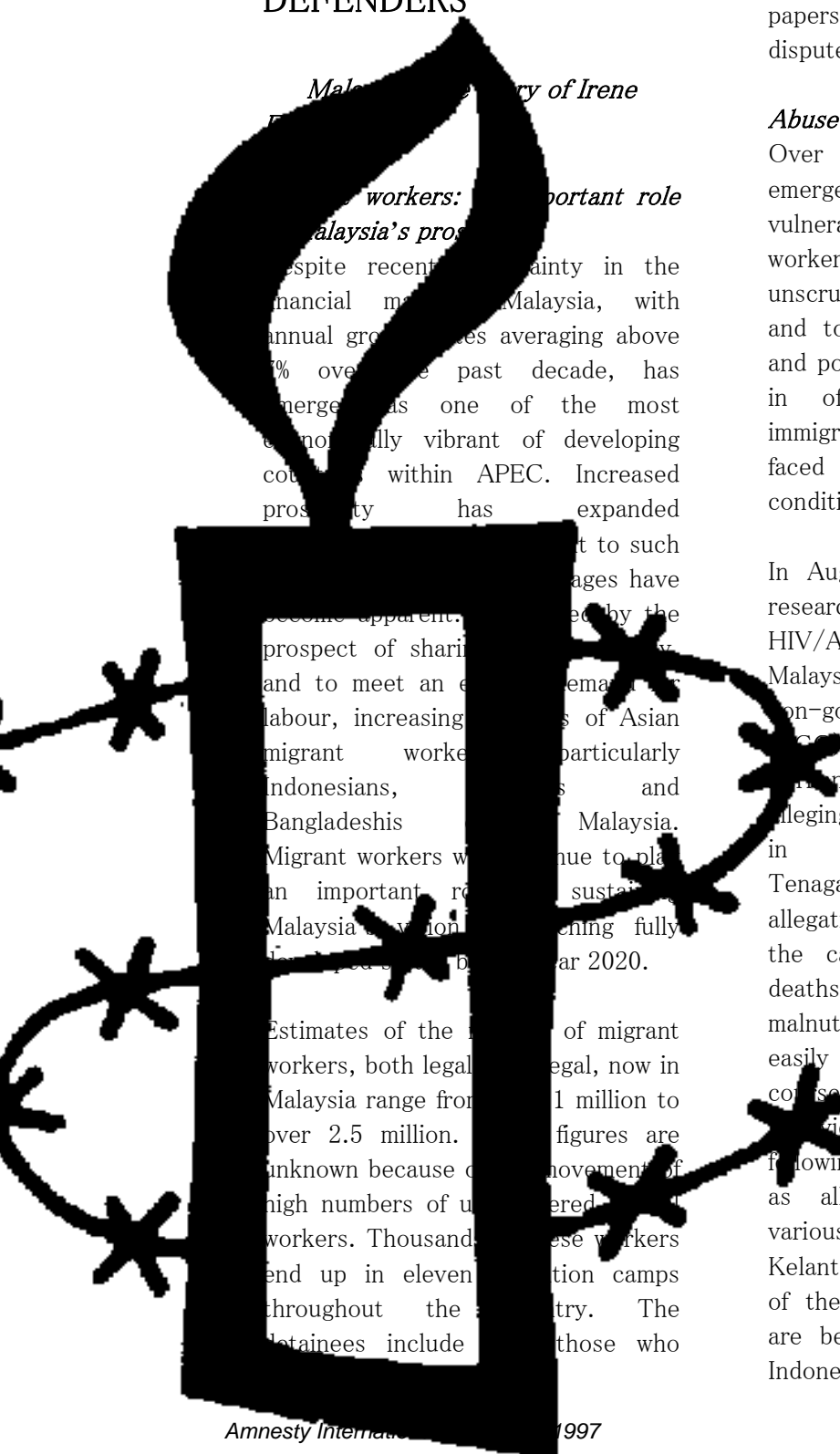
Estimates of the number of migrant workers, both legal and illegal, now in Malaysia range from 1 million to over 2.5 million. These figures are unknown because of the movement of high numbers of unregistered workers. Thousands of these workers end up in eleven detention camps throughout the country. The detainees include those who

entered the country illegally, and those who entered with the necessary papers but were disowned after disputes with their employers.

#### Abuse and ill-treatment

Over recent years reports have emerged in Malaysia highlighting the vulnerability of illegal migrant workers, many of them women, to unscrupulous or abusive employers and to corrupt immigration officials and police. Migrant workers detained in official camps for breaking immigration laws have also reportedly faced ill-treatment and harsh conditions.

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 organization, Tenaganita, headed by Irene Fernandez, published a report alleging medical negligence and abuse in the detention camps. 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 and to stand in the sun for hours if they asked for water. Following the publication of the report, the Minister of Home Affairs, Datuk Megat Ayob, announced in September that the appointment of visitors' to study conditions in the camps. In a date, however, the visitor panel has failed to publish its report of its findings. In April 1996 the

sun for hours if they asked for water.

There were also allegations of sexual abuse of female detainees. Medical treatment was claimed to have been denied to sick detainees.

and Publications Act with "maliciously" publishing "false news" in the report. Her trial, which began in June 1996, is thought likely to continue through 1998 and beyond.

The case highlights the Malaysian Government's continued use of an array of restrictive legislation to intimidate and threaten those who seek to expose human rights violations, publicize issues of public concern, or who are perceived by the authorities to have damaged Malaysia's reputation abroad. NGOs, workers, opposition parties 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 possible imprisonment.

Irene Fernandez is currently free on bail. But if she is 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 convicted and imprisoned, Amnesty International would consider her to be a prisoner of conscience jailed solely for her

peaceful work in defence of the rights of migrant workers.

Amnesty International believes that the voices of people like Irene Escobar should be heard. They tell us about the human faces behind the regional economic miracle. With the work of human rights defenders like her, the plight of detained migrant workers would remain remembered and not forgotten. APEC leaders and officials may not want to hear their stories;

But if the APEC develop into a community for everyone, APEC leaders need to listen to those who are losing out in the development stakes as well as those who are benefiting.



- **Amnesty International is calling on the Government of Malaysia** to begin a trial under the Printing Presses and Publications Act; *APEC: Human Development, Human Rights*
- ~~to conduct a full and impartial investigation into the cause of all deaths of migrant workers~~ in detention camps and to examine all allegations of ill-treatment. The results of the investigation should be made public;
- to ensure that those peacefully expressing their right to freedom of expression may do so free from intimidation and arrest.

**Amnesty International is calling on APEC:**

- to begin a study into the treatment of migrant workers and workers in the informal sector in APEC member states with a view to making concrete recommendations to relevant governments and committees to improve their treatment
- to ensure that the treatment of migrant workers in APEC member states is in accordance with international human rights standards
- to ensure that governments and those involved in monitoring the conditions of migrant workers are involved in the APEC human resource development process.

These send messages or write letters  
based on the above recommendations to:

Government of Malaysia Singapore 119958  
 Dato' Sri Mahathir Fax +65 276 1775  
 bin Mohd Ali

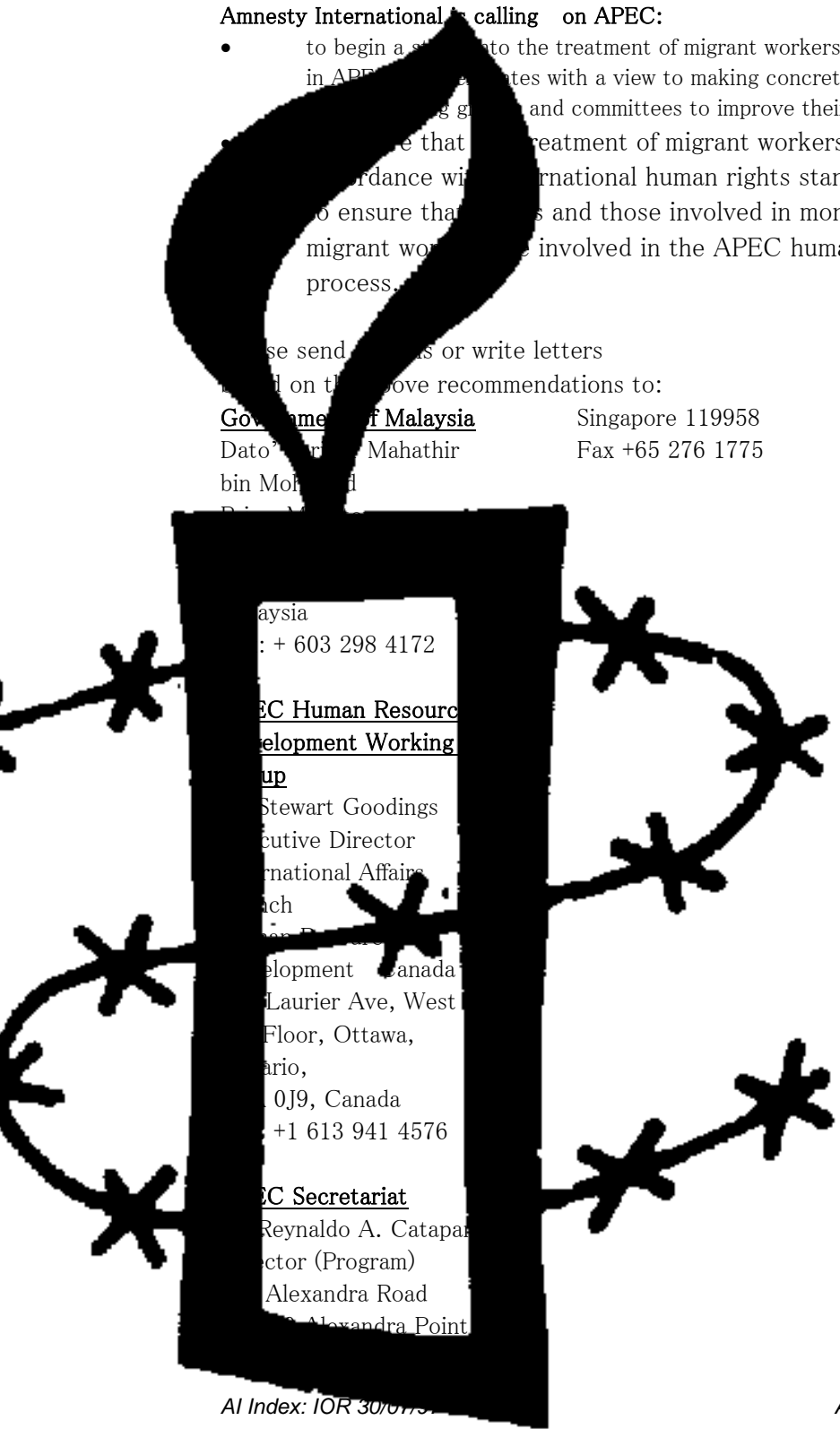
Malaysia  
 : + 603 298 4172

APEC Human Resource  
 Development Working  
 Group

Stewart Goodings  
 Executive Director  
 International Affairs  
 Outreach  
 Human Resource  
 Development Canada  
 100 Laurier Ave, West  
 10th Floor, Ottawa,  
 Ontario,  
 K1P 6K7, Canada  
 Tel: +1 613 941 4576

APEC Secretariat

Reynaldo A. Catapan  
 Director (Program)  
 Alexandra Road  
 Singapore



## LAND DISPUTES

### *Philippines: killings, imprisonment and eviction of indigenous people*

#### The story of the Suminao clan

On Sunday 19 September 1997, Benjie Abao, Narciso Guimba and Juvy Maniana, all clansmen of the Suminao indigenous people, were shot dead by Philippine National Police officers on their ancestral lands near Ampasug-ong, Bukidnon province, on the southern Philippine island of Mindanao. They and other members of the Suminao clan were fighting to save their homes and livelihoods from a police-backed demolition team. The police reported that the three members of the clan were armed with knives. Four other members of the clan suffered serious hot wounds near Ampasug-ong. They included Datu Lawi Candido Suminao, the clan head, and Lilibeth Santolilao, an eight year-old girl.

#### *A contested land*

Since the time of their ancestors, the Suminao clan have survived on these lands, tilling the soil and grazing livestock. But in the space of two months in 1997, they were to lose it all. On 1 September, after bulldozers and men using chainsaws destroyed the remaining structures, more than one hundred and forty families had been left homeless and were living in makeshift shelters along the national highway near their ancestral lands in makeshift shelters. They were poor and want. Members of their families are still held in detention and they have to pay for their release. Their children have health problems as they are hungry.

The land dispute started with a disagreement over ownership of ancestral lands. On the one side was the Suminao clan – farmers and peasants, and on the other side the Baula family – landowners and prominent local politicians. The land dispute escalated in August 1996 when the Suminao filed a petition with the Department of Environment and Natural Resources (DENR) claiming a 500-hectare area as their Ancestral Domain. The Baulas, who have reportedly been holding land titles to only 40 hectares of the land, then applied to a court to nullify the Suminao's alleged illegal 'forcible entry' into the site.

Increasing incidents of harassment against the Suminao were reported in late 1996 – including death threats by private security guards hired by the Baulas and the burning of Suminao residences by masked men. In one incident, a clansman working on the disputed land was shot and wounded by a private security guard reportedly in the presence of a lawyer representing the Baulas. A number of the clan were also arrested and detained by local police on charges of 'illegal entry' and 'squatting'. Further arrests took place in early 1997 and, after the Suminao failed to answer the Baulas' court actions, an eviction order was issued.

#### *Impact of development*

Debate in the Philippines, highlighted during the 1996 APEC meetings in Manila, over whether the social and environmental costs of the government's Philippine 2000 economic development program may outweigh its projected benefits, has continued. Persistent high levels of poverty have spurred the discussion.

Many Philippine non-governmental organisations have expressed deepening concern at the apparent undermining of the economic, social and cultural rights of more vulnerable sectors, especially indigenous and urban poor communities – which has taken place under the banner of economic development.

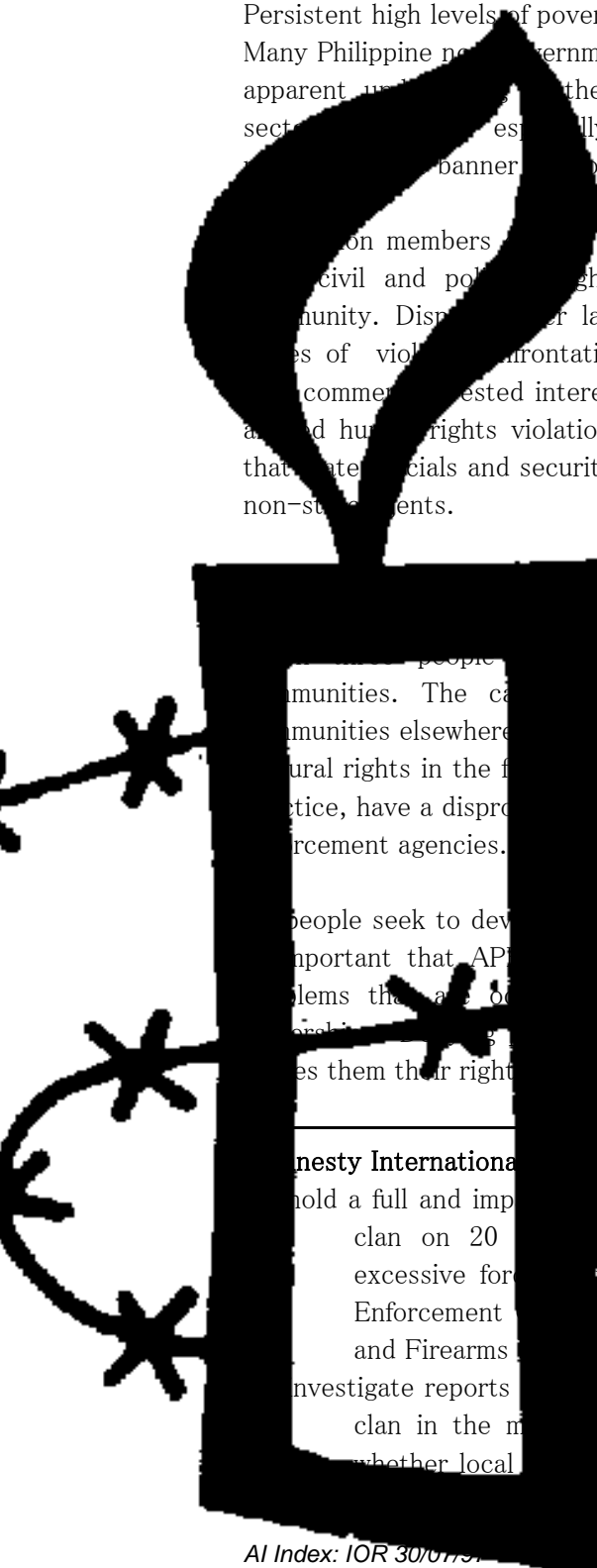
Non-members of these communities can be particularly vulnerable to violations of their civil and political rights if they seek to defend the economic rights of their community. Disputes over land, housing and environmental degradation have led to a series of violent confrontations – often with private security guards and other agents of powerful commercial interests. Even if state agents are not always directly involved in alleged human rights violations during such confrontations, there is continuing concern that state officials and security personnel have connived in or tolerated such violations by non-state agents.

The Higaonon indigenous group and powerful local interests in Mindanao have been involved in patterns of harassment and led to a violent eviction in 1997. The case of the Higaonon people – highlights the continuing vulnerability of such communities. The case also illustrates a number of the conditions facing marginalised communities elsewhere in the Philippines as they seek to defend their economic, social and cultural rights in the face of powerful economic interests. These vested interests often, in the name of economic development, have a disproportionate influence over local legal structures, police and other law enforcement agencies.

When people seek to develop their own land, questions of ownership become central to the process. It is important that APEC development programmes identifies the problems that arise in the context of development, resource use and land ownership. Such as the Suminao clan their claim to their land in effect denies them their right to development.

**Amnesty International's findings on the Philippines Government:**

Amnesty International should hold a full and independent investigation into the forced eviction of the Suminao clan on 20 July 1997, and to determine whether the police used excessive force in violation of the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; investigate reports of harassment and intimidation of members of the Suminao clan in the months before the July demolition, focusing especially on whether local officials and police personnel colluded in illegal actions by





private security guards;  
to move quickly to investigate and to rule on the Ancestral Domain petition filed  
by the Suminao clan.

**Amnesty International is calling on APEC:**

- to support through its working groups and programs on sustainable development, the means of assessing the human rights impact of development projects, resource and land use and promoting approaches to development which protect human rights;
- to ensure that workers and those directly affected by development issues are involved in the APEC sustainable development process.

Please send a copy to:

Philippines Government  
President Fidel V. Ramos  
Malacañang Palace

Executive Director  
International Affairs Branch  
Human Resources Development Canada  
360 Laurier Ave, West 7th Floor,  
Ottawa, Ontario, K1A 0J9  
Canada  
Fax: +1 613 941 4576

Phone: +63 2 833 0000  
93

APEC Economic Community  
John M Curtis  
Director  
Senior Policy Advisor and Coordinator  
Trade and Economic Policy Branch  
Department of Foreign Affairs and International Trade  
100 Queen Street West  
Peter B. Pearson Building  
Sussex Drive, Ottawa  
Ontario K1A 0G2 Canada  
+1 613 992 4695

APEC Secretariat  
Mr Reynaldo A. Catapang  
Director (Program)  
138 Alexandra Road  
Singapore 119958  
Fax +65 276 1775

Human Resources Development  
Working Group