

competent technical bodies within the framework of the rules of the economic and social policy, so as to re-establish not only wage structures but even a system of permanent relations between the various sectors of the working world with a view to a peaceful and continuing relationship.

17. The Government also states that it has been decided to create, by legislative measures, an unemployment allowance for a maximum duration of six months, from 1 January to 30 June 1983, amounting to 3 million pesos per month for workers with families and 2 million for single workers. In view of its temporary character, this measure will be applied as part of the reactivation of the economy: whenever an unemployed person finds employment and whenever a job is created, the system provides for the unemployment allowance of the person concerned to be transferred to the undertaking to encourage the taking on of further workers. It is planned to operate the system only until 30 June 1983 since it is estimated that by then the programme to reactivate production will be operational and will have enabled the recruitment situation to return to normal. The Government stresses the social character of the project under which the Ministry of Labour will adopt measures to facilitate workers' employment opportunities, affording them coverage as regards medical benefits while they are still unemployed.

18. As regards direct action, and, in particular, strikes, the Government states once again that these are frequent in Argentina. It mentions the general strike of 6 December 1982 called by the CGT-Azopardo, the CGT-Brazil and an independent group during which no incidents or arrests were reported, as is borne out by the newspaper clippings attached to its communication. The Government quotes the Minister of the Interior, General Llamil Reston who, at a press conference in connection with the strike in question, stated: "The right to strike is lawful in our country. If in certain circumstances a strike is declared, as has been the case, this should not attract attention, whether governments like it or not, especially if it takes place without any incidents and in a peaceful climate."

19. As regards trade union elections the Government states that 109 elections have taken place which, it maintains, corresponds to an increase of nearly 300 per cent compared with May 1982, when it submitted information on this aspect of the case.

20. As regards the trade unions under supervision, the Government states that such measures have been lifted in 126 cases, which means that 126 temporary committees have been set up instead of the 78 mentioned in November 1982. The number of trade union by-laws approved amounts to 287, i.e. 177 more than in May 1982. Of the 1,184 occupational associations of workers having acquired legal personality, only 193 are still under supervision, that is to say 15 per cent of the total.

21. Furthermore the Government refers to a presidential communiqué of 22 December 1982 in which it is stated that the studies undertaken with a view to revising Act No. 22105 in respect of occupational associations - in the light of the observations made by the ILO and after having sought the opinion of the sectors involved and having consulted the experts - will be continued. The Government also gives its assurance that the Social Welfare Act will be revised.

22. In conclusion, the Government affirms that all these measures, regarding both wages and other matters, have been adopted by the Economic and Social Cabinet after consulting representative bodies of employers and of workers and with their direct participation. The Ministers of the Economy, Labour, Social Action, Public Works and Services and the Secretary for Planning held periodic meetings in this Cabinet with representatives of the General Confederation of Labour and representatives of the employers, in particular of the Argentine Industrial Union. This constitutes implicit recognition of the existence and representativity of the higher level trade union groups.

(c) The Committee's conclusions

23. The Committee takes note of the detailed information supplied by the Government. In particular, it notes that during the second half of 1982 there was an increase in the workers' purchasing power. Furthermore it observes that some 60 tripartite technical consultative committees, made up of representatives of employers and of workers parties to collective agreements have reached agreements on the implementation of the wage increases established by Decree. While noting that these provisions continue to represent progress towards a better application of the principles of freedom of association, the Committee notes that the Government itself recognises that the machinery in question is a temporary stage to allow the system of collective bargaining to be restored.

24. In these circumstances the Committee can only reiterate its previous conclusions on this aspect of the case since it observes that remuneration can still not be established according to the procedures of voluntary collective bargaining. Even if the workers took part in a general strike on 6 December 1982 without any regrettable incidents and if the Minister of the Interior stated that the right to strike is lawful in Argentina, the Committee must recall that the suspension of the right to strike is set out in section 1 of Act No. 21,261 of 24 March 1976 and maintained in section 14 of Act No. 21,400 of 3 September 1976. The Committee would like once again to stress the fact that trade union life will not be able to run its normal course until the right to strike and the right to bargain collectively at all levels, which have been suspended since 1976, can be fully exercised without impediment. The Committee trusts that the legislative measures will repeal the suspension of the right to strike and will restore the right to voluntary collective bargaining, bringing the law into line with the Convention. Furthermore, the Committee takes note with interest of the assurance given by the Government on 22 December 1982 to the effect that the studies undertaken with a view to the revision of Act No. 22105 in respect of occupational associations, undertaken in the light of the ILO's observations, are being continued. It also notes that the Social Welfare Act will be revised. The Committee trusts therefore that the Government will bring its legislation into line with the Convention and considers it advisable once again to draw the attention of the Committee of Experts on the Application of Conventions and Recommendations to the legislative aspects of the case.

25. As regards the organisations under supervision, the Committee notes with concern that, despite progress in this area, a

large number of organisations (193, or 15 per cent of the total) are still in this situation. The Committee recalls that the placing of organisations under supervision is a serious restriction on the rights of workers' organisations to organise their administration and activities without any interference from the public authorities, contrary to Article 3 of Convention No. 87, ratified by Argentina. The Committee therefore urges the Government to lift these measures and requests it to keep it informed of the progress achieved in this connection.

B. Arrest and disappearance of trade unionists
and former trade unionists

(a) Previous examination

26. On the subject of the arrest and disappearance of trade unionists and former trade unionists, the Committee, when it last examined the case, took note of the information supplied by the Government on the situation of certain persons mentioned in the complaints. It noted that several of them had been released. Nevertheless it also noted that 17 persons who had been the subject of allegations were still being held without trial. It consequently emphasised the importance of limiting measures of administrative internment and preventive detention to very short periods intended solely to facilitate the course of a judicial inquiry. The Committee considered that the trade unionists who had been in detention for several years without having been brought before the courts should be released and requested the Government to inform it of any measure contemplated or taken to this end. Finally, it requested the Government to endeavour to supply information concerning the persons respecting whom it had not yet sent replies.

(b) The Government's reply

27. The information communicated by the Government is reproduced in Annex I to this report. It concerns 109 persons.

(c) The Committee's conclusions

28. The Committee, having examined the information supplied by the Government, observes that in respect of 50 persons the situation as described by the Government in Annexes I and II of the 219th Report remains unchanged. On the other hand, in respect of 35 persons on whom the Committee had requested information, the Government states that they have no criminal record and specifies, moreover, that it had already supplied information in respect of some of them. The Committee notes the observations of the Government in respect of these 35 persons.

29. Furthermore, the Committee notes with interest, as regards the information already furnished by the Government in its communications in May and November 1982, that 9 persons have been enjoying full freedom since the end of 1982. These are Gerardo Benjamin Luna and José Francisco Paez, since 19 November; Elias

Guzman, since 21 November; Noemi Mabel Di Gianni, Jorge Francisco Marelli, Ana María Donaliso, Miguel Mosseto and Julio Isabelino Guillan, since 21 December; and Noemi Benitez de Mechetti, since 24 December. In the latter case release was granted after six years' imprisonment. The Committee also notes that Hugo Lizarraga and Francisco Alfonso Klaric were released from U9 La Plata on 11 September and 23 November 1982, respectively.

30. However, the Committee notes with concern the information supplied by the Government according to which four persons are still being held at the disposal of the national executive authorities. These are Héctor Hugo Gabrielli and Carlos Alberto Manesi, who are still held at U6 Rawson, and Oscar Paz and Hugo Eduardo Perrez Perrez who are being held at U9 La Plata at the pleasure of the national executive authorities. Furthermore, José Luis Guaglione is being held at the disposal of the No. 1 special court martial and action is being taken against him before the federal court of Resistencia, and Maria Cristina Lucca is being held at U9 Paraná at the disposal of the federal judge of that town.

31. As regards the measures of administrative internment and preventive detention, the Committee can only reiterate its previous conclusions by stressing the importance that it attaches to limiting such measures to very short periods intended solely to facilitate the course of a judicial inquiry. The trade unionists who have been in detention for several years without having been brought before the courts should be released.

32. Consequently, the Committee repeats its request to be kept informed of the measures taken to release the persons who are still being held by the executive authorities.

33. Furthermore, the Committee requests the Government to communicate detailed information on the situation of the two persons in preventive detention, José Luis Guaglione and Maria Cristina Lucca, as well as the grounds on which they are being held.

34. Lastly, the Committee notes that several persons have been sentenced to heavy prison sentences and that the Government has given no information on the reasons for these sentences except for two of them, namely Carlos Avila and Alicia Ferrer de Weizettel, who were charged with involvement in murders and whose sentences do not seem to have any bearing on freedom of association. To enable it to express an opinion on this aspect of the case, the Committee therefore requests the Government to communicate information that is as detailed as possible on the facts underlying the prison sentences passed on the following persons: Ramón Balbuena, 10 years; Orlando Barquin, 8 years; Teresita Beguan, 10 years; Susana Benedetti de Berent, 20 years; Graciela Comuzzio, 5 years and 6 months; Carlos Correa Gutierrez, 7 years; Eduardo Jozani, 8 years; Walter Medina, 20 years; Enrique Peczack, 8 years; Pedro Pablo Romero, 24 years; and Juan Cruz Sarmiento, 15 years.

The Committee's recommendations

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

- (a) As regards the legislative aspect of the case, the Committee notes with interest the assurance given by the Government concerning the revision, in the light of the IIC's observations, of Act No. 22105 respecting occupational associations and the statement by the Minister of the Interior regarding the right to strike. The Committee therefore trusts that the Government will act quickly, at the legislative level, to adopt the necessary measures to repeal the suspension of the right to strike and to guarantee the right to voluntary collective bargaining, thus bringing the whole of its legislation into line with the Convention. It considers it advisable once again to draw the attention of the Committee of Experts on the Application of Conventions and Recommendations to these various points.
- (b) The Committee notes with regret that 193 organisations are still under supervision, corresponding to 15 per cent of the total number of organisations. The Committee recalls that placing organisations under supervision constitutes a serious restriction of the rights of workers' organisations to organise their administration and activities without interference from the public authorities, which rights are guaranteed by Article 3 of Convention No. 87, ratified by Argentina. It urges the Government to lift these measures and requests it to keep it informed of progress in this connection.
- (c) As regards the allegations of arrest and sentencing of trade unionists, the Committee notes that 35 of the persons whose names appear in the complaints had no criminal records and that 9 persons had recovered their full freedom at the end of 1982. The Committee observes, however, that 4 persons are still in the hands of the executive authorities, that 2 are in preventive detention and that several persons have been sentenced to long terms of imprisonment.
- (d) The Committee, recalling the importance it attaches to limiting measures of administrative internment and preventive detention to very short periods intended solely to facilitate the course of a judicial inquiry, requests the Government to inform it of the measures taken to release the persons being held by the executive authorities. It also requests the Government to communicate detailed information on the situation of the persons being held in preventive detention at the disposal of a military or federal court as well as the reasons for their detention.
- (e) Lastly, the Committee, observing that 11 persons have been given heavy prison sentences, requests the Government to communicate information that is as precise as possible on the facts underlying the prison sentences of the persons named in the preceding paragraph.

Geneva, 25 February 1983.

(Signed) Roberto AGC,
Chairman.

Reports of the Committee on Freedom of Association

ANNEX

ALVAREZ, Manuel A. No trace of arrest or warrant for arrest (ILO informed on 3 February 1977); no further information.

ALVAREZ, Pedro E. A person under the name of ALVAREZ, Pedro Guillermo, was arrested and subsequently released by Decree No. 1270 of 22 May 1975 (ILO informed on 3 February 1977). No official trace since his release.

AMOROSO, Juan Carlos Released by Decree 707 of 16 March 1977 (ILO informed on 22 November 1977). No official trace since his release.

APONTES PALCMO, José A. No trace of arrest or warrant for arrest.

ARCE de HAISTER, Adriana Sentence reduced by Decree 1610 of 23 December 1982; released on 24 December 1982.

AREDES, Rosario Laureano No trace of arrest or warrant for arrest.

ARGUELLO, Juan Remigio Sentenced to 9 years' imprisonment for illegal association by Court No. 2 of the Federal Capital; sentence ends on 9 October 1984.

ARIAS, Florencio No trace of arrest or warrant for arrest.

AVILA, Carlos Sentenced to life imprisonment by Federal Court No. 2 of Cordoba on 6 August 1981 for participation in two acts of homicide and qualified illegal association; still in prison pending appeal.

BALBUENA, Ramón Avelino Sentenced to 10 years' imprisonment by Federal Court No. 1 of Santa Fe; sentence ends 16 September 1985. Also sentenced to preventive detention by Federal Court No. 2 of Rosario in the course of a subsequent trial; the sentence has been appealed.

BARQUIN, Orlando Sentenced to 8 years' imprisonment by the Federal Chamber of Rosario; sentence ends 15 February 1984.

BEGUAN, Teresita Viviana Sentenced to 10 years' imprisonment by Federal Court No. 1 of Rosario; sentence ends 28 February 1985.

BENEDETTI de BERENT, Susana Hilda Sentenced to 20 years' imprisonment by the Permanent Special Council of War; sentence ends 14 February 1998; no appeal.

BENITEZ, C. No trace of arrest or warrant for arrest (ILO informed on 21 April 1977); no further official trace.

BENITEZ de MECHETTI, Noemi Released unconditionally on 24 December 1982 after completing her sentence.

BERARDI, Julio A. Released by Decree 2058 of 15 September 1976 (ILO informed on 21 April 1977); no official trace since his release.

BERENT, Juan Carlos Released from PEN custody on 19 November 1980 by Decree 2372/80.

BOULAND, Eduardo Released unconditionally from PEN custody on 15 April 1979 by Decree 841/79.

BUSTOS, Leopoldo Released unconditionally from PEN custody on 3 October 1979 by Decree 2241/79.

CABRAL, Argentino Released unconditionally by Decree 1064 of 31 May 1982.

CARBAJAL, Angel Released; offered the option to leave the country in accordance with article 23 of the National Constitution; left for Spain on 29 December 1979.

CHAVEZ, Oscar Released unconditionally by Decree 1344/80.

COMUZZIO, Graciela Sentenced to 5 years and 6 months' imprisonment by Federal Court No. 2 of the Federal Capital; petition for habeas corpus lodged with the Court.

COMUZZIO, Gabriela On probation by virtue of Decree 878 of 14 October 1982.

CONTRERAS, Miguel Released unconditionally by Decree No. 25 of 24 December 1981.

CORBELLA, Carlos Alberto Released unconditionally by Decree 76/80.

CORDERO, Julio Ignacio Released unconditionally on 25 October 1978 by Decree 2417/78.

CORREA GUTIERREZ, Carlos E. Sentenced to 7 years' imprisonment by Federal Court of San Luis; sentence ends 25 June 1983.

CORREGIDOR, Ramón Rosa On probation by virtue of Decree 1501 of 13 December 1982.

Reports of the Committee on Freedom of Association

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| DADIN, Héctor Jorge | No trace of arrest or warrant for arrest under this name. |
| DE LUCA, Ricardo | Under the name of DI LUCIA, Ricardo, no official trace in police and security files (ILO informed on 3 February 1977). |
| DI GIANNI, Noemí Mabel | Released unconditionally by Decree 1598 of 21 December 1982. |
| DIAZ, Carlos | Released unconditionally by Decree 483 of 8 March 1982. |
| DIEGUEZ, Rubén | Released unconditionally by Decree 1271/78; no official trace since his release. |
| DONALISO, Ana María | Released unconditionally by Decree 1596 of 21 December 1982. |
| EGGEA, Daniel Alberto | On probation by virtue of Decree 878 of 14 October 1982. |
| FERRER de WEIZETTEL, Alicia A. | Sentenced to 15 years' imprisonment; sentence ends 7 November 1991. Also on trial for homicide by Federal Court of Paraná. |
| FIGUEROA, Carlos Saturnino Jesús | No trace of arrest or warrant for arrest. |
| FOTE, Fortunato Leonardo | No trace of arrest or warrant for arrest under this name. |
| GABRIELLI, Héctor Hugo | Being held in PEN custody at U6 Rawson. |
| GAETAN, Manuel | No trace of arrest or warrant for arrest. |
| GALAN, Paulino | No trace of arrest or warrant for arrest. |
| GALLARDO, Gustavo | No trace of arrest or warrant for arrest (ILO informed on 21 February 1977); no further information. |
| GARCIA ANIZ, Enrique | No trace in police and security files under the name of GARCIA ALIZ, Enrique (ILO informed on 21 April 1977). |
| GARCIA, Antonio | No trace of arrest or warrant for arrest (IIC informed on 21 April 1977); no further information. |
| GARIN, Arturo Martín | No trace of arrest or warrant for arrest (ILO informed on 21 April 1977); no further official trace. |

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| GATTI, Gerardo | Information on GATTI, Gerardo, Uruguayan (no additional personal data), sent to the ILO on 7 February 1977; no further official trace. |
| GIMENEZ, Alberto C. | No trace of arrest or warrant for arrest. |
| GIGANTI, Julia Ramona | On probation by virtue of Decree 979 of 21 October 1982. |
| GONZALEZ, Oscar Amilcar | Released; offered the option to leave the country in accordance with article 23 of the National Constitution; left for Italy on 21 April 1978. |
| GONZALEZ, Hugo Federico | No trace of arrest or warrant for arrest under this name. |
| GUAGLIONE, José Luis | In the custody of the Permanent Special Council of War No. 1, under Case No. 1538. Also on trial by the Federal Court of Resistencia. |
| GULLIAN, Julio Isabelino | Released unconditionally by Decree 1596 of 21 December 1982. |
| GUTIERREZ, Francisco Virgilio | On probation by virtue of Decree 1512 of 14 December 1982; released from U9 La Plata on 17 December 1982. |
| GUZMAN, Benito | Released unconditionally by Decree 1064 of 31 May 1982. |
| GUZMAN, Elias | Released unconditionally by Decree 1106 of 2 November 1982. |
| JOZANI, Eduardo | Sentenced to 8 years' imprisonment by Federal Criminal and Correctional Court No. 3; sentence ends 11 September 1983. |
| KLARIC, Francisco Alfonso | On probation by virtue of Decree 1281 of 19 November 1982; released from U9 La Plata on 23 November 1982. |
| KRUTOY, José Juan | Released unconditionally by Decree 1163 of 18 June 1982. |
| LACAY de BARDELLI, Celina | On probation by virtue of Decree 557 of 7 September 1982. |
| LELLIN, Néstor Gilberto | No trace of arrest or warrant for arrest. |
| LESCANO, Leonardo | Released unconditionally on 7 April 1977 by Decree 951/77. |
| LIZARRAGA, Hugo A. | On probation by virtue of Decree 557 of 7 September 1982; released from U9 La Plata on 11 September 1982. |

Reports of the Committee on Freedom of Association

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| LUCAS, Cristina María | A person under the name of LUCCA, María Cristina, is being held in the custody of the Federal Judge of Paraná; currently held in U9 Paraná. |
| LUDUENA, Oscar Delmiro | Released unconditionally by Decree 841/79; no official trace since his release. |
| LUNA, Gerardo Benjamín | Released unconditionally by Decree 1283 of 19 November 1982. |
| MAGARINOS, Ernesto | No trace of arrest or warrant for arrest. |
| MAGGI, Nora Beatriz | On probation by virtue of Decree 878 of 14 October 1982. |
| MANESI, Carlos Alberto | In PEN custody; currently held in U6 Rawson. |
| MANFREDI, José Angel | No trace of arrest or warrant for arrest under the name of MANFREDI, Angel (ILO informed on 21 April 1977); no further information. |
| MARELLI, Jorge Francisco Ramón | Released unconditionally by Decree 1596 of 21 December 1982. |
| MAROTTA, Gabriel Oscar | On probation by virtue of Decree 878 of 14 October 1982. |
| MEDINA, Walter | Sentenced to 20 years' imprisonment by Permanent Council of War; sentence ends 3 March 1998. |
| MEDINA, José Félix | No warrant for arrest, not under arrest (ILO informed on 23 April 1977); no further official trace. |
| MENDOZA, Carlos Arturo | Released; proceedings brought before the Permanent Special Council of War, Province of Mendoza. |
| MORENO, Ramón | No trace of arrest or warrant for arrest. |
| MOSSETO, Miguel | Released unconditionally by Decree 1597 of 21 December 1982. |
| OCAMPO, Héctor | Released unconditionally by Decree 3006 of 12 October 1977; no further official trace. |
| OCHOA, Víctor Cándido | No trace of arrest or warrant for arrest. |
| OLIVO, Antonio | No trace of arrest or warrant for arrest under this name. |

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| ONTIVEROS SEBASTIAN, Silvia Susana | Released unconditionally by Decree 1964 of 30 June 1982. |
| PABICLO, Orlando | Released unconditionally. |
| PAEZ, José Francisco | Released unconditionally by Decree 1283 of 19 November 1982. |
| PAULON, Víctor Dante | Released unconditionally by Decree 483 of 4 March 1982. |
| PAZ, Oscar | A person under the name of PAZ, Francisco Oscar (L.E. 5.190.706) is being held in PEN custody in U9 Ia Plata. |
| PECZACK, Enrique | Sentenced to 8 years' imprisonment by the Permanent Special Council of War; sentence has been appealed. |
| PEREZ PEREZ, Hugo Eduardo | Being held in PEN custody in U9 Ia Plata. |
| PERRONE, Elba Clotilde | On probation by virtue of Decree 878 of 14 October 1982. |
| PONCE, Rodolfo Enrique | On the run; warrant issued for his arrest (ILC informed on 24 October 1978); no further information. |
| QUIROGA, Carlos | Released unconditionally by Decree 1064 of 31 May 1982. |
| RAMON, Horacio | No trace in police and security files under this name (ILO informed on 23 April 1977). |
| REIMER, Esteban Alfredo | No warrant for arrest and no trace of arrest under the name of RAIMER, Estéfano Alfredo (ILO informed on 23 April 1977). |
| REQUENA, Eduardo Raúl | No trace in police and security files. |
| REVELLO, María Cristina | On probation by virtue of Decree 557 of 7 September 1982. |
| RIVAROLA, Jorge | No warrant for arrest and no trace of arrest (ILO informed on 21 April 1977); no further trace. |
| RODRIGUEZ, José | Released unconditionally by Decree 10C7/79; no further information. |
| RODRIGUEZ, Juan Faustino | No trace of arrest, no warrant for arrest. |
| RODRIGUEZ, Pedro Ricardo | No trace in police and security files. |

Reports of the Committee on Freedom of Association

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| ROMANO, Rubén Hugo | No trace of arrest, no warrant for arrest under this name. |
| ROMERO, Pedro Pablo | Sentenced to 24 years and 6 months' imprisonment by Permanent Special Council of War; in prison pending appeal to Supreme Court. |
| ROVELLA, Anubis | Tried <u>in absentia</u> by Federal Court No. 20 on 8 March 1978. |
| RUGGERONI, Dante | Released by Decree No. 1077/77 (ILO informed on 18 October 1977); no official trace since his release. |
| SARMIENTO, Juan Cruz | Sentenced to 15 years' imprisonment by Permanent Special Council of War of San Luis; sentence ends 14 July 1992. |
| VERA, Norma Luján | On probation by virtue of Decree 1623 of 23 December 1982. |
| VILLAFICR, Raimundo Anibal | No trace of arrest, no warrant for arrest. |
| VILTE, María Ieticia | No trace in police and security files. |
| VILLAFLORES de HASAN, Josefina | No trace of arrest, no warrant for arrest. |
| WILLEMBERG, Rodolfo Miguel | No warrant for arrest, not currently held (ILO informed on 21 April 1977); no further official trace. |
| WILSON, Roberto Alejandro | No trace in police and security files. |

224TH REPORT¹

INTRODUCTION

1. The Committee on Freedom of Association, set up by the Governing Body at its 117th Session (November 1951), met at the International Labour Office, Geneva, on 21, 22 and 25 February 1983 under the chairmanship of Mr. Roberto Ago, former Chairman of the Governing Body.

2. The Committee had before it various complaints of infringements of trade union rights in Turkey presented by a number of trade union organisations (Cases Nos. 997, 999 and 1029), as well as a representation concerning the non-observance by Turkey of the Right of Association (Agriculture) Convention, 1921 (No. 11), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), made by the General Confederation of Trade Unions of Norway under article 24 of the Constitution of the ILO.

3. At its 221st Session (November 1982) the Governing Body adopted the interim conclusions submitted to it by the Committee in its 220th Report.

4. Since then, the Government has transmitted certain information. The Committee submits for the approval of the Governing Body a further report on this case and recommends the Governing Body to examine this report at its 222nd Session.²

Cases Nos. 997, 999 and 1029

COMPLAINTS PRESENTED BY THE WORLD CONFEDERATION OF LABOUR, THE WORLD FEDERATION OF TRADE UNIONS, THE INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS AND SEVERAL OTHER TRADE UNION ORGANISATIONS AGAINST THE GOVERNMENT OF TURKEY

Representation presented by the General Confederation of Trade Unions in Norway under article 24 of the Constitution Alleging Non-Observance of the Right of Association (Agriculture) Convention, 1921 (No. 11) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) by Turkey

5. The Committee has already examined these cases on

¹ See page 1, footnote 1.

² See page 1, footnote 2.

several occasions, the last being at its November 1982 meeting when it submitted an interim report to the Governing Body.¹

6. Since then, the ILO has received communications from the following complainant organisations: the Trade Unions International of Textile, Clothing, Leather and Fur Workers (23 November 1982); the World Confederation of Labour (5 January 1983); and the World Federation of Trade Unions (25 January 1983). These communications were transmitted to the Turkish Government for its observations. The Government, in communications dated 24, 25 and 26 January and 8 February 1983, transmitted information and observations concerning these cases and, in particular, on the recommendations formulated by the Committee in its 220th Report.

7. The Committee was also seized of a representation presented by the General Confederation of Trade Unions of Norway under article 24 of the ILO Constitution alleging the non-observance by Turkey of the Right of Association (Agriculture) Convention, 1921 (No. 11) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

8. Turkey has not ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); it has ratified the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

A. Previous examination of the cases by the Committee

9. When it last examined these cases in November 1982 the Committee had before it all the allegations and information supplied by the various complainant organisations, including the representation made, by virtue of article 24 of the Constitution, by the General Confederation of Trade Unions of Norway, the Government's written responses to these allegations and, in addition, all the information obtained by the representative of the Director-General in the course of the direct contacts mission which he carried out in Turkey from 12 to 22 July 1982.

10. In the first place, the Committee expressed its deep concern and regret that the authorities, for reasons which the Committee found difficult to accept, had failed to accede to the requests repeatedly made by the representative of the Director-General during his mission to meet some of the 52 DISK leaders presently standing trial in Istanbul. The Committee, accordingly, regretted that, on this particularly important aspect of the case, the mission had been thereby unable to obtain, directly from those concerned, important evidence on which the Committee might reach conclusions in the fullest knowledge of the facts.

11. The Committee recalled that it had been seized of a number of cases against Turkey since November 1980 following the receipt of several complaints containing particularly serious

¹ See 220th Report, approved by the Governing Body at its 221st Session (November 1982).

allegations of violations of human and trade union rights consequent upon the military takeover of 12 September 1980. These allegations concerned in particular the banning of two Turkish trade union confederations, the Confederation of Unions of Progressive or Revolutionary Workers (DISK) and the Confederation of Unions of Nationalist Workers (MISK), as well as certain TURK-IS affiliated organisations, the arrest and detention of trade unionists, the suspension of trade union activity, including the right to bargain collectively and the right to strike, and the freezing of the assets of the banned trade unions. The Committee, accordingly, proceeded to examine each of these aspects of the cases in the light of all the information at its disposal.

I. Suspension of DISK, MISK and other organisations

12. The Committee noted that the Government had at no time contested the allegation that the Confederation of Unions of Progressive or Revolutionary Workers (DISK), the Confederation of Unions of Nationalist Workers (MISK) and some affiliated unions of the Confederation of Unions of Turkish Workers (TURK-IS) were suspended following the takeover by the military authorities on 12 September 1980. The Government, however, had consistently argued that the suspension of these organisations had been justified because of the structural links that existed between these organisations and certain illegal clandestine organisations whose object was to overthrow the existing regime by force. These trade union organisations, according to the Government, had been infiltrated by the terrorist elements and anarchists who were responsible for the chaos and terror that prevailed in the country prior to 12 September 1980.

13. The property and assets of the suspended organisations had been frozen and placed in the hands of trustees appointed by the courts. From the information gathered on the spot, it seemed that, in spite of the suspension measures, the assets of these organisations had accumulated, and were continuing to accumulate, as a result of the uninterrupted payment, through the check-off system, of trade union contributions by the members of the unions in question.

14. As regards this aspect of the case the Committee pointed out that it fully appreciated the Government's arguments that the situation in Turkey prior to 12 September 1980 called for radical measures being taken to eliminate the terrorism and anarchy that prevailed throughout the country. The Committee, however, stated that it could not accept that the situation, no matter how serious, justified the Government in suspending major trade union organisations thereby depriving many thousands of workers of the means through which to defend and promote their occupational interests. The Committee emphasised the importance which it attaches to the principle that workers' and employers' organisations should not be subject to suspension or dissolution by administrative authority and that the suspension or dissolution of an organisation by a government acting in the exercise of its legislative functions does not ensure the right of defence which normal judicial procedures alone can guarantee and which the Committee considers

essential. These principles, the Committee has pointed out, are equally applicable when such measures of suspension or dissolution are taken even during an emergency situation.

15. The Committee expressed the firm hope that the measures of suspension taken against the organisations in question would be lifted at an early date and that these organisations would be able to resume their normal trade union activities in full possession of their property and assets which were confiscated and placed in the hands of trustees.

II. The arrest and detention of trade unionists

16. The Committee examined all the information contained in the documents before it and in the report of the representative of the Director-General concerning this aspect of the case, which concerned, in particular, the 52 trade union leaders of DISK on trial in Istanbul. These trade unionists, whose trial commenced on 24 December 1981, are involved in charges under various sections of the Turkish Penal Code which concern offences against the security of the State and in respect of which the death penalty can be imposed. The Committee noted that this, and the many other trials that are taking place throughout the country, are being held under the martial law provisions and that martial law procedures are applied in the various tribunals that have been set up in the country. The Committee also noted from the report of the representative of the Director-General the conditions in which the trial of the DISK leaders is taking place and in particular that the lawyers entrusted with their defence seemed reasonably satisfied that access to the accused, although restricted, was adequate.

17. The Committee noted, however, with profound concern the fact that, after almost one year, the trial was still in its early stages with only a few of the 52 accused trade unionists having been questioned in court. In the view of the Committee the reasons for the slowness in the procedure, as described in the report of the representative of the Director-General, were inadmissible. The Committee urged the Government to take steps to ensure that the trial was brought to an end as rapidly as possible. The Committee emphasised the importance which it attaches to the principle of prompt and fair trial by an independent and impartial judiciary in all cases, including cases in which trade unionists are charged with political or criminal acts which the Government considers have no relation to their trade union functions.

18. The Committee expressed the sincere hope that, in view of the fact that a climate of peace and tranquillity has now been restored in the country, measures of clemency would be taken as regards the 52 trade union leaders in question. The Committee was convinced that the release of those persons, or at least the abandonment of the outstanding plea for the death penalty, would contribute to reducing the tension that remained as a result of their continued detention.

III. Allegations of torture

19. As regards the allegations of torture or ill-treatment against detained trade unionists, the Committee observed from all the evidence adduced that torture or ill-treatment appeared to have been limited to the early stages of arrest and interrogation by the police. Although none of the persons interviewed spoke of ill-treatment while in the custody of the military authorities, the Committee nevertheless expressed its concern at the number of cases of torture that had been alleged and regarding which the military authorities stated that those responsible were being pursued and prosecuted. The Committee urged the Government to continue this action and to investigate carefully and promptly all such allegations made by persons arrested or detained.

20. More specifically as regards the allegations of torture that had been made by Mr. Bastürk, the Committee noted from documents transmitted by the Government in response to the request made by the representative of the Director-General, that, on 24 February 1981, General Necdet Uruq, Commander of the 1st Army, had sent a written order to the Military Prosecutor of Martial Law Command to conduct an inquiry into the allegations made by Mr. Bastürk of physical coercion during the period when he was held in custody prior to his arrest (10 October 1980 to 27 December 1980).

21. In another document dated 26 July 1982, signed by the Deputy Prosecutor of Martial Law, Istanbul, it was stated that a preliminary inquiry was conducted on 26 February 1981. The Deputy Prosecutor, in this document, stated that the initial entrance examination of Mr. Bastürk showed that there had been no signs or symptoms of physical coercion, his physical state being normal. In addition, there had been no evidence of internal sickness. Furthermore, a medical examination was carried out on 3 March 1981 by the Chief of Haydarpasa Military Hospital, Doctor Colonel Nusret Özden, who had been reminded of his oath before proceeding with the examination. This examination, the report on which had been shown to and signed by Mr. Bastürk, revealed no external or internal pathological symptoms and that the general situation had been normal. Mr. Bastürk had signed this report without making any comment thereon. For these reasons, the Deputy Prosecutor had decided that the allegations made had been groundless and that there had been no cause to investigate the matter further.

22. A further document transmitted by the Turkish authorities, and signed by General Haydar Saltik, another army commander, dated 29 July 1982, contained the response of General Saltik to the above decision. In this response the General had pointed out that, although Mr. Bastürk could not supply concrete information concerning the persons who, he alleged, tortured him by blindfolding him, dealing him blows to the head and kidneys and insulting him and his family, the inquiry should nevertheless continue in order to determine the accuracy of his allegations. The General had instructed that the written complaint of Mr. Bastürk, submitted to the Military Court No. 3, should be requested from this court and examined, and the officials assigned to interrogate him, as well as the personnel responsible for the security of the complainant, identified and questioned concerning the allegations. The General rejected and annulled the decision that no grounds

existed to continue the investigation since, in his view, the medical reports alone were insufficient to enable conclusions to be reached.

23. The Committee also noted that, as regards Mrs. Yardimci whose leg was said to have been broken as a result of torture, the authorities had submitted a medical report, dated 13 April 1982, issued by the Haydarpasa Military Hospital, which indicated that, following complaints concerning injuries to the head and nose and her general psychological condition, no signs of force or coercion had been found. A psychiatric examination had revealed slight neurosis for which medication was prescribed. The document added that, in view of the medical report, the Military Prosecutor of the Martial Law Command had instituted an inquiry on 22 April 1982.

24. The Committee, taking note of this information, requested the Government to keep it informed of the results of the investigations into both cases.

IV. Suspension of trade union activity

25. From all the information at its disposal the Committee could only note with great concern that trade union activity had ceased almost totally in Turkey with the introduction of martial law almost two years ago. It also noted with concern that, although the Government had announced a programme for a full return to democracy in the near future, commencing with the promulgation of the new Constitution, trade union activities were nevertheless likely to be severely limited. For example, the Committee had noted that the draft Constitution itself contained provisions imposing serious restrictions on the right to strike, the preservation of the Supreme Arbitration Board and placing a total ban on trade union links with political parties.

26. The only confederation not to have been suspended (with the except of certain of its affiliates) TURK-IS, which represents the majority of workers in Turkey, had continued to function within the limits imposed by martial law, but without the right to strike or bargain collectively. Apart from being able to make its opinions known on social and economic matters through its publications, public statements and access to the Government, its most important role in the labour field had probably been its participation in the Supreme Arbitration Board which renewed and adjusted collective agreements that had reached expiry.

27. The Committee recalled that the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), ratified by Turkey, calls upon governments to adopt measures to encourage and promote the full development and utilisation of machinery for voluntary negotiation between employers and employers' organisations and workers' organisations. The Committee also emphasised that the right to strike is one of the essential means through which workers and their organisations may promote and defend their occupational

interests. In its previous examination of this case¹ the Committee had stressed that measures restricting the free exercise of trade union rights, in particular the right to strike and to bargain collectively, should be limited in time and in scope to the immediate period of emergency. It accordingly urged the Government to take rapid steps to life all the measures imposed following the declaration of martial law in the country and which had led not only to the suspension of various trade union organisations but which had resulted in the suspension of practically all trade union activity.

V. The new Constitution

28. As regards the new Constitution the Committee noted that this was adopted following a national referendum which had taken place on 7 November 1982. The Committee also noted that the new Constitution took account of certain amendments which were introduced by the National Security Council following the discussion of the draft in the Consultative Assembly. As regards trade union rights these amendments concern former article 55 of the draft (now article 51 of the Constitution) relating to the right to establish trade unions, and to which certain additional paragraphs had been added.

29. The Committee made the following comments:

1. Article 51. The requirement of ten years of actual work to qualify for trade union office is not in conformity with Article 3 of Convention No. 87 which provides that workers' and employers' organisations shall have the right to elect their representatives in full freedom.
2. Article 52. With regard to the total ban on political activities the Committee pointed out, as it has done on a number of occasions, that if trade unions are prohibited in general terms from engaging in any political activities this may raise difficulties by reason of the fact that the interpretation given to the relevant provisions in practice may change at any moment and considerably restrict the possibility of action of the organisations. It would therefore seem that States should be able, without prohibiting in general terms political activities of occupational organisations, to entrust to the judicial authorities the task of repressing abuses which might, in certain cases, be committed by organisations, which had lost sight of the fact that their fundamental objective should be the economic and social advancement of their members.
3. Article 53. As regards the right to strike the Committee noted that, while this right is guaranteed by the Constitution, its exercise is subject to important restrictions. For example, solidarity strikes, general strikes, go-slow action, action aimed at the reduction of production and strikes in small-scale enterprises employing

¹ See 214th Report, para. 571.

fewer than ten persons are all prohibited. The Committee also noted that the procedures for, and the conditions under which the right to strike may be exercised would be fixed by law. In this connection, the Committee recalled the principle that the right to strike is one of the essential means through which workers and their organisations may promote and defend their occupational interests.

30. More generally, as regards the new Constitution the Committee expressed its concern that this contains provisions that are not in conformity with ILO standards and principles on freedom of association. It requested the Government to indicate the measures it intended to take to ensure full compliance with these standards and principles. The Committee reminded the Government that the ILO remained at its disposal to extend to it, as well as to the various organisations of workers and employers, any assistance which it might contribute to the preparation of future legislation with a view to ensuring a situation that would be in conformity with the principles and standards adopted by the ILO in the field of freedom of association.

31. The Committee requested the Government to keep it informed of further developments in the situation and, in particular, of any measures, legislative or otherwise, that might be taken to restore trade union rights in Turkey. It hoped that any future legislation would be prepared in full consultation with the representative workers' and employers' organisations.

32. In all these circumstances, the Committee recommended the Governing Body to approve its report and, in particular, the following conclusions:

- (a) The Committee expresses its appreciation to the Government of Turkey for its co-operation in accepting a visit by the representative of the Director-General and for providing the necessary facilities to enable the representative to carry out his mission.
- (b) The Committee, however, expresses its deep concern and regret that the authorities failed, for reasons which the Committee finds difficult to accept, to permit access, by the representative of the Director-General, to some of the 52 leaders of DISK who are presently standing trial in Istanbul.
- (c) As regards the suspension by the authorities of the Confederation of Progressive or Revolutionary Workers (DISK), the Confederation of Unions of Nationalist Workers (MISK) and some affiliated unions of the Confederation of Turkish Workers (TURK-IS), the Committee considers that it is essential, even during an emergency situation, that any suspension of workers' or employers' organisations should be carried out by the judicial authorities, which alone can guarantee the rights of defence.
- (d) The Committee expresses the firm hope that the measures of suspension will be lifted at any early date and that the organisations concerned will be able to assume their normal trade union activities in full possession of their property and assets which were confiscated and placed in the hands of trustees.

- (e) As regards the DISK trial, the Committee notes with profound concern that, after almost one year, this trial is still in its early stages. The Committee urges the Government to take steps to ensure that the trial is brought to an end as rapidly as possible. It considers that measures of clemency, such as the release of the persons concerned, or at least the abandonment of the plea for the death penalty, would contribute to reducing the tension that remains as a result of their continued detention. The Committee also requests the Government to transmit its observations on the 20 persons associated with the DISK and named by the WFTU in respect of whom the death sentence or long terms of imprisonment have allegedly been requested.
- (f) The Committee expresses its grave concern at the number of cases of torture that have been alleged. The Committee urges the Government to continue to pursue and prosecute those responsible and to investigate carefully and promptly all such allegations made by persons arrested or detained. In particular the Committee requests the Government to keep it informed of the results of the inquiries in the cases of alleged torture of Mr. A. Bastürk and Mrs. Yardıncı, respectively President and Adviser of DISK.
- (g) The Committee notes with great concern that, since the introduction of martial law, practically all trade union activity has ceased in Turkey. Recalling in particular the principles contained in the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), ratified by Turkey, and the principle that the right to strike is one of the essential means through which workers and their organisations may promote and defend their occupational interests, the Committee urges the Government to take rapid steps to life all the measures imposed following the declaration of martial law.
- (h) As regards the new Constitution the Committee expresses its concern that this contains provisions that are not in conformity with ILO standards and principles on freedom of association. It requests the Government to indicate the measures it intends to take to ensure full compliance with these standards and principles.
- (i) The Committee would remind the Government that the ILO remains at the disposal of all the parties concerned for any assistance it might contribute to the preparation of future labour legislation, with a view to ensuring a situation that is in conformity with ILO standards and principles in the field of freedom of association.
- (j) The Committee requests the Government to keep it informed of further developments in the situation and, in particular, of any measures, legislative or otherwise, that might be taken to restore trade union rights in Turkey. It hopes that any future legislation will be prepared in full consultation with the representative workers' and employers' organisations.

B. The Government's reply

33. In its communication dated 26 January 1983 the Government states that it has studied the report of the Committee and that it appreciates the interest of the ILO in making a correct and full assessment of the labour situation in Turkey. The Government adds that the granting of its consent to the direct contacts mission by a representative of the Director-General was ample proof that it was highly interested in making the facts known, thus making it possible to reach conclusions that were unbiased. The Government states that it wishes to make a number of critical observations on the Committee's report. It adds, however, that, notwithstanding these observations, it is prepared to maintain the co-operation and constructive dialogue that exists between it and the ILO.

34. First, the Government welcomes the remarks of appreciation contained in the report of the representative of the Director-General, for the co-operation he received from the Turkish authorities during his direct contacts mission. The Government also expresses its appreciation for the impartial manner in which that mission was carried out.

35. As regards the Committee's criticism of the fact that access to some of the detainees on trial in Istanbul was denied to the mission the Government states that the regulations governing the interviewing of detainees apply exclusively to next-of-kin and to attorneys, and that the authorities were obliged to apply the rule of law in refusing the ILO representative's request to meet with the detainees. The spirit of co-operation in which the Turkish Government welcomed an ILO mission could not be allowed to result in a violation of the law.

36. As regards the suspension of the DISK and MISK organisations the Government emphasises that this measure was taken on the basis of evidence that acts had been committed by the administrators and some members of these unions, using trade union facilities, which constituted crimes against the State. The measures of suspension, made effective by Martial Law No. 1402, were in no way connected with the trade union activities of these unions. The cases brought under this law were dealt with by independent courts. Under Martial Law No. 1402 the Martial Law Commanders are empowered to suspend trade union activities or subject these to prior permission. The matter was a purely internal one and in the hands of independent courts.

37. As for persons in custody, the Government points out that their release, or the lifting of the death penalty, are matters that are the sole responsibility of the independent courts, and the Government has no means to intervene with the independent judiciary. The Government adds that considerable legislative measures have been taken since 12 September 1980 towards bringing all trials to early conclusion.

38. In separate communications dated 24 and 25 January and 8 February 1983 the Government indicates that the Turkish Martial Law Court of Istanbul, which has been trying the members of DISK, decided at its hearings on 14, 19 and 21 January and 2 February 1983 to release the following detained persons:

| | |
|-----------------|---|
| Sefer Güvenç | Former representative of DISK for the third (Izmir) region. Expert at the headquarters of DISK for training and organisation. |
| Recep Koç | Former representative of DISK for the fourth (Antalya) region as well as for the Mining Trade Union. |
| Ali Taser | Member of the Honorary Board at the Fifth and Sixth General Assemblies of DISK. |
| Rafer Demirtel | Former representative of DISK for the sixth (Eskisehir) region. |
| Süleyman Turan | Former representative of DISK for the eleventh (Erzurum) region. |
| Celan Alçinkaya | Former representative of DISK for the fourteenth (Istanbul) region. |
| Yusuf Yürekli | Former representative of DISK for the first (Adana) region. |
| Ahmet Isvan | Former Mayor of Istanbul. |
| Saim Akbulut | Former representative of DISK for the third (Izmir) region. |
| Hasan Kahraman | Former representative of DISK for the fifteenth (Kartal) region. |
| Türker Azakli | Auto tyres trade union. |
| Osman Ozkan | Auto tyres trade union. |
| Talat Oz | Auto tyres trade union. |
| Fikri Tanta | Auto tyres trade union. |

39. Concerning the property of suspended trade unions, the Government, in its communication of 26 January 1983, states that, contrary to the conclusions reached by the Committee, the property and assets of these unions have not been confiscated by the Government. The Government adds that a new Act (No. 2316) has been passed to defend the rights and interests of the unions concerned by the appointment of trustees by the competent labour courts. Whether or not the activities of these unions will be resumed will depend upon the court rulings in the cases concerning them but, in any event, trade union activities in general will certainly resume upon the entry into force of the new labour laws referred to in the 1982 Constitution.

40. As regards restrictions on collective bargaining the Government points out that the stabilisation measures that were taken on a temporary basis under extraordinary circumstances would in no way contradict Convention No. 98. The unusually adverse conditions prevailing in the country prior to 12 September 1980 - and which were objectively described in the ILO representative's report - had unbearable impacts, e.g. economic crisis, terror and

anarchy, which inevitably led to certain temporary restrictions being imposed. The Government recalls that temporary restrictions on free collective bargaining or the subjection of collective bargaining to prior government approval have clearly been found acceptable to the ILO supervisory bodies.

41. The Government adds that, despite the difficulties prevailing in a period when collective bargaining could not be achieved because of social disturbances, and with a view to enabling the workers to continue enjoying the benefits of collective bargaining, arrangements were made so that the expiring collective agreements could be revalidated and adjusted to take account of the cost of living, inflation, etc., by a tripartite Supreme Arbitration Board, headed by a judge. As a result of this unique mechanism which was introduced as a temporary measure, 3,203 collective agreements were renewed in 1982 thus enabling 1,169,804 workers to enjoy the benefits of collective bargaining. Furthermore, during the same period, 64,575 more workers who were not parties to agreements were able to benefit from collective agreements by 11 decisions to extend the coverage of collective agreements to workers not covered in those agreements. In the very near future, upon the entry into force of the new legislation on trade unions, collective bargaining, strikes and lockouts, which, the Government points out, will not be finalised before consulting with the workers' and employers' organisations, as well as the universities, the existing temporary system will be replaced by free collective bargaining.

42. The Government states that it has always been concerned and sensitive about allegations of torture. The Government accepts the fact that there have been some cases of torture - which is obviously against Turkish law - which have been investigated. The Government, however, is also of the view that allegations of torture, being such a sensitive issue, have been exaggerated to a very high degree by certain circles with the object of defaming the administration. The Government states that it will certainly keep the ILO informed of the results of the investigations concerning allegations of torture.

43. As regards the Committee's observation that the new (1982) Turkish Constitution contains provisions which are not in conformity with ILO standards and principles on freedom of association, the Government points out that the amendments made to the draft Constitution following the mission, and prior to its adoption, were so significant that the President of TURK-IS declared his approval of the final draft. The Government points out that, contrary to what is stated in the Committee's report, the new Constitution contains no provisions prohibiting strikes in small-scale enterprises employing fewer than ten persons. The Government states that it is wrong to conclude that the prohibition of general strikes, solidarity strikes, go-slow actions and actions aimed at the reduction of production constitute important restrictions on the right to strike. The Constitution stipulates that the procedures for, and the conditions under which the right to strike may be exercised shall be fixed by law. The Turkish legislature has always been conscious of the fact that the right of strike is "one of the essential means through which workers and their organisations may promote and defend their occupational interest". The Government also points out that the check-off system in Turkey has not been abolished by the new Constitution.

44. Finally, the Government states that it is prepared to continue its dialogue and benefit from the co-operation with the International Labour Organisation. It is, however, natural that national legislation should be drafted by the competent national bodies, taking account of national conditions and needs. The draft labour legislation, after having been thus formulated, will certainly be open to suggestions and criticisms of the ILO.

C. Additional allegations

45. In a communication dated 23 November 1982 the Trade Unions International of Textile, Clothing, Leather and Fur Workers demand the liberation of 28 leaders of their affiliate TEXTIL.

46. In a communication dated 5 January 1983 the World Confederation of Labour makes certain allegations concerning the manner in which the national referendum for the adoption of the Constitution was conducted. Concerning the Constitution itself, the WCL draws attention to article 13 which, it states, places restrictions on rights and freedoms. Articles 26 and 28, continues the WCL, which restrict freedom of expression, are sufficiently vague to permit of all kinds of interpretation. Likewise, article 23 (last two paragraphs) restricts the right of expression of trade unions. When read with article 52 it is, again, open to wide interpretation. According to the WCL the right of public servants to organise is not guaranteed in the Constitution. Article 127 (last paragraph) states that such organisations can only be formed with the consent of the Council of Ministers, contrary to Conventions Nos. 87 (Article 2) and 151 (Article 5). Furthermore, states the WCL, the consequence of article 104 of the Constitution is that the independence of the judiciary is not guaranteed.

47. The WCL adds that, in addition to the trial of 52 DISK leaders, the following trials are in process: 1) before the military court of Istanbul: the union of press employees (Basir-Is), the union of textile workers (Textil Sendikasi) and the union of rubber workers (Lastik-Is); (2) before the military court of Ankara: the union of public service workers (Genel-Is). The charges brought in these cases are the same as those in the DISK trial. Charges are also being brought against other organisations which had good relations with DISK, e.g. the union of writers, the union of hospital workers, the union of health workers (Tum Has-Is). The WCL is of the view that these facts show that the authorities wish to put an end to any organisation that truly defends the rights of workers.

48. As regards cases of torture the WCL mentions the case of Mr. Cetin Uygur, President of the Mineworkers' Federation, affiliated to the DISK, and a member of the DISK executive committee, in respect of whom an investigation is said to have been initiated by the Istanbul martial law authorities.

49. In its communication dated 25 January 1983 the World Federation of Trade Unions states that the situation in Turkey is deteriorating and that, because of the continuing persecution of trade unions and their members, and the promulgation of the new

Constitution, there is reason to fear for the future of trade unionism in the country. In addition, states the WFTU, it is unlikely that the DISK trial will be brought to an end in the near future. DISK, whose affiliates were suspended by decree of the military regime for their trade union activities prior to the military takeover, was subjected to severe repression. In addition the new Constitution prohibited all trade union activity.

50. The WFTU adds that the DISK leaders have already spent 27 months in prison, while the trials of the leaders of its affiliates were only just beginning. In particular the WFTU refers to seven new trials which, it states, are just commencing in Istanbul and involving seven affiliates of DISK. In these trials, continues the complainant, the prosecutor has requested the banning of these already suspended unions, and sentences of up to 20 years for the leaders of the unions concerned. These measures affect (a) 24 leaders of BANK-SEN (Banks, Insurance); (b) 27 leaders of BASIN-IS (Press); (c) 51 leaders of GIDA-IS (Food); (d) 16 leaders of LASTIK-IS (rubber, plastic); (e) 20 leaders of MADEN-IS (metalworkers); (f) 24 leaders of PETKIM-IS and (g) 28 leaders of TEKSTIL (textile workers). According to the WFTU another trial, involving the Union of Turkish Writers and its 18 leaders, has started in Istanbul. Seventeen of the 18 named leaders risk being sentenced to 8 to 15 years' imprisonment, while one risks receiving a one-year sentence. The WFTU mentions the case of Metin Dznizmen, President of the BANK-SEN (Banks, Insurance) who, by decree of the Council of Ministers, was stripped of his rationality.

51. The WFTU alleges that, in practice, there is no protection against dismissal and that, in 1982, there were 4,172 cases of dismissals for economic reasons and authorised by the Ministry of Labour. The prohibition against dismissal contained in Decree No. 3 of the National Security Council is practically annulled by an instruction issued by the Military High Command and communicated, on 8 February 1982, to the Ministry of Labour and the Prime Minister. In accordance with this instruction employers may dismiss workers who "act in a manner contrary to the principles of good behaviour and morals". According to the WFTU, this vague provision enables employers to dismiss at will and without any possibility of trade union intervention to protect the workers concerned.

52. In addition, continues the WFTU, the authorities, by amending Law No. 1402 on the State of Siege, empowered the military commanders to dismiss public servants. During the first six months of 1981, 20,000 officials in state enterprises were dismissed and over the last 2 years 5,040 teachers and educators were dismissed for "ideological reasons". The Supreme Arbitration Board, according to the complainant, inserts into every collective agreement a provision for the dismissal of a worker in case of his condemnation and detention. Such a clause provides, for example, for the automatic dismissal of a worker who has spent more than 30 days in detention. A worker who is held in custody is considered as being on leave without pay, and he will be dismissed if a warrant for his arrest is issued.

53. The WFTU recalls that a person can be held in custody on suspicion and without charge for 45 days. It states that about 100 DISK militants and trade unionists have been detained for more than 2 years without their trials having yet begun.

D. The Committee's conclusions

54. In the first place, the Committee notes the expression by the Government of its willingness to maintain its co-operation and a constructive dialogue with the ILO on the questions at issue.

55. When the Committee previously examined these cases it expressed its particular regret that the representative of the Director-General, during his mission to Turkey in July 1982, had been denied access to the 52 DISK leaders on trial in Istanbul. The Committee notes the explanations now provided by the Government that the authorities, in denying access, were only applying the relevant regulations. The Committee would nevertheless recall that the relevant regulations do permit, in certain cases, exceptions to be made. It is the unwillingness of the authorities to grant access to the detainees to an ILO mission that is to be regretted.

Suspension of DISK, MISK and other organisations

56. As regards the suspension of these organisations, the Committee notes that the Government, in its reply, confines itself to repeating that, under Martial Law No. 1402 the military commanders were empowered to suspend organisations for activities which constituted crimes against the State and which had no bearing on trade union activities. The Government adds that these questions are still in the hands of independent courts and that, in any event, trade union activities will resume in general when the new labour laws, to be promulgated under the 1982 Constitution, have entered into force. According to the Government, the property and assets of the suspended organisations have not been confiscated by the Government, and a new Act (No. 2316) has been passed to defend the rights and interests of the unions concerned by the appointment of trustees by the labour courts.

57. In the circumstances the Committee would again express the firm hope that the measures of suspension imposed by the military authorities on the DISK, the MISK and on other affiliated unions of TURK-IS, will soon be lifted and that these organisations will be able to function freely and in full possession of the property and assets that are now under the control of appointed trustees. The Committee requests the Government to supply information on the court proceedings that are said to be taking place to deal with questions concerning the suspended trade unions and their assets.

Arrest and detention of trade unionists

58. As regards the numerous trials that are proceeding, and which involve trade unionists, in particular the trial of the 52 DISK leaders by the Military Court in Istanbul, the Committee notes the Government's statement that steps have been taken to bring all trials to an early conclusion. The Committee regrets, however, that

the Government provides no specific information regarding the present state of these trials nor any more precise indication as to when they can be expected to be concluded. On the other hand the Committee notes the information supplied by the Government that some of the 52 trade unionists involved in the trial (the names of 14, including the former mayor of Istanbul are provided) have now been released. The Committee trusts that these releases may soon be followed by others. It would urge the Government to continue to transmit information on the status of the DISK and other trials involving trade unionists.

59. The Committee continues to be of the firm conviction that measures of clemency, such as the release of the persons concerned or the abandonment by the military prosecutor of the plea for the death penalty, would contribute to reducing the tension that results from their continued detention, as well as favouring a situation in which trade union activities can be resumed in a climate of normalcy.

60. The Committee once again requests the Government to transmit its observations on the 20 other persons associated with DISK, and named by the WFTU, in respect of whom the death sentence or long terms of imprisonment have allegedly been requested. The Committee also requests the Government's observations on the further specific allegations concerning trials of DISK affiliates contained in the WFTU communication dated 25 January 1983.

Allegations of torture

61. The Committee notes the Government's statement, in response to the Committee's request to be kept informed of the results of inquiries into the alleged cases of torture, that it will communicate to the ILO the results of such investigations. While the Committee welcomes this confirmation, it would point out that, except in the cases concerning Mr. Basturk and Mrs. Yardimci, respectively President and legal advisor of DISK, no specific information has been supplied by the Government on the status of inquiries into the alleged torture of other persons named by the complainant organisations. The Committee would, accordingly, urge the Government once again to investigate promptly and carefully all such allegations and to pursue and prosecute those found responsible. It requests the Government to transmit more detailed information concerning such cases and, more particularly, concerning the outcome of the investigations into the alleged torture of Mr. Basturk, Mrs. Yardimci and the other persons named by the complainants.

Suspension of trade union activity

62. From the Government's reply the Committee observes that since its previous examination of these cases the situation particularly as regards the suspension of collective bargaining and the ban on the right to strike remains unchanged. The Government,

however, supplies information and statistics showing the numbers of collective agreements that were renewed by the Supreme Arbitration Board in 1982 and the number of workers who benefited therefrom. The Government adds that the present system, a temporary one, will be replaced by free collective bargaining upon the entry into force of the new legislation on trade unions and that such legislation will not be finalised before the workers' and employers' organisations have been consulted.

63. The Committee, while recognising that certain temporary restrictions on collective bargaining may be acceptable in exceptional circumstances, would again recall the principles contained in the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) which Turkey has ratified, as well as the principle that the right to strike is one of the essential means through which workers and their organisations may promote and defend their occupational interests. The Committee requests the Government to give its urgent attention to the preparation of the new trade union legislation which, it hopes, will lead to the lifting of the existing restrictions on trade union activity and to the return to a situation in which - despite the limitations imposed on trade union activity imposed by the Constitution - trade union rights, and in particular free collective bargaining and the right to strike will be fully guaranteed in accordance with ILO principles. The Committee requests the Government to supply information on the progress being made towards the finalisation of the new legislation.

64. In this connection, the Committee notes the Government's statement that the new legislation, as drafted by the competent national bodies, will be open to the suggestions and criticisms of the ILO. The Committee would repeat that the ILO remains at the disposal of all the parties concerned for any assistance it might contribute to the preparation of the draft legislation, and accordingly, requests the Government to send, as soon as possible, to the ILO the draft legislation for comment.

The Committee's recommendations

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

- (a) To note the expression by the Government of its willingness to maintain its co-operation and a constructive dialogue with the ILO on the questions at issue.
- (b) To repeat its regret that the authorities were unwilling to grant to an ILO mission access to some of the 52 DISK leaders standing trial in Istanbul. The Committee recalls that the relevant regulations permit certain exceptions to be made.
- (c) As regards the suspension of DISK, MISK and certain other trade union organisations, to express the firm hope the measures of suspension will soon be lifted and that these organisations will be able to function freely and in full possession of the property and assets that are now under the

control of appointed trustees; and to request the Government to supply information on the court proceedings that are said to be taking place to deal with questions concerning the suspended trade unions and their assets.

- (d) As regards the ongoing trials and the position of arrested trade unionists, to note that a number of the 52 DISK leaders have been released and to express the firm hope that these releases may soon be followed by others, and to urge the Government to continue to supply information on the status of the DISK and other trials involving trade unionists.
- (e) To emphasise that measures of clemency, such as the release of the persons concerned, or the abandonment of the plea for the death penalty by the military prosecutor, would contribute to reducing the tension that results from their continued detention, as well as favouring a situation in which trade union activities can be resumed in a climate of normalcy.
- (f) To request the Government to transmit its observations on the 20 other persons associated with DISK, and named by the WFTU, in respect of whom the death sentence, or long terms of imprisonment, have allegedly been requested.
- (g) As regards allegations of torture, to urge the Government once again to investigate promptly and carefully all such allegations and to pursue and prosecute those found responsible; to request the Government to transmit more detailed information concerning the outcome of the investigations into the alleged torture of Mr. Basturk and Mrs. Yardimci, and the other persons named in the complaints.
- (h) To recall, once again, the principles contained in the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), ratified by Turkey, as well as the principle that the right to strike is one of the essential means through which workers and their organisations may promote and defend their occupational interests.
- (i) To request the Government to give its urgent attention to the preparation of the new trade union legislation which, it is to be hoped, will lead to the lifting of the existing restrictions on trade union activity and to the return to a situation in which - despite the limitations imposed on trade union activity by the Constitution - trade union rights, and in particular, free collective bargaining and the right to strike, will be fully guaranteed in accordance with ILO principles; and to request the Government to supply information on the progress being made to finalise the new legislation.
- (j) To note the Government's statement that the new draft legislation will be open to the suggestions and criticisms of the ILO and to repeat that the ILO remains at the disposal of all the parties concerned for any assistance it might contribute to the preparation of the draft legislation; it requests the Government to send, as soon as possible, to the ILO the draft legislation for comment.

- (k) To request the Government to transmit its observations on the further allegations presented by the WCL and the WFTU and forwarded to the Government.

Geneva, 25 February 1983.

(Signed) Roberto AGO,
Chairman.

225TH REPORT¹

INTRODUCTION

1. The Committee on Freedom of Association, set up by the Governing Body at its 117th Session (November 1951), met at the International Labour Office, Geneva, on 21, 22 and 25 February 1983 under the chairmanship of Mr. Roberto Ago, former Chairman of the Governing Body.

2. The Committee had before it a number of complaints of infringements of trade union rights in Poland presented by the International Confederation of Free Trade Unions and the World Confederation of Labour and a complaint concerning the non-observance by Poland of 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) made by Workers' delegates to the 68th (1982) Session of the International Labour Conference under article 26 of the Constitution of the ILC.

3. At its 221st Session (November 1982) the Governing Body adopted the interim conclusions submitted to it by the Committee in its 221st Report.

4. The Committee has examined this case in the light of the observations transmitted by the Government and the additional information supplied by the complainants. The Committee submits for the approval of the Governing Body a further report on the case and recommends the Governing Body to examine this report at its 222nd Session.²

Case No. 1097

COMPLAINTS PRESENTED BY THE INTERNATIONAL CONFEDERATION OF
FREE TRADE UNIONS AND THE WORLD CONFEDERATION OF LABOUR
AGAINST THE GOVERNMENT OF POLAND

COMPLAINT CONCERNING THE NON-OBSERVANCE BY POLAND OF 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), MADE BY
DELEGATES TO THE 68th (1982) SESSION OF THE CONFERENCE UNDER
ARTICLE 26 OF THE ILO CONSTITUTION

5. Following the proclamation of martial law in Poland on 13 December 1981 and the measures taken by the authorities against the Solidarity trade union and its militants and leaders, the

¹ See page 1, footnote 1.

² See page 1, footnote 2.

International Confederation of Free Trade Unions (ICFTU) and the World Confederation of Labour (WCL) submitted to the ILO complaints of violation of trade union rights in that country.

6. The Committee examined this case for the first time in February 1982.¹ Subsequently, a representative of the Director-General went to Poland in May 1982 and the Committee adopted a new report on the case at its meeting in May 1982.²

7. At its November 1982 meeting, the Committee again had before it the ICFTU and WCL complaints, as well as a complaint alleging non-observance by Poland of 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), made by Workers' delegates (Mr. Marc Blondel, delegate of France, and Mrs. Liv Bück, delegate of Norway) to the 68th (1982) Session of the International Labour Conference under article 26 of the Constitution of the ILO. After hearing the oral statements of the Vice-Minister of Labour of Poland, Mr. Gorski, the Committee presented an interim report to the Governing Body, which was adopted by it at its 221st Session (November 1982).³

8. Poland 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).

9. The WCL and the ICFTU supplied additional information in support of their complaints in communications dated 15 December 1982, 14 and 17 January and 14 February 1983. In addition, Mr. Blondel sent communications dated 24 January and 14 February 1983 in support of the complaint presented under article 26 of the Constitution. The Government supplied its observations in a communication dated 2 February 1983.

A. Previous examination of the case by the Committee

10. At its meeting in November 1982, the Committee took note of the developments that had taken place since it examined this case at its meeting in May 1982. It noted with concern that martial law was still in force. It considered that no real improvement in the trade union situation could be expected as long as martial law prevailed in the country.

11. First, the Committee noted with regret that, despite the previous recommendations of the Committee and the Governing Body, the Government had not entered into a genuine dialogue with the

¹ See 214th Report, paras. 696 to 751, approved by the Governing Body at its 219th Session (March 1982).

² See 217th Report, paras. 666 to 719, approved by the Governing Body at its 220th Session (May 1982).

³ See 221st Report.

trade union organisations in the country before the adoption by the Parliament of the new trade union law. The Committee was convinced that this lack of dialogue would not facilitate the institution of genuine trade unionism in the country.

12. The Committee noted, however, that, three days prior to the adoption of this legislation, a government delegation had come to the ILO to request a legal opinion on the conformity of the draft law with Conventions Nos. 87 and 98, as the Committee itself had suggested.

13. The Committee took cognisance of the comments which were made by the Office and transmitted to the government delegation. It was also informed that, as a result of these comments, the Parliament had made certain amendments to the initial draft to take account of the comments made by the Office. However, the Committee deplored the fact that certain fundamental provisions of the law which had been the subject of substantive comments by the Office, in particular the provision withdrawing the registration of existing trade unions, had not been amended.

14. The Committee took note of the new law on trade unions as adopted by Parliament on 8 October 1982. It considered it useful to comment on certain provisions of the new legislation in the light of Conventions Nos. 87 and 98, ratified by Poland, and the principles of freedom of association enunciated by both the Committee of Experts on the Application of Conventions and Recommendations and by the Committee itself. These comments related to the following matters: cancellation of the registration of existing trade unions, the timetable for the resumption of trade union activities, the exclusion of prison officials from the right to organise, the fact that collective bargaining may take place only at the branch level, the procedure for calling strikes (the agreement of the majority of the workers being required), an excessively long list of essential services in which strikes are prohibited and prison sentences for violation of the provisions on the right to strike.

15. In view of these various comments, the Committee expressed the firm hope that the Government would adopt the necessary amendments to the legislation. The Committee requested it to supply information on the measures taken to this end and on the practical application of the law, in particular as regards the duties which might be carried out in the new trade unions by former leaders of the dissolved organisations, including those who had been interned. The Committee also decided to draw this aspect of the case to the attention of the Committee of Experts on the Application of Conventions and Recommendations so that it would carry out a thorough examination of the legislation at its next meeting in March 1983.

16. As regards the measures of internment or arrest taken against leaders and members of Solidarity, the Committee noted the information supplied by the Government, in particular the exhaustive replies given concerning the interned persons whose names appeared in the lists annexed to the Committee's 217th Report and the complaint submitted under article 26 of the Constitution. It noted that, of the 204 persons mentioned in the list supplied by the ICFTU and the WCL, 100 had been released, and that of the 111 persons

whose names appeared in the list annexed to the complaint under article 26 of the Constitution, nine had been released. On the other hand, according to the supplementary information supplied by the complainants, there had been further arrests, especially during demonstrations held in late August and early September 1982. The Government had not replied to these new allegations or supplied information on the precise facts which had resulted in prison sentences being imposed on the workers mentioned by the complainants.

17. In addition, the Committee expressed its deep concern over the fact that one year after the declaration of martial law about 700 persons were still being held in prison.

18. However, the Committee welcomed the more recent information supplied by the Vice-Minister of Labour to the effect that he had received "information concerning the lifting of the measure of internment" that had been taken against Mr. Lech Walesa, leader of the trade union "Solidarity".

19. Once again, the Committee stated its conviction that the conditions necessary for the resumption of genuine trade union activities would only be created if the trade unionists still detained were released and an amnesty granted to those persons sentenced for having carried out activities of a trade union character. The Committee, therefore, again urged the Government to adopt measures to this end and to inform it of developments in the situation, in particular as regards the persons still detained.

20. As regards the events that took place at the Wujek mine and the ensuing deaths of some workers, the Government had supplied a detailed account of the conclusions reached by the inquiry held by the Office of the Military Prosecutor. According to the results of this inquiry, it appeared that the forces of order acted in self-defence and that consequently no charges were brought against them. The matter was also closed in so far as it concerned acts perpetrated against the troops since the authors of these acts could not be identified. The Committee noted with concern that the forces of order had entered the pit-head of the mine occupied by striking workers. The Committee deeply deplored these tragic events at the Wujek mine, all the more so because further allegations, to which the Government had not replied, had been made concerning deaths which had occurred in the course of clashes that took place between the forces of order and demonstrators in September 1982.

21. As regards the dismissal of workers, the Government stated that these measures were not discriminatory but were related to the economic situation of the country. Appeal procedures had been used by the workers concerned and, in 20 per cent of the cases, had resulted in their reinstatement. While noting this information, the Committee considered it essential to stress the importance of ensuring effective protection against acts of anti-union discrimination, in particular against dismissals, and of action to prevent measures of this type being imposed on persons who carry out or have carried out trade union duties.

22. Moreover, the Committee noted that - according to the Vice-Minister - loyalty declarations had been required from the workers before they were allowed to keep their jobs during the

Reports of the Committee on Freedom of Association

period following the proclamation of martial law. The Committee considered that, notwithstanding the provisions under which workers could lodge appeals against dismissals, such loyalty declarations constituted a serious interference by the public authorities in the workers' free choice of their organisations and a form of anti-union discrimination clearly contrary to Article 1 of Convention No. 98, ratified by Poland.

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23. The Governing Body also had to examine the appropriateness of establishing a commission of inquiry following the complaint presented under article 26 of the Constitution. In this regard, two factors had to be taken into consideration. First, with a view to ensuring the conditions necessary for genuine freedom of association, the Committee made certain recommendations - some of which could be implemented by the Government in a short period of time - about the measures to be taken, especially regarding the factual and legal situation, the imposition of martial law and the detained trade unionists. Secondly, the Parliament had adopted trade union legislation about which the Committee made comments, some of which were of particular importance. This legislation would be examined by the Committee of Experts on the Application of Conventions and Recommendations at its meeting in March 1983. A more comprehensive evaluation of the conformity of the new legislation with Conventions Nos. 87 and 98 would be possible when sufficient information was available as to the manner in which it was being applied in practice.

24. The Committee urged the Government to supply, in the very near future, detailed replies to the various points which the Committee considered essential in the light of Conventions Nos. 87 and 98. In its opinion, the trade union situation needed to be examined by the Committee and by the Governing Body at its February-March 1983 Session. For this reason, the Committee recommended the Governing Body to take a decision at its next session, in the light of the information, both factual and legal, at its disposal, and on the advice of the Committee, on the appropriateness of taking further action on the complaint under article 26 of the Constitution by the establishment of a commission of inquiry.

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25. In these circumstances, the Governing Body, on the Committee's recommendation, approved the following conclusions:

- "(a) The Committee notes with concern that martial law is still in force. It considers that no real improvement in the trade union situation can be expected as long as martial law prevails in the country. The Committee urges the Government to take the necessary measures to lift martial law in the very near future.

- (b) The Committee notes with regret that the Government did not enter into a real dialogue with the trade union organisations. It notes with deep concern that, on the contrary, the Government dissolved all the existing trade unions including, in particular, Solidarity. The Committee stresses the seriousness of this measure which is contrary to the principles on freedom of association.
- (c) As regards the new trade union legislation, the Committee was informed that the draft law was submitted to the ILO for comments three days before its adoption and that some of these comments had been taken into account in the text adopted by the Parliament. However, the Committee deplores the fact that some fundamental provisions of the law, which had been the subject of comments, have not been amended. The Committee draws the Government's attention to the principles and considerations which it has expressed regarding certain provisions which are not in conformity with the principles of freedom of association and collective bargaining, in particular as regards the scope of the recognition of trade union rights, the level of collective bargaining, the procedures concerning the right to strike, the determination of essential services where strikes are prohibited, penal sanctions for strikes, and the delays for the resumption of trade union activities.
- (d) The Committee expresses the hope that the Government will make the necessary amendments to the legislation in the light of these comments. It requests it to supply information on the measures taken to this end, as well as on the practical application of the new law, in particular as regards the duties which might be carried out in the new trade unions by the former leaders of the dissolved organisations, including those who have been interned. The Committee draws this aspect of the case to the attention of the Committee of Experts on the Application of Conventions and Recommendations.
- (e) As regards the provisions allowing the Council of State to shorten the transitional period for a return to trade union activities, the Committee trusts that the Council of State will considerably reduce the delays initially provided for so that the workers will again be able, in accordance with the provisions of Convention No. 87, to establish organisations of their own choosing at all levels in the shortest possible time.
- (f) The Committee draws the Government's attention to the principle concerning the devolution of the assets of dissolved trade unions and requests it to supply precise information concerning the destination of these assets.
- (g) As regards the internment and arrests of Solidarity leaders and members, the Committee notes that 109 of the persons appearing on the lists submitted to it have been released. However, the Committee notes that, according to the complainants, new arrests took place in August

and September 1982. It requests the Government to supply its observations on these allegations, as well as detailed information on the precise facts on which the sentencing of some workers mentioned by the complainants was based. More generally, the Committee expresses its deep concern over the fact that, almost one year after the declaration of martial law, about 700 persons are still in detention. However, the Committee welcomes the most recent information supplied by the Vice-Minister of Labour who indicates that he has received 'information from his Government concerning the lifting of the measure of internment' that had been taken against the leader of the Solidarity trade union, Mr. Walesa.

- (h) It again urges the Government to adopt measures with a view to releasing the detained trade unionists and to granting an amnesty to the workers sentenced for actions of a trade union character. It requests the Government to inform it of developments in the situation, in particular as regards the situation of the persons named in the Annex to this report and who are still detained.
- (i) As regards the events which took place at the Wujek mine, the Committee notes with concern that the forces of order entered the pit-head of the mine occupied by striking workers. It deeply deplores these tragic events, all the more so since further allegations have been made concerning the deaths which occurred in the course of the clashes which took place in September 1982. The Committee requests the Government to supply its observations on these new allegations.
- (j) Concerning the dismissals of workers, the Committee notes that 20 per cent of the cases where appeals were made have resulted in the reinstatement of the persons concerned. The Committee stresses the importance of ensuring effective protection against acts of anti-union discrimination, in particular against dismissals.
- (k) As regards the declaration of loyalty which was required from workers so that they might keep their jobs, the Committee considers that, notwithstanding the provisions under which workers may lodge appeals against dismissal, such loyalty declarations constitute serious interference by the public authorities in the workers' free choice of their organisations and a form of anti-union discrimination that is clearly contrary to Article 1 of Convention No. 98, ratified by Poland.
- (l) The Committee urges the Government to supply in the very near future detailed replies to the various points considered by the Committee as essential in the light of Conventions Nos. 87 and 98. In its opinion, the trade union situation should be examined by the Committee and by the Governing Body at its February-March 1983 Session. For this reason, the Committee recommends the Governing Body to take a decision at its next session, in the light of the information, both factual and legal, at its disposal, and on the advice of the Committee, or

the appropriateness of taking further action on the complaint under article 26 of the Constitution by the establishment of a Commission of Inquiry."

B. New allegations

26. In its communication dated 15 December 1982 the WCI points out, first of all, that the information supplied by the Government in October 1982 concerning the situation of persons who have been interned or arrested contains a number of errors and inaccuracies. The WCI cites 72 people regarding whom, it alleges, the information sent is incorrect.

27. The WCI encloses several documents with its letter, including a list of 601 members of Solidarity who, it says, have been convicted by military courts for pursuing their trade union activities. The WCI adds that the list is far from complete since, on 30 October 1982, 4,500 persons had been sentenced for trade union activities and another 3,000 were awaiting trial.

28. The WCI also encloses a list of 32 persons who have been killed by the militia or have died as a result of injuries caused by the police. Finally, it refers to the bad conditions of detention in the camps and penitentiary establishments.

29. One witness describing conditions in the military camp of Czerwony Bór says that 450 people, all of whom had been actively involved in the Solidarity union, were housed in the camp, ostensibly for military service; some of them were sick and in normal circumstances would never have been called up. They were housed in railway carriages, and several of them were interrogated about their attitude towards Solidarity every day. Nine centres of this kind are said to exist in Poland.

30. Another document accompanying the WCI's letter refers to a number of detainees in the penitentiary establishment of Potulice, some of whom are said to be suffering from a variety of infections and not receiving proper treatment. They include Waclaw Kicinski, Wojciech Slodowski, Tadeusz Waskiewicz, Andrzej Friedel. The document also mentions certain prisoners who have been badly treated: Antoni Grabarczyk; Jean Hermanowicz, Marck Ugriczic, Wladislaw Kaludzinski.

31. In its communication dated 23 December 1982, the ICFTU refers to the charges brought against seven leaders of Solidarity who previously had the status of internees: Andrzej Gwiazda, Vice-President of Solidarity; Seweryn Jaworski, Vice-President of Solidarity for the region of Mazowsze; Marian Jurczyk, President of Solidarity for the region of Szczecin; Karol Modzelewski, Vice-President of Solidarity for the region of Wroclaw; Grzegorz Palka, member of the National Committee of Solidarity; Andrzej Rozplochowski, member of the Presidium of the region of Katowice; Jan Rulewski, President for the region of Bydgoszcz.

32. The ICFTU states that the seven have been accused of collusion in order to overthrow the Polish Republic by force, and

recalls that identical steps were taken on 3 September 1982 against certain advisers and experts of the Solidarity union who had been members of the former Workers' Self-Defence Committee (KOR): Jan Litynski, Adam Michnik, Henryk Wujek, Zbigniew Romaszewski, Jan Josef Lipki (said to be seriously ill), Jacek Kuron and Mirosław Chojecki (currently living abroad and about to be tried in absentia).

33. According to the ICFTU, the very fact that these persons were in custody at the time the charges were brought against them proves that it was impossible for them to plan the overthrow of the system, as the authorities claim. The ICFTU states that the charges brought against them are, on the contrary, obviously connected with the legitimate trade union activities in which they had been engaged prior to 13 December 1981 in accordance with the statutes of Solidarity and with Polish legislation. In this connection, the ICFTU refers to the adoption by the Government in January 1982 of an "Abolition Act" whereby no person may be condemned for political and trade union activities. Despite the law, adds the ICFTU, they are all being charged under section 123 of the Penal Code, under which they are liable to sentences ranging from five years' imprisonment without remission of sentence to the death penalty. In the view of the ICFTU, this constitutes unacceptable moral pressure on Poland's free trade union movement, which is being presented as a terrorist organisation in spite of the pacific and responsible attitude of its leaders and members ever since its creation.

34. The ICFTU notes the announcement regarding the release of persons interned between 13 December 1981 and 24 December 1982 but observes that persons arrested or condemned for trade union activities after the introduction of martial law are still being held and that a number of recently released Solidarity militants have been called up for military service.

35. Finally, the ICFTU states that, in over 60 instances, the information supplied by the Government in October 1982 on persons being held in custody is incorrect.

36. It encloses with its communication a partial list of 552 Solidarity militants who have been convicted, including 140 for strike action and 47 for pursuing their trade union activities.

37. In his letter of 24 January 1983, Mr. Blondel also refers to the charges brought against seven Solidarity leaders while in custody. In Mr. Blondel's view, these measures indicate that, contrary to the promises made and decisions announced, proceedings are being brought against trade union officials for activities prior to the proclamation of martial law and that every member of Solidarity is liable to have charges brought against him. Confirming the terms of his complaint, Mr. Blondel requests that all appropriate steps be taken to set up a Commission of Inquiry.

38. With its communication dated 14 February 1983, the WCI sends a document published by the Co-ordination Office of Solidarity Overseas.

39. Finally, in a telegram dated 14 February 1983, Mr. Blondel draws attention to the fate of Mr. Edmund Baluka declared to be released by the Government at the November 1982 meeting. Mr.

Baluka is said to be still detained and has started a hunger strike which is endangering his life. The telegram of the ICFTU of 17 February 1983 also refers to the situation of Mr. Baluka. On receipt of the telegram of Mr. Blondel, the Director-General intervened by telex with the Polish authorities.

C. The Government's reply

40. In its communication of 2 February 1983, the Government informs the ILO of the statement that it addressed to the Secretary-General of the United Nations on 22 December 1982 concerning the suspension of martial law throughout Poland.

41. The Government states that the Polish authorities are systematically and consistently continuing the implementation of measures towards a total normalisation of social and political life. The Government adds that important transformations are taking place in Poland which bear witness to the stabilisation process and the normalisation of life. According to the Government, this is shown by the re-establishment of internal peace and order, the intense activity towards a national understanding, the reconversion and the recovery of the economy and the consequent realisation of the principles of economic reform and social revival.

42. According to the Government, all this has made possible, through an Act of 18 December 1982, a lifting or an appreciable lessening throughout Poland, since 31 December 1982 of the temporary suspension of certain provisions of the International Covenant on Civil and Political Rights.

43. Consequently, continues the Government, most of the severity and the restrictions imposed under the legislation concerning martial law have been lifted. These were, for example:

- the total suppression of internment, which means the release of all interned persons and the removal of the rights given to the forces of order to apply such measures;
- the restoration of the right to associate;
- the restoration of activities of worker self-management in state undertakings;
- the restoration of the right to strike and protest action, organised in conformity with the provisions of the laws in force, including the law on trade unions.

44. In addition, on 20 December 1982, the Council of State adopted a decision concerning the principles relating to the procedure for the law of pardon within the period of the suspension of martial law for offences committed for political motives based on social conflict. The Polish authorities will continue to use every effort that may be necessary for the lifting - within the shortest possible time - of the restrictions still being applied until they are completely lifted. The Government adds that a long-term process of reform of the socio-economic and political structure has begun

and that it is of a continuous and irreversible nature. Legal guarantees assuring the participation of society in the management of the country have been expanded. One of these guarantees lies in the existence of self-managed trade unions which are independent of the economic administration of the State.

45. Special importance should be attached to the Act on trade unions adopted on 8 October 1982, which clearly and precisely sets out the place and the role of trade unions in socialist Poland. On this point the Polish Government's position is unequivocal. The Vice-Minister of the Council of Ministers, Mr. Rakowski, confirmed this on 19 January 1983 in the following terms: "The trade unions of the masses, being influential, must also constitute one of the pillars of socialist democracy; ... the trade union movement that is now emerging is expected to act in a spirit of constructive 'partnership' ...".

46. In accordance with the provisions of this Act, during the first months of 1982 and under conditions of free consent, founding groups of new trade unions began to be formed. Later, trade unions of undertakings were registered by the courts. At the present time more than 4,500 trade unions have been registered. Founding groups already exist in 20,000 undertakings and institutions. Despite the relatively slow increase in the number of trade unions at the level of the undertaking - in view of all the circumstances facing Poland these last few years - the revival of activities of the new trade unions must, in the Government's view, be recognised as a favourable step.

47. The commencement of activity by the new trade unions is taking place in circumstances that are not easy and which require time. It is indispensable to eliminate not only certain former prejudices and some ambiguities, but also for the trade unions themselves to adopt an adequate formula concerning, for example, their co-operation in workers' self-management, their structure above that of the undertaking, etc. The Act on trade unions has set up a generally favourable framework for the solution of these problems. The emerging trade unions will be a genuine guarantee for the workers' interests and for an appropriate combination of these daily interests with the long-term social and economic objectives.

48. The suspension of martial law and the positive changes in the life of the State and the nation, as well as the obvious progress in the normalisation and stabilisation process cannot, according to the Government, remain without influence on the external reactions towards the events in Poland. The path of the development of co-operation with Poland, based on the principle of equality and "partnership", will always be met with full reciprocity on the Polish side.

49. However, the Government states that attempts at interference in the internal affairs of Poland have not ceased. Economic restrictions are applied. In certain countries there is also a policy of "misinformation" of public opinion on the situation in Poland; requirements, instructions and conditions are laid down. The Government points out with regret that certain signs of a lack of objectivity and a tendentious approach to the Polish questions are also evident within certain ILO bodies which prejudice the good relations between Poland and the Organisation despite the fact that,

for years, the Polish authorities have shown their greatest willingness to co-operate and to carry on dialogue both with the Organisation and with the Office. Unfortunately, this good-will has not been appreciated and unfriendly attitudes towards Poland have prevailed in these bodies.

50. The Government considers that this is not the moment to enter into questions of detail. It states that it is sorry that the state of relations between Poland and the ILO and the Office have noticeably deteriorated since last year although this is not the Government's fault. Despite this, it expresses the hope that there is still time to change in a positive manner within the ILC, the attitudes towards the Polish questions. This should be shown by the unconditional withdrawal of the "so-called Polish question" from the agenda of ILO bodies. This would be a concrete contribution towards social peace in Poland and would also allow the restoration of the traditional relationship of co-operation between Poland, the IIC and the Office which, concludes the Government, would be to the advantage of both parties.

D. The Committee's conclusions

51. In the first place, the Committee deeply regrets that the Polish Government's communication questions the objectivity of certain ILO bodies in this matter and confines itself to replying very generally to the precise questions which the Committee had posed during its previous examination of the case in November 1982. As regards the Government's statement concerning the lack of objectivity and the allegedly tendentious approach of certain ILO bodies, the Committee, for its part, can only totally reject such an assertion. The Committee would emphasise that, in the present case, as in all cases, it carries out its examination of situations in the light of the information at its disposal and having regard to long-established ILO principles and standards in the field of freedom of association. In this regard, the Committee must recall that the purpose of the procedure set up in the ILO for the examination of allegations of violations of freedom of association is to promote respect for trade union rights in law and in fact. If the procedure protects governments against unreasonable accusations, governments on their side will recognise the importance of formulating, so as to allow objective examination, detailed replies to the allegations brought against them. The Committee wishes to stress that, in all the cases presented to it since it was first set up, it has always considered that the replies from governments against whom complaints are made should not be limited to general observations.¹ The Committee, moreover, points out that, by decision of the Governing Body, it is seized with the complaint presented under article 26 of the Constitution and that, consequently, it is called upon to examine what effect should be given to the complaint within the framework of the Constitution which States accept on becoming Members of the Organisation.

52. The Committee takes note of the developments which have taken place in this case since November 1982. In particular, it

¹ See First Report of the Committee, para. 31.

notes with interest that a law of 18 December 1982, adopted by the Parliament, has suspended the application of martial law and, according to the Government, has involved the lifting of certain measures, such as internment, the suspension of trade union activities and the right to strike.

53. In spite of the adoption of this Act the Committee however observes that the restrictions on trade union activities under the Act on trade unions - and concerning which it made comments at its last meeting - still remain in force. In particular, there can still only be one trade union organisation in the undertaking and first-degree organisations can still not form federations and confederations. In fact, the timetable fixed for the revival of trade union activities (beginning of 1984 for industry-level unions, beginning of 1985 for inter-union organisations, end of 1984 for trade union unity at the level of the undertaking) does not appear to have been changed.

54. Likewise, the exercise of the right to strike will remain limited by the same conditions on which the Committee had commented in relation to the procedure for calling a strike, the excessively wide list of essential services and the imposition of prison sentences for taking part in strikes. The Committee points out that under the terms of the Act of 18 December 1982 (s. 5(1)) participation, during the period of suspension under martial law, in strikes, protest action or unlawful gatherings justifies the termination, without prior notice, of the employment relationship.

55. The Committee, therefore, notes that the trade union activities which can be carried out in Poland today are still of a very limited nature. Moreover, it observes that the Government has only supplied limited information on the practical application of the legislation and that it has not sent any information concerning the destination of the assets of the organisations that were dissolved by the Act on trade unions.

56. While noting the Government's general statement on the lifting of measures of internment, the Committee observes with concern, in the light of new allegations that seven Solidarity leaders and advisers and experts of the trade union (who have apparently been detained since the commencement of martial law) have been charged with the attempted overthrow, by force, of the existing system. These charges were made despite the "Abolition Act", adopted in January 1982, according to which no one can be sentenced for political or trade union activities prior to 13 December 1981. The Government has not supplied any comment on these new allegations. The Committee wishes the Government to specify the charges that are being brought against them and to try publicly, and without undue delay, these persons and all those other trade unionists who have already been charged with offences, or to release them.

57. The Committee also regrets that it does not have any information on the measures taken or envisaged for the granting of an amnesty to the persons sentenced for activities of a trade union character. On the other hand, the complainant organisations have presented a list of a very large number of persons who are said to have been sentenced, sometimes to very heavy sentences for organising strikes, participating in demonstrations or for carrying out trade union activities.

58. The Committee also points out that the Government's reply does not contain any new information as regards the deaths which took place during demonstrations or the dismissals of workers for trade union activities. Nor does the Government supply its comments on the new allegations concerning ill-treatment of detained persons.

59. In view of the numerous questions to which replies have not been furnished, the Committee must point out that it cannot close the case, as the Government wishes.

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60. In the light of the information at its disposal, the Governing Body must decide on the appropriateness of taking action on the complaint submitted in virtue of article 26 of the Constitution by the establishment of a Commission of Inquiry. In this respect, several factors must be taken into account. First, the Committee of Experts on the Application of Conventions and Recommendations will be called upon to examine the new trade union legislation and its practical application at its next session in March 1983. The comments which the Committee of Experts will make could then - if that is the wish of the Conference Committee on the Application of Standards - be the subject of discussion by the Conference Committee. On the other hand, despite the fact that the Government has communicated information concerning the suspension of martial law and the lifting of the measures of internment, nevertheless an important number of questions posed by the Committee and the Governing Body in November 1982 have not yet been answered by the Government. Likewise, the Government has not supplied its comments on the latest allegations presented by the complainants.

61. In these circumstances, the Committee would point out that, in a situation involving serious allegations of violations of trade union rights affecting the workers of a member State, the full co-operation of the government concerned in maintaining a constructive dialogue is of vital importance if the ILO supervisory bodies are to assist the parties to seek appropriate solutions to the problems involved. The Committee would, therefore, urge the Government to demonstrate its willingness to maintain such a dialogue by supplying detailed and precise information on the questions raised in November 1982, namely the measures taken to amend the legislation so as to bring it into conformity with Conventions Nos. 87 and 98, the practical application of the law, in particular as regards the role played in the new trade unions by the former leaders of the dissolved organisations, including those who were interned, the destination of the assets of the dissolved organisations, the sentencing of workers for activities of a trade union character and the measures taken or envisaged to grant an amnesty to these persons, the deaths which took place during demonstrations in September 1982 and the situation of the workers dismissed for trade union activities. The Government is also urged to supply detailed information and observations on the trials that have been, or will be, held involving the leaders and advisers of Solidarity, on the measures taken to ensure that they are tried publicly or released and on the ill-treatment allegedly suffered by detained persons.

62. In addition to requesting this information, the Committee considers that, in order to elucidate the numerous aspects of the case that remain outstanding, it would be highly desirable if the Government were now to accept a further on-the-spot visit by a representative of the Director-General. The purpose of such a visit would be to examine jointly with the parties concerned the measures that could be taken to amend the trade union legislation in the light of Conventions Nos. 87 and 98, ratified by Poland, and also to examine the situation of trade unionists who are interned or charged with offences, in particular as regards the conditions in which they are being detained and the manner in which they will be tried. The Committee is convinced that, not only would the acceptance of such a visit constitute an additional indication of the Government's willingness to co-operate in the procedure, but such a visit would also enable the Committee to reach conclusions in a fuller knowledge of the facts.

The recommendations of the Committee

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

- (a) The Committee deeply regrets that the Government has not supplied precise replies and observations on the questions raised by the Committee and by the Governing Body in November 1982, or on the latest allegations.
- (b) The Committee notes with interest that the Parliament has suspended the application of martial law and that, accordingly, the measures of internment have been lifted. However, it observes that the trade union activities which can be carried out in Poland today are still of a very limited nature.
- (c) The Committee again considers it necessary to draw the legislative aspects of the case to the attention of the Committee of Experts on the Application of Conventions and Recommendations at its next session in March 1983.
- (d) The Committee considers that, in a situation involving serious allegations of violations of trade union rights affecting the workers of a member State, the full co-operation of the government concerned in maintaining a constructive dialogue is of vital importance if the ILO supervisory bodies are to assist the parties to seek appropriate solutions to the problems involved.
- (e) The Committee urges the Government to demonstrate its willingness to maintain such a dialogue by supplying detailed and precise information on:

1. the questions raised in November 1982, namely:
 - the measures taken to amend the legislation;

- the practical application of the law, in particular as regards the role played in the new trade unions by the former leaders of the dissolved organisations, including those who were interned;
- the destination of the assets of the dissolved organisations;
- the sentencing of workers for activities of a trade union character and the measures taken or envisaged to grant them an amnesty;
- the deaths which took place during the demonstrations in September 1982;
- the situation of workers dismissed for trade union activities;

2. the latest allegations concerning:

- the trials that have been, or will be, held involving the leaders and advisers of Solidarity;
- the ill-treatment suffered by detained persons.

- (f) In order to elucidate the numerous aspects of the case that remain outstanding, and to enable it to reach conclusions in a fuller knowledge of the facts, the Committee requests the Government to indicate, by 15 April 1983 at the latest, its willingness to accept a further on-the-spot visit by a representative of the Director-General to take place sufficiently in advance of its May meeting to enable the Committee to consider the report on the visit at that meeting.
- (g) The Committee recalls the position it took at its session in November 1982 and points out that, if all the information thus requested is not supplied, and if the Government does not accept a further on-the-spot visit by a representative of the Director-General, it would then have no alternative but to recommend the Governing Body to establish a Commission of Inquiry under article 26 of the ILO Constitution.

Geneva, 25 February 1983.

(Signed) Roberto AGC,
Chairman.

Reports of the Committee on Freedom of Association

ANNEX I

Activists of the Solidarity trade union, who according to the complainants, have been sentenced to imprisonment for having continued to carry out trade union activities

| | | Prison term (years) | Deprivation of public rights (years) |
|----------------------|---------------|---------------------|--------------------------------------|
| | | A | B |
| Achinger Jgnacy | Oswiecim | 1 | 3 |
| Adamczyk Andrzej | Gdansk | 4 | 3 |
| Adamczyk Piotr | Chełm | 2 | |
| Adamczyk Leszek | Chełm | 1,5 | |
| Adamski Tadeusz | Bielsko Biała | 4 | 2 |
| Afetowicz Bernard | Wrocław | 3 | |
| Albrecht Gunter | Gdansk | 1 | |
| Albrecht Pawel | Wrocław | 3 | |
| Andrzejewski Jan | Lubliniec | 3 | |
| Art Jedrek | Sad Wojskowy | 4 | |
| Antczak Jan | Koscierzyna | 2,5 | |
| Antonczyk Edward | Tarnobrzeg | 4 | |
| Augustyniak Waldemar | - | 3 | |
| Baczor Andrzej | Bytom | 5 | 3 |
| Banas Marian | Człuchów | 4 | 2 |
| Baret Andrzej | Lublin | 1 | |
| Barteczko Rejnhold | - | 3 | 1 |
| Bartosiewicz Jacek | Warszawa | 2 | 3 |
| Bawolski Witold | Bochnia | 3 | 2 |
| Bazrnik Jarosław | Krzeszowice | 3 | |
| Bedkowski Ryszard | Rybnik | 4,5 | |
| Bednarski Mieczysław | Lódz | 3 | 3 |
| Bełtkiewicz Zdzisław | Białogard | 3,5 | 2 |
| Benicki Zenon | Puławy | 2 | |
| Berdychowski Zygmunt | Chełmiec | 3 | 2 |
| Bator Krzysztof | Lódz | 3 | 2 |
| Biało Krzysztof | Czestochowa | 4,5 | 3 |
| Białonski Stanisław | Nowy Tarq | 1,5 | |
| Biały Marek | Siedlce | 0,3 | |
| Biały Ryszard | Gdansk | 1 | |
| Biały Wacław | Lublin | 2 | |
| Bidzinski Ryszard | Katowice | 4,5 | 3 |
| Biedko Robert | Swidnica | 3 | |
| Biedrzycki Bolesław | Leszno | 3 | 2 |
| Bielanska Katarzyna | Kraków | 2 | |
| Bialik Krzysztof | Lublin | 3 | |
| Bielski Ryszard | Czestochowa | 3 | 2 |
| Bigus Czesław | Gdansk | 2 | |

| | | | |
|-------------------------|---------------|----------|-----|
| Binduga Andrzej | Warszawa | 1,5 | |
| Binkowski Krzysztof | Radom | 1 | 2 |
| Blicharz Jan | Kraków | 1,5 | |
| Błaszczyk Marianna Ewa | Tcrun | 3,5 | 2 |
| Błaszczyk Henryk | Jastrzebie | 3,5 | 3 |
| Bonek Jacek | Torun | 3 | 2 |
| Błaszczyk Hubert | Swietodzin | 5 | 2,5 |
| Bobrowski Antoni | Bielsko Biała | 5 | 3 |
| Bochenski Jerzy | - | 1 | |
| Boczon Józef | Warszawa | 5,5 | 4 |
| Bodziuk Cezary | Gdynia | 6 | 4 |
| Borowiec Jerzy | Ostrowiec | 1,5 | |
| Borucki Józef | Białystok | 1,5 | |
| Brokos M. | Rypin | 3 | |
| Brol Teresa | Lublin | 1 | |
| Brzoska Waldemar | Działdowo | 1 | |
| Buczynski | Sopot | 3 | |
| Budrewicz Mirosław | Warszawa | 2 | |
| Bukowski Roman | Morgomin | 3,5 | 3 |
| Buler Wojciech | Szupsk | 1 | |
| Burzynski Ryszard | - | 1,5 | |
| Bzdyl Krzysztof | Krakow | 3 | |
| Caliszew Andrzy | Warszawa | 2 months | |
| Celej Leszek | Iublin | 1 | |
| Chajewski Leszek | Ostroda | 1,5 | |
| Chilarecki Alfred | Torun | 3 | 3 |
| Chlelik Teresa | Bytom | 3,5 | 3 |
| Chlebowski Longin | Łódź | 3 | |
| Chmielowski Jan | Gdańsk | 4,5 | 3 |
| Chmielewski Lech | Gdynia | 5 | 2 |
| Chmielewski Stanisław | Lubin | 2 months | |
| Chrzanowski Antoni | Gdańsk | 1 | |
| Chrzanowski Włodzimierz | Radzanow | 3 | 3 |
| Chrzanowski Zygmunt | Jastrzebie | 1,5 | 2 |
| Cichocki Adam | - | 3 | |
| Ciezki Lech | Lublin | 1,5 | |
| Ciniewicz Zdzislaw | Białystok | 1,5 | |
| Ciszewski Aleksander | Gdańsk | 6 | 3 |
| Ciszewski Grzegorz | Katowice | 2 | 3 |
| Ciula Wojciech | Krakow | 2 | 2 |
| Czechowski Robert | Warszawa | 1,5 | |
| Czachor Marek | Gdynia | 3 | 2 |
| Czakov Macław | Lublin | 2 | |
| Czarnocki Marcelli | Ostrowiec | 3 | 2 |
| Czepowski Jerzy | Piekary Sl. | 3 | 2 |
| Czerneszewicz Edward | Bytom | 4 | 3 |
| Czerwinski Arkadiusz | Warszawa | 3 | 2 |
| Czyzyk Roman | - | 3 | |
| Dabrowski Wieslaw | - | 3 | |
| Debinski | - | 1 | |
| Debski Bobusław | Białystok | 1,5 | |
| Demczuk | Iublin | 2 months | |
| Detlaft Andrzej | Tczew | 2 | |
| Dettlef Zbigniew | - | 2 | |
| Dobczyk Henryk | Katowice | 6 | 4 |
| Domagała Ryszard | Krakow | 2,5 | |
| Domanski Tadeusz | - | 3 | |
| Doruch Zenobiusz | Jastrzebie | 1 | 2 |
| Dowgialio Krzysztof | Gdańsk | 4 | |

Reports of the Committee on Freedom of Association

| | | | |
|----------------------|--------------|----------|---|
| Drej Krzysztof | Brozslak | 9 months | |
| Drongowski Bodgan | Bytom | 4 | 3 |
| Druc J. | - | 1 | |
| Dreszer Adam | Wrocław | 2 | |
| Drewniak Ryszard | Szczecin | 1,5 | |
| Drozdowski Piotr | Kraków | 1,5 | |
| Drozdzewski Henryk | Lódz | 1 | |
| Dubiel Janusz | Jaworzno | 3 | |
| Duchnowski Józef | Białystok | 1 | |
| Dudek Andrzej | Ostrowiec | 3,5 | 3 |
| Dudkowska Zenona | Bolesławiec | 3,5 | |
| Dudkowska Antonina | Bolesławiec | 3 | 3 |
| Duzynski Zbigniew | - | 3,5 | |
| Dybowski Arkadiusz | Piekary Sl. | 5 | 3 |
| Dylag Stanisław | Kraków | 4 | |
| Dzieldziel Andrzej | Oswiecim | 1,5 | |
| Dzikiewicz Sławomir | Białystok | 1,5 | |
| Etal Robert Leonard | Słupsk | 2 | |
| Fabritis Julian | Lódz | 1 | |
| Fedyn Stanisław | Sanok | 4 | 3 |
| Figoluszka Krzysztof | Katowice | 2 | 3 |
| Filipek Jan | Bolesławiec | 3 | 3 |
| Filipek Zbigniew | Tychy | 3 | 3 |
| Filoda Benedykt | Piastów | 2 | |
| Fludera Józef | Jastrzebie | 2 | |
| Formela Marek | Gdynia | 1,5 | |
| Franczuk Jacek | Glogow | 1 | |
| Frasyniuk Władysław | Wrocław | 6 | 5 |
| Furman Stanisław | Rzeszow | 2,5 | |
| Fuszara Marian | Lułlin | 1,5 | |
| Gacon Józef | Strzegonek | 3,5 | 2 |
| Gajda Stanisław | Gorzów | 3 | 2 |
| Gajewski Andrzej | Kalisz | 1,5 | |
| Gajewski Andrzej | Gdansk | 1 | |
| Gajewski Mieczysław | Glogow | 1 | |
| Galinski Franciszek | Kłodawa | 1,5 | |
| Gałazka Józef | Bytom | 1,5 | |
| Gawarkiewicz Jadwiga | Tcrun | 2,5 | |
| Gierukas Witold | Malbork | 3 | 3 |
| Gil Mieczysław | Nowa Huta | 4 | 2 |
| Glapinski Grzegorz | - | 3 | |
| Głazewski Stanisław | Puławy | 1,5 | |
| Głowacki Edward | Warszawa | 2 | |
| Głowacki Marian | Piabanice | 3 | |
| Głowacki Sylwester | Zcry | 2 | 2 |
| Głuch Marian | Siemianowice | 3 | 2 |
| Gocławski Ryszard | Białystok | 3 | |
| Godlewski Janusz | Kraków | 1 | |
| Godziek Ryszard | Katowice | 3 | 2 |
| Godziuk Cezary | Gdynia | 6 | 4 |
| Gogacz Marek | Warszawa | 2 | 2 |
| Gogolinski Kazimierz | Działdowo | 1 | |
| Gogolinski Zygmunt | Słupsk | 4,5 | 4 |
| Goldyn Adam | - | 3 | |
| Goldynia Janusz | Oswiecim | 1 | |
| Gorzewski Dariusz | Iublin | 2 | |
| Góralski Piotr | Katowice | 4 | 4 |
| Gorny Henryk | Zgoczelic | 3 | |
| Gorski Mieczysław | Nowy Sacz | 3 | 2 |