

# **@The 81st International Labour Conference: Amnesty International's concerns relevant to the Committee on Application of Standards**

## *Introduction*

Amnesty International has for many years followed with great interest the discussions in the Committee on Application of Standards at the International Labour Conference (ILC) on governments' effective implementation of International Labour Organisation (ILO) conventions. Although the scope of ILO Conventions is much broader than Amnesty International's area of work, there are situations where both organizations have similar concerns.

Amnesty International, a worldwide voluntary movement, works to prevent some of the gravest violations by governments of people's fundamental rights. The main focus of its actions is to work toward the release of all prisoners of conscience - those people who have been detained anywhere for their beliefs or because of their ethnic origin, gender, colour or language who have not used or advocated violence; fair and prompt trials for all political prisoners; the abolition of the death penalty, torture and other cruel, inhuman or degrading treatment of prisoners; and an end to deliberate and arbitrary killings and "disappearances". The organization also opposes abuses committed by armed opposition groups which are contrary to minimum standards of humanitarian conduct such as hostage-taking, torture and killings of prisoners and other deliberate and arbitrary killings. Amnesty International is independent of any government, political system or religious creed and is concerned solely with the protection of human rights regardless of the ideology of the government or opposition forces or the beliefs of the victims.

Thus, situations where both the ILO and Amnesty International have concerns are likely to involve serious violations of human rights not only in respect of ILO Conventions, but also other international standards such as those set in the United Nations Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which includes the specific rights that Amnesty International seeks to protect. However, Amnesty International believes that all human rights and freedoms - civil, cultural, economic, political and social - are indivisible and interdependent and that it is the responsibility of the international community to protect the human rights of all people.

With this in mind, and noting that this is the 75th anniversary of the ILO, Amnesty International has launched a campaign aimed at achieving universal ratification of ILO

Conventions Nos 87 and 98, the two conventions which are the cornerstone of the ILO's human rights work and closest to Amnesty International's own mandate. Ratification of international instruments is a concrete step that every government can take to show its support for human rights and it would be a fine achievement if every member of the ILO had ratified these two conventions by the close of the ILO's anniversary year.

Ratification, however, is only one step that governments should take. It is of paramount importance that governments implement the provisions set out in international standards. As the work of the Committee on Application of Standards illustrates, many governments having ratified ILO Conventions fail to apply their provisions, sometimes resulting in persistent and systematic violations of human rights. The ILO, including the Committee on Application of Standards, rightly emphasizes that both national legislation and practice must be in conformity with the relevant ILO convention.

This document has been written before the publication of the 1994 *Report of the Committee of Experts on Conventions and Recommendations*. It includes information on current Amnesty International concerns in Bangladesh, Brazil, Colombia, Guatemala, Indonesia, Morocco, Myanmar, Pakistan, Romania, Saudi Arabia and Syria which are relevant to past observations made by the Committee of Experts and often to recent discussions in the Committee on Application of Standards. It describes a number of situations where the governments concerned are clearly failing to implement the provisions of ILO Conventions which they have ratified and which Amnesty International hopes the Committee on Application of Standards will take up at its meeting in June 1994.

***Convention No 87, freedom of association, 1948***

***Convention No 98, collective bargaining, 1949***

***Brazil (ratified Convention No 98 in 1952)***

Brazil was last raised in the Committee on Application of Standards in 1991 where the discussion concerned the legal provisions for collective bargaining on wage negotiation and conditions of employment.

Amnesty International is concerned that persistent inaction and impunity in relation to successive killings of rural trade union leaders in Brazil is a restriction on the right to freedom of association. This fear is strengthened by indications of the involvement of state agents in many of these killings.

During 1993, 51 peasants and trade unionists were reportedly killed in the context of land and labour disputes in Brazil. In the last three years, 23 rural trade union presidents or leaders have been assassinated. In not one of these cases has anyone been brought to trial.

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Indeed during 1993 two men convicted of the 1988 assassination of rubber tappers' leader Chico Mendes escaped from custody with apparent police acquiescence.

Such killings are carried out by hired gunmen allegedly hired by landowners or land claimants. Yet there is increasing evidence not only of official acquiescence but also of direct police involvement. In June 1993 the Assistant Attorney General stated that of 173 cases of rural murders being investigated by his office in which gunmen were paid to commit crime, 72 proved to have the direct participation of military policemen while 8 others involved members of the civil police.

In the early hours after the first of May celebrations last year, Arnaldo Delcideo Ferreira President of the *Sindicato dos Trabalhadores Rurais do Eldorado do Carajás*, Rural Workers Trade Union of Eldorado do Carajás, was shot and killed in his home by a gunman, in front of his 17 year-old son. He had campaigned for agrarian reform and against deforestation in the region, and represented peasant communities involved in land disputes. There had been three previous attempts on his life, in one of which a nun, Sister Adelaide Molinari, was killed in April 1985. A landowner arrested and charged with the trade unionist's killing was detained in custody but then released, and has reportedly gone into hiding.

In June last year the President of the *Sindicato dos Trabalhadores Rurais do Belém de Maria*, Rural Workers Trade Union of Belém de Maria, Amancio Francisco Dias, was killed when he was shot in the face at his home in Pernambuco. His wife had just opened the door to two men who said they needed advice after being dismissed from sugar cane plantation. The trade union President had recently been pressing refinery owners to pay outstanding debts to workers in the sugar cane industry : he had received several death threats. No one has yet been brought to justice for his killing.

### ***Colombia (ratified Conventions Nos 87 and 98 in 1976)***

The situation in Colombia, including the killing and "disappearance" of trade unionists, has been discussed under Convention No 87 at the last five sessions of the Committee on Application of Standards. In 1993, the Committee once again expressed its deep concern about the situation in law and in practice and commented that it "could not fail to note that no progress had been made since this case had been examined in June 1992"<sup>1</sup>.

Trade unionists continue to be the targets of widespread and systematic human rights violations such as "disappearances", extrajudicial executions and torture. The authorities

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<sup>1</sup> Report of the Committee on Application of Standards, Provisional Record of the 80th session of the International Labour Conference, 1993.

attribute such abuses to armed opposition groups or to civilian "death squads". However, Amnesty International has evidence which suggests that many of the abuses are carried out by members of the Colombian armed forces or civilians working under their command or in their support. Trade union leader Efraín Viveros Filigrana survived an attempt on his life after being repeatedly shot by armed men, with guns used exclusively by the Colombian armed forces. Efraín Viveros is also a member and advisor of the left-wing coalition party *Union Patriótica* (UP) and has received numerous death threats in the past.

Members of the *Asociación de Educadores del Arauca* (ASEDR), Teachers' Association of Arauca department, have also come under attack in recent months, with the killing of one of its members, Juan Carlos Parales, on 5 April 1994 and the attempted murder of another, Elbano Antonio Rojas, on 9 April. He was shot twice by gunmen. The life of Urbano Barreto Arenas, president of the union, was also threatened when he was approached by two unidentified men who promised to kill him next time they saw him.

Earlier in the year members of the executive committee of ASEDR received a written death threat signed by a local paramilitary group known as "Autodefensas del Sarare". About 43 of its members have now received death threats but no action has yet been taken by the authorities to instigate investigations.

On 14 February, 12 members of ASEDR including the president, Urbano Barreto Arenas were arrested and detained for eight hours by the Investigative police before being released without charge. They were taking part in a march which was broken up by the National Police and security force personnel who were reportedly photographing and filming demonstrators.

Alvaro Causado, peasant leader with the *Asociación Nacional de Usuarios Campesinos* (ANUC), National Peasants Association, and left wing political leader, was abducted from his home in the community of El Pinal, Los Palmitos municipality, Sucre department on 10 April 1994. Twelve masked and armed men in civilian dress forced him into one of their vehicles and drove off in the direction of the departmental capital, Sincelejo. He has not been seen since. Alvaro Causado has reportedly been victim to a series of threats in the past by the security forces, however they have denied that he is in their custody.

There is concern for the safety of the Zenú Indian Community since the unidentified killing of three of its leaders and their driver on the 26 March 1994. Their vehicle, which had been set on fire, was found riddled with bullets and had traces of blood on it. The body of Porufirio Ayala, *Secretario Suplente de la Organización Nacional Indígena de Colombia*, Deputy Secretary of the National Indigenous Organization of Colombia (ONIC), and those of the three other men, were found on 27 March. There was reportedly evidence of gunshot wounds and torture. Scores of Zenú Indians have been threatened and killed in recent years

in the context of land disputes including Gerardo Moreno, leading member of ONIC. He was killed on 19 March 1993 in circumstances suggesting he was extrajudicially executed.

In addition to threats, political killings and "disappearances", increasing numbers of trade unionists have been subject to criminal investigations on alleged terrorist offences. Several have been arrested and face trial in the specialist public order jurisdiction (now called Regional Courts) set up to deal with cases of terrorism, such as violent crimes related to drug-trafficking and political violence. Although this legislation was designed to protect judges and witnesses and enable the justice system to deal with guerrilla groups and criminal organizations, it has seriously weakened procedural guarantees and safeguards against abuse by state forces. Within the Public Order Courts judges, prosecutors and witnesses remain "faceless" or anonymous, defence lawyers' access to trial documents is limited and hearings are conducted in secret.

Laws designed to tackle terrorist offences are increasingly being used in a move towards criminalizing social protest, whether violent or peaceful. Since the introduction of the anti-terrorist legislation and public order courts, the number of political prisoners has soared to over 1,500. Many, including some trade union leaders, are believed to have been arbitrarily arrested and imprisoned and wrongfully charged with terrorist offences.

### ***Guatemala (ratified Conventions Nos 87 and 98 in 1952)***

The situation in Guatemala relevant to Convention No 87 was discussed at the last session of the Committee on Application of Standards. The Committee noted that very serious violations of the right to freedom of association in Guatemala had been raised many times before and urged the government to take steps to eliminate discrepancies between legislation and practice on the one hand and the Convention on the other.

The 1961 Guatemalan Labour Code, which was amended in 1992 with the assistance of the ILO to further facilitate freedom of association, makes ILO standards ratified by Guatemala legally enforceable. Nonetheless, Amnesty International has for many years been concerned about human rights violations, including "disappearances" and extrajudicial executions, directed against particular groups, including trade unionists.

For example, Cirilo Machic Raguay "disappeared" on 26 July 1993 whilst travelling to Escuintla, municipality of Palin. Cirilo Machic Raguay is a member of the Executive Committee of the *Sindicato de Trabajadores de Caminos (STRAC)*, the Road Workers Union, of the municipality of Palin and a member of the *Unión de Trabajadores de Escuintla (UTE)*, Union of Workers of Escuintla. Prior to his disappearance he had reportedly been followed and intimidated by heavily armed men. Cirilo Machic Raguay had been actively involved in the setting up of neighbourhood associations in Palin which have been critical of the local mayor.

Amnesty International had also been concerned for the safety of two women trade union leaders who had gone into hiding following their abduction on 17 June 1993 and subsequent release. Elizabeth Recinos Alvarez de León is leader of the *Sindicato del Hospital San Vicente*, Union of San Vicente Hospital, and a member of the *Asamblea Nacional de Trabajadores de Salud Pública (ANTSP)*, National Assembly of Public Health Workers. Eluvia de Salam is a leader of the *Sindicato de Bienestar Social*, Social Welfare Union, and a member of the *Federación Nacional de Sindicatos de Trabajadores de Guatemala (FENASTEG)*. They were abducted in Guatemala City by unidentified men in June 1993. Eluvia de Salam was released the next day. Elizabeth Recinos was drugged, beaten, kicked and suffered two broken ribs. She was found unconscious outside the house of Eluvia de Salam nearly a week after the abduction. Amnesty International later helped Elizabeth Recinos to travel abroad for the medical treatment which she required because of the ill-treatment she suffered while in custody.

In October, a communiqué in the name of a hither-to unknown group calling itself the *Movimiento Anticomunista 'Roberto Lorenzana'*, Anticommunist Movement 'Roberto Lorenzana', was placed under the doors of several human rights organizations. It warned 22 people, including Romeo Monterrosa and Byron Morales, leaders of the *Unidad de Acción Sindical y Popular (UASP)*, Unity of Trade Union and Popular Action, that they had 72 hours to leave the country or they would be considered "military targets." In March 1994, Byron Morales' name appeared on another death list delivered to the offices of UASP in Cobán, Alta Vera Paz, this time in the name of the "*Jaguar Justiciero*" or "J.J." In all seven people, six of them trade unionists, were told that they would be killed if they did not leave the country within 48 hours.

The publication of the March death list coincided with various strikes and occupations in Guatemala City by members of the *Instancia Unitaria de Trabajadores (UITE)*, Government Workers Union, and the *Federación Nacional de Sindicatos de Trabajadores del Estado (FENASTEG)*, National Federation of State Workers Unions, for pay increases in accordance with a salary scale they say was agreed with the government in July 1992, wage restructuring and the suspension of privatisation plans. The government responded to these activities by initiating legal proceedings against workers for withdrawing their services. Others received a series of anonymous threats, such as those issued by the "J.J.", and a UITE member went into exile, in fear of his life.

Members of rural workers associations have also been frequent targets of abuses. Tomás Pérez and Jesús Cuc Churunel, members of the largely indigenous peasant group, *Comité de Unidad Campesina (CUC)*, Committee of Peasant Unity, have been held in the Santa Cruz prison since July 1993, accused of the killing of prominent politician and newspaper publisher Jorge Carpio Nicolle on 3 July 1993. CUC claims that the evidence against them was planted by the army, and Marta de Carpio, Jorge Carpio's wife has stated publicly that they are being held as scapegoats to cover up deficiencies in the official

investigation into Jorge Carpio's killing. Tomás Pérez Pérez has allegedly been beaten while in detention.

Most recently, CUC members Arturo Federico Méndez Ortiz and Alfonso Morales Jiménez, of the Maya-Mam ethnic group, were arrested on 22 April 1994, by members of the National Police in the Municipality of Huehuetenango and are currently being held at Huehuetenango prison where there are fears for their physical integrity. Alfonso Morales was reportedly tied to a pole and was beaten at the time of his detention, but lawyers and leaders of CUC have subsequently been unable to gain access to the detainees. The two have reportedly been accused by members of the *Patrullas de Autodefensa Civil* (PAC), Civil Defence Patrols, of having carried out the assassination on 15 September 1993 of the chief of the local PAC. CUC denies that the two were involved and charges that accusations against them are simply the latest in a series of army efforts to break up indigenous and rural workers groups by intimidating their members.

### **Indonesia** (ratified Convention 98 in 1957)

The situation in Indonesia was discussed by the Committee on Application of Standards at its last session. Then the Committee urged the government "to take appropriate measures to ensure that workers and workers' organizations could exercise trade union rights without fear of anti-union reprisals and without any risk of interference on the part of employers"<sup>2</sup>. This reflects the concern expressed by the ILO's Committee on Freedom of Association which concluded in 1989 that "despite the Government's repeated reference to texts ensuring the right of every citizen to join or not to join any organisation, including a trade union, according to the Government's clear words, a very large section of the workforce in Indonesia does not have freedom to form or join a workers' organisation of its own choosing"<sup>3</sup>.

There is only one officially recognized trade union federation in Indonesia, the All Indonesia Workers Federation, *Serikat Pekerja Seluruh Indonesia*, (SPSI), which is defined under Ministry of Manpower Regulation No. 1/1994 as the sole recognized trade union. The *Serikat Buruh Sejahtera Indonesia* (SBSI), Indonesian Prosperous Labour Union, was set up in June 1992 by independent labour activists. On 25 April 1994, following several days of serious, and violent, labour unrest in Medan, North Sumatra, the Ministry of the Interior went beyond its refusal to recognize the SBSI and declared that it was "illegal" and "banned

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<sup>2</sup> Report of the Committee on Application of Standards, Provisional Record of the 80th session of the International Labour Conference, 1993.

<sup>3</sup> Paragraph 121, 265th Report of the Committee on Freedom of Association.

from carrying out any kind of activity". One day before the official ban, a meeting at the SBSI headquarters in Jakarta was broken up by armed police and soldiers.

Despite heavy restrictions imposed on the right to organize, strikes have become increasingly common in Indonesia. On the eve of a general strike called by the SBSI for 11 February 1994 at least 19 trade union activists were detained. The national strike was aimed at doubling the minimum wage to 7,000 rupiah (\$3.30), improving working conditions, permitting workers to organize and securing government recognition for the SBSI. Three labour leaders among the 19 were arrested on 9 February in Semarang, Central Java, during a meeting of some forty activists which the authorities claimed was illegal. They were charged with political crimes. Four others, arrested between 7 and 9 February, were held for questioning in Bekasi, West Java, and ten more union officials and members were reportedly detained on 10 February. Most of those detained were released within days, although three were charged under Article 155 of the Criminal Code, one of what are termed "hate-sowing" articles. Short term detention and threats of legal action are weapons used by the Indonesian Government against trade unionists and others engaged in peaceful expression of their right to freedom of association and opinion.

Military intervention in labour disputes has resulted in activists facing arrest, intimidation, ill-treatment, torture and sometimes death. The body of Marsinah, a factory worker and labour activist, was found in a small shack about 200 kilometres from her home in Porong, East Java, on 8 May 1993, bloodied and bruised and bearing marks of strangulation on the neck. An autopsy revealed that she had been raped. Only days before her death Marsinah had been actively involved in a strike at the watch factory where she worked. On 5 May 13 workers were summoned by the military and forced to resign or face charges for holding "illegal meetings" or "inciting" others to strike. Marsinah went to look for her colleagues that evening at the local military headquarters. She subsequently "disappeared" until the discovery of her body three days later.

The police investigation into the killing was eventually taken over by military intelligence authorities who flatly denied allegations of involvement by the security forces. In November 1993, nine civilians and one military officer, were charged in connection with the murder and brought to trial. Extreme irregularities in arrest, investigation and trial procedures - which violated both international law and Indonesia's Code of Criminal Procedure - suggested that these trials were intended primarily to obscure the role of the military in the killing. Several of the accused, including one woman, were kidnapped by military intelligence officers, held incommunicado for up to three weeks, and forced to confess to the murder, some of them under torture. The sole military officer arrested, a Captain, was not tried in a civilian court and was charged only with a disciplinary offence for failing to report a crime. Following months of independent investigation, Indonesia's premier human rights organization concluded that responsibility for the murder rested with higher ranking military authorities.



More than 100 people were arrested, and one businessman was killed, during a week of widespread, and sometimes violent, labour unrest in the vicinity of Medan, North Sumatra in mid-April. While not condoning the violence in Medan, Amnesty International is concerned that the authorities may attempt to use the unrest to justify a further crackdown on the SBSI and labour activism generally. Among those detained in connection with the unrest were at least three officials of SBSI-Medan (a fourth was still being sought by the authorities in late April). Although they have yet to be formally charged, Amnesty International believes they may have been detained solely for their non-violent labour activism. This concern has been heightened by the fact that military officials have openly accused the SBSI of having links with the banned Communist Party of Indonesia (PKI), an allegation which may be used as a pretext for bringing its leaders to trial for subversion, a crime punishable by death.

### ***Morocco (ratified Convention No 98 in 1957)***

Morocco's implementation of Convention No 98 was last raised in the 1992 *Report of the Committee of Experts on the Application of Conventions and Recommendations* where the need for the government to adopt specific provisions guaranteeing effective protection against acts of anti-union discrimination and against interference in workers' organizations was stressed.

Since the early 1960s the Moroccan government has "disappeared" and imprisoned hundreds of political opponents, including trade unionists, some of whom have been held in secret detention centres often in inhuman conditions.

For example, Abdelhaq Rouissi, a former employee of the *Banque du Maroc* in Casablanca and an activist in the *Union marocaine du travail* (UMT), Moroccan Labour Union, "disappeared" on 4 October 1964. There were no known witnesses to his arrest, but traces of blood were found in his bedroom. Information from former "disappearance" victims has confirmed that Abdelhaq Rouissi was arrested and subsequently held for years in a succession of secret detention centres. His family, who believe he is still alive but in extremely poor health, have tried, unsuccessfully, to ascertain his whereabouts. Repeated requests from Amnesty International to the Moroccan government for information about Abdelhaq Rouissi have elicited no response. Following one such request his family were contacted and told he would be released on 30 October 1993 but this did not happen.

Similarly, Houcine El-Manouzi, a member of the UMT, "disappeared" in 1972 while on a trip to Tunis. Details of his "disappearance" and brief escape in 1975 were revealed in testimonies from the Bourequat brothers who were imprisoned with Houcine El-Manouzi for a year. He was initially held in the Villa Souissi in Rabat where he was interrogated, then later in Dar El-Mokri in Rabat - one of the many unofficial places of detention where prisoners are said to be held incommunicado and often tortured. Ever since 1975 Amnesty

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International has tried to get news of the whereabouts of Houcine El-Manouzi from the authorities but the Moroccan Government have never admitted holding him.

Abdallah Housby, a school teacher and member of the Moroccan National Union of Teachers who Amnesty International considers to be a prisoner of conscience, has already spent over a quarter of his life in prison for his beliefs. He was arrested in November 1985, reportedly after the distribution of leaflets by an illegal left-wing group, and was tortured during prolonged incommunicado detention in a secret detention centre where he was forced to sign a confession. Abdallah Housby continues to serve his ten year sentence on charges of conspiracy against state security, membership of an illegal organization and distribution of unauthorized leaflets.

### ***Myanmar (ratified Convention No 87 in 1955)***

In its report *The Climate of fear continues, members of ethnic minorities and political prisoners still targeted*<sup>4</sup>, Amnesty International detailed its concerns about the continued grave human rights violations committed with impunity by the State Law and Order Restoration Council (SLORC), Myanmar's military rulers. Although over 2000 political prisoners have been released since April 1992, hundreds of others are believed to remain imprisoned after unfair trials or are detained without charge or trial, and the rights to freedom of expression and association continue to be denied.

Although independent trade unions are illegal in Myanmar, members of workers unions have been involved in opposition activities and have been at risk of human rights violations. On 9 December 1992 trade unionist Nay Lin, who is believed to be the youth organizer for the Federation of Trade Unions in Burma (FTUB), was arrested in Yangon, reportedly for putting up posters calling for the release of the Nobel Peace Prizewinner, Aung San Suu Kyi. Saw Aung, a Telecommunications clerk, and Myint Than, a Myanmar Airways Corporation Sales Clerk, also members of the FTUB, were arrested on 31 December 1992. Nay Lin, Saw Aung and Myint Than were reportedly sentenced to seven years' imprisonment in January 1993, but Amnesty International has no further information about the charges brought against them or other details of their trials. The organization is concerned that the three may have been arrested for the peaceful expression of their non-violent political beliefs and possibly for their membership of a trade union.

### ***Syrian Arab Republic (ratified Conventions No 87 in 1960 and No 98 in 1957)***

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<sup>4</sup> AI Index ASA 16/06/93, October 1993

Implementation by the Syrian Arab Republic of Convention No 87 was discussed in 1992 by the Committee on Application of Standards. Although the Committee noted in its conclusions intended changes to labour legislation which it felt should be carefully studied by the Committee of Experts in 1993, the situation was not discussed at the last session of the Committee on Application of Standards.

Amnesty International remains concerned about the fate of scores of doctors, lawyers and engineers who have been held without charge or trial for more than 12 years. Most were arrested in the wake of a one-day general strike on 31 March 1980 which was organized by the Damascus branch of the Syrian Bar Association and supported by various professional organizations. The strike was organized to call for political reforms, including an end to state of emergency legislation and to redress human rights violations committed under this legislation.

Shortly after the strike, a Presidential Decree was issued recommending the dissolution of the professional associations' councils. On 9 April 1980 the Ministerial Cabinet found that the Medical, Engineers' and Bar Associations councils had broken the laws concerning the aims and activities of their professions by organizing or participating in the strike and agreed to dissolve the national congresses and assemblies of these associations. Hundreds of lawyers, doctors and engineers were subsequently arrested.

Among those detained is Tawfiq Draq al-Siba'i, a doctor, believed to be about 47 years old, married with five children. He was detained in May 1980 in Homs after the Syrian censors intercepted a letter from his relatives in Saudi Arabia which expressed concern about the political situation in Syria. On 2 June he was taken from prison in Homs to an unknown destination. The authorities at the prison in Homs denied any knowledge of his whereabouts. To Amnesty International's knowledge he has never been charged or put on trial. The last report of his whereabouts, al-Mezze Military Prison in Damascus, was in 1987. Unconfirmed reports suggest that he may no longer be alive.

### ***Convention No 107 on indigenous and tribal populations, 1957***

#### ***Bangladesh (ratified Convention No 107 in 1972)***

The Committee on Application of Standards last discussed the implementation of Convention No 107 by Bangladesh in 1989. The Committee of Experts' most recent observation was in 1993 when it commented on reports of persistent human rights violations including the killing of tribal villagers in Logang in the Chittagong Hill Tracts on 10 April 1992.

Amnesty International continues to receive reports of human rights violations committed against tribal people in the Chittagong Hill Tracts, which have taken place in the context of an continuing conflict between the government and an armed tribal organization, the *Shanti Bahini* (Peace Force). These include illegal detention, torture and deaths in custody and extrajudicial executions.

On 17 November 1993, between 20 and 30 tribal people were killed in Naniarchar on the bank of the Kaptai Lake in Rangamati district in the Chittagong Hill Tracts. Amnesty International received reports that the Hill Students' Council had organized a peaceful march to protest against the army converting a public passenger shelter and the Naniarchar ferry station into an army check-post. The Naniarchar chapter of the Hill Students' Council planned a mass rally on 19 November, following an earlier demonstration in October and a memorandum to the Deputy Commissioner of Rangamati district. The demonstration on 17 November, for which the Hill Students' Council had obtained permission from the local police, was organized in preparation for the rally.

The Army reportedly opened fire on the tribal people in the market without warning. Several tribal people were allegedly injured and possibly killed by gun shots, including unarmed women and children attending the market and tribal students participating in the demonstration. When many of the frightened tribal people jumped into the Kaptai lake surrounding the market area, Bengali settlers reportedly attacked them with knives, sticks and iron rods, injuring and killing some of them. The police and army apparently took no measures to protect tribal people from these attacks. Nearly 100 people were reportedly injured in the incident and several houses burned down.

Amnesty International has welcomed the establishment by the Government of Bangladesh of an inquiry commission into the incident at Naniarchar and has requested information about its exact term of reference. However, the organization has still to receive a substantive reply to its report of April 1993 which contained an analysis of the report on the Logang incident issued by the investigating judge. Amnesty International remains concerned about the manner in which that inquiry was conducted, including reports of the harassment of some potential witnesses by law enforcement personnel which apparently deterred them from testifying.

#### *Brazil (ratified Convention No 107 in 1965)*

Implementation of Convention No 107 in Brazil was discussed at the last session of the Committee on Application of Standards. Then the Committee noted that the resettlement and rehabilitation measures for displaced tribal peoples did not appear to be in conformity with the Convention.

Impunity for killings and assaults on indigenous people in Brazil remains practically universal, whilst the level of such violence has continued to escalate. In 1993 32 assassinations of members of indigenous communities by non-Indians were reported - the highest number for over a decade. The only cases of killings of Indians that came to trial during the year, after a delay of 5 and 10 years respectively, resulted in acquittals for the accused.

National and international attention were drawn to July 1993 massacre of 16 Yanomami Indians - mostly women and children - from the village of Haximu on the Venezuelan side of the border. An investigation led to arrest warrants being issued against 23 Brazilian miners and the authorities gave assurances that everything would be done to locate them. Yet before the year was out, two of the miners who had been arrested and charged with the killings were released by the Brazilian courts.

The Yanomami were by no means the only group to suffer from violent attacks. Amnesty International's report *"Brazil : We are the Land : Indigenous Peoples' Struggle for Human Rights"*<sup>5</sup>, demonstrates the vulnerability of all 170 indigenous groups - whether in long-standing contact with the surrounding society or those living in isolation - to incursions by those coveting their land and resources.

Other groups which violently lost members in the year were the Guajajara, Guarani, Kanamari, Kapinawá, Kulina, Pataxó, Potiguara, Tukano and Makuxí. Democlidides Carneiro Makuxí was found dead, shot in the head, in a police cell on 5 November 1993 in Alto Alegre, Roraima. The original police version of 'suicide' was overturned and federal police asked to investigate a local policeman. A further 85 indigenous people reportedly escaped attempts on their lives in 1993 and 600 incidents of death threats made to Indians were reported.

The government's failure to clarify issues relating to demarcation of indigenous lands has led to increased tensions between indigenous and non-indigenous population, which together with the climate of impunity for assaults on indigenous communities, can only lead to further violence. Such tension has also been fomented by uncertainty surrounding the current revision of the 1988 Constitution which provided important Constitutional guarantees for indigenous peoples' rights, but which are now in question.

### ***Convention No 111 on discrimination (employment and occupation), 1958***

#### ***Pakistan (ratified Convention No 111 in 1961)***

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<sup>5</sup> AI Index AMR 19/32/92, January 1993

Pakistan's implementation of Convention 111 was discussed at the last session of the Committee on Application of Standards where it was noted that the discriminatory employment situation with respect to members of certain religious groups had not changed.

Last year Amnesty International drew the attention of the Committee on Application of Standards to its concerns about the mandatory death sentence for blasphemy which was introduced in 1992 to Section 295-C of the Pakistan Penal Code. It has continued to have concerns about discrimination against religious minorities in Pakistan, particularly Christians and members of the Ahmadiyya community who consider themselves Muslim but are regarded by orthodox Muslims as heretical.

On 5 April 1994 in Lahore, Manzoor Masih, a Christian, was shot dead and three other Christians were seriously injured. The attack took place near the Lahore High Court, about 200 metres away from a police station. The Christians were reportedly attacked by three gunmen who have been named by eyewitnesses as members of the Islamist party, Sepah-e Sahaba. The three had been arrested in May 1993 in Gujranwala in central Punjab province on charges of blasphemy. By January 1994 all three had been released on bail although the charges of blasphemy remained against them. Their cases were transferred to Lahore on the grounds that their safety could not be guaranteed – members of Sepah-e Sahaba had demonstrated frequently in and outside court demanding the execution of the accused. Amnesty International is gravely concerned that there was apparently little done by the police to protect the Christians. Although two people were reportedly arrested several days after the attack, no further details of their identity or any charges brought against them is known.

Amnesty International also remains concerned that members of the Ahmadiyya community continue to be charged and sentenced to terms of imprisonment solely for the peaceful exercise of their religious faith. In January and February 1994, charges of blasphemy were brought against five journalists of the Ahmadiyya community under section 298-C of the Pakistan Penal Code which allows for the imprisonment of the Ahmadiyya solely on grounds of religious belief. On 7 March the five, who Amnesty International regarded as prisoners of conscience, were released on bail but the charges against them remain pending. If convicted, the five men would be sentenced to death.

### ***Romania (ratified Convention No 111 in 1973)***

The problems of Romania's implementation of Convention No 111 were the subject of an ILO Commission of Inquiry which reported in 1991. The government reported to the Committee on Application of Standards at its last session on measures taken to implement the Commission's recommendations. The government was urged to supply other information requested by the Committee of Experts.

Amnesty International continues to be concerned about the ill-treatment of members of Roma communities in several countries across Eastern Europe, including Romania, Bulgaria, Hungary and the Slovak Republic. Since the political changes in the region in 1989 there has been no improvement in the social conditions of the Roma community who remain the lowest strata of society in the countries they inhabit and discrimination against them has been transformed into open racial hatred and violence which the authorities have done little to halt.

In Romania in September 1993, for example, local police in the Transylvanian village of Hadareni failed to protect two Roma from a public lynching and another from being burned to death during a night of racial violence in the village. More than 170 Roma were forced to abandon their homes and flee after the authorities allegedly failed to adequately ensure their safety and protect their property. Many were not able to return to their homes and daily lives as they feared they would not be adequately protected by the police. Some of the Roma were reportedly ill-treated and harassed by police when they returned to collect their belongings.

Amnesty International is aware that the Romanian Government, in a statement of 22 April 1993, undertook to investigate this event but is particularly concerned that such an inquiry should fully and impartially investigate reports of the participation of law enforcement officers in criminal acts of racial violence and allegations that they failed to protect citizens at risk. Amnesty International understands that, although several officers involved in the incident were transferred to different jobs and one was forced to resign, no one has been arrested and charged with the murder of the two Roma, larceny and other crimes, although victims of the attacks had filed complaints with the District Prosecutor.

*Saudi Arabia (ratified Convention No 111 in 1973)*

Saudi Arabia's implementation of Convention 111 was discussed at the last session of the Committee on Application of Standards where the information from the government, that "Islamic law (Shariah) respected full equality of treatment and opportunity"<sup>6</sup> was duly noted.

Amnesty International is concerned that a pattern of discrimination against religious minorities, particularly Christians and Shi'a Muslims, has emerged in Saudi Arabia over the last few years. In practice, public and private non-Muslim religious worship is banned in Saudi Arabia, and Christians meeting to worship are often the target of arrest, detention and torture or ill-treatment. In recent years, scores of Shi'a Muslims have also been arrested,

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<sup>6</sup> *Report of the Committee on Application of Standards, Provisional Record, 80th session of the International Labour Conference, 1993*

detained and tortured for advocating freedom of religion and thought and equal rights for members of their community. Full details of Amnesty International's concerns are documented in a report published in September 1993 entitled *Saudi Arabia - religious intolerance: the arrest, detention and torture of Christian worshippers and Shi'a Muslims*<sup>7</sup>.

The pattern of discrimination in Saudi Arabia appears to have become acute since the Gulf Crisis of 1990-1991, as shown by the marked increase in the number of Christian worshippers being arrested and ill-treated solely for the peaceful expression of their religious beliefs. Furthermore, there appears to be discrimination in the pattern of arrest on the basis of nationality. Of the 329 Christian worshippers known to have been arrested since August 1990, 325 were nationals of developing countries while four were from Western Europe and North America. The Christian community in Saudi Arabia is multi-national, including nationals from the Philippines, Sri Lanka, South Korea, India, the United States of America and several European countries. While nationals of developing countries had tended to be employed in semi-skilled or unskilled jobs in previous years, there now appears to have been an increase in the number of jobs available only to Muslim applicants. At the same time, non-Muslim workers are apparently being encouraged to convert to Islam.

Amnesty International has received no response from the government concerning the continuing pattern of detention and ill-treatment of Christian worshippers, although it welcomed the release in July 1993 of at least 21 Shi'a Muslim prisoners, some of whom who had been held for the peaceful expression of their religious beliefs.

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<sup>7</sup> AI Index MDE 23/06/93, September 1993