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**@THE 78TH SESSION OF THE INTERNATIONAL LABOUR CONFERENCE:
AMNESTY INTERNATIONAL'S CONCERNS RELEVANT TO THE EFFECTIVE
IMPLEMENTATION OF INTERNATIONAL LABOUR ORGANISATION CONVENTIONS**

Amnesty International follows with 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 wider than Amnesty International's own area of work, there are situations where both organizations have concerns.

Amnesty International, an independent worldwide movement, works impartially for the release of prisoners detained for the non-violent expression of their opinions, for fair trials within a reasonable time for all political prisoners and an end to torture and executions. Thus, situations where the ILO and Amnesty International have identified similar concerns are likely to involve serious violations of human rights, not just in respect of ILO Conventions but also other international human rights standards such as the International Covenant on Civil and Political Rights. Amnesty International's concerns relevant to ILO Conventions are most likely to occur with regard to Convention No 87, on freedom of association and the right to organize; Convention No 98, on the right to organize and collective bargaining; Conventions Nos 29 and 105 on forced labour; and Convention No 107 concerning indigenous populations.

Discussions in the Committee on Application of Standards are based on the Report of the Committee of Experts on Conventions and Recommendations. It should be noted that this paper has been prepared in advance of the publication of the 1991 report but includes information on relevant AI concerns in some countries on which the Committee of Experts has recently expressed disquiet about the implementation of the appropriate ILO Convention.

Convention No 87 (1948): Freedom of Association and Protection of the Right to Organize

COLOMBIA (ratification 1976)

The situation in Colombia, including the killings of workers and trade unionists, has been discussed at the last two sessions of the Committee on Application of Standards. On both occasions the Committee has decided to put a "special paragraph" in its report to draw attention to its deep concern at the persistent and serious situation of human rights violations in Colombia.

Amnesty International remains concerned by persistent reports of human rights violations in Colombia. Since last year's conference, it has received specific reports of the harassment, abduction, "disappearance", torture and killing of trade union and

community leaders. Trade union and community leaders, labour lawyers and trade union legal advisors continue to receive death threats from paramilitary "death squads". Many of those who have persisted in their legitimate trade union and community activities have been killed or have "disappeared" apparently after detention by the security forces or civilians working with them in the guise of so-called "death squads". Some killings have taken place after senior officers of the armed services have publicly accused trade union and community leaders of being linked to the left-wing guerrilla movements.

Amnesty International has learned of the killing of a trade union leader and the subsequent killing of his girlfriend who had publicly denounced his alleged assassins. The circumstances of the killings of Germán Antonio Redondo and Gloria Amparo Viveros Lucumy in Tuluá, Valle de Cauca department, suggest that they were victims of extrajudicial executions. Germán Antonio Redondo was reportedly killed at 6.30am on 13 November 1990 as he was travelling by bus to work in Tuluá. Two armed men boarded the bus and shot him, killing him instantly as well as injuring two other passengers. Germán Antonio Redondo was the Secretary General of the SINTRACANASUCOL trade union at the San Carlos Sugar Refinery (Ingenio San Carlos) where he worked. The union is affiliated to Colombia's trade union confederation, Central Unitaria de Trabajadores (CUT). He was also a member of the legal left-wing political movement A Luchar. At least two other previous attempts on his life had been made, both in July 1990. Since his death, five other trade union leaders at the sugar refinery have received death threats.

Gloria Amparo Viveros Lucumy was the girlfriend of Germán Antonio Redondo and worked at the COCICOINP Cooperative in Tuluá, as well as being a student of administration at the Central University of Tuluá. She had reportedly played an active part in denouncing his killing. On 19 November 1990, at 12.30 midday near her home in Tuluá, two shots were fired at her head from men travelling on a motorbike. Her assailants are then said to have stopped, grabbed her by the hair and shot her a further eight times.

Amnesty International has since received information from the Colombian Presidential Adviser on Human Rights that an official investigation has been opened into the killing of Germán Antonio Redondo and Gloria Amparo Viveros Lucumy. The preliminary investigation has been moved from Tuluá to Buga, also in Valle department, where it is in the hands of the First Court of Public Order. While Amnesty International welcomes the investigation, there is concern that although many such investigations are opened in Colombia, only exceptionally do they lead to the identification and prosecution of those responsible for the human rights violations.

Amnesty International would also like to draw attention to the plight of indigenous communities in Colombia and their rights of association and legitimate protest. Amnesty International's concerns are documented in the recent publication Colombia - Human rights violations against the Arhuaco Indian leaders, published in March 1991. The report recounts, along with background information, the torture and killing of three Indian community leaders Luis Napoleón Torres, Angel María Torres and Hugues Chaparro. They were last seen being abducted from a bus by men wearing army uniforms, at 4pm on 28 November, near the town of Curumani in Cesar department. They had been travelling to the capital, Bogotá, to protest to the government about human rights abuses of their communities by the army and police force.

LESOTHO (ratification 1966)

In its 1989 Report on the Application of Conventions and Recommendations, the Committee of Experts noted certain discrepancies between domestic legislation and the provisions of Convention No 87.

During 1990 Amnesty International received reports of the arrests in Lesotho of three trade unionists and of five leaders of a teachers' strike. In all cases these prisoners were released uncharged within hours or days. However, Amnesty International is concerned that these activists were detained solely because of their peaceful role in labour disputes in progress at the time, and believes they were prisoners of conscience.

In addition, Amnesty International is concerned that police used batons, whips and tear-gas against teachers, students and trade unionists taking part in strikes and peaceful demonstrations. Students demonstrating in Maseru in support of the teachers' demands were beaten and tear-gassed. At least two youths were shot dead by police in late August during a period of heightened tension over teachers' calls for a stay-away. A police officer was reportedly arrested in connection with the killing of one of the youths, Bathobakae Mokhothu.

The arrests of five teachers' leaders occurred in the context of a dispute between the authorities and school teachers over teachers' demands for improved salaries, pensions and allowances. On 30 May 1990 teachers went on strike, with the support of many

students and parents, severely disrupting schooling until 29 August when the strike was suspended. On 11 August 1990 police arrested five members of the executive committee of the Lesotho National Teachers' Coordinating Committee, a body set up to coordinate teachers efforts countrywide, and held them under the terms of the Internal Security Act of 1984. By 14 August all had been released uncharged. However, the government in early September issued an order (Order No. 12) which empowers the Minister of Education to summarily dismiss any teacher.

On 20 August, university and college students attempted to deliver a petition to the authorities demanding an urgent resolution of the teachers' grievances. Students and eye witnesses reported that several students were severely beaten when the demonstration was broken up by police using batons and tear-gas. During a stay-away organized on 27 August by parents in support of the teachers' demands a 17-year-old boy, Bathobakae Mokhothu, was shot and killed by police. At the time of the stay-away trade unionists were also harassed and two trade union organizers were detained and questioned about trade union support for the stay-away call.

Efforts of the Construction and Allied Workers Union of Lesotho to win improved pay and working conditions from their employers, French construction company Spie Batignolles, also resulted in clashes with the police. A union decision to strike in support of their demands led to the dismissal of over 300 workers. On 20 July 1990 the union's secretary general, Sello Tsukulu, was arrested at the union offices by the police, but released soon afterwards. Two workers were shot and wounded by police during a procession to present a petition to the authorities. Union officials went into temporary hiding out of fear of arrest or harassment.

P A K I S T A N (ratification 1951)

The Committee of Experts has made a number of observations on Pakistan's implementation of Convention No 87 in which it has commented on restrictions on the right to strike, among other matters.

Amnesty International has been concerned by the arrest and detention in Karachi, Sind of four trade unionists in the aftermath of a national strike on 17 February 1991 by the All Pakistan State Enterprises Workers' Action Committee. Although all four were unconditionally released on 10 April, it believes that they were arrested for engaging in non-violent trade union activities, in violation of their rights to peaceful assembly and association. The four arrested were Usman Ghani and Mohammed Khan, both members of the Action Committee and employees at the Muslim Commercial Bank; Feroz Karim, senior vice-president of the Muslim Commercial Bank Union; and Habibuddin Junaidi, vice-president of the All Pakistan State Enterprises Workers' Action Committee. Usman Ghani and Mohammed Khan were reportedly charged initially under the Contempt of Loudspeakers Ordinance and released on bail but rearrested shortly afterwards. On 23 February, Mohammed Khan, Feroz Karim and Habibuddin Junaidi were brought before a magistrate and detained at Karachi Central Prison under Section 16 of the Maintenance of Public Order (MPO) Ordinance. Usman Ghani, who was reported to have suffered a heart attack on 21 February, was hospitalized for several days in the Intensive Care Unit of the Cardiac Ward of the Civil Hospital, Karachi. On 28 February, he too was taken to Karachi Central Prison where he was detained under the MPO.

Amnesty International has been concerned about the arbitrary use by successive Pakistani governments of the MPO which allows for the detention for up to three months of anyone considered to be "acting in any manner prejudicial to public safety or the maintenance of public order" and which may be used to detain people for the non-violent exercise of their rights to freedom of expression and association. In the past, detention orders under the MPO have been issued without specific grounds, and fresh detention orders have frequently been issued when the initial period of three months had expired. Section 16 of the MPO provides for up to three years' imprisonment for anyone whose speeches or statements are considered to cause "fear or alarm" to "any section of the public" or to promote "any activity prejudicial to public safety or the maintenance of public order".

P E R U (ratification 1960)

In November 1989 the ILO's Committee on Freedom of Association concluded its consideration of complaints against the Government of Peru and stated that it "strongly deplores the violent situation which prevails in Peru", including reports of the killing and "disappearance" of trade unionists and peasants. Violations of Convention No 87 in Peru were discussed briefly at last year's session of the Committee on Application of Standards.

At the beginning of the 1980s, the Partido Comunista del Perú "Sendero Luminoso", the Communist Party of Peru "Shining Path", opposition group began armed action against government forces and civilians in the department of Ayacucho. The government reacted by declaring a state of emergency in that department. "Sendero Luminoso's" activities later spread to other departments, and since 1989

approximately two-thirds of Peru, including over half the population, have been under a state of emergency. Another violent opposition group, Movimiento Revolucionario "Tupac Amaru" (MRTA), the Tupac Amaru Revolutionary Movement, appeared in the mid-1980s but operated on a much smaller scale.

In response to the activities of armed opposition groups, the Peruvian security forces have carried out large-scale "disappearances" and killings of suspected political opponents, including trade unionists. Between 1983 and 1990, at least 3,000 people "disappeared" after being detained by security forces. A similar number of people appear to have been extrajudicially executed, either after being detained and tortured, or in massacres. "Sendero Luminoso" has also carried out massacres, and both "Sendero Luminoso" and MRTA have carried out selective assassinations. Amnesty International condemns the killing and torture of prisoners in all circumstances.

Most of the victims of human rights violations by the Peruvian security forces have been peasants, but trade unionists in the industrial sector have also been targets of repression, especially since 1988. Increasingly, trade unionists have been subject to "disappearance" and death squad-style murders, and security forces have fired into crowds of demonstrating trade unionists. "Sendero Luminoso" have also killed trade unionists who refused to support the group.

Although most killings have taken place in the emergency zones administered by the military, since 1988 trade unionists have also been extrajudicially executed outside those zones. Senatorial commissions have investigated some deaths but no military personnel have been indicted for mass killings, despite compelling evidence of their participation in these human rights violations.

Some trade unionists have been arrested and detained under the anti-terrorist law (Law 24,150 of June 1985) and prosecuted on the basis of statements they reportedly made under duress or while held incommunicado. Others have "disappeared." Human rights organizations and political opposition parties have complained that the anti-terrorist legislation was being used by the government to stop legitimate industrial action.

A new civilian president, Alberto Fujimori, took office in July 1990 and promised to set up a national commission to guarantee respect for human rights. However, by the end of April 1991 this commission had still not been set up. The human rights situation in Peru has continued to deteriorate, and trade unionists are still subject to human rights violations by the security forces.

Constantino Saavedra Muñoz, secretary of the Agrarian Federation of Ayacucho was reportedly detained by soldiers at 10 am on 1 October 1990 and taken from his home in Ayacucho to the Los Cabitos military barracks. Constantino Saavedra Muñoz was detained following a denunciation alleging his involvement with the "Sendero Luminoso" armed group, made against him by a group of montoneros, a civil defence group organized by the army in the region. Military authorities have refused to acknowledge his detention and he is now considered to be "disappeared."

Constantino Saavedra Muñoz was previously detained in 1987 when his detention was unacknowledged for five days. On that occasion he was released with a fractured arm and injuries produced by cigarette burns, all of which he claimed were the result of the treatment he received during his detention.

On 7 November 1990 police shot dead a district councillor and wounded three trade union members who were peacefully protesting at a food factory in Samanco, Chimbote, Ancash department (see Peru: One Killed and Three Injured at Food Factory, AI Index AMR 46/01/91). A judge had ordered police to evict the predominantly female work force from the area around the factory, where they had gathered to prevent management from removing goods and machinery until they received social and other benefits they believed they were entitled to. Local residents joined the workers, and police and private security forces used their firearms to disperse the crowd. Amnesty International is not aware of any judicial investigation into the circumstances surrounding the killing of the district councillor and the wounding of the workers.

According to reports, Juan Apolinario González was detained on 10 March 1991 by members of the security police in Paramonga, one of the neighbourhoods of the city of Lima. He is a trade union leader at the paper factory Sociedad Paramonga in Lima, which had been on strike since the end of February. He was reportedly forced inside a police vehicle, and beaten, and told that he was to be charged with breaking the windscreen of the vehicle. He was then transferred to the headquarters of the Security Police where he is reported to have undergone further beatings, had his head submerged in water, and electricity applied to his body in an attempt to obtain a confession as to his responsibility for the breaking of the police vehicle's windscreen.

Juan Apolinario González was released on 12 March 1991 and denounced the torture to the Fiscal Provincial Mixto de Barranca, the Provincial Prosecutor of Barranca. On 14 March 1991 he presented a complaint to the Fiscal Supremo en Derechos Humanos y Defensoría del Pueblo, Human Rights Attorney General and People's Defender. Peruvian trade unions and human rights organizations are concerned that because of his denunciation and his complaint about his treatment he may become a victim of harassment by the police.

On 17 March 1991 the Federación de Campesinos de Cuzco, the Cuzco Peasant Federation, and the Confederación Campesina del Perú, the Peasant Confederation of Peru, declared a general strike in the department of Cuzco. The peasant organizations demanded higher prices for their agricultural products and a lifting of the state of emergency in four Cuzco provinces.

According to reports, on 20 March members of the security forces dispersed a peaceful demonstration blocking the highway in Pampacongá, district of Limatambo, Anta province, department of Cusco. The security forces reportedly used firearms during the operation. Leonarda Toncoche, a 60 year-old peasant woman, died. Seven other peasants suffered bullet wounds. The incident was denounced to both the Provincial Attorney and the Fiscal Decano de Cuzco, the Cuzco Dean of Attorneys.

Amnesty International has received frequent reports of trade union leaders being imprisoned and subjected to torture for peacefully exercising their fundamental rights, including freedom of association. In most of the cases the people have been released because of lack of evidence, but remain in very poor physical condition as a result of injuries consistent with having been tortured.

PHILIPPINES (ratification 1953)

The situation in the Philippines was last discussed at the 1989 session of the Committee on Application of Standards. In November 1989 the ILO's Committee on Freedom of Association completed its consideration of complaints which included information on the arrests, torture and killings or attempted killings of trade unionists. Both Committees have requested that the government take the necessary measures to bring legislation into conformity with the provisions of Convention No 87.

Amnesty International continues to receive reports of serious human rights violations against trade unionists which have taken place in the context of the government's counter-insurgency campaign against the New People's Army (NPA), the armed wing of the outlawed Communist Party of the Philippines (CPP). Government and military authorities have explicitly named lawful political and social organizations as "fronts" for the NPA and CPP, allegations which members of these organizations deny and which have not been tested in the courts. Violations have included the arrest, imprisonment and ill-treatment of trade unionists for their non-violent political and trade union activity. They have also included the extrajudicial execution and "disappearance" of trade union members and activists. Amnesty International believes that the practice of political "labelling" has encouraged serious human rights abuses of members of these organizations.

Within the trade union movement the principal victims of human rights abuses have been officials and activists of the Kilusang Mayo Uno (KMU), the First of May Movement, and the National Federation of Sugar Workers (NFSW) which is affiliated to the KMU. These organizations have been among the most active critics of the government. Those reported to be responsible for the violations include regular units of the Philippines Army (PA), the paramilitary Philippines Constabulary (PC), and auxiliary paramilitary units known as the Citizens Armed Forces Geographical Units (CAFGU), and a range of semi-official armed groups which often function in close cooperation with formal security forces.

David Borja, aged 41, was shot in Iligan City, Lanao del Norte province on 29 April 1990. According to reports he was flagged down by three armed men as he was driving his motorcycle from the premises of Iligan Light and Power, where he worked, at about 9.30 am. He was then shot several times at close range and died in the street. Police investigators found several empty shells from a .45 caliber automatic weapon near the scene of the shooting. Staff at the funeral home where David Borja was taken said that multiple bullet wounds in his body and powder burns on his arms confirmed that he had been shot at close range. Later relatives of David Borja reported that a witness - who requested anonymity for fear of reprisals - identified the perpetrators as members of the 430th PC Company in Iligan City.

David Borja was a member of the National Council of the KMU; an official in the Southern Philippines Federation of Labor (SPLF) which is affiliated to the KMU; and president of the company union at Iligan Light and Power Company where he worked as a foreman. He had formerly been chairman of the KMU in Iligan City and Lanao del Norte. He was said by colleagues to have campaigned actively against military and paramilitary harassment of members of the labour movement. In July 1989, probably as a result of these activities, the Borjas' home was reportedly raided and searched by members of the 430th PC Company in Iligan. During the search, pictures of KMU gatherings

and and KMU pamphlets were confiscated by military officials. Relatives said that since the raid David Borja became increasingly apprehensive and feared for his own safety.

In November 1990 three members of the NFSW and Teatro Obrero, a cultural organization within the NFSW, were reportedly shot and killed by members of a CAFGU in Negros Occidental province. The three trade unionists, Ferdinand Pelaro, Reynaldo de la Fuente, both aged 18, and Aguinaldo Marfil, aged 19, were said to have been organizing a celebration of Human Rights Day on 10 December for the membership of the NFSW at the time. A witness reported that they were approached by three armed members of a CAFGU, one of whom followed them while the witness was being questioned by the other two. A burst of gunfire was heard and when the CAFGU officer returned he is reported to have said that he had killed the three "organizers" because they had tried to escape. The bodies of the three trade unionists were subsequently recovered showing signs of multiple gunshot and knife wounds. The military claimed that the victims were members of the NPA who had been killed during a military skirmish.

According to NFSW information, more than 250 of its members have been unlawfully detained since 1986, about 40 have been killed by government forces and at least seven have "disappeared". In addition, hundreds of members have reportedly withdrawn from the union following threats and harassment by members of official military and paramilitary forces.

Amnesty International believes that David Borja, Ferdinand Pelaro, Reynaldo de la Fuente and Aguinaldo Marfil were killed for carrying out lawful trade union and human rights activities. It has called on the authorities to conduct effective and impartial investigations into these and all such incidents and to ensure that those alleged to have committed human rights violations are brought promptly to justice before a civilian court.

Convention 107 (1957): Indigenous and Tribal Populations

B R A Z I L (ratification: 1965)

The Committee of Experts has made a number of observations on Brazil's implementation of Convention No 107 in recent years which have been taken up by the Committee on Application of Standards. At the end of last year's discussion, the Committee expressed its continuing concern although it noted that the government had taken measures which appeared to have improved the situation. The Committee expressed the firm hope that, at this forthcoming session, it will be able to note a real change in the situation.

According to the report of the last session of the Committee on Application of Standards, the representative of the Government of Brazil stated that the protection of the interests and rights of indigenous populations is provided for under Article 231 of the 1988 Constitution. He also stated that under Article 127 of the Constitution, the Federal Public Ministry was authorized to defend law and order, the democratic system and the collective and individual rights of citizens, including those of indigenous populations, and any act which could be considered a violation of these rights was prosecuted within the judicial system. However, Amnesty International continues to receive reports of various indigenous communities suffering violent incursions by hired gunmen, miners and landowners that have resulted in Indian villagers being killed or injured. While the organization takes no position on the issue of land tenure, it is concerned that members of indigenous communities have been subjected to serious human rights violations in circumstances which suggest official acquiescence. The following incidents, reported during 1990, illustrate these concerns.

In June 1990 two Macuxi Indians, Mário Davis and Damião Mendes, were killed by hired gunmen, allegedly employed by a local landowner. The Macuxi community had warned the authorities that gunmen had been threatening the Indians with violence but apparently no preventative action had been taken. According to the Conselho Indígena de Roraima (CIR), Indian Council of Roraima, Damião Mendes' life had been threatened previously by one of the gunmen who had publicly boasted that he would only leave the region after he had "spilled the Indian's blood". In April the CIR had asked the state prosecutor and the Federal Police to take steps to curb the illegal activities of gunmen on Macuxi territory.

In September 1990 miners reportedly attacked a Yanomami-Yekuana village in Roraima. The community's leader, Lourenço Yekuana, and another man were killed and two others seriously wounded. It is estimated that 24 Yanomami have been killed in clashes with gold miners since the miners invaded their territory in 1987.

Despite the widespread and persistent nature of attacks on members of Brazil's indigenous communities, Amnesty International is concerned that the authorities have failed to bring to justice those responsible for the killings and to implement promised measures to protect members of indigenous communities.