

Statement of the World Organisation Against Torture

93rd Session of the International Labour Conference

Geneva, 13 June 2005

Mr. Chairman,

The World Organisation Against Torture (also known as the OMCT) is a network of over 280 non-governmental organisations fighting against torture and other cruel, inhuman or degrading treatment or punishment.

OMCT is concerned that due to ultraliberal policies and the undermining of the safety net of organised workers, states are failing to comply with their obligations under the ILO Constitution and Conventions 87 and 98. These obligations include not only the requirement that national legislation guarantees the right to freedom of association and to collective bargaining, but also that the repression of workers and trade union leaders does not go unpunished, let alone be tolerated or exerted by state officials.

Even in a country such as **South Korea**, where economic development has been accompanied by the recognition of most civil and political rights, trade unionists are under constant threat.

Mr. Kim Young-Gil, President of the non-recognised Korean Government Employees Union (KGEU), is one of the union's most prominent members currently detained.¹ As is the President of the Migrant Workers' Trade Union (MTU), Mr. Anwar Hossain.²

According to ICFTU, in April 2005, 825 unionists were arrested during a demonstration outside Ulsan City Hall and on 23 May, 600 others were arrested during a peaceful strike.³

In **China**, where high economic growth is being achieved at the expense of workers, trade unionists face severe problems.

In September 2004, two persons who advocated the establishment of trade unions on the Internet were sentenced to 15 and 12 years in prison respectively.⁴

Members of the Workers' Autonomous Federations (WAF)⁵, arrested in the wake of the Tiananmen Square massacre of June 1989, are still imprisoned.⁶

¹ See Urgent Appeal KOR 001/0405/OBS 027 of the Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture and the International Federation for Human Rights.

² Mr. Anwar Hossain has been formally accused of being an undocumented migrant worker with illegal status as a pretext for halting the union's activities. See Observatory Urgent Appeal KOR 001/0405/OBS 027.1.

³ See ICFTU (International Confederation of Free Trade Unions) Press Release, *Korea: 1 trade unionist arrested every hour*, June 3, 2005 and letters to the President of the Republic of Korea dated 23 May and 27 May 2005.

⁴ See ICFTU Letter to the President of the People's Republic of China dated 20 September 2004.

⁵ Independent workers' organisations established between April and June 1989 in various provinces of China in the context of that year's nationwide democracy movement, also known as the "Beijing Spring".

The Chinese government is also stepping up its crackdown on those defending the rights of farmers. On April 20, 2005, five representatives of landless peasants from Zigong City, Sichuan Province, were assaulted and detained while petitioning the city's new mayor for redress.⁷

In **Guatemala**, one of the countries in Latin America which has failed to grow economically, fighting for social justice is extremely dangerous. In 2005, 68 cases of attacks against trade unionists rights have already been registered.⁸ Moreover, virtually all such attacks and acts of violence remain unpunished. Such is the case, for instance, for the murder of Mr. Julio Rolando Raquec of FESTRI in November 2004⁹ and the physical attack of Mr. Leonel García Acuña in January 2005.¹⁰

OMCT is also concerned about the case of Mr. Rigoberto Dueñas Morales, Deputy Secretary General of the workers' federation CGTG (Central General de los Trabajadores de Guatemala). Despite his release, Mr. Dueñas is currently on probation and is not allowed to leave the country.¹¹

More recently, ICFTU reported the killing of two demonstrators due to the disproportionate use of force by the police during protests organised by Guatemalan trade unions against

⁶ One of them, Hu Shigen, a labour activist involved in organising the China Free Trade Union (CFTU) Preparatory Committee in 1989 and sentenced to 20 years imprisonment, is reported to be in critical health after some 13 years in prison (See ICFTU Appeal *CHINA: Labour activist reported to be in critical health*, November 26, 2004). Yao Fuxin and Xiao Yunliang, sentenced in May 2003 to seven and four years imprisonment respectively for "subversion" due to their role in the struggle against corruption and unemployment in Liaoyang, remain in detention. Since their imprisonment, the health of both men has deteriorated rapidly (See Annual Report 2004 of the Observatory, pp. 243-244).

⁷ Detained were Liu Zhengyou, Chen Shoulin, Chen Xiaoling, Mao Xiulan and Deng Shufen. During the altercation with police, two of them (Liu Zhengyou and Mao Xiulan) were seriously injured. The peasants have been engaged in a long-running dispute with the Zigong municipal government after authorities took possession of extensive fertile farmlands to establish a high-tech development zone in 1993 (See Human Rights in China (HRIC), *Monthly Brief*, April 30, 2005).

⁸ International Labour Conference, 93rd Session, Committee on the Application of Standards, Tenth sitting, June 7, 2005. Statement by the Workers Group.

⁹ On 28 November 2004, Mr. Julio Rolando Raquec, Secretary General of the Federation of Informal Workers' Unions (FESTRI), was shot to death in Guatemala City. In March 2004, Mr. Raquec's home had already been broken into and searched; he had been the victim of violence and threatened with death if he notified the authorities. In June 2004, he was attacked and as a result made a verbal request asking that the area around his home be secured and that access to the area where he travelled be restricted. He had also received threats that his daughters would be raped if he continued his activism on behalf of the workers. But the individuals responsible were never identified and Mr. Rolando Raquec was never given any protection. Although an investigation into his murder is underway, it has yet to produce any results. His wife and daughters are currently in danger and have allegedly received death threats (See Observatory Urgent Appeal GTM 007/1204/OBS 091).

¹⁰ In January 2005, Mr. Leonel García Acuña, Secretary General of the *Sindicato de Trabajadores de la Municipalidad de San Miguel Pochuta*, in the state of Chimaltenango, escaped an attempt on his life. Before this attack, Mr. Acuña had received threats for forming a trade union for which he was fired by the mayor of the municipality of *San Miguel Pochuta* (See Observatory Urgent Appeal GTM 001/0105/OBS 004).

¹¹ Annual Report 2004 of the Observatory for the Protection of Human Rights Defenders, p. 191.

CAFTA (Free Trade Agreement between the United States and Central America and the Caribbean).¹² This agreement, ratified by the Guatemalan Congress without consulting the population, has met strong condemnation.

In countries where armed conflict or political unrest prevail, the situation of trade unionists is particularly difficult.

In **Zimbabwe**, in the context of the general repression and suppression of liberties, trade union leaders often face reprisals, judicial harassment and attacks due to their activities.

In early May 2005, the Republican Police raided the Zimbabwe Congress of Trade Unions (ZCTU) offices and took about 50 files, documents and correspondence.¹³ Moreover, four of its members have been detained in 2004 for allegedly conducting riot, disorder or intolerance.¹⁴

In **Nepal**, since the declaration of a state of emergency on February 1st, 2005, OMCT is gravely concerned by the continued arrests of trade union leaders¹⁵ and the suspension of trade union activities and other fundamental liberties. On April 8, 2005, two senior members of the General Federation of Nepalese Trade Unions (GEFONT) were arrested during a demonstration.¹⁶

In **Iraq**, trade unionists still operate under anti-union legislation, which dates back to the Saddam-era. In the last few months, several Iraqi trade unionists have been kidnapped, tortured and murdered while carrying out their trade union activities.¹⁷ Mr. Ali Hassan Abd (Abu

¹² See ICFTU Press Release, *Guatemala: CAFTA protests result in 2 deaths and arrest warrants for trade unionists*, March 18, 2005. During the protests, Police, using tear gas and water cannons, reacted to marchers with disproportionate force and have subsequently issued arrest warrants for trade unionists involved in the demonstrations.

¹³ See ICFTU letter to the President of Zimbabwe, *Police raid at the ZCTU offices*, May 17, 2005.

¹⁴ Mr. Wellington Chibebe, General Secretary of ZCTU, Ms. Lucia Matibenga, Mr. Timothy Kondo and Mr. Sam Machind. See Observatory Open Letter to Mr. Robert Mugabe, President of the Republic of Zimbabwe, dated 9 February 2005.

¹⁵ Mr. Bhakta B. Karki, Vice-President of the Nepal Trade Union Congress (NTUC), Western Region (Dhangadi), Mr. Deepak Tamang, President of the NTUC, Jhapa District, Ms. Sarita Boon, District Member of the NTUC, Kathmandu-Teachers, Ms. Gita Pathak, Central Member, Construction Workers' Union and Mr. Chandra Bhattari, Senior Vice President, Construction Workers' Union, Pokhara (See Observatory Urgent Appeal NPL 002/0205/OBS 010.1).

¹⁶ ICFTU, *Three GEFONT trade union leaders arrested*, April 11, 2005.

¹⁷ On January 4, 2005, Mr. Hadi Saleh, a prominent Iraqi trade unionist, was brutally tortured and murdered in his Baghdad home. On January 27, 2005, Mr. Talib Khadim Al Tayee, the President of the Iraqi Mechanics', Metalworkers' & Printworkers' Union (IMM&PU), was kidnapped during a union meeting with workers. He was released on February 1, 2005. On February 11, 2005, Mr. Moaid Hamed, the Secretary General of the IFTU Mosul Branch, was kidnapped. He was released on February 25, 2005. This followed the kidnap and subsequent release of other senior trade unionists from the same organisation (See Observatory Urgent Appeal IRQ 001 / 0205 / OBS 016 and Iraqi Federation of Workers' Trade Union (IFTU) Press Releases: *Talib Khadim released!* dated February 2, 2005; *The macabre death of Hadi Saleh* dated February 9, 2005; *Another Iraqi Trade Unionist Kidnapped: Moaid Hamed* dated February 18, 2005; *The Secretary General of the IFTU Mosul Branch has been released* dated February 25, 2005, at <http://www.iraqitradeunions.org/en/>).

Fahad), a prominent and outspoken member of the Oil and Gas Union, was murdered on his way home on February 18, 2005.¹⁸

Mr. Chairman,

OMCT is particularly concerned by the situation of trade union leaders and their families in **Colombia**, where the fight for workers' and peasants' rights is often associated with subversive organisation, using the pretext of the existence of leftist guerrilla groups. In 2004 alone¹⁹, OMCT registered about 25 killings of trade unionists and only one conviction.²⁰

Trade union leaders in Colombia are increasingly subjected to death threats by paramilitary groups (often resulting in killings) and arbitrary arrests by the Administrative Security Department (DAS). In the past weeks, OMCT was informed of the arrest of two trade union leaders, Mr. Hernando Hernández of the human rights department of FENSUAGRO (Federación Nacional Sindical Unitaria Agropecuaria), on 1 June 2005, and that of Mr. Javier Dorado, affiliated to SIMANA (Sindicato del Magisterio de Nariño), on 26 May 2005. Both are accused of insurgency.

In a report issued on the occasion of this conference (entitled *Colombia: El Aniquilamiento del Sindicalismo por la Norma y la Práctica*), three Colombian Trade Union Federations (CUT, CGT and CTC)²¹ announce a plan for the liquidation of the workers' movement under the complicit look of the state. The existence of such a plan targeting political opponents had already been denounced in the past. Despite well-documented warnings, no mobilisation of the international community took place at that time in order to prevent the murder and enforced disappearance of political opponents.

OMCT hopes that the ILO's decision to send a high-level delegation to Colombia is a sign of a renewed political will by the international community to put an end to the ongoing harassment of trade union leaders in Colombia and to prevent the worst scenario in their fate. OMCT joins the aforementioned Federations in their hope for a future comprehensive approach between the High Commissioner for Human Rights and the ILO in order to achieve this goal.

¹⁸ Mr. Ali Hassan Abd was one of the first activists to organise trade unions in the oil industry, in the post-Saddam Iraq as early as April 2003 (See Observatory Urgent Appeal IRQ 001 / 0205 / OBS 016).

¹⁹ Annual Report 2004 of the Observatory for the Protection of Human Rights Defenders.

²⁰ Murder of Diofanol Sierra on 8 August 2002.

²¹ Central Unitaria de los Trabajadores, Confederación de Trabajadores de Colombia and Confederación General de Trabajadores. This report is based on data by the Escuela Nacional Sindical and the NGO Comisión Colombiana de Juristas.