

Right to Organise Convention, 1948 (No. 87) [see 143rd Report, Case No. 655 (Belgium), para. 40.]

623. Regarding the system resulting from the legislation in force in Belgium, the Committee of Experts on the Application of Conventions and Recommendations has for a number of years made comments on the provisions which require occupational organisations to be represented on the National Labour Council (on which only inter-occupational organisations that are federated at the national level may sit (Act of 29 May 1952)), in order to be considered as representative, both in the private sector (Act of 5 December 1968) and in the public sector (Act of 19 December 1974), so as to be able to sit on joint committees in the private sector or take part in the work of the general bargaining committees in the public sector.

624. Both the Committee of Experts and the Committee on Freedom of Association [see 143rd Report, Case No. 655, para. 42] have considered that such legislation might mean that even the most representative trade union in a particular branch might be excluded from taking part in collective bargaining for its sector. Both have requested the Government to re-examine the above-mentioned provisions of the Acts of 1968 and 1974 and to provide information on developments in the matter.

625. In the present case, the complainant challenges the Government's refusal to grant it access to the National Labour Council, which results in it being unable to take part in trade union elections and in joint consultations in the private sector, to pay employment allowances and to receive subsidies. The organisation also complains of discriminatory treatment, which derives from the fact that workers in the private sector are paid trade union allowances which the complainant claims are too high and act as a real means of inducing the workers to join unions that are close to the Government. The complainant also refers to the impossibility of taking part in the work of the general bargaining committees in the public sector, following an amendment to the Act of 19 December 1974 introduced by an Act of 19 July 1983, whereas previously, according to the complainant, union organisations not represented on the National Labour Council were debarred only from the highest committee. The complainant criticises the discriminatory treatment that results from the non-participation of the public sector union organisations in the National Labour Council by virtue of sections 16 and 17 of the Act of 19 December 1974 (concerning the holding of meetings, the collection of union dues on departmental premises and the monitoring of examinations), the alleged refusal of the three trade unions deemed by the public authorities to be the most representative to accept a membership count whereas they allegedly represent only 30 per cent of the staff in the public sector, and the unilateral decision of the Minister of Posts and Telecommunications which allegedly has led to the replacement of the representative Postal Workers' Federation by a liberal union which is not representative.

626. Regarding the Government's alleged refusal to grant the complainant organisation access to the National Labour Council when two seats on the Council have been vacant since November 1980, the Committee notes the Government's statement that the organisation's request was examined when the term of office of the members of the Council was renewed in August 1985. The Committee regrets this delay since, as the Government admits, the complainant organisation submitted its request during the first quarter of 1983.

627. As regards the representativity criteria laid down in Belgian legislation, the Committee observes that according to section 2(2) of the Act of 29 May 1952, the Crown is empowered to appoint the members of the National Labour Council selected from among the most representative inter-occupational organisations federated at the national level. The Committee also notes that, in connection with Case No. 918, the Belgian Government cited among the criteria of representativity other than those contained in the 1952 Act, section 3 of the Act of 5 December 1968, which reads as follows:

... The following shall be deemed to be representative workers' organisations and representative employers' organisations:

- (1) Inter-occupational organisations of workers and employers established at the national level and represented on the Central Economic Council and the National Labour Council; the workers' organisations shall furthermore have at least 50,000 members ... [197th Report, para. 147.]

628. In the said case, the Committee considered that the minimum 50,000 members as a qualification for entitlement to sit on the National Labour Council was not excessive, in so far as trade union organisations covered all categories of workers and not a single category. [197th Report, Case No. 918, para. 162.]

629. The Committee observes that the quantitative criterion of 50,000 members was not applied in the present case. If this minimum had been applied, the Committee would have considered that it was not excessive.

630. In the present case the Committee notes that the Government merely points out that no seat was attributed to the UNSI because its member organisations taken together have a total of less than 100,000 members, a large number of whom belong to the public sector and it adds that the legislation stipulates that an organisation, in order to be a member of the National Labour Council, must be in a position to ensure the observance of the agreements which it signs, and that in the view of the Government this is not the case as regards the UNSI which was created only on 9 November 1982 and which has not yet given proof of its stability.

631. The Committee also observes that six seats were allocated to the Belgian General Federation of Labour, five to the Confederation of

Christian Trade Unions and one to the Federation of Liberal Trade Unions of Belgium.

632. Since the refusal to grant a seat to the UNSI on the National Labour Council makes it impossible for that union to sit on the general negotiating committees for the public service, the Committee requests the Government to indicate the objective elements which formed the basis for its refusal to allocate a seat to the UNSI in order to enable the Committee to reach a decision based on a full knowledge of the facts.

633. With regard to the obstacles to the normal functioning of the complainant organisation as a result of its non-participation in the National Labour Council, which it claims makes it impossible for it to take part in trade union elections and joint consultation machinery, to pay unemployment allowances and obtain subsidies, the Committee notes that in its reply of 24 September 1985, the Government states that whilst the collective labour agreement under the Act of 5 December 1968 is reserved to representative organisations, that is those represented on the National Labour Council, and has a binding and direct effect with regard to third parties, this does not prevent the other organisations from concluding collective agreements though these will remain limited in effect to only their signatories. The Government does not provide any comments concerning trade union elections, the payment of unemployment allowances and the obtaining of subsidies.

634. On this point, the Committee recalls that although it has recognised that certain advantages, especially with regard to representation, might be accorded to trade unions by reason of the extent of their representativity, the reason for which a union is deprived of such advantages must lie in its non-representative character.

635. As regards the alleged discrimination deriving from the fact that workers in the private sector are paid union allowances which the complainant organisation considers too high and claims are a real means of inducing workers to join certain trade unions, since in many cases the allowance is more than 50 per cent of union dues, the Committee observes that the Government maintains that the principle and conditions underlying the granting of the allowance in the private sector are matters for consultation and negotiation between the parties and therefore are considered as trade union security clauses. The Government recognises that the public authorities are involved but states that their role is confined to agreeing to register a collective agreement and to render binding by Royal Order a collective agreement reached by a joint body.

636. The Committee also notes the Government's explanations that the Royal Orders making collective agreements binding and thereby securing advantages for the members of certain trade unions are examined as to their legality by the courts and that the said advantages must be proportional to the contributions paid by the

unionised workers - that is to say that they may not exceed the annual dues paid by members of their organisations. The Committee also notes that in its reply of 24 September 1985, the Government states that the advantages provided by collective agreements to only the unionised workers are considerably below the cost of trade union membership given the jurisprudential rules established by the Council of State. The Committee observes, however, that the effect of the system of extension of the trade union security clauses contained in collective agreements is to render them applicable to persons who have not participated or who have not been represented in the process of negotiation. The securing of advantages thus takes on a different aspect in as much as it is no longer applicable solely to the parties to a collective agreement.

637. Consequently, the Committee cannot but reiterate its earlier conclusions and draw the Government's attention to the importance which it attaches to the fact that any advantage granted by the law to workers who belong to a particular trade union must not exceed a genuinely symbolic level, so as to ensure that in no case can an advantage be of such a nature as to influence unduly the workers' choice as regards the organisation to which they intend to belong. [See 92nd Report, Case No. 376 (Belgium), para. 39, and 208th Report, Case No. 981 (Belgium), para. 117.]

638. The complainant claims that, in the public sector, the effect of the Act of 19 July 1983 amending the Act of 19 December 1974 concerning relations between the public authorities and trade unions of personnel employed by these authorities is to deprive trade union organisations with no seat on the National Labour Council of any possibility of participating in the three general bargaining committees whereas, previously, they were debarred only from the highest committee. According to the complainant, this Act ignores an opinion expressed in the past by the Committee of Freedom of Association in connection with Case No. 655 in which the Committee had criticised the Belgian system on the grounds that it might mean that sufficiently representative organisations, and even the most representative organisation, in the public sector might be excluded from the general bargaining committees on the grounds that they were not affiliated to a trade union organisation represented on the National Labour Council, a body which would not, however, be competent with respect to the public sector.

639. The Committee notes the Government's explanation that the new Act does not modify the situation obtaining under the 1974 Act since it is intended solely to facilitate access to the general committees by removing the requirement of a minimum number of members (10 per cent) for entitlement to participate in them. The Committee observes, nevertheless, that the new Act maintains the requirement for an organisation to be affiliated to an inter-occupational organisation represented on the National Labour Council in order to be able to sit on both the Joint Committee for the Public Services as a whole and on the national, provincial and local public services committees (section 7, paragraph 3 of the 1974 Act, as amended on 19 July

1983). Furthermore, the Government in its reply of 24 September 1985, points out that the UNSI may not sit on the general bargaining committees and that it may sit only on the sectoral and specific committees.

640. The Committee therefore considers that, even though in putting forward its case the complainant may have been mistaken in indicating that, in future, organisations not represented on the National Labour Council would be debarred from the three general bargaining committees whereas in the past they were debarred only from the highest committee, the fact remains that the provisions of the Act of 19 December 1974, as amended by the Act of 19 July 1983, and which came into force by virtue of the Royal Order of 28 September 1984, do not meet all the criteria suggested by the Committee with regard to trade union representativity. The legislation still requires an organisation to be affiliated to an inter-occupational organisation represented on the National Labour Council in order to have a seat on the Joint Committee for the Public Services as a whole and on the national, provincial and local public services committees (section 7, paragraph 3, of the 1974 Act as amended by the 1983 Act) and in order to be involved in the collective bargaining procedure (section 6 of the 1974 Act). The amendment introduced by the Act of 19 July 1983 which removes the requirement of the minimum number of 10 per cent does not alter the situation on which the Committee of Experts on the Application of Conventions and Recommendations has been making observations for several years.

641. The Committee, accordingly, invites the Government to amend its legislation since it could result in public sector organisations - which do not sit on the National Labour Council if they are not inter-occupational or are not affiliated to an inter-occupational organisation established at the national level - being deprived of the right to bargain collectively in defence of the occupational interests of their members in the general bargaining committees, not only at the national but also provincial or local levels, even though they might be sufficiently representative. The new Act of 19 July 1983, as the Government itself recognises, actually grants organisations not represented on the National Labour Council no new right. It merely confirms the right to which the organisations are entitled, namely, the right to sit on specific or sectoral committees whose terms of reference are restricted to issues affecting the staff of the services for which they have been created, to the exclusion of issues that are the subject of negotiations in one of the general national, provincial or local public services committees or in the Joint Committee for the Public Services as a whole (section 4(3) and section 8 of the 1974 Act).

642. Furthermore, the Committee notes with interest that the UNSI obtained its approval by a decision of 1 December 1984 and that it has been authorised to request a seat on the specific or sectoral bargaining committees by a decision of 13 May 1985. As regards this last point, the Committee also notes with interest that the examination of the representativity of trade union organisations which

seek to sit on the specific or sectoral bargaining committees has been entrusted to an independent commission composed of three judicial magistrates. The Committee believes that this development is positive. It requests the Government to state whether in fact the UNSI has been admitted to sit on the specific or sectoral committees and, if this is the case, on which committees. It would also like to know the scope and compass of collective bargaining in the specific and sectoral committees.

643. Regarding the alleged discrimination resulting from the non-participation of the public sector trade union organisations in the National Labour Council by virtue of sections 16 and 17 of the Act of 19 December 1974 (concerning the holding of meetings, the collection of union dues on departmental premises and monitoring of examinations), the Committee notes the Government's explanations with respect to the prerogatives that are reserved for union organisations deemed to be representative.

644. On this point, the Committee considers, however, that it can only reiterate the conclusions it reached in its examination of the previous allegation since the system established by the 1974 Act, as amended in July 1983, might mean that sufficiently representative organisations, and even the most representative organisation, in the public sector might be denied the right to hold meetings and to collect union dues on departmental premises not because they are unrepresentative but because they are not representative within the meaning of the Act of 19 December 1974 as amended - in other words, that they are not represented on the National Labour Council.

645. Concerning the complainant organisation's challenge to the degree of representativity of the three trade unions considered by the public authorities as being the most representative and the alleged refusal of these unions to agree to a membership count, the Committee notes the comments of the Government on these various points. In particular, it notes that the Government challenges the figures given for the percentage paid in the form of a trade union allowance, that it points out that the complainant does not hold it responsible for the non-observance of the 1974 Act and that it accuses the trade unions concerned of refusing a membership count.

646. The Committee considers that it is the responsibility of the Government to conduct an objective verification of the representativity of occupational organisations when this is challenged. It recalls that occupational organisations must be able to assert their right by means of a majority vote of the workers or any other system of counting their members accepted by them and must be able to demand a new election or recount of their membership after a given period of time should they fail to demonstrate their representative character. It would appear from the Royal Order of 28 September 1984 to implement the 1974 Act that provision does exist for a membership count, but that the verification of representativity takes place at the initiative of the chairmen of the bargaining committees (sections 53 to 56). The supervision of the criteria of

representativity, on the other hand, lies with a commission composed of judges (sections 58 to 70).

647. As to the representation of the post and telecommunications staff, the Committee notes that appeals have been brought before the courts. The Committee trusts that the principles concerning the verification of the representativity of occupational organisations will be respected and requests the Government to inform it of the outcome of the appeals lodged by the parties concerned.

The Committee's recommendations

648. In these circumstances, the Committee recommends the Governing Body to approve the present interim report and, in particular, the following conclusions:

- (a) Regarding the Government's alleged refusal to allow the complainant organisation to sit on the National Labour Council, the Committee regrets the Government's delay in taking up the matter.
- (b) The Committee observes that the refusal to grant a seat to the UNSI on the National Labour Council makes it impossible for that union to sit on the general negotiating committees for the public service; the Committee requests the Government to indicate the objective factors which form the basis for the refusal to grant a seat to the UNSI on the National Labour Council so that it can reach a decision on this aspect of the case in full knowledge of the facts.
- (c) Regarding the alleged discrimination resulting from the payment to workers in the private sector of trade union allowances that are said to be a real means of inducing workers to become members of certain trade unions and which are allegedly to be extended by a Royal Order, the Committee reminds the Government of the importance that it attaches to the fact that any advantage granted by the law to workers who belong to a particular trade union must not exceed a genuinely symbolic level, so as to ensure that in no case can an advantage be of such a nature as to influence unduly the workers' choice as regards the organisation to which they intend to belong.
- (d) Concerning the alleged discrimination resulting both in the public and private sectors from the non-participation of union organisations in the National Labour Council (impossibility of participating in union elections and in joint consultations in the private sector and impossibility of taking part in general bargaining committees and of holding meetings and collecting union dues on departmental premises in the public sector), the Committee, as has already the Comité of Experts on the

Application of Conventions and Recommendations, requests the Government to amend its legislation. This in effect provides that organisations that are not inter-occupational in nature or which are not affiliated to an inter-occupational organisation established at the national level do not sit on the National Labour Council. As a result they are denied a considerable number of trade union rights, including in part the right to bargain collectively in the economic sectors in which they exercise their activities and in this particular instance in general negotiating committees in the public sector.

- (e) Concerning the complainant organisation's challenge to the degree of representativity of the three trade unions deemed by the public authorities to be the most representative and the problem that has arisen in connection with the representativity of the occupational organisations of post and telecommunications staff, the Committee recalls that it is the responsibility of the Government to conduct an objective verification of the occupational organisations concerned and that the complainant occupational organisations must be able to assert their right by means of a majority vote of the workers or of any other system of counting their members accepted by them. In the present case, given that appeals have been brought before the courts, the Committee requests the Government to inform it of the outcome of the appeals lodged by the parties concerned.
- (f) The Committee notes with interest that the UNSI obtained its approval by a decision of 1 December 1984 and that its request for authorisation to sit on the specific or sectoral bargaining committees of the public sector is currently being examined by an independent commission composed of three judicial magistrates.
- (g) The Committee requests the Government to indicate whether in fact the UNSI has been permitted to sit on some of these committees and, if this is the case, on which committees and also to indicate the scope and compass of collective bargaining in the specific and sectoral committees in question.

Case No. 1266

COMPLAINT PRESENTED BY THE NATIONAL UNION OF AFRICAN  
TEACHERS OF UPPER VOLTA AND THE WORLD CONFEDERATION OF  
ORGANISATIONS OF THE TEACHING PROFESSION  
AGAINST THE GOVERNMENT OF BURKINA FASO

649. The Committee examined this case at its November 1984 meeting, at which it submitted to the Governing Body an interim report contained in paragraphs 553 to 578 of its 236th Report, which the Governing Body approved at its 228th (November 1984) Session. Since

then, the World Confederation of Organisations of the Teaching Profession (WCOTP) supplied additional information on this case on 28 March 1985, and the Government sent two replies in letters dated 29 and 31 May 1985. The WCOTP supplied certain information in a communication dated 18 July 1985.

650. Burkina Faso has ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

A. Previous examination of the case

651. This case refers to the arrest and detention in the internment camp of Koudougou or in the gendarmerie of Ouagadougou of trade union leaders Jean Pagnimda Bila, general secretary of the National Union of African Teachers of Upper Volta (SNEAHV), Bahiéba Joachim Sib, secretary for external relations, and Ismael Ousmane Kindo, deputy secretary of the union since March 1984. The case also involves the dismissal of a very large number of teachers (2,600 according to the complainants) in March 1984, following a 48-hour protest strike held by teachers on 20 and 21 March to obtain the release of their imprisoned trade union leaders. Lastly, it involves the illegality, according to the complainants, of an extraordinary congress of the SNEAHV held from 28 to 30 August 1984, during which an unlawful trade union leadership was allegedly elected without the participation of the striking teachers, but with that of two leaders of the national executive of the said union who disassociated themselves from the protest movement of 20 and 21 March 1984.

652. The Government had countered in its communications of March and June 1984 that the arrests of the union leaders had been motivated by political rather than trade union activities. As proof, it had sent a copy of the motion of the SNEAHV of 7 August 1983 in which the union harshly criticised the action of the Government which had itself, by proclamation of 4 August 1983, suspended political parties and prohibited political activities. The Government accused the leadership of this union of being colonialist and reactionary. The Government had not replied to the allegation concerning the extraordinary congress of the SNEAHV held in August 1984 during which, alleged the complainants, an unlawful trade union leadership had been elected.

653. In these circumstances, at its Session of November 1984, the Governing Body had approved the following conclusions of the Committee:

- "(a) With regard to the case as a whole, the Committee notes with grave concern that four trade union leaders have been interned by the administrative authorities for several months and that mass dismissals are said to have involved

some 2,600 teachers for having taken part in a two-day strike.

- (b) The Committee urges the Government to release the trade union leaders who have been interned by the administrative authorities without having been judged or to ensure that they are brought rapidly before an independent and impartial court and, in the latter case, to communicate the text of the relevant judgements together with the reasons adduced therefor.
- (c) The Committee requests the Government to keep it informed of the situation of these trade union leaders.
- (d) The Committee urges the Government to reinstate the teachers who were dismissed only for having participated in a strike.
- (e) The Committee requests the Government to keep it informed of any measure taken to this effect.
- (f) The Committee requests the Government to send its observations on the allegation to which it has not yet replied, and which dates from 1 October 1984, according to which, at an extraordinary congress of the SNEAHV in August 1984, an illegal trade union executive was elected."

#### B. Further allegations

654. According to the WCOTP, in its communication of 28 March 1985, the SNEAHV trade union leaders Bila, Kindo and Sib, were still being detained without having been tried.

655. The archives of the SNEAHV had been seized.

656. The Government had only reintegrated 100 teachers following the strike of March 1984, out of approximately 2,600 persons who had been dismissed. According to the WCOTP, the Government itself had permitted the dismissal of 1,466 teachers.

657. The teachers had been made to undergo a political examination as a condition of their reinstatement, as was shown by a photocopy of the application form for readmittance in the public service of Burkina Faso, attached to the documentation, which read in part as follows:

"I. To be filled in by the dismissed teacher

I, the undersigned,

Name ....., Given name ....., Grade .....,

Last post before dismissal .....,

Department ....., Province .....,

appeal to the mercy of the people of Burkina Faso for the revolutionary penalty which I fully deserve for having participated in the pro-imperialist and putschist strike organised by elements manipulated by the stateless, reactionary and counter-revolutionary former executive of the SNEAHV.

Henceforth, I undertake to be guided by the political orientation speech of 2 October and to be a devoted servant of the people of Burkina Faso for the success of the great struggle which it has taken up since 4 August 1983 for freedom, dignity and social progress."

A second section, to be filled in by the Revolutionary Defence Committee (CDR), indicated that the CDR, having noted that the person concerned participated in the socio-economic activities, night meetings, individual debates and general meetings of the Revolutionary Defence Committee, gave its consent for the person concerned to join the revolutionary family of Burkina Faso.

658. The WCOTP also enclosed with its documentation a photocopy of a letter, bearing the letterhead of the Minister of the Interior and Security, addressed to dismissed teachers who were former members of the executive of the SNEAHV (reference No. 3831/IS/CAB of 28 August 1984), in which the Director of the Minister's Office pointed out to the persons concerned that, in accordance with the statutory provisions, no person could carry on trade union activities if he was not an active member of a duly recognised trade union. The letter added: "Since your dismissal for holding a wildcat strike, you have lost the status of teacher and therefore that of member of the teachers' trade union. I therefore draw your attention to everything which could happen as a result of the illegal activities which you are currently carrying on, contrary to your obligations and your new status."

659. The WCOTP also enclosed with its complaint a photocopy of a letter addressed to the President of Burkina Faso by a group of teachers dismissed on 23 January 1985, in which the persons concerned gave the assurance that the two-day strike of 20 and 21 March 1984, of which the only purpose was to request the release of trade union leaders, was not putschist in nature, and requested the release of the union leaders detained in Koudougou and in Ouagadougou and the reinstatement of primary school teachers and those employed in training services for young agricultural workers who have been

dismissed for holding a strike. The letter stated in particular that, in view of the gravity of the situation, only the President could prevent teachers from emigrating, restore the confidence of the dismissed teachers (the letter mentioned that there had been several cases of suicide) and revive the school system in Burkina Faso. It was signed by the group's appointed reporter, Daniel Ouedraogo.

660. Lastly, the documentation contained a photocopy of another letter bearing the letterhead of a working group of dismissed teachers, dated 22 February 1985, also signed by the same Daniel Ouedraogo. This group appealed to the ILO to obtain the reinstatement of the dismissed teachers. It pointed out that on 13 February 1985 only 100 teachers had been reinstated, although the group had addressed the letter to the Chief of State to remind him of the measure of clemency which he had decided to adopt in favour of the dismissed teachers on the anniversary of his take-over on 4 August 1984. The said measure of clemency, continued the letter, had not been implemented although the dismissed teachers had been required to fill in forms for this purpose. The letter concluded that the teachers were destitute, that it was prohibited for private establishments to engage them, that the distribution of grain to the needy did not apply to them and that the educational system in Burkina Faso was slowly dying.

661. The WCOTP concluded by requesting that an ILO mission visit Burkina Faso.

### C. The Government's reply

662. In his communication of 29 May 1985, the Minister of Labour, Social Security and the Public Service, in reply to the complainant's allegations, pointed out that the case involved political demonstrations, concrete political acts committed by politicians who had conducted political campaigns in order to accede to political posts and the state apparatus. These men used trade unionism and the recruitment of public servants or employees in a discriminatory way in order to betray the people. They also resorted to political agitation to stir up discontent and to incite a coup by their elements in the army, continued the Minister.

663. The revolution of 4 August 1983 gave power to the people. Its adversaries, friends of the people in word only, had attempted to oppose the August revolution, to spread crude lies, to denigrate it and to foment counter-revolutionary conflicts and intrigues against the interest of the masses. The August revolution had dissolved the old reactionary political parties which had divided the masses among themselves on a reactionary and regionalist political basis. The August revolution struggled against imperialism, neo-colonialism, reactionary social forces, and reactionary classes and social groups which were partisans of imperialist oppression and exploitation. The

revolution, which was the work of the masses, had been made in spite of the handful of reactionaries who had seized political power or dreamed of seizing it, the Minister further pointed out.

664. He added: The former dignitaries of past regimes have been summoned by the President of the National Council, who warned them against any manoeuvres to oppose the status quo and sent them back to their village. These former leaders, who nurtured dreams of returning to the old order, wanted to conspire with certain countries which were worried by the revolution of Burkina Faso. They were all gathered up and interned in several locations in the country. Some of them then called on their political friends in freedom to continue the activities of sabotage, denigration and lies. They were the ones who thought they could cloak themselves in trade unionism and brandish ILO Convention No. 87 to cover up their activities.

665. The Minister stated further: The Government, which respects workers and their organisations, cannot tolerate that, in their name, certain individuals attempted to use trade unionism against the National Council of the Revolution. Caught in the act of spreading poison and lies, these elements have been captured and interned with the old leaders. These measures were taken against persons who lied deliberately in the hope of mobilising the people in their struggle. Anyone who still thinks that he can mobilise elements of the people on the basis of lies, denigration and defamatory statements, will meet the same fate, affirmed the Minister who requested the ILO and the Committee on Freedom of Association to visit Burkina Faso to make an investigation.

666. The Minister added: It will be seen that the people, organised in its democratic institutions, had to denounce the sordid manoeuvres of the reactionary politicians in the SNEAHV leadership.

667. The Minister pointed out, however, that measures of release had been taken with respect to certain political prisoners. He gave an assurance that the persons involved in this case could also be released with a warning against failure to observe the existing provisions of legislation and regulations. He affirmed that it was futile to infringe the law under the pretext of holding trade union office and that the measure affecting the persons involved was based on this argument.

668. The Minister further specified that the Government had received more than 500 militant self-criticisms from teachers who condemned the political and subversive machinations of the leaders of the SNEAHV. He added that in June 1984 he had thought that the ILO and the Committee on Freedom of Association had been in possession of these self-criticisms, in which teachers admitted that they have been manipulated by a leadership which had involved them without their knowledge or by pressurising them in a political struggle against the democratic popular revolution.

669. Lastly, the Minister observed that the SNEAHV no longer existed, not that the Government had dissolved it administratively and contrary to the provisions of Convention No. 87, but because this trade union organisation had changed its name and leadership during its congress of August 1984. At the end of this congress, it had been accepted that this trade union would henceforth be called the National Trade Union of Teachers of Burkina Faso (SNEB) and a new executive had been elected for this trade union.

670. Still according to the Minister, the SNEB and its members condemned the acts committed by the former executive of the SNEAHV which, for political reasons, had created a link between the teachers and the trade union and certain politicians belonging to the reactionary parties. Rank-and-file members of the former SNEAHV had denounced the elements that had seized leadership of their organisation and had changed the name of their organisation. According to the Minister, the ILO should not accept the complaints by administrators of trade union organisations which practice trade union anarchy, denigration and defamation, hiding behind the shield of the ILO, once the masses and their democratic defence organisations had risen up to fight them.

671. In a further communication, dated 31 May 1985, the Minister of Labour expressed surprise that complaints from a so-called working group, which was in fact composed of counter-revolutionary individuals motivated by putschist intentions, should be taken into consideration at the level of an international body such as the ILO. He affirmed that the allegations of these individuals, who were overtly hostile to the democratic popular revolution of 4 August 1983, only aimed to politically harm the National Council of the Revolution and the prestige of the State, and he gave his assurance that it had never been the intention of the National Council of the Revolution to deliberately infringe trade union rights, as Burkina Faso had ratified Conventions Nos. 87 and 98 in 1960 and 1962, respectively.

#### D. Further developments

672. In a communication dated 18 July 1985, the WCOTP states that it has been informed that two of the arrested trade unionists, Ismael Ousmane Kindo and Bahiéba Joachim Sib, were released without being tried on 17 June 1985 after 16 months of detention. The other trade unionists were thought to be still administratively interned.

673. The ILO sent a telegram to the Government of Burkina Faso on 12 August 1985 requesting it to confirm the release on 17 June 1985 of the two trade unionists referred to by name and to indicate whether other measures of clemency had been adopted in favour of the two other trade union leaders who were still detained and the numerous teachers dismissed following the two-day strike of 20 and 21 March 1984.

E. The Committee's conclusions

674. The allegations presented by the complainants in this case arise out of the measures taken by the authorities against the National Union of African Teachers of Upper Volta, following the accession to power of the new Government of Burkina Faso on 4 August 1983.

675. According to the allegations, four trade union leaders had been arrested in March 1984 without any charge being brought against them. According to the Government, on the other hand, the persons concerned were guilty of pro-imperialist and putschist political manoeuvres and had used trade unionism to cover up their activities of sabotage through denigration and lies, in particular in their trade union motion of 7 August 1983.

676. Again according to the allegations, the national teachers' union had held a 48-hour protest strike on 20 and 21 March 1984 in order to obtain the release of its trade union leaders, which had led to the dismissal of 2,600 teachers who had taken part in the strike and the subsequent reinstatement of only 100 teachers who had been forced to undergo an examination of their political views as a prerequisite for their reinstatement. According to the Government, on the other hand, 500 teachers have admitted in self-criticisms addressed to the Government to having been manipulated by a trade union executive which had involved them without their knowledge or by pressurising them in a political struggle against the democratic popular revolution.

677. Lastly, according to the allegations, an unlawful trade union executive had been elected in August 1984 without the participation of the striking teachers but with that of two trade union leaders who had belonged to the national executive of the said trade union and who had disassociated themselves from the protest movement. According to the Government, on the other hand, the national teachers' union, at a congress held in August 1984, had changed its name and leadership and its members had condemned the acts committed by the former leadership who, for political reasons, had created a link between themselves and their trade union and certain reactionary politicians and parties.

678. As regards the internment of trade union leaders without any charge having been brought against them, the Committee notes that the four trade union leaders involved were arrested in March 1984 and that, according to the complainants, two of them were released in June 1985 without having been tried, after 16 months' detention, and the other two interned trade union leaders are still in prison.

679. In this respect, the Committee, while noting that two interned trade union leaders have been released, feels bound to express disapproval as regards the imprisonment of these two leaders detained in an administrative internment camp for 16 months, in

violation of the fundamental right of trade unionists, as well as other persons, not to be arrested arbitrarily and not to be kept in detention without having been found guilty by an independent and impartial court.

680. The Committee observes with regret that the two other trade union leaders, Jean Bila and Batiémoko Kome, are still being detained. It urges the Government, in view of the assurance provided in its reply as regards the measures for the release of the persons involved in this case, to release the persons concerned in the very near future.

681. As regards the measures of anti-trade union discrimination taken against the striking teachers, consisting in dismissal and in the obligation to sign declarations of loyalty in order to be reinstated, the Committee reminds the Government that by ratifying Convention No. 98, Article 1 in particular, it had undertaken to ensure that workers enjoy adequate protection against acts of anti-union discrimination in respect of their employment. Likewise, by ratifying Convention No. 87, Articles 3 and 10 in particular, it had undertaken to allow workers' organisations having the purpose of promoting and defending the interests of their members the right to formulate their programmes of action and to refrain from any intervention likely to restrict this right or to impede the lawful exercise thereof.

682. In this case, not only has the Government dismissed a considerable number of trade unionists in the teaching profession for having participated in a peaceful two-day protest strike, but it has also compelled the strikers to disassociate from their trade union leaders and to sign declarations of loyalty to the Revolutionary Defence Committees.

683. The Committee recalls the importance it attaches to the right to strike as a means to promote and defend workers' interests, and it again urges the Government to reinstate all the teachers dismissed solely for having participated in a peaceful strike and asks it to keep it informed of any measure taken in this regard.

684. As regards the change of name and executive of the complainant national trade union in this case, the Committee observes that the congress of teachers of August 1984 undertook these changes without the participation of the dismissed striking teachers. It observes in addition that the Government has prohibited striking teachers dismissed at the same time from carrying on any trade union activity (see letter of the Director of the Office of the Minister of the Interior of 28 August 1984).

685. In these circumstances, the Committee considers that the Government has intervened in the internal affairs of this trade union, contrary to the obligations arising out of Article 3, paragraph 2, of Convention No. 87. It insists that the Government restore and guarantee both to the teachers who took part in the strike who have

not been reinstated and to those who were forced to sign declarations of loyalty the right to participate fully in trade union activities for the defence of their economic and social interests.

686. The Committee requests the Government to supply it with the record of the extraordinary congress of the SNEAHV held in August 1984.

The Committee's recommendations

687. In these circumstances, the Committee recommends the Governing Body to approve the present interim report and, in particular, the following conclusions:

- (a) The Committee notes that two interned trade union leaders have been released. It feels bound, however, to express disapproval as regards the imprisonment of these two trade union leaders who were detained for 16 months in an administrative internment camp in violation of the fundamental right not to be arrested arbitrarily and not to be held in detention without having been found guilty by an independent and impartial court.
- (b) The Committee again urges the Government to release the two other trade union leaders who are still administratively interned without having been tried, and asks it to communicate information on any measure taken in this respect.
- (c) The Committee notes that 100 dismissed teachers out of over 2,600, according to the complainants, have been reinstated after having been forced to sign declarations of loyalty. The Committee reminds the Government that it is under an obligation to provide workers with adequate protection against acts of anti-union discrimination and that it must abstain from any interference in trade union affairs.
- (d) The Committee therefore again urges the Government to ensure that all of the teachers dismissed solely for having participated in a peaceful 48-hour protest strike in March 1984 are reinstated, and asks it to keep it informed of any measure taken in this respect.
- (e) The Committee urges the Government to restore and guarantee both to the teachers who took part in the strike who have not been reinstated and to those who were forced to sign declarations of loyalty the right to participate fully in trade union activities for the defence of their economic and social interests.
- (f) The Committee requests the Government to supply it with the record of the extraordinary congress of the SNEAHV held in August 1984.

- (g) The Committee draws the attention of the Committee of Experts on the Application of Conventions and Recommendations to the failure to give practical effect to Conventions Nos. 87 and 98 by Burkina Faso.

Case No. 1270

COMPLAINT PRESENTED BY THE JOAO MONLEVADE METALWORKERS' UNION,  
THE UNITARIAN WORKERS' FEDERATION AND THE WORLD CONFEDERATION  
OF LABOUR AGAINST THE GOVERNMENT OF BRAZIL

688. The Committee examined this case at its November 1984 meeting, when it submitted an interim report which was approved by the Governing Body (236th Report, paras. 603 to 622). The Government sent certain partial information on this case on 21 December 1984, and the complainants conveyed additional information in communications of 6 December 1984 (JAOA Monlevade Union) and 8 January 1985 (World Confederation of Labour). The Committee noted these developments in its 238th Report, paragraph 17, approved by the Governing Body in February 1985. Since then the Office has sent the Government of Brazil two cables dated 25 April and 26 August 1985 requesting it to reply to the allegations still pending.

689. Brazil has not ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), but has ratified the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

A. Previous examination of the case

690. The complaint originated in a labour dispute and strikes which developed in 1983-84 in Belgo Mineira, an iron and steel undertaking in the State of Minas Gerais, which led to dismissals of workers and trade union leaders, requisitioning of strikers and the recruitment of workers from outside the undertaking who were underpaid and forbidden to organise. The complaint referred in particular to the refusal of the management to renew the collective agreement and to an attempt by the management to negotiate with unorganised workers.

691. The Government sent certain information from which it transpired that the regional labour delegation of the State of Minas Gerais and the Secretary for Labour Relations had acted as mediators in the dispute. The Government also stated, in general terms, that the right to organise is guaranteed by Brazilian law. On the other points mentioned above, however, the Government did not communicate

concrete items of information in reply to the allegations of the complainants.

692. At its November 1984 session the Governing Body therefore approved the following recommendations of the Committee:

- (a) With respect to the allegations concerning the dismissal of workers and trade union officials having taken part in a strike, the requisitioning of strikers, the threats of dismissal against strike pickets and the recruitment of workers at a lower wage accompanied by a ban to join a trade union in order to break a strike, the Committee drew the Government's attention to the dangers inherent in these alleged acts for freedom of association. The Committee also considered that these acts restricted the legitimate exercise of the right to strike. It requested the Government to inform it of measures taken or envisaged towards the reinstatement of the trade unionists who had allegedly been unjustly dismissed and to ensure that Brazilian legislation guaranteeing workers the basic right to join a trade union should be respected.
- (b) Concerning the alleged refusal of the management to renew the collective agreement which had expired in October 1983 and its attempts to negotiate with workers not belonging to a trade union, the Committee recalled the importance it attached to the promotion of collective bargaining with workers' representatives and requested the Government to inform it of the reasons for the employer's refusal to negotiate and also on the developments in this labour dispute.

#### B. The Government's reply

693. In its communication of 21 December 1984 the Government stated that Brazilian law obliges the employer to negotiate with the appropriate trade union (section 616 of the Consolidation of Labour Laws) and that, despite seven meetings for conciliation purposes at the regional labour delegation of the State of Minas Gerais, no solution had been found enabling the parties to negotiate a new collective agreement; this resulted in the institution of legal proceedings in application of the labour legislation. The Government added that the proceedings were in progress before the labour court. As regards the allegations of dismissal of trade union officials, the Government stated that Brazilian law protects such officials against acts of anti-union discrimination and that, if individual complaints were made and it were shown that trade union officials had been dismissed without committing serious misdemeanours, the courts would order their reinstatement. The Government accordingly requested the Committee on Freedom of Association to declare the case closed.

### C. Further developments

694. In their communications of 6 December 1984 and 8 January 1985 the complainants claimed that the Government had remained passive in the face of the violations of freedom of association suffered by the workers of JAOA Monlevade since, when the union asked the Ministry of Labour for the inspection reports on the undertaking in July 1984, the Minister had allegedly replied that he did not intend to take any measures against Belgo Mineira and that, if the union wished to obtain copies of the inspection reports, it would have to take legal action. The complainants also took exception to the fact that the Minister had allegedly not imposed any penalty on the undertaking for persistent delays in the payment of wages, although appeals had been lodged in this connection and Brazilian law empowered him to penalise undertakings in such cases.

695. The complainants also repeated their statement to the effect that even though, according to the Government, Brazilian law guarantees the right to organise in the powerful multinational undertaking Belgo Mineira, the management summons the workers individually to force them to sign a letter prepared in advance in which they undertake not to join any trade union on pain of dismissal.

696. The complainants also indicated that, although the undertaking is under the obligation to check off trade union contributions from pay slips, it refuses to do so.

697. The complainants also affirmed that a superintendent of the federal police of the State of Minas Gerais was dismissed from office by the Minister of Justice for having dared to impose sanctions on undertakings.

698. Finally, the complainants claimed that black lists containing the names of workers who had stood up for their rights and had been dismissed were being circulated among employers. In particular, these lists bore the names of about 100 wage earners who had refused to yield to pressure by Belgo Mineira, had been dismissed and had been victimised when looking for new jobs.

699. The complainants attached to their complaint a number of documents in support of their allegations, including a letter of complaint addressed to the regional labour delegate for Minas Gerais on 10 February 1984, in which the complainant union explained that the Belgo Mineira undertaking abolished the night shift unilaterally and without any consultation with the union, obliging workers to work two shifts and not three and so depriving them of the additional pay for night work which they had been receiving for years and which they regarded as an integral part of their wages.

700. The documentation also contains two letters addressed to the Minister of Labour by the complainant union, the first on 11 January 1984 requesting copies of the labour inspection reports in the

undertaking concerned, the second on 1 October 1984 reminding the Minister that, despite the interview he had granted the union on 11 July 1984, no measure had yet been taken to remedy the irregularities committed by the undertaking, in particular the pressure exerted on workers to induce them to leave the union and renounce the shift work supplement, which according to the union was a right acquired many years ago, and to force them to refrain from involving the union in the defence of their rights over the abolishment of their night work supplement and the consequent reduction in their paid leave and supplementary social benefits. The letter also mentioned the refusal by the employer, in violation of section 616 of the Consolidation of Labour Laws, to negotiate with the union the renewal of the collective agreement which was to enter into force on 1 October 1984. The letter explained that the undertaking delegated its bargaining powers to the employers' associations in the iron and steel industry for the negotiation in its name of an agreement for this branch of activity within a global bargaining framework including even small undertakings employing three workers, whereas, according to the complainant union, the undertaking had been negotiating directly with it for over 30 years. Still according to the trade union, the employer wished to provoke a conflict between the workers of small undertakings who were negotiating advantages for the first time and those of Belgo Mineira, who already enjoyed acquired rights and genuine advantages. It also wished to destroy the image of the trade union in the eyes of its members and to provoke clashes between workers. The letter ended by stating that, since the Minister of Labour was aware of the unlawful acts of the undertaking, the union hoped that he would take concrete steps to remedy the irregularities and again requested the Minister to supply copies of the inspection reports.

701. The same complaints were transmitted by the complainant union to the President of the Republic in a letter dated 11 October 1984, copy of which was sent to the ILO by the World Confederation of Labour.

#### D. The Committee's conclusions

702. In the present state of affairs the Committee deeply regrets that, despite the time which has elapsed since the latest allegations were presented by the complainants in December 1984 and the many requests for a reply to the allegations addressed to it by the ILO, no written information has been received from the Government respecting this labour dispute since December 1984.

703. The Committee observes, however, that, according to the same written reply furnished by the Government in December 1984, no solution was found with a view to the renewal of the collective agreement in the Belgo Mineira undertaking and that judicial proceedings had been instituted before the labour courts in application of section 616 of the Consolidation of Labour Laws.

704. The Committee notes that section 616, as amended by Act No. 4923 of 1965 and Legislative Decree No. 424 of 1969, provides that no industrial association representing economic or occupational categories and no undertaking, even if it is not represented by an industrial association, may refuse to engage in collective bargaining, that in the event of a refusal to negotiate the industrial associations and undertakings concerned must inform the regional office of the Ministry of Labour so that a summons may be served on the industrial association or undertaking refusing to bargain, and that, in the event of persistent refusal to negotiate by ignoring the summons served by the regional office of the Ministry of Labour or where the negotiations fail, the industrial association or undertaking concerned may commence a collective dispute. Finally, where a collective agreement, collective contract or binding award is in force, it is not permissible to commence a collective dispute more than 70 days before its expiry and any new text is to take effect from the date of such expiry.

705. In the present case the Committee has been informed neither by the Government nor by the complainants of any settlement that may have been reached in this dispute since December 1984, despite the many conciliation meetings held at the regional labour delegation. Nevertheless, the Committee observes that Brazilian law imposes a time limit for the adoption of a decision to commence a collective dispute in the event of refusal by an employer to bargain. In the present case, according to the Government's own statements, judicial proceedings were instituted before December 1984 before the labour courts. The Committee trusts that this labour dispute has since been settled.

706. The Committee therefore requests the Government to communicate any judicial decision handed down in respect of this labour dispute, and to supply detailed information on the manner in which it has developed.

#### The Committee's recommendations

707. In these circumstances the Committee recommends the Governing Body to approve the present interim report, and in particular the following conclusions:

- (a) The Committee deeply regrets that, despite the time which has elapsed since the complainants' latest allegations in December 1984 and the many requests for a reply addressed to it by the ILO, no written information has been received from the Government since December 1984.
- (b) The Committee requests the Government to communicate the text of any judicial decision handed down in respect of the labour dispute between the JAOA Monlevade Metalworkers' Union and the

iron and steel undertaking Belgo Mineira, and to supply detailed information on the way in which this dispute has developed.

Case No. 1294

COMPLAINT PRESENTED BY THE NATIONAL CONFEDERATION OF  
AGRICULTURAL WORKERS AGAINST THE GOVERNMENT OF BRAZIL

708. The complaint of the National Confederation of Agricultural Workers (CONTAG) is contained in a communication dated 13 July 1984.

709. In the absence of observations from the Government the Committee was obliged to adjourn examination of this case on three occasions, for the last time at its May 1985 meeting, when it observed with regret that, in spite of the time which had elapsed since the complaint was presented, the information and observations awaited from the Government had not been received. The Committee therefore appealed to the Government to transmit its observations as a matter of urgency, drawing its attention to the fact that, in conformity with the procedural rules set out in paragraph 17 of the Committee's 127th Report, approved by the Governing Body, it might present a report at its next meeting on the substance of this case even if the Government's observations had not been received by that date. [See 239th Report, para. 15, approved by the Governing Body at its 230th Session (May-June 1985).] The Office has since sent the Government of Brazil a cable, dated 27 August 1985, to remind it of this urgent appeal.

710. Since it has still not received the Government's information and observations on this case, the Committee regrets that the Government has not yet sent them, and in view of the time which has elapsed since the complaint was presented, it feels obliged to examine the case without taking these observations into account.

711. Brazil has not ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), but has ratified the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

A. The complainant's allegations

712. The National Confederation of Agricultural Workers (CONTAG) has submitted a complaint of violation of freedom of association in Brazil on behalf of the Federation of Agricultural Workers of the State of Pernambuco (FETAPE), an organisation which is affiliated with it. The complainants allege that the employers resorted to violence

against militant workers in the sugar-cane plantation area of the State of Pernambuco and that the government authorities were ineffective in putting an end to it.

713. The complainants explain that in 1979, following a general strike, the 240,000 rural workers of the above-mentioned sugar-cane cultivation area had secured a collective agreement on wages and labour standards and a guarantee that land would be made available to them for food crops. From 1979 to 1983 other collective agreements were signed under the aegis of the Regional Labour Court, and the workers became aware that they could resort to the labour courts to secure observance of these agreements. Parallel with these developments, the regional labour delegation was at the same time maintaining systematic supervision of the region, in particular keeping checks on clandestine labour and ensuring respect for the rights of the workers enshrined in the law and collective labour agreements.

714. In the middle of 1982, however, the employers began to sabotage these agreements by recruiting unemployed labour in the regions affected by the drought which, at the time of the complaint, had been affecting the Sertao and Agreste for five years. They got rid of the regular workers, replacing them by large numbers of underpaid, non-unionised clandestine workers from these regions. This involved no great risk to the employers, explain the complainants, since the workers concerned returned to their administrative districts after the harvest and had no means of upholding their rights before a labour court. The employers also hired temporary workers residing in the administrative districts of the sugar-cane area, but they contrived to employ them in districts far from their homes, so that the union in their workplace was not that of which they were members and could therefore not demand the application of collective agreements before the courts.

715. According to the complainants, these illegal manoeuvres by the employers were facilitated by the inertia of the regional labour delegation, which relaxed its supervision after the elections towards the end of 1982.

716. The complainants explain that, when the various press media gave wide publicity to the campaign launched by the employers to recruit 55,000 workers from the semi-arid region for the 1983-84 harvest, the Rural Workers' Union drew the attention of the Government of the State of Pernambuco to the irresponsibility of the project from the social point of view and to the benefits that it concealed for the employers, since it was obvious that if workers were recruited from the semi-arid zone, this would be to the detriment of the manpower traditionally available on the spot. Its sole aim was to exploit the agricultural workers of the Sertao and Agreste to the maximum, and the union reminded the State Government of its duty to find viable solutions to the problems of these workers in their home areas.

717. Although the Secretary of State for Social Welfare of the Government of the State of Pernambuco agreed, and stated his opposition to the employers' project, saying that he would authorise it only if they were first able to guarantee the full employment of the workers of the Meta area, no concrete measures were taken to prevent the manoeuvres of the planters and refinery owners. On the contrary, administrative supervision was relaxed.

718. In order to evade responsibility for unjustified dismissals, the employers then resorted to illegal or even brutal manoeuvres. Not content with reducing thousands of organised workers to unemployment, the employers went to the lengths of denying them the payment of the indemnities to which they were entitled by accusing them of leaving their employment or threatening them with physical violence when they wanted to approach the labour courts or their union.

719. The complainants also explain that, in order to secure the departure en masse of the regular workers of the Meta zone, the employers suddenly imposed a substantial increase in the workload, doubling or trebling the volume of the daily tasks provided for in the collective agreements. Parallel with this, they brought private armies on to the sugar-cane plantations, composed of hired ruffians armed with revolvers and rifles, whose job it was to "visit" the inhabitants and "supervise" payment of the workers. At the same time, the workers who had been granted land for their own use were no longer allowed to grow food crops on it; their lands were laid waste and transformed into cane-brakes.

720. At the same time the employers forbade the workers to mention the trade union and the standards for the tasks stipulated in the collective agreements and ceased deducting from the workers' wages the trade union contributions the latter had authorised. The private militia denied trade union officials access to the plantations, and workers who attempted to complain to the labour courts or who, like the union delegates, remained in contact with their unions, were subjected to exemplary punishment by the militia: they were beaten up or shot in the middle of the night, and threats and even murders were common.

721. This was the climate of intimidation and terror that developed in a number of plantations, in particular at Caraúbas, in the Paudalho administrative district, for which Geraldo Guerra had held the concession since 1983. In this connection, the complainants mention the inspection report of the regional labour delegation for this plantation, dated 7 November 1983.

722. According to this report, out of a payroll of 140 workers, 40 were clandestine workers receiving a wage lower than that stipulated in the collective agreement. The report noted that the workload for sugar-cane strippers had doubled (from 80 to 144 bundles), that only 20 of the 100 regular workers were receiving six days' wages and remuneration for the weekly rest day, whereas the remaining 80 were receiving less than six days' wages and no

remuneration for the weekly rest as a result of the doubling of the workload. Finally, the employer, his steward and the four men accompanying them were armed with rifles and revolvers, according to the inspection report.

723. In addition, say the complainants, a 72-year-old agricultural worker on the same plantation, António Rodriguez dos Santos, who had been living on the estate for over 40 years and had refused to leave his home and his plot of land, was shot dead by a plantation supervisor on 10 January 1984. The first official version of the affair spoke of a crime of passion, a later version of an accident with a firearm. As it happened, the victim was related to the President of the Union of Rural Workers of Sao Lourenço da Mata and of the President of the Union of Rural Workers of Paudalho.

724. On this plantation, according to the complainants, the employer no longer deducts the workers' trade union contributions, giving as a pretext the need for "free and spontaneous communication". Some workers complained to the Limoeira Court and 18 of them told the court that they had signed their request for cancellation of the check-off under pressure. Following the murder of Rodriguez dos Santos, about 40 workers appeared before the same court, accompanied by the employer, Geraldo Guerra, and confirmed that they had signed the request for cancellation on their own initiative, after which the workers who had complained to the Paudalho police were taken by the employer, Geraldo Guerra, to the same police station to withdraw their complaint "spontaneously".

725. Finally, still on the same plantation, controllers of the Institute of Weights and Measures who were making a visit were forced at gunpoint to return the scales and gauges which they had seized on the suspicion that they had been tampered with.

726. Similar manoeuvres are also reported from other plantations, including Taquarinha in the administrative district of Maraial, where José Ribeiro da Silva holds the concession and where, on 19 March 1983, an attempt was made on the life of the agricultural worker António Pedro da Silva by the employer's son-in-law, one Renato de Tal, because he had complained to his union, which is a member of the Federation of Agricultural Workers of the State of Pernambuco (FETAPE) about the invasion of his plot of land and the damage done to it.

727. Likewise, at Jacunde, in the administrative district of Ferreiros, on the plantation conceded to José Barbosa Pereira, an attempt was made on the life of the agricultural worker José Francelino Gomes on 17 March 1983 by the employer, who fired four shots at his house while he and his family were in it. The victim was forced to abandon the harvest of his 2-hectare plot and to change plantation, thus losing his rights to 17 days' paid leave and his severance pay.

728. Finally, at Araújo, in the administrative district of Sao Lourenço da Mata, on the Bulhoes concession, the union delegate was

threatened on 2 February 1984 by the plantation supervisor who, revolver in hand, set fire to the premises of the union delegation, totally destroying its roof, in order to prevent the workers from meeting there.

729. The complainants consider that impunity encourages violence. They denounce the escalation of this violence which, they say, is particularly affecting the administrative districts of Carpina, Lagoa, Itaenga and Paudalho, and the fact that the federal inspectors of the Ministry of Labour and controllers of weights and measures have been prevented at gunpoint from carrying out their tasks.

730. They object to the unofficial power of the employers, who use force to back up their claims to flout the law and make attempts on the physical integrity and the lives of the workers, attacking the right to organise guaranteed by the Constitution and making a mockery of the federal supervisory institutions and the labour courts.

731. The complainants add that, on 20 May 1983, they went to see the Governor of the State of Pernambuco to hand him a document denouncing the violence in the Meta area and demanding the adoption of measures to punish the guilty parties. The Governor stated that it was necessary to ensure respect for law and order, and the FETAPE communicated to its council of representatives consisting of 152 unions the assurances it had received in this connection. However, FETAPE and CONTAG observe with regret the inefficacy of the police investigations conducted since that time, given the bias of the investigators who interpret cases of violence as disputes between workers.

732. In conclusion, the complainants demand that the private militias should be disarmed; that the police investigations should be placed in the hands of delegates capable of elucidating the facts in order to establish responsibilities and punish the guilty parties; that the Government should take a clear and unequivocal stand on respect for the rights of the rural workers of the sugar-cane growing area of Pernambuco, and in particular that the regional labour delegation should exercise systematic supervision accompanied by penalties; that the Sugar and Alcohol Institute should supervise the observance of the law respecting plots of land (Decree No. 57.020); and that the federal highway police and the Transport Department should supervise the observance of the highway code.

#### B. The Committee's conclusions

733. The Committee recalls that at its May-June 1985 Session the Governing Body advised the Government that, in conformity with its procedure, it might present a report on the substance of the case at its next meeting even if the Government's observations had not been received. The Committee has still not received these observations.

734. In these circumstances, and before examining the substance of the case, the Committee feels it necessary to recall the considerations set forth in its First Report (paragraph 31) which it has had cause to repeat on a number of occasions: the purpose of the whole procedure is to promote respect for trade union rights in law and in fact, and the Committee is confident that, if it protects governments against unreasonable accusations, governments on their side will recognise the importance of formulating for objective examination detailed factual replies to such factual charges as may be put forward.

735. The Committee deeply regrets that the Government has not sent a reply; because of the time which has elapsed it is obliged to examine the case without taking account of the Government's observations.

736. The Committee observes that this case concerns acts of violence committed by sugar-cane plantation employers in the Meta region of the State of Pernambuco against workers who are only seeking the application of collective labour agreements. In particular, it notes the prohibition by these employers of access by trade union officials to plantations, the obstacles placed in the way of trade union activities, the burning of trade union premises, the stoppage of check-offs of trade union contributions demanded in advance by the workers, threats to kill rural workers and relatives of trade union officials which are sometimes even put into practice, and finally acts committed by certain planters against representatives of the public authorities carrying out inspections in these areas.

737. It appears from the information furnished by the complainants that the authorities exercised systematic supervision in these areas until the end of 1982, but that since then, despite the good will of the Governor of Pernambuco, certain planters have been behaving in a violent and illegal manner and are no longer subjected to penalties, since according to police investigations on the plantations such acts are allegedly due to disputes between workers.

738. Given the extreme seriousness of the allegations, which mention reprisals against workers in the sugar-cane plantations of the Pernambuco region who are simply demanding respect for the rights obtained in collective agreements, the Committee must recall the importance it attaches to the unimpeded exercise of trade union activities.

739. It accordingly urges the Government to take all necessary measures to guarantee a climate favourable to the exercise of trade union rights by the workers in this area and also requests it to indicate what measures have been taken to restore the trade union situation to normal and secure respect for collective agreements on these plantations.

The Committee's recommendations

740. In these circumstances, the Committee recommends the Governing Body to approve the present interim report, and in particular the following conclusions:

- (a) The Committee deeply regrets that, despite the many requests addressed to it, the Government has sent no written information on this complaint presented by the National Confederation of Agricultural Workers of Brazil in July 1984.
- (b) It draws the Government's attention to the fact that the purpose of the whole procedure is to promote respect for trade union rights in law and in fact, and that the Committee is confident that, if it protects governments against unreasonable accusations, governments on their side will recognise the importance of formulating for objective examination detailed factual replies to such factual charges as may be put forward.
- (c) Regarding the substance of the case, given the extreme seriousness of the allegations, which mention reprisals against sugar-cane plantation workers in the Pernambuco area who are simply demanding respect for the rights obtained in collective agreements, reprisals which include forbidding trade union officials access to plantations, obstacles placed in the way of trade union activities, burning of trade union premises, the stoppage of check-offs of trade union contributions and threats to kill persons connected with trade union officials which are sometimes put into practice, the Committee must recall the importance it attaches to the unimpeded exercise of trade union activities.
- (d) The Committee accordingly urges the Government to take all necessary measures to guarantee a climate favourable to the exercise of trade union rights by the workers in this area and also requests it to indicate what measures it has taken to restore the trade union situation to normal and secure respect for collective agreements on these plantations.

Case No. 1307

COMPLAINT PRESENTED BY THE WORLD FEDERATION OF TRADE UNIONS  
AGAINST THE GOVERNMENT OF HONDURAS

741. The Committee examined this case at its February 1985 meeting when it submitted an interim report to the Governing Body [see 238th Report, paras. 312 to 329, approved by the Governing Body at its

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229th Session (February-March 1985)]. Subsequently, the Government submitted its observations in a communication dated 29 April 1985.

742. Honduras has ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

A. Previous examination of the case

743. When the Committee examined the case at its February 1985 meeting, two questions remained unresolved. The first of these concerned a decision taken by the judicial authority to suspend the legal personality of the National Power and Electricity Undertaking trade union for six months as a result of the strike held on 19 September 1984. The Committee requested the Government to provide information on this matter.

744. The second question remaining unresolved concerned the disappearance of the trade union leader, Gustavo Morales. The Committee requested the Government to communicate the results of the investigation being carried out by the authorities as a matter of urgency.

B. The Government's reply

745. In its communication of 29 April 1985, the Government states that the decision taken by the judicial authority to suspend for six months the legal personality of the trade union of the National Power and Electricity Undertaking was appealed against in the Labour Appeals Court. The Government communicates the decision of the Appeals Court, dated 26 October 1984, revoking the judicial decision of the tribunal of first instance and reducing the period of suspension of legal personality from six to two months. Consequently, the legal personality of the above-mentioned trade union was restored on 21 November 1984.

746. Regarding the disappearance of the trade union leader, Gustavo Morales, the Government expressed its concern at the situation and stated that it would be in touch with the relevant authority for information on the investigations into the matter.

C. The Committee's conclusions

747. The Committee notes the decision of the Labour Appeals Court of 26 October 1984, whereby the period of suspension of the legal personality of the trade union of the National Power and Electricity Undertaking was reduced from six to two months. Considering that, as a result of this decision, legal personality was restored to this trade union on 21 November 1984, and that the Committee concluded at its February 1985 meeting that the declaration of illegality of the strike held on 17 September 1984 in the National Power and Electricity Undertaking did not infringe the principles of freedom of association because the undertaking in question was providing an essential service in the strict sense of the term [see 238th Report, para. 326], the Committee considers that this aspect of the case does not call for further examination.

748. With respect to the disappearance of the trade union leader, Gustavo Morales, the Committee regrets not having received information on the outcome of the investigation into this matter, and requests the Government to communicate the results of this investigation. The Committee expresses the hope that the direct contacts mission accepted by the Government, and scheduled for January 1986, will be able to obtain information and discuss this question with the authorities.

The Committee's recommendations

749. In these circumstances, the Committee recommends the Governing Body to approve the present interim report and, in particular, the following conclusions:

- (a) the Committee considers that the allegation concerning the suspension of the legal personality of the National Power and Electricity Undertaking trade union does not call for further examination;
- (b) regarding the disappearance of the trade union leader, Gustavo Morales, the Committee regrets not having received information on the outcome of the investigations into this matter and requests the Government to communicate the results of these investigations;
- (c) the Committee expresses the hope that the direct contacts mission accepted by the Government and scheduled for January 1986, will be able to obtain information and discuss this matter with the authorities.

Case No. 1309COMPLAINTS PRESENTED BY THE INTERNATIONAL CONFEDERATION OF  
FREE TRADE UNIONS, THE WORLD CONFEDERATION OF LABOUR,  
THE WORLD FEDERATION OF TRADE UNIONS AND OTHER TRADE  
UNION ORGANISATIONS AGAINST THE GOVERNMENT OF CHILE

750. The Committee examined this case at its February and May 1985 meetings, when it presented interim reports to the Governing Body. [See 238th Report, paras. 330 to 364 and 239th Report, paras. 298 to 340, approved respectively by the Governing Body at its 229th and 230th Sessions (February-March and May 1985).]

751. Since then, the ILO has received the following communications from the complainants: International Confederation of Free Trade Unions (ICFTU): 22 May 1985, 4 and 31 July 1985, 9 and 22 August 1985, 9, 24, 25 and 27 September and 7 October 1985; National Confederation of Workers' Trade Unions in Building, Wood, Building Materials and Related Activities: 15 May 1985; National Trade Union Co-ordinating Body (CNS): 23 May 1985; World Confederation of Organisations of the Teaching Profession (WCOTP): 30 May, 1 and 15 October 1985; the National Grouping of Workers: 3 June 1985; the World Confederation of Labour (WCL): 5 June 1985 and 3 October 1985; World Federation of Trade Unions (WFTU): 8 July 1985, 8 and 21 August 1985; Works Unions Nos. 1 and 6 of El Salvador and No. 8 of Sewell y Minas of the National Copper Corporation of Chile: 31 July 1985; Trade Unions International of Workers in the Metal Industry: 20 September 1985. The Government, for its part, furnished its observations in communications dated 8, 15 and 29 August, 11 September and 16 October 1985.

752. Chile has ratified neither the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) nor the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

A. Previous examination of the case

753. The complaints presented in the present case concerned a number of events that had taken place in Chile since September 1984. The allegations referred to the intervention of the forces of order on the occasion of the Protest Day held on 4 September 1984, which is said to have resulted in the death of ten persons, many injuries and over 1,000 arrests. The complainants referred in particular to the case of Juan Antonio Aguirre Ballesteros, who, they said, had been arrested and tortured and whose body had been subsequently found. In this connection, the Government indicated that inquiries were being carried out by the competent criminal courts.

754. It appeared, in the light of the allegations made, that the headquarters of certain trade union organisations (in particular the Confederation of Building Workers, the Professional Association of Teachers of Chile (AGECH) and the Chilectra trade union) had been attacked by the police and that material had been destroyed, documentation confiscated and trade unionists arrested. The Government denied that it had given orders for the trade union premises in question to be searched. Furthermore, on the day following the attack on the AGECH premises, Messrs. Manuel Guerrero, President of the metropolitan sector of this organisation and José Manuel Parada, an official of the Vicariat of Solidarity, were kidnapped in the street. Their bodies were subsequently found horribly mutilated. The Government stated that a judicial inquiry had been opened.

755. The complainants also referred to numerous arrests and the banishment of trade unionists. According to the Government, some of these trade unionists had not been arrested, others had been released and the reasons for the banishments were not related to trade union activities.

756. Finally, the Committee was informed of allegations concerning infringements of the exercise of the right to hold meetings, in particular taken against a works union of the National Copper Corporation. The Government had not replied to this allegation.

757. At its meeting of May-June 1985, the Governing Body approved the following conclusions of the Committee:

- (a) The Committee expresses its deep concern at the difficulties facing a large number of Chilean trade union organisations and their leaders. It considers that the Government should urgently take every measure necessary to put an end to this climate of violence; this implies that respect for the human rights essential for the development of trade union activities be guaranteed.
- (b) As regards the deaths which took place during the National Protest Day of 4 September 1984, the Committee requests the Government to supply information on developments in the inquiry opened into this matter and on its eventual results.
- (c) As regards the death of Messrs. Aguirre, Guerrero and Parada, the Committee expresses the firm hope that the inquiries under way in these matters will lead to the rapid determination of responsibilities; it requests the Government to continue to supply information on these inquiries.
- (d) As regards the attacks on trade union premises, the Committee deplores the fact that such acts have again been committed against trade union organisations. It notes that the Government denies having ordered searches of these premises and requests the

Government to order that inquiries be undertaken with a view to finding the perpetrators of these acts which call for severe measures by the authorities against those found responsible. It requests the Government to supply information on any inquiries which have been carried out in this regard.

- (e) As regards the arrest and banishment of trade unionists, the Committee notes the information supplied by the Government, in particular, that some persons were not arrested and that others are free. It considers that the accumulation of these banishment measures considerably weakens trade union organisations by depriving them of their leaders and hindering their activities. It requests the Government to supply information on the situation of the persons - listed in the Annex - concerning whom it has not yet replied and on the concrete acts which were the basis for the measures taken against them.
- (f) As regards the obstacles to the right of assembly, the Committee notes with regret that the Government has not lifted them. It requests the Government to supply its observations on the allegations presented by the Works Union No. 6 of the National Copper Corporation.

#### B. New allegations

758. In its communication of 22 May 1985, the ICFTU refers to a letter which was sent to it on 7 May 1985 by the Confederation of Copper Workers. The latter organisation alleges that on 27 April 1985, the homes of several of the leaders of the El Salvador trade union were searched in Diego de Amalgro when these persons were attending the National Congress of the Confederation.

759. On 1 May 1985, a leader of the same trade union was summoned to the carabinieri's headquarters of El Salvador. On the same day, several leaders of the Andean zone trade union were arrested and held for several hours for having organised an athletics competition in the streets of Villa Minera Andina to celebrate the 1st of May, despite the fact that they had been granted authorisation to hold the event.

760. On 3 May 1985, Mr. Raúl Montecinos, leader of the Diego de Amalgro zone and national leader of the Confederation, was allegedly arrested and then transferred to the town of Copiapó.

761. The National Confederation of Worker' Trade Unions in Building, Wood, Building Materials and Related Activities and the National Grouping of Workers allege, in their communications of 15 May and 3 June 1985, that on 9 April 1985 the headquarters of the Building Confederation of Building Workers were illegally searched by a group of ten individuals armed with machine guns and whose faces were covered with balaclavas. This search, which was carried out without

any legal warrant, involved the use of violence. The trade union leaders present were harassed, attacked and beaten. Furniture was broken and property taken away, including training materials and the archives of the Confederation. Several trade union leaders were threatened with death if they continued to exercise their activities.

762. Shortly later the same day, the complainant organisation alleges that officials of the carabineers appeared at the headquarters of the Confederation and interrogated the trade union leaders Figueroa Jorquera, Bustamante Garci and Alvarez, who were then taken to the police station and once again interrogated.

763. Furthermore, according to the complainant organisation, during the months of March, April and May 1985, several of its leaders were frequently followed, threatened or harassed. Since 9 April, carabineers have been controlling the entrance to the trade union headquarters and sometimes prevent trade union leaders and members from entering.

764. Given these circumstances, the Confederation lodged complaints and appeals for protection with the courts. It appears from these court proceedings that the staff of the National Information Centre, the carabineers of Chile and the civil investigation department of the police did not participate in the search carried out in the premises of the Confederation and that no warrant had been issued for the arrest of trade union leaders.

765. The complainant organisation adds that on 15 April 1985, the Minister of the Interior brought legal proceedings against four of its leaders, namely, Sergio Troncoso, José E. Rivera, José Manuel Bustamante and José Figueroa, for having violated the State Security Act, and in support of the case presented the documentation which had been seized during the paramilitary operation of 9 April carried out against the trade union headquarters. According to the complainant organisation, the links between the authorities and the group in question are thus clearly proven.

766. In its communication of 23 May 1985, the CNS mentions the banishment of several trade union leaders (see Annex), some of whom have been allegedly interned in a camp, at Conchi, in the north of the country.

767. The WCOTP also mentions, in its communication of 30 May 1985, several instances of the banishment of trade unionists in the teaching profession (whose names had already been communicated to the Committee), as well as the dismissal of several members and leaders of the Professional Association of Teachers of Chile (AGECH): Alban Mancilla, Orlando Aguilar, Luis Maldonado, Carlos Trujillo, Nelson Torres, all of whom are leaders or former leaders of the Castro Community Council, as well as Juan Ruiz, President of the Provincial Council of Puerto Montt.

768. In its communication of 4 July 1985, the ICFTU mentions the situation of Siergo Aguirre, President of the Union of Port Workers of San Antonio, who was dismissed from the civil service by a Supreme Decree after he had been banished.

769. The ICFTU also refers to the proceedings brought against four leaders of the Confederation of Building Workers. During the proceedings, Manuel Bustos, President of the CNS, was called upon to give evidence and, during the interrogation by the examining magistrate, the latter ordered his arrest. He was taken to the former public prison and locked up in a cell without any light. For three days he was given no water or food. He was released following the unanimous decision of the Eighth Chamber of the Court of Appeal. Three days after the release of Manuel Bustos, the four leaders of the Confederation of Building Workers were released on bail.

770. The National Grouping of Workers and the WCL also mention, in their communications of 3 and 5 June 1985, the arrest of Manuel Bustos.

771. In its communication of 8 July 1985, the WFTU refers to the case of Pedro Aroya Díaz Valdez, President of the Union of Professional and Technical Pilots, who was dismissed in 1984 because of his trade union activities. Furthermore, his organisation has been virtually destroyed. All his attempts to be reinstated in his work have been unsuccessful.

772. Works Unions Nos. 1 and 6 of El Salvador and No. 8 of Sewell y Minas of the National Copper Corporation as well as the ICFTU, in their communications of 31 July 1985, refer to the dismissal of Rodolfo Seguel, President of the National Copper Confederation. This measure was endorsed by the Supreme Court following an appeal presented by Mr. Seguel. According to the complainants, the effective inexistence of any protection of trade union leaders prevents the exercise of trade union mandates and jeopardises the autonomy of the trade union movement. Subsequently, the WFTU and the ICFTU sent, in their communications of 21 and 22 August 1985, the text of the judgement issued by the Supreme Court in this matter.

773. In their communications dated 8 and 9 August 1985, the WFTU and the ICFTU protest against the arrest of trade union leaders including Sergio Troncoso, President of the Confederation of Building Workers, and Juan Ponce who were subsequently banished to Melinka in the far south of the country.

774. The ICFTU points out, in its telegram of 9 September 1985, that a demonstration which had been called by the National Grouping of Workers (CNT) on 4 September 1984 was violently repressed. According to the ICFTU, ten persons were killed and hundreds were arrested. Charges were brought against several leaders of the CNT and, in particular, against Rodolfo Seguel, Manuel Bustos, José Ruiz di Giorgio and Sergio Troncoso. Subsequently, in communications dated 24 and 27 September and 3 October 1985, the ICFTU and the WCL point

out that following a decision by three judges of the Supreme Court, a warrant was issued for the arrest of Rodolfo Seguel and Manuel Bustos who were imprisoned. José Ruiz di Giorgio, President of the Union of Petroleum Workers, Maria Rozas and Mercedes Jerez, leaders of the Professional Association of Teachers of Chile (AGECH), have also been arrested. The Trade Unions International of Workers in the Metal Industry also mentions the arrest and banishment of Claudio Gallardo, leader of the Confederation of Unions of Metallurgical Workers (CONSTRAMET). The WCOTP, for its part, alleges in its communication of 1 October 1985 that four national leaders of the AGECH were arrested on 30 September. They are Jorge Paveg, President; Samuel Bello, Treasurer; Luis Campo Leal and Carlos Poblete Avile, members of the National Executive Committee.

775. In its communication of 25 September 1985 the ICFTU supplies further details concerning the measures taken by the authorities following the demonstration of 4 September. According to the ICFTU, the purpose of this demonstration was to demand a reply from the Government to the "list of petitions and claims" of the workers adopted in August by the National Assembly of Leaders of the National Grouping of Workers. The Government allegedly responded to this Day of Protest by the arrest of 87 leaders of student, trade union and political organisations, including 13 leaders of the National Grouping of Workers and 17 leaders of the Professional Association of Teachers of Chile. Furthermore, 63 other persons were allegedly held in administrative detention for a period of 20 days. In the same way, more than 500 persons were allegedly arrested throughout the country during demonstrations. They were brought before the local police courts and accused of having instigated acts of disorder on the public thoroughfare.

776. In its communication of 7 October 1985, the ICFTU states that Manuel Bustos, Rodolfo Seguel and José Ruiz di Giorgio are still being held in detention. Seven other trade union leaders have allegedly been arrested and taken to Santiago prison (see Annex). The WCOTP refers in its communication of 15 October 1985 to the arrest of four AGECH leaders and states that, according to the organisers of the 4 September demonstration, acts of provocation had occurred. According to the WCOTP, it was observed that occupants of an unmarked car fired shots which apparently caused deaths and injuries.

### C. Replies of the Government

777. Before replying to the specific allegations made in the present case, the Government, in its communication of 11 September 1985, makes some general comments on freedom of association in Chile. It mentions, in particular, the current provisions regarding the acquisition of legal personality, the drafting of constitutions, the right to elect leaders, dissolution through the courts, the establishment of federations and confederations, affiliation to

international organisations, trade union law and employment as well as trade union autonomy. After an examination of these various provisions, the Government concludes that in its view the national legislation embodies a strict application of the provisions of Conventions Nos. 87 and 98, although these instruments have not been ratified by Chile.

778. As regards civil liberties, the Government points out that although it believes that the political situation of the country goes beyond the subjects which should be dealt with by the Committee of Freedom of Association, the political Constitution of the Republic was adopted in 1980 by 67 per cent of the voters and that it establishes, after a period of transition, the full respect of the democratic system. The Government adds that because of experiences which have occurred in the country and the escalation in terrorism, which is affecting all the peoples of Latin America, the Constitution makes provision for exceptional measures to guarantee social peace in the country. These mechanisms include the state of seige when there is a situation of "internal shock" in the country. It was in virtue of this provision that the state of seige was proclaimed between 7 November 1984 and 17 June 1985. However, the Government points out that with a view to protecting freedom of association, Supreme Decree No. 1216 was adopted; it establishes regulations concerning the right of assembly and does not require any authorisation, but simply an advance notice of five days, for the holding of meetings by organisations endowed with legal personality in their own premises.

779. As regards the inquiry by a special judge into the disappearance and death of Mr. Antonio Aguirre Ballesteros, the Government points out that the legal proceedings are at the investigatory stage. In accordance with the Code of Penal Procedure, in force since 1907, this stage of the proceedings is carried out in secret.

780. With regard to the inquiry into the death of Messrs. José Manuel Parada, Manuel Guerrero and Santiago Natina, the Government also points out that the legal proceedings are at the investigatory stage. The examining magistrate has indicted two former police officers on the charge of having "falsified public documents".

781. With regard to the allegations concerning the attack against the premises of the National Democratic Development Project (PRODEN), the Government states, in its communication of 8 August 1985, that this body is a public company set up in accordance with the provisions of the Civil Code governing company contracts. The leaders of this company are former deputies of Congress and the premises which house its headquarters are not trade union premises. The police categorically reject the allegation that they entered these premises.

782. As regards the events which occurred in the headquarters of the Confederation of Building Workers, the Government explains in its communication of 11 September 1985 that on the day of the attack the carabinieri of the Fourth Station went to the premises of the

Confederation in order to investigate the offences committed. The carabinieri found 20,000 political pamphlets of a subversive nature as well as abundant propaganda and material in support of doctrines which advocate the use of violence. The Minister of the Interior instructed the courts to carry out an inquiry and punish the guilty parties. Following this inquiry, the examining magistrate indicted Messrs. Troncoso, Figueroa, Rivera and Bustamante on charges of having infringed section 4(f) of the State Security Act (which punishes those persons who disseminate doctrines designed to destroy the republican and democratic form of the Government) and ordered their detention.

783. During the inquiry, the magistrate called Mr. Manuel Bustos as a witness and subsequently ordered his arrest, after interrogation, as a preventive measure in accordance with the powers conferred on him by the Code of Penal Procedure. Following an appeal for protection by his counsel, Mr. Bustos was released on the instructions of the Appeal Court of Santiago. Furthermore, the examining magistrate accepted a request for bail by the four leaders of the Confederation. This measure was approved on 7 June 1985 by the Appeal Court of Santiago. Subsequently, on 22 July 1985, the examining magistrate ordered the dismissal of the charges against the accused, thus putting an end to the proceedings, since there was insufficient evidence to bring charges against certain persons. The matter is therefore closed.

784. As regards the allegations concerning the arrests made after a search was carried out of the premises of the Chilectra trade union, the Government explains that a clandestine meeting had been held on these premises of political parties which had been declared illegal because of their support of terrorism. The purpose of this meeting was to pay homage to the Socialist Party of Chile and its founder. The participants included persons from outside the Chilectra trade union and the Chilean electricity undertaking and had no relation, even of an indirect nature, with trade union activities. The persons arrested were released after their identity had been verified. Messrs. Victor Hugo Gac and Eugenio Madrid Salgado were banished to Chaiten for a period of three months and Mr. Manuel Dinamarca to Ciudad de Palena for the same period. At the present time, these persons are free to move throughout the country, since their banishment has terminated.

785. As regards the events which occurred at Villa Minera Andina on 1 May 1985, the Government points out that each year the workers of this town celebrate the labour day holiday by organising in particular a religious ceremony, a football championship and athletic events in the streets of the town. The Government adds that because of police regulations, prior authorisation must be requested to hold such events in the public thoroughfare. However, the athletic event was held in the streets without such authorisation. There was a traffic accident in which several persons were injured. The police officer who made the report arrested the person apparently responsible for the accident, Mr. Arturo Uribe, director of one of the organising trade unions. Other trade union leaders accompanied him to the

police station. Subsequently, the Chief of Police ordered the immediate release of all persons detained. The Government states that another person mentioned by the complainants, Mr. Raúl Montecinos, is free and that it has no information on the alleged searches carried out in the homes of trade union leaders.

786. Furthermore, the Government provides information on the persons mentioned as having been arrested and banished in the Committee's 239th Report (see Annex). The Government points out that the banishments in question were ordered by virtue of the powers vested in Head of State by the Constitution during the state of siege. On 17 June 1985 the state of siege which had been in force since 7 November 1984 was lifted. Under the Constitution, the period of banishment may not exceed 90 days. The events which led to these measures were participation in clandestine activities of partisan politics which had no relation to trade union activities. At no moment, the Government points out, did it attempt to weaken the trade union movement by depriving it of its leaders or hindering its activities. In conclusion, on this point the Government believes that the information supplied shows that there has never been an atmosphere of violence against the trade unions. It does not share the opinion expressed in the conclusions of the Committee because the latter has generalised cases of an exceptional nature and has erroneously equated violent acts with trade union activities.

787. As regards the allegations concerning the right of assembly, the Government reaffirms that during the state of siege, meetings of trade union organisations endowed with legal personality may take place in their own premises without prior authorisation, provided that an advance notice of five days is given to the office of the provincial governor. On 17 June 1985 the state of siege was lifted and replaced by a state of emergency for a period of 90 days, because of the existence of internal danger to national security. The Directorate of the zone declared to be in a state of emergency in the metropolitan region and the Province of San Antonio passed a decree establishing that meetings of organisations endowed with legal personality, assemblies for the establishment of trade unions and federations, as well as meetings organised in the exercise of the rights of workers and of legally recognised trade unions do not require authorisation, provided that they are held in the premises of the organisation and that their exclusive purpose is to examine matters considered under the legislation relevant to their objectives.

788. Concerning the allegation regarding the prohibition of a meeting of Works' Union No. 6 of CODELCO, El Salvador Division, the Government points out, in its communication of 29 August 1985, that reasons of internal security obliged the authorities to suspend the right of assembly during these days. This exceptional situation did in no way paralyse trade union activity since during this period eight trade union meetings were held in the second fortnight of March by the trade unions of the El Salvador Division as well as elections by the complainant organisation on 2 July 1985. An appeal for

protection was lodged with the Appeal Court of Copiapó and was rejected.

789. As regards the situation of Mr. Pedro Araya, leader of the National Trade Union of Professional Pilots and Technicians of the Lan-Chile company, the Government states, in its communication of 11 September 1985, that this trade union changed its executive on 6 and 13 September 1984; only three persons out of a total of 18 members participated in the vote. The undertaking then asked the Appeal Court of Santiago to dissolve the trade union under section 52(d) of Legislative Decree No. 2756 respecting trade union organisations, which makes provision for a minimum number of members (for works unions 25 members, representing at least 10 per cent of all the workers in the undertaking). On 23 November 1984, the Appeal Court declared the trade union dissolved. Following an appeal by the union executive to the Supreme Court, the latter confirmed the initial ruling. On 30 April 1985, before the Labour Inspectorate of Maipú, Mr. Pedro Araya, signed an end-of-service receipt and received compensation equivalent to US\$31,000.

790. As regards the situation of Mr. Rodolfo Seguel, the Government states, in its communication of 15 August 1985, that he was dismissed from the CODELCO undertaking on 12 July 1983 for reasons which are covered by section 15, Nos. 3 and 4 of Legislative Decree No. 2200, in relation with the State Security Act No. 12927 of 1958, namely numerous acts likely to cause and promote work stoppages in the El Teniente Division as well as other unlawful acts. Mr. Seguel's defence counsel subsequently asked the Second Civil Court of Rancagua to revoke the dismissal. On 12 March 1984, the court rejected the appeal and thus confirmed the dismissal. Following an appeal lodged by Mr. Seguel's counsel, on 28 June 1984, the Appeal Court of Rancagua annulled the ruling of the court of first instance. The CODELCO undertaking then lodged an "appeal of complaint" with the Supreme Court which, on 18 July 1985, confirmed the ruling issued by the court of first instance. Following a further appeal for "re-examination" lodged by Mr. Seguel's counsel, the Supreme Court, in a unanimous decision of the members of the competent chamber, confirmed the dismissal. The Government points out that it was thus as a result of a decision by the judicial authorities and not the Government that Mr. Seguel was disqualified from exercising the trade union functions which he had held.

791. The Government points out in this connection that the statutes of the Confederation of Copper Workers stipulate, in article 21, that the loss of the status of leader of an affiliated trade union entails the loss of the status as member of the Executive Council of the Confederation. Furthermore, the statutes of the first level trade union stipulate that in order to be a trade union leader a worker must be employed in the undertaking. Despite his dismissal, Mr. Seguel had been leader of the Caletones occupational trade union, No. 1 of the El Teniente Division.

792. The Government points out that Mr. Seguel may not exercise trade union functions in the Confederation of Copper Workers pursuant to the statutes which the workers themselves have established. On the basis of several principles of the Committee on Freedom of Association in this respect, the Government believes that the proceedings have respected freedom of association. In the Annex to its communication the Government includes the judgements of the courts of first and second instance as well as the final decision of the Supreme Court.

793. As regards the allegations concerning the arrest of Mr. Sergio Troncoso, the Government points out that this person was arrested for encouraging disorder and incidents in the street. He was banished to Melinka on 6 August 1985 and then transferred to Puerto Cisnes on 22 August. The Government adds that the other person mentioned by the complainants, Mr. Juan Ponce, has not been arrested or banished.

794. As regards the events which took place during the demonstration of 4 September 1985, the Government states in its communication of 16 October 1985 that the Ministry of the Interior has requested the courts to determine the responsibility of the instigators, organisers and promoters of this protest day as well as that of the participants. The Santiago Court has indicted Messrs. Seguel and Bustos on charges of violations of several provisions of the State Security Act (meetings aimed at the overthrow of the Government or at conspiracy against its stability; calling of public meetings in public places without authorisation or liable to disturb public order; inciting the interruption of collective suspension of or strikes in public services or public utilities which involve disturbances of public order or in these services). The Court held Messrs. Seguel and Bustos to be repeated offenders. Following an appeal by their defence counsel, the Supreme Court unanimously confirmed the decision of the Court of First Instance. The four AGECH leaders were also arrested for their participation in the demonstration of 4 September 1985. According to the Government, this day of protest led to ten deaths, the serious wounding of 18 police officers, over 100 injured persons, damage amounting to 100 million pesos caused by violent acts and serious damage to public property. The judicial proceedings instituted against the responsible parties is at present continuing.

#### D. The Committee's conclusions

795. The Committee has taken note of the detailed replies furnished by the Government concerning the various aspects of this case. It has also noted the general comments made by the Government concerning the trade union situation in Chile. Although it shares the opinion of the Government that political questions do not fall within its sphere of competence, the Committee must stress the

importance of the principle affirmed in 1970 by the International Labour Conference in its resolution concerning trade union rights and their relation to civil liberties that "the rights conferred upon workers' and employers' organisations must be based on respect for those civil liberties which have been enunciated in particular in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights and that the absence of these civil liberties removes all meaning from the concept of trade union rights". The Committee therefore believes that it is empowered, within the terms of its mandate, to examine to what extent the exercise of trade union rights may be affected in cases which allege the infringement of civil liberties.

796. As regards the inquiries carried out into the deaths of Messrs. Aguirre, Parada, Guerrero and Natina, the Committee notes that the proceedings are still at the investigatory stage and that in the case concerning the three last mentioned persons, charges have been brought against two former police officers. The Committee, while observing the excessive duration of these investigations, expresses its firm hope that they will be completed very soon and will result in the determination of responsibilities so that the guilty parties can be punished. The Committee requests the Government to keep it informed of any developments in these matters.

797. As regards the attacks against trade union premises, the Committee notes that, according to the Government, the forces of order did not enter these premises except in the case of the Confederation of Building Workers where they made inquiries concerning precisely the assault on the trade union headquarters which had taken place a few hours before. In these circumstances, the Committee can only stress the importance of protecting trade union premises and the need to shed light on these incidents which have occurred on several occasions. The Committee therefore urges the Government to initiate judicial inquiries into the matter so that the perpetrators of such acts, which are particularly prejudicial to the exercise of trade union rights, may be identified as soon as possible. It requests the Government to keep it informed in this respect.

798. As regards the arrest and banishment of trade unionists, the Committee notes that the persons mentioned in the Annex to its previous report have regained their freedom of movement. It points out, however, that despite the lifting of the state of siege, several allegations refer to new arrests and banishments concerning which the Government has supplied certain information (see Annex). In the Committee's opinion the repeated application of measures of this type cannot but prove detrimental to labour relations in the country. The Committee therefore requests the Government, with a view to restoring a climate of social peace and normal trade union activity, to take the necessary measures to end these banishments as soon as possible. It requests the Government to keep it informed of all steps taken to this end.

799. Furthermore, the Committee notes that several trade union leaders (Messrs. Troncoso, Fugueroa, Rivera, Bustamente and Bustos) have been either indicted or taken into custody and then released following the dropping of charges. In this respect the Committee must point out that the arrest by the authorities of trade unionists against whom no subsequent charges are brought may involve restrictions on freedom of association. Governments should take measures to ensure that the authorities concerned receive appropriate instructions to prevent the dangers involved for trade union activities by unjustified measures of arrest. [See, in this regard, 207th Report, Case No. 963 (Grenada), para. 229; 211th Report, Case No. 1025 (Haiti), para. 272.]

800. The Committee has, furthermore, received more recent allegations concerning the indictment of several trade union leaders including Messrs. Seguel and Bustos, and of their arrest following a demonstration organised by the National Grouping of Workers. The Committee notes that, according to the Government, these measures were taken by the courts on the basis of offences committed under the State Security Act. It notes that among the provisions referred to by the courts is that concerning the organisation of strikes in public services which, in the present case, took place during the national day of protest. It recalls in this connection that trade union organisations should be able to have recourse to protest strikes with a view to defending the economic and social interests of their members. The Committee requests the Government to supply information on the outcome of the judicial proceedings under way against those responsible for and the organisers of the day of protest.

801. As regards the right of assembly, the Committee has noted the explanation supplied by the Government concerning the prohibition of a meeting by Works Union No. 6 of CODELCO, El Salvador Division, and its statements concerning the new provisions adopted in this respect during the state of emergency. It notes in particular that under certain circumstances, no prior authorisation is required for trade union meetings held within the premises of the organisations. The Government does not, however, state whether the authorities must be notified of these meetings. In general, the Committee must once again point out that freedom of trade union assembly is one of the fundamental aspects of trade union rights and that the public authorities should refrain from any intervention likely to limit this right or impede its lawful exercise.

802. The Committee has also been informed of several allegations concerning the dismissal of trade union leaders in the teaching, aviation, ports and mines sectors. The Government transmitted replies on the dismissal of Messrs. Pedro Araya, President of the Union of Professional and Technical Pilots, and Seguel, leader of the Confederation of Copper Workers. The Committee notes in particular that Mr. Pedro Araya accepted compensation for his dismissal after his trade union had been dissolved by the courts because of insufficient membership numbers. In this respect, the Committee recalls that it does not appear that sufficient protection against acts of anti-union

discrimination is accorded by legislation which, in practice, enables employers, on condition that they pay the compensation prescribed by law for cases of unfair dismissal, to get rid of any worker when the true reason for dismissal is his trade union membership or activity. [See, for example, 211th Report, Case No. 1053 (Dominican Republic), para. 163.]

803. As regards the case of Mr. Seguel, the Committee notes that this person was dismissed after judicial proceedings, according to the Government, for having carried out in particular acts to instigate or encourage work stoppages. In these circumstances, the Committee must observe that Mr. Seguel's dismissal was due to acts which he carried out in pursuance of his trade union responsibilities and that such a dismissal is therefore a measure of anti-union discrimination. This measure is all the more serious since under the legislation and statutes of the Confederation of Copper Workers, Mr. Seguel can no longer be empowered with a trade union mandate. When trade union leaders are dismissed for having exercised their right to strike, the Committee cannot but conclude that they have been punished for their trade union activities and are the subject of anti-union discrimination. The fact that a judicial authority intervenes in the dismissal procedure does not necessarily constitute, in the opinion of the Committee, a sufficient guarantee against acts of anti-union discrimination, since the powers of the judges in question are limited to ensuring that the national legislation has been correctly applied. Furthermore, the dismissal of a trade union leader is liable to infringe the freedom of action of his organisation and its right to elect its representatives in full freedom, and may even leave the way open for acts of interference by the employer. [See, for example, 147th Report, Case No. 667 (Sudan), para. 222.]

804. The Committee notes furthermore that the Government has not replied concerning the dismissals of trade union leaders in the teaching sector (Messrs. Mancilla, Aguilar, Maldonado, Trujillo, Torres) and in the port sector (Mr. Aguirre). The Committee requests the Government to supply its observations in this respect.

#### The Committee's recommendations

805. In these circumstances, the Committee recommends the Governing Body to approve the present interim report and, in particular, the following conclusions:

- (a) The Committee notes that, since its last examination of this case, several matters which had been the subject of allegations before the Committee have not been dealt with by the administrative authorities, but have been placed before the judiciary.

- (b) As regards the inquiries carried out into the death of Messrs. Aguirre, Parada, Guerrero and Natina, the Committee notes that proceedings are still at the investigatory stage. While observing the excessive duration of these investigations, it expresses the firm hope that these inquiries will be concluded rapidly and will result in the determination of responsibilities so that the guilty parties can be punished. The Committee requests the Government to keep it informed of developments in these matters.
- (c) As regards the attacks against trade union premises, the Committee notes that, according to the Government, the forces of order did not enter these premises. The Committee stresses the importance of protecting trade union premises. It urges the Government to initiate judicial inquiries into the matter so that the responsible parties may be identified as soon as possible and requests the Government to keep it informed in this respect.
- (d) As regards the arrest and banishment of trade unionists, the Committee notes that the persons mentioned in the Annex of its previous report have regained their freedom of movement. It observes, however, that despite the lifting of the state of siege, several allegations refer to new arrests and banishments concerning which the Government has supplied certain information. The Committee requests the Government, with a view to restoring social peace and normal trade union activities, to take the necessary measures to end these banishments as soon as possible. It also asks the Government to keep it informed of all steps taken to this end.
- (e) As regards the indictment and preventive detention of trade union leaders, the Committee points out that the arrest by the authorities of trade unionists against whom no subsequent charges are brought may involve restrictions to freedom of association. The Government should take measures to ensure that the authorities concerned receive appropriate instructions to prevent the dangers involved for trade union activities by unjustified measures of arrest. The Committee reminds the Government that trade union organisations should be able to have recourse to protest strikes with a view to defending the economic and social interests of their members. It requests the Government to supply information on the outcome of the judicial proceedings under way against those responsible for and the organisers of the day of protest held on 4 September 1985.
- (f) As regards the right of assembly, the Committee recalls in general that freedom of trade union assembly is one of the fundamental aspects of trade union rights and that the public authorities should refrain from any interference which is likely to limit this right or impede its lawful exercise.
- (g) As regards the dismissals of trade union leaders, the Committee points out that the dismissal of a trade union leader is liable,

by reason of the fact that dismissal causes him to lose his status as a trade union officer, to infringe the freedom of association of his organisation and its right to elect its representatives in full freedom and may even leave the way open for acts of interference by the employer. The Committee requests the Government to furnish its observations concerning the dismissals of trade union leaders in the teaching and port sectors.

ANNEX

LIST OF PERSONS MENTIONED BY THE COMPLAINANTS AS HAVING BEEN  
ARRESTED AND THE GOVERNMENTS'S REPLIES CONCERNING THEM

ABARZUA Sergio	Banishment ended in advance of scheduled date on 31 December 1984.
AGUILAR Juan	Banishment ended on 18 March 1985.
ARANCIBIA Julio	Banishment ended in advance of scheduled date on 24 January 1985.
ARANCIBIA Miguel	Banishment ended in advance of scheduled date on 13 May 1985.
ARANCIBIA Oscar	Banishment ended on 23 March 1985.
ARAYA Jorge	Banishment ended in advance of scheduled date on 17 January 1985.
AREVALO Vladimir	Banishment ended on 21 March 1985.
BUSTAMANTE Manuel	Charged with violation of the State Security Act. Released on bail. Case closed following the dismissal of charges.
CASTRO Ricardo	Banishment ended on 23 March 1985.
CELEDON Luis	No information concerning any arrest.
COLOMA José	Banishment ended on 23 March 1985.
DEL RIO Rolando	Banishment ended in advance of scheduled date on 10 February 1985.
DINAMARCA Manuel	Banishment ended on 30 July 1985.
DINAMARCA Neftalí	Banishment ended on 1 March 1985.

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ELOY Oscar	Banishment ended on 23 March 1985.
ESCOBAR Vladimir	Banishment ended in advance of scheduled date on 24 January 1985.
ESTORGIO José	Charged with violation of the State Security Act. Released on bail. Case closed following the dismissal of charges.
FAUNDEZ Luis	Banishment ended on 28 February 1985.
FIGUEROA Luis	Charged with violation of the State Security Act. Released on bail. Case closed following the dismissal of charges.
FUENTES Adrián	Banishment ended on 15 July 1985.
FUENTESECA Douglas	Banishment ended on 4 March 1985.
GAC Victor Hugo	Banishment ended on 30 July 1985.
GARCIA Patricio	No information concerning any arrest.
GUTIERREZ Jorge	Banishment ended on 26 February 1985.
GUTIERREZ Luis	Banishment ended on 23 March 1985.
LEAL René	Banishment ended on 28 February 1985.
LILLO Pedro	Banishment ended in advance of scheduled date on 24 January 1985.
LOYOLA Eduardo	No information concerning any arrest.
MADRID Eugenio	Banishment ended on 30 July 1985.
MANRIQUEZ Victor	Banishment ended in advance of scheduled date on 17 January 1985.
MARILEO Domingo	Banishment ended on 4 April 1985.
MILLAN Hector	Banishment ended on 28 February 1985.
PILQUIL Manuel	Banishment ended on 4 April 1985.
SANTOS José	Banishment ended on 4 April 1985.
SIERRA de la FUENTE Benjamin	Banishment ended on 23 March 1985.
SOVAL Sergio	No information concerning any arrest.
SUAREZ Antonio	Banishment ended in advance of scheduled date on 17 January 1985.

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TAPIA Lino	Banishment ended on 23 March 1985.
TRONCOSO Sergio	Charged with violation of the State Security Act. Released on bail. Case closed after dismissal of charges. Subsequently banished to Melinka and then to Puerto Cisnes.
VALENCIA Guillermo	Banishment ended in advance of scheduled date on 17 January 1985.
VALENZUELA José	Banishment ended in advance of scheduled date on 24 January 1985.
AGUIRRE Sergio	Banishment ended in advance of scheduled date on 20 May 1985.
ARCOS Humberto	Banishment ended in advance of scheduled date on 17 January 1985.
AVENDAÑO Enrique	Banishment ended in advance of scheduled date on 17 January 1985.
CANCINO Segundo	Banishment ended in advance of scheduled date on 17 January 1985.
CUETO Carlos	Banishment ended on 29 June 1985.
DIANTA Pablo	Banishment ended on 29 June 1985.
OLIVARES Sergio	Banishment ended on 18 March 1985.
OPAZO Carlos	Banishment ended in advance of scheduled date on 17 January 1985.
ORDENES Luis de Cruz	Banishment ended on 29 June 1985.
PEÑA Luis	Banishment ended in advance of scheduled date on 17 January 1985.
SANCHEZ Salatiel	Banishment ended on 29 June 1985.
ZAPATA Darió	Banishment ended on 29 June 1985.
MONTECINOS Raúl	No information concerning any arrest.
PONCE Juan	Neither arrested nor banished.
BUSTOS Manuel	Charged and arrested for violation of the State Security Act.
SEGUEL Rodolfo	Charged and arrested for violation of the State Security Act.

PAVEZ Jorge	Arrested for participating in the demonstration of 4 September 1985.
BELLO Samuel	Arrested for participation in the demonstration of 4 September 1985.
CAMPO Luis	Arrested for participation in the demonstration of 4 September 1985.
POBLETE Carlos	Arrested for participation in the demonstration of 4 September 1985.

LIST OF PERSONS MENTIONED BY THE COMPLAINANTS AS  
HAVING BEEN ARRESTED AND ALLEGATIONS CONCERNING  
THEM, ON WHICH THE GOVERNMENT HAS NOT  
YET SENT INFORMATION

ARAYA Lorenzo	President of the Autofagasta Building Worker's Trade Union, banished to Lago Verde.
PIANTA Pablo	Leader of the San Antonio Building Worker's Trade Union, banished to Toconao.
RIVAS Abraham	Treasurer of the Concepción Building Worker's Trade Union, banished to Sierra Gorda.
DEIJ Antonio	Secretary of the Concepción Building Worker's Trade Union, banished to Conchi.
RUIZ di GIORGIO José	President of the Petroleum Workers' Trade Union, arrested.
ROZAS María	AGECH leader, arrested.
JEREZ Mercedes	AGECH leader, arrested.
GALLARDO Claudio	CONSTRAMET leader, arrested and banished.
MARTINEZ Arturo	President of the Confederation of Workers in the graphics industry; arrested.
SOTO Humberto	Secretary-General of the Unitary Front of Workers; arrested.
LILLO Edmundo	President of the National Federation of Workers in Commerce; arrested.
OSORIO Eduardo	AGECH leader; arrested.