

Trade Union ~~Labour~~ Activists 1 May 1997

*Prisoner
of conscience*

Unfair trial

Dita Indah Sari
INDONESIA

Dita Indah Sari was arrested on 8 July 1996 as she took part in a labour demonstration in the East Java town of Surabaya, in Indonesia. Dita Sari is now being tried under the Anti-Subversion Law for crimes which carry the death penalty. Her involvement in the labour demonstration was entirely peaceful. Her trial is a reflection of the tightening repression in Indonesia, in particular a resurgence of the Anti-Subversion Law as a mechanism to crush peaceful political and labour activism.

Dita Indah Sari, 24, is the leader of the Centre for Indonesian Worker's Struggle, (*Pusat Perjuangan Buruh Indonesia*, PPBI) an organization which is affiliated to the unofficial People's Democratic Party (*Partai Rakyat Demokratik*, PRD). On the day of her arrest, Dita, other activists and workers from around 10 different factories gathered outside the Barindo Anggun factory located in Tanjung Sari, Surabaya to march through the streets. The demonstrators carried banners calling for a rise in the national minimum wage and an end to the Indonesian Armed Forces role in political life in Indonesia. The march was blocked by a heavy military and police presence and the demonstration was violently dispersed. It is believed that at least nine student activists and five workers were arrested. Many were beaten, including Dita Sari. Most were later released, but Dita and Coen Husein Pontoh, from the National Peasants' Union (*Serikat Tani Nasional*, STN) were held in police custody. The following day other labour and student activists were arrested in Surabaya including Mochamad Sholeh, an activist from the Indonesian Students Solidarity for Democracy (*Solidaritas Mahasiswa Indonesia Demokrasi - SMID*). Both SMID and STN are affiliated to the PRD.

After their arrest, the head of the military Coordinating Agency for the Maintenance of National Stability (*Bakorstanas*), Lieutenant General Suyono, said that "*Workers were agitated to stage a demonstration against their will. This clearly indicated a subversive act to change the state system*" (Media Indonesia, 10 July 1996). The accusations against Dita, Mochamad and Coen became yet more serious following riots in Jakarta on 27 July 1996. The PRD was accused by the authorities of instigating the Jakarta riots and Dita and her two friends were also accused of involvement in the riots despite the fact that they were in custody in Surabaya at the time. This specific accusation appears to have not been sustained. However, the link that the PPBI, SMID and STN have with the PRD is being used by the authorities to strengthen the accusations against the three.

Their trials began on 16 December 1996 at the Surabaya District Court. All three activists are being tried under the same charges: Article (1), sub-section 1 a, b and c of the Anti-subversion Law

which punish "*Distorting, stirring up trouble or digressing from the state ideology Pancasila¹ or the course of the state*", "*Overthrowing, damaging, or undermining state power or the authority of the legal Government or the State Apparatus*" and "*Spreading feelings of hostility, dissension, conflict, chaos, instability or restlessness among the population or society in general in between the Republic of Indonesia and a friendly state*", all of which are punishable with the death penalty, life imprisonment or 20 years' imprisonment. The fourth charge is Article 154 of the Indonesian Criminal Code which punishes "spreading hatred" against the Government of Indonesia with a maximum imprisonment of seven years.

The specific accusations against Dita Sari and the two others clearly indicate that they are being tried for their entirely peaceful political activities. These accusations are based on publications from their organizations and affiliated groups, including the PRD; attendance at meetings at which unofficial organizations were formed, and the use of anti-governmental slogans at demonstrations. An activist document which states that the main problem for Indonesian society is capitalism and another which says there is no democracy in Indonesia, are both considered to undermine the national ideology of Indonesia, *Pancasila*. Advocating the struggle of workers towards increased national wages, freedom of organization and an end to the role of the military in industrial relations, are all acts which are considered to overthrow, damage or undermine the state.

Amnesty International is concerned that Dita, Coen and Mochamad are being denied a fair trial and considers them to be prisoners of conscience. Since the trial began there has been a heavy military and police presence which Amnesty International considers to be intimidatory. One witness prior to the trial attempted to retract his pre-trial statement because he claimed that it had been embellished by an intelligence officer. Despite having brought this to the attention of prosecutors, his testimony has still been submitted.

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¹*Pancasila* is Indonesia's state ideology and embodies five principles; belief in one God, humanitarianism, national unity, democracy and social justice. All organizations are required by law to proclaim *Pancasila* as their basic foundation.

WHAT YOU CAN DO:

➤ Draft a solidarity resolution and urge your union to adopt it. Send a copy to your government and the authorities listed below. Provide your government with background information on the case of Dita Indah Sari.

➤ Form an action group and lobby your own government, especially the Minister for Foreign Affairs, to raise the case of Dita Indah Sari with the Indonesian Government.

➤ Write letters to the Indonesian attorney general and ask for the unconditional release of Dita Indah Sari. Call on the government authorities to ensure that those peacefully expressing their right to freedom of expression (which includes demonstrating for labour rights) may do so free from intimidation and arrest. Emphasise that you are a trade unionist and make clear what your personal concerns are.

Please note that letters to the Indonesian Government are more likely to be effective if you write carefully and personally worded letters instead of form letters.

APPEALS MAY BE SENT TO:Attorney General

Agung Singgih S.H.

Jaksa Agung

Jl. Sultan Hasanuddin No.1

Kebayoran Baru

Jakarta Selatan

INDONESIA

Salutation: Dear Attorney General

Ministry of Manpower

Drs Abdul Latief

Menteri Tenaga Kerja

Jl. Jenderal Gatot Subroto

Jakarta

INDONESIA

Salutation: Dear Minister

Send copies to:

Minister of Foreign Affairs

Ali Alatas S.H.

Menteri Luar Negeri

Jl. Medan Taman Pejambon No. 6

Jakarta

INDONESIA

Salutation: Dear Minister

**Trade Union
Action
Activists
1 May 1997**

*Human Rights
Defender on
Trial*

Irene Fernandez
MALAYSIA

Irene Fernandez, 49, Director of Tenaganita, a women's non-governmental organization (NGO) based in Kuala Lumpur, is currently on trial in Malaysia as a result of her peaceful activities in defence of human rights. She was charged in March 1996 under the Printing Presses and Publications Act with "maliciously" publishing a report entitled "Abuse, Torture and Dehumanised Treatment of Migrant Workers at Detention Camps". The prosecution alleges that the report contains 16 items of "false news".

Tenaganita's report, released in August 1995, details allegations of a pattern of abuses in camps for detained migrants, including a series of deaths reportedly caused by malnutrition, beri-beri and other 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 also claimed to have been beaten or made to stand in the sun for hours if they asked for water. There have been allegations of sexual abuse of female detainees. Medical treatment was also claimed to have been denied to sick detainees.

Following publication of *Tenaganita's* report, the Deputy Minister of Home Affairs, Datuk Megat Junid Megat Ayob, announced in September 1995 the appointment of a visitors' panel to study conditions in the camps. In April 1996 the Ministry of Home Affairs admitted that as many as 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. To date, however, the visitors' panel has failed to publish any report of its findings. However, Irene Fernandez 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 charged under Section 8A(1) of the Printing Presses and Publications Act²

Her trial began on 10 June 1996. On the first day more than 200 supporters gathered outside the Magistrates Court in Kuala Lumpur, covering their mouths with pieces of cloth as a silent protest at the violation of Irene Fernandez's right to freedom of expression. A number of hearings have taken place since the start of the trial and dates for its continuation have been scheduled until October 1997. It is not known when the verdict is expected but there is speculation that the trial could continue into 1998. If found guilty, Irene Fernandez could be imprisoned for up to three years. She is currently free on bail, but if she is convicted and imprisoned Amnesty International would consider her to be a prisoner of conscience.

Amnesty International is concerned at the Malaysian Government's use of an array of restrictive legislation to threaten and intimidate 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. 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 possible imprisonment.

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²Section 8A(1) of the Printing Presses and Publications Act stipulates that "Where in any publication there is maliciously published any false news, the printer, editor and the writer thereof shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding three years or a fine not exceeding RM20,000 or both."

PLEASE SEND APPEALS:

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- Urging that all charges against Irene Fernandez be withdrawn and that her trial under the Printing Presses and Publications Act be halted; expressing concern that, if convicted and imprisoned, she would be a prisoner of conscience imprisoned solely for her peaceful activities in defence of human rights;

 - Calling on the authorities to set up a full and impartial investigation into the cause of all deaths of migrant workers in the detention camps and to examine all allegations of ill-treatment; calling for the results of the investigation to be made public;

 - Calling on the authorities to ensure that those peacefully expressing their right to freedom of expression may do so free from intimidation and arrest.

APPEALS MAY BE SENT TO:

Prime Minister and Minister of Home Affairs

Dato' Seri Dr Mahathir bin Mohamad

Salutation: Dear Prime Minister

Prime Minister's Department

Jalan Dato' Onn

50502 Kuala Lumpur

MALAYSIA

Faxes: +603 298 4172

Telegrams: Prime Minister Mahathir, Kuala Lumpur, Malaysia

Deputy Minister of Home Affairs

Dato' Seri Anwar Ibrahim

Salutation: Dear Minister

Jalan Dato' Onn

50502 Kuala Lumpur

MALAYSIA

Fax: +60 3 230 1051

Attorney General

Datuk Mohtar Abdullah

Salutation: Dear Attorney General

Attorney General's Chambers

Jabatan Peguam Negara Malaysia

Amnesty International
Tingkat 20, Bangunan Bank Rakyat

Jalan Tangsi

50512 Kuala Lumpur

AI Index: ACT 73/01/97

**Trade Union
 Activists
 1 May 1997**

*Long-term
 "disappearances"
 Prisoners of*

Houcine

El-Manouzi

Abdelhaq Rouissi

MOROCCO

Abdelhaq Rouissi and Houcine Ben Ali El-Manouzi are both trade union activists who "disappeared" many years ago but may still be alive and detained in a secret centre somewhere in Morocco.

Abdelhaq Rouissi, a former employee of the Banque du Maroc in Casablanca and activist in the Union marocaine du travail (UMT), Moroccan Labour Union, "disappeared" on 4 October 1964. His "disappearance" followed his call for a boycott of the legislative elections of 1962 which he regarded as merely consolidating the King's powers, and his criticism of the 1963 border dispute with Algeria. Many years passed by without any news on his fate and whereabouts but former "disappearance" victims confirmed that he was arrested and subsequently held in secret detention. In 1975, he was seen by another former "disappeared" person and later he was reported to be held in the military camp of Ahermoumou and to be still alive in secret detention in 1983. Amnesty International believes he is being held solely for his non-violent political and trade unionist activities.

Houcine Ben Ali El-Manouzi, also an active member of the Union marocaine du travail, "disappeared" in November 1972. The events leading to his "disappearance" make Amnesty International believe he is being held solely for his non-violent political and trade unionist activities. In 1963, Houcine El-Manouzi was dismissed from Royal Air Maroc (RAM), where he was working as an airline mechanic, allegedly because of his trade union activities. He was also an active

member of the *Union nationale des forces populaires* (UNFP), National Union of Popular Forces, 102 members of which were convicted one year later of conspiracy against the state. After his dismissal Houcine El-Manouzi emigrated to Belgium where he continued his trade union activities. He was sentenced *in absentia* in 1971 in a political trial which found Houcine El-Manouzi and other defendants guilty of plotting against the internal security of the state. Amnesty International observers concluded that the trial had violated international standards for fair trial.

According to Amnesty International's information Houcine El-Manouzi was abducted in 1972 while visiting Tunis, bundled into a boot of a Mercedes car with diplomatic number plates and taken to Rabat. He was first held at a villa in Souissi where he was interrogated and later taken to the secret detention centre of Dar al-Mokr in Rabat where other prisoners were also tortured and held incommunicado. He escaped briefly from secret detention in July 1975 with other "disappeared", and at that time his picture appeared on "wanted" posters displayed in Moroccan police stations and police raided the houses of his relatives. This information was confirmed by other "disappeared" people who were held in secret detention with Houcine El-Manouzi and who were finally released in 1991 after 18 years of "disappearance".

Since their "disappearance" the families of Abdelhaq Rouissi and Houcine El-Manouzi, Amnesty International, and Moroccan and international human rights organizations have been seeking information on their whereabouts from the Moroccan Government, but to no avail.

Background

Since the 1960s, the Moroccan government has used "disappearances" as a form of punishment against its political opponents; these have included hundreds of people of Western Saharan origin who "disappeared" after 1975 and over one hundred Moroccans who have "disappeared" between 1963 and 1985. They were held incommunicado in detention centres like Tazmamert and Qal'at M'Gouna,

where many died after years of isolation, lack of medication and food. For years the Moroccan authorities continued to deny all knowledge of these “disappeared” people, but in 1991 they released more than 260 Sahrawis and some 30 Moroccans who had “disappeared” for up to 18 years. Welcoming these positive steps, Amnesty International remains extremely concerned about the fate of those people, including Abdelhaq Rouissi and Houcine El-Manouzi, who remain “disappeared”. The organization calls on the Moroccan authorities to make known the fate and whereabouts of Abdelhaq Rouissi and Houcine El-Manouzi and of all other remaining “disappeared”, and bring to justice those responsible for their “disappearance”.

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PLEASE SEND APPEALS:

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➤ Calling on the Moroccan Government to make known the fate and whereabouts of Abdelhaq Rouissi and Houcine El-Manouzi and of all remaining "disappeared";

➤ Calling on the authorities to set up a full and impartial investigation into the "disappearance" and to bring to justice those who are responsible;

➤ Calling on the authorities to compensate the victims of "disappearance" and the families of the "disappeared" who died in secret detention.

APPEALS MAY BE SENT TO:

Sa Majesté King Hassan II

Salutation: Sire/Your Majesty

Bureau de Sa Majesté le Roi

Palais Royal

Rabat, MOROCCO

Telex: 31744 or 322908

Abderrahmane Amalou

Ministre de la Justice et Ministre des Droits de l'Homme

Salutation:

Excellence

Ministère de la Justice

Palais de la Manounia

Rabat, MOROCCO

Fax: +212 7 723 710

M Driss Basri

Salutation: Excellence

Ministre d'Etat à l'Intérieur

Ministère de l'Intérieur

Quartier Administratif

Rabat, MOROCCO

Fax: +212 7 766 908 (Ministère de l'Information)

+ 212 7 763 011 (Ministère de l'Intérieur)

Copies to:

M. Driss Dahak

Salutation: Monsieur le président/Dear President

Président du Conseil Consultatif des Droits de L'Homme (CCDH)

Place de Chouhada, B.P. 1341

Rabat, MOROCCO

Fax: +212 7 766 908

AI Index: ACT 73/01/97

Trade Union Labour Activists 1 May 1997

*Incommunicado
detention
without
charge or trial*

*Prisoner
of conscience*

International Standards clearly prohibit the “disappearance” of prisoners. Article 9 of the International Covenant on Civil and Political Rights, ratified by Morocco, lays down the right of everyone to liberty and freedom from arbitrary arrest, and Article 2 of the United Nations Declaration on the Protection of All Persons from Enforced Disappearance states that “No state shall practice, permit or tolerate enforced disappearances”. By continuing to keep Abdelhaq Rouissi and Houcine El-Manouzi “disappeared”, the Moroccan authorities are deliberately continuing to violate human rights.

Milton G. Dabibi NIGERIA

*“Everyone has the right to form and to join trade unions for the protection of his interests.”
Universal Declaration of Human Rights*

Nearly three years after an oil workers' strike in summer 1994 disrupted oil supplies in Nigeria for two months, leading members of the oil workers' unions remain in incommunicado detention. They have not been charged with any offence and are held in poor conditions.

One of them is Chief Milton G. Dabibi. He is a former General Secretary of the Petroleum and Natural Gas Senior Staff Association of Nigeria (PENGASSAN). He was Secretary General of the Senior Staff Consultative Association of Nigeria (SSCAN) at the time of his arrest. Dabibi was arrested on 25 January 1996 near his home in Lagos by agents of the State Security Services (SSS), the security police. Initially he was detained at SSS headquarters in Lagos, but he is believed to have been subsequently transferred to a prison. His family has been denied access to him, and both his current state of health and place of detention remain unknown.

Background

Oil workers went on strike for two months in July and August 1994, paralyzing large parts of southwestern Nigeria. Among other demands, they were protesting at the imprisonment of pro-democracy activists in May and June 1994 who included Moshood Abiola, the winner of the presidential elections in June 1993. Following the strike, the government replaced the executives of the Nigerian Labour Congress and other unions with appointed administrators. In May 1996 national university staff unions and student unions were banned following academic staff strikes over pay, and in August 1996 all university staff unions were proscribed.

Other trade union leaders have been detained without charge or trial for long periods. Four oil workers' leaders – Wariebi Kojo Agamene, President of the Petroleum and Gas Workers Union (NUPENG), and Francis A. Addo, Fidelis Aidelomon and E. Iregha, all PENGASSAN branch chairmen – were detained uncharged for up to 16 months before being released in January 1996. John Oseghale Odion, General Secretary of the National Union of Banks, Insurance and Financial Institutions Employees (NUBIFIE), was arrested in November 1995 and detained incommunicado for five months in Ikoyi prison, Lagos, where he suffered constant rashes, fever and severe weight loss because of the insanitary conditions, lack of medical care and malnutrition. In March 1996 he was released after being charged in connection with a NUBIFIE call for the release of political prisoners and a swift transition to civilian rule.

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WHAT YOU CAN DO:

- Publicize the case of Milton Dabibi in your national and local news media;
- As member of a trade union: Draft a solidarity resolution and urge your union to adopt it. Send it to the media and to the Nigerian Government;
- Write to General Sani Abacha, Chairman, Provisional Ruling Council, State House, Abuja, Federal Capital Territory, Nigeria
 - expressing concern at the continued detention without charge or trial of oil workers' leader Milton Dabibi, since his arrest in January 1996;
 - explaining that Amnesty International considers him to be a prisoner of conscience, detained for the non-violent expression of his political beliefs, in particular his advocacy of trade union and human rights, and calling for his immediate and unconditional release;
 - urging that the authorities ensure that his conditions of imprisonment meet international standards for the treatment of prisoners and that he be granted immediate access to his family and to a lawyer and doctor of his own choice;
 - calling for the repeal of all legislation allowing arbitrary detention – unlimited administrative detention without safeguards – in particular the State Security (Detention of Persons) Decree, No. 2 of 1984;
- Write to your own government's Minister of Foreign/External Affairs asking your government to do its best to secure the release of Milton Dabibi.
- Send a copy of your letter to General Abacha to one of the following Nigerian newspapers:
 - Newswatch, PMB 21499, Ikeja, Lagos;
 - Nigerian Tribune, PO Box 78, Ibadan;
 - Tell, PMB 21749, Ikeja, Lagos;
 - Vanguard, PMB 1007, Apapa, Lagos;
 - The Week, PO Box 11333, Ikeja, Lagos

FURTHER INFORMATION:

Amnesty International has developed a 10-point program for human rights reform in Africa. Please ask for a copy at your national section or at the International Secretariat.

Trade Union Action

Labour Activists 1 May 1997

*Prisoner
of conscience*

Juan Alberto
PERU

Huapaya Palomino

Prisoner of conscience Juan Alberto Huapaya Palomino is a trade unionist who had been working since 1984 for the municipality of Metropolitan Lima. He was a member of the Federation of Municipal Workers of Peru, as well as the Union of Municipal Workers which he led between 1988 and 1989.

Since 1990 Juan Alberto Huapaya has been unjustly charged with the same crimes of terrorism on three different occasions. On the first occasion, in September 1990, the *Dirección Nacional Contra el Terrorismo* (DINCOTE), National Anti-Terrorism Directorate, formally charged him with belonging to an armed opposition group, the Patriotic Liberation Front (FPL), although at the time he had apparently not been arrested. The FPL was alleged to have carried out several armed actions between March and June 1990. According to the DINCOTE, some former members of the Peruvian Communist Party³ who publicly resigned from the party in April 1990 through a letter to the press, had gone on to be members of the FPL.

When his case was first heard by the 12th High Court of Lima in October 1992, the Court decided to “definitively withdraw” the legal proceedings against him on the grounds that there was no evidence to link him with the FPL. This first trial was conducted without Juan Alberto Huapaya apparently having been arrested and remanded in custody.⁴ However, on 29 January 1993, before the Supreme Court of Justice had confirmed this ruling, Juan Alberto Huapaya was arrested by agents attached to the DINCOTE. A new trial was opened against him for the same crimes of terrorism the High Court had already decided to shelve for lack of evidence in October 1992.

A year later, on 12 October 1993, the High Court in Lima again acquitted him and Juan Alberto Huapaya was released. His taste of freedom was brief, however. In February 1994, the Supreme Court of Justice annulled the sentence of the 12th High Criminal Court issued during his first trial and declared that there were “grounds for another judicial hearing”. As a result of this ruling, a new detention order was issued and on 19 July 1995 Juan Alberto Huapaya was again arrested.

Juan Alberto Huapaya is currently in prison awaiting a third trial, facing the same charges as those for which he has already been tried and acquitted on two previous occasions.

³The Peruvian Communist Party is a legal political party, not to be confused with the Communist Party of Peru (Shining Path), a clandestine armed opposition group.

⁴Between May 1992 and November 1993 Peru’s anti-terrorism legislation allowed for persons accused of terrorism-related crimes to be tried *in absentia*. This provision was repealed by Congress in November 1993.

In August 1995 his wife wrote to Amnesty International: “This situation amounts to OBVIOUS POLITICAL PERSECUTION of my husband and hangs as a permanent threat over the Trade Union movement and Popular Leaders.” [emphasis by Juan Alberto Huapaya’s wife].

He is considered to be a prisoner of conscience because there seems to be no credible evidence of him having any links to the FPL and his detention appears to be politically motivated. Amnesty International calls for his immediate and unconditional release.

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PLEASE SEND APPEALS:
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- Urging for the immediate and unconditional release of Juan Alberto Huapaya Palomino;
- Calling on the authorities to compensate him for his unjust imprisonment.

PLEASE SEND APPEALS TO:

President Alberto Fujimori

President of the Republic of Peru
Plaza de Armas
Lima 1, PERU
Fax: +51 1 426 6670

Salutation: Dear President

Sr. Carlos Hermoza Moya

Minister of Justice
Ministry of Justice
Scipión Llona 350
San Isidro
Lima, PERU
Fax: +51 1 422 2654

Salutation: Dear Minister

+51 1 422 3577

And copies to: Asociación Pro Derechos Humanos

Tirón Pachacutec 980
Jesús María
Lima 11, PERU