



HUMAN RIGHTS monitor



KILLING OF IRAQI CIVILIAN
4 US Marines charged



Unspecified charges are being prepared against four Marines as a result of an investigation that has already led to allegations that seven other Marines and a Navy corpsman murdered an Iraqi civilian, a Marine Corps official of US said. It was not known if the four will face charges stemming from the April 26 killing of 52-year-old Hashim Ibrahim Awad, or if the charges will relate to separate incidents uncovered during that probe. "There are four other (Marines) that are pending charges," said Lt. Col. Colby Vokey, the Marine Corps' defense coordinator for the western U.S. "For what, I don't know." Two other attorneys defending suspects in the Iraqi civilian's death said they did not believe the charges were related to that case.

Three of the Marines are enlistees, one is an officer. All belong to the same platoon in Kilo Company of the Camp Pendleton-based 3rd Battalion, 5th Marine Regiment. Vokey learned charges were imminent because he was instructed to find attorneys for the four men. He said he expects charges against the three enlisted Marines to be announced later. The eight troops already charged with the kidnap and murder of Awad are in the Camp Pendleton brig. Navy investigators claim that without provocation, the eight entered the Iraqi town of Hamdania, took Awad from his home, tied him up, put him in a hole and shot him. After the killing, the troops placed an AK-47 in Awad's hands and put a shovel in the hole to make it appear Awad was an insurgent planting explosives, investigators allege. Attorney Joseph Casas, who represents Pfc. John Jodka III, one of the eight in the brig, said the investigation details incidents separate from the killing in which the four other Marines allegedly engaged in misconduct. "There are some allegations that indicate (the officer) and some of the other Marines were engaged in some prior bad acts," Casas said. Another attorney said the new charges would be less serious than those leveled against the eight in the brig. "There is other suspected misconduct, but not at the level of the previous charges in the investigation," said Maj. Haythan Faraj, the military defense attorney for Marine Cpl. Trent D. Thomas. However, Victor Kelley, an attorney for one of the eight, said he was led to believe the additional Marines may face charges of conspiracy to commit murder, according to the North County Times, which first reported that new charges may be imminent. In coming weeks, charges against the eight in the brig are to be considered at an Article 32 hearing, similar to a grand jury proceeding, in which a commanding officer will decide whether there is probable cause for a full trial.

Source: Associated Press.

LAW opinion

Compliance: Need of the hour in the apparel industry

KHAN FERDOUSOUR RAHMAN

THE apparel industry is a multi-billion dollar global industry. It is number one for Bangladesh's export. Bangladesh with almost 4200 garment factories is the 6th largest ready made garments (RMG) exporter to USA and EU. The size of the industry was more than 6.5 billion US dollars in 2005. This industry is the largest net foreign exchange earner for Bangladesh, i.e. 76 percent of the total earning. By 2010, the net exports of this industry are expected to grow to almost 10 billion US dollars. This industry is the largest employment provider with almost 25 lacs employees. The graph of employment opportunities continues to go up every year. But Bangladesh remains in a most vulnerable position following the removal of multi fibre arrangement (MFA) and now it must maintain quality in production to fight the potential competitors. So far only around 400-500 RMG units have attained international standards in ensuring comprehensive compliance issues, while most of the medium scale factories are yet to be fully compliant. This sector is already threatened by various international buyers by not outsourcing garments on ground of gross non-compliance in majority of factories.

Compliance means conformity that is acting according to certain accepted standards. Social compliance ensures working condition of the manufacturing unit from social, political and economic points of view. It is a code of conduct that includes minimum labour standards, occupational safety measures and environmental concerns. Minimum labour standards cover wages, working hours, over time, safety, job security, right to form trade union, and also social security. It also ensures non-violation of human rights. Social benefits are socially responsible management which includes production bonus, cash incentive, working condition, maternity leave, medical facilities,

arrangement for food including safe drinking water, prayer place, transportation, festival bonus etc.

Compliance should be for both labour welfare and occupational safety. For safety use of aprons, gloves, dust masks, eye masks, ear protectors, gum boots, smoke detector and early rehearsed fire fighting arrangement is very important. Water treatment plant is a must to avoid pollution in the industry. Social environment related to labour rights, product safety and intellectual property rights are considered to be of increasing importance now-a-days. Ensuring social compliance is very important in the industries involved in production of RMG for maintaining quality of products as well as rules for export market. On protection of labour rights and improvement of working conditions, international standards have been developed and adopted by major markets. In contrast with labour rights, product safety issues are mostly mandatory requirements. Compliance issues like working environment, salary, maternal leave for female workers, safety and health conditions of apparel sector workers have come to the forefront of attention of the international buyers. There is no option other than ensuring social compliance to maintain quality of products. Because labour can never enhance their skill without having a minimum wage for living and favourable environment for work. The compliance issues have become more important after the expiry of the MFA. Though these issues are very fundamental as far as the workers' interest is concerned but at the same time these are very capital intensive for implementation.

It will be very sad for Bangladesh if it loses its share of apparel exports in the international markets due to failure on compliance issues (at its RMG factories). Bangladesh government should play a key role in implementing compliance issues at the apparel industry to maintain its competitiveness worldwide. Efforts are required to prevent any repetition of the incidents of fire or building

collapse or labour unrest if the reputation and competitiveness of export are to be maintained. In a recent survey conducted by Nari Uddug Kedra (NUK) in association with Bangladesh Knitwear Manufacturers and Exporters Association (BKMEA), it is found that only 30 percent of knitwear factories ensure social compliance. Government should shoulder some of the obligations in meeting social compliance standards, whereas BGMEA, BKMEA and BTMA have also important roles to play.

With the pressure from global apparel buyers for factory compliances increasing, the government has finally formed a high powered committee with the Commerce Minister as chairman to recommend measures for improving the conditions of workplace and workers. The committee is to review the existing policies on social compliances, especially occupational safety and workforce welfare aspects and to prepare guidelines for necessary policy reforms. As per terms of reference, the committee is supposed to give necessary guideline to the government to implement the recommendations and follow up the implementation status at factory level at least once in every three months. A Compliance Monitoring Cell (CMC) has also been created headed by DG (Textile) in the Export Promotion Bureau (EPB) to keep international buyer groups aware of and to publicly abroad on measures taken for compliance. As part of crush programme regarding factory inspection by forming several inspection teams both BGMEA and BKMEA have already carried out some punitive measures against the few non-compliant factories. As per recent claim of BGMEA, only 53 out of approximately 4200 RMG units are not complying with safety measures in their respective premises.

It is very important to reach a consensus on the standards requested by the buyers, which need to be fulfilled by each and every supplier. There are complaint that some buying agents compro-



mise or overlook the need for compliance or only consider certain standards during their contracts with the suppliers. There is a need for harmonising the demand for social compliance by international buyers in order to avoid unnecessary costs and confusion on the part of export industries in Bangladesh. A draft code of conduct on social compliance in RMG sector is developed by London based MFA Forum, a club/ conglomerate of international retail giants, trade unions, development partners and NGOs to put pressure on the authorities concerned to strengthen the monitoring mechanisms to ensure fac-

tory compliance with social and labour standards.

Being a signatory to the international conventions on labour standards and human rights, we cannot implement them half heartedly or not at all. But while implementing reasonable working conditions or a minimum wage should depend on a country's prevailing socio-economic conditions, it should not be judged by the standards of a rich country. NGOs, civil society, trade unions and other stakeholders should work together to adopt the code of conduct for a viable and competitive RMG industry. Non-compliance factories may be brought under temporary ban on issuance of

generalised system of preference (GSP) by the authority concerned, so that they cannot enjoy tax exemption in exporting countries.

The RMG sector of Bangladesh is growing very fast, even with more speed in post MFA era than earlier as the production cost of apparel in Bangladesh is very cheap due to cheap labour cost. We need to utilise this advantage by readjusting our position through fulfilling the requirement of compliances. Being definitely optimistic, Bangladesh should turn all challenges into opportunities.

The author is a human rights activists and freelance journalist.

RIGHTS investigation

REJECTION OF VISA TO DALAI LAMA
When does a Nobel Prize-winning peace activist become "undesirable?"

MICKY SPIEGEL

LAST week of July total 22 of 28 Nobel peace prizewinner gathered in South Korea for the 2006 Kwangju (Kwangju) Summit of Nobel Peace Laureates. Winners from Kenya, Russia, Guatemala, Iran, East Timor, and the United Kingdom have accepted invitations, as have representatives from Nobel-winning organizations,

ates, the Dalai Lama, winner of the 1989 award, had also accepted an invitation from the Kim Dae-jung Presidential Library to a summit about peace on the Korean Peninsula and in all of East Asia. But the South Korean government has refused to grant him a visa, letting politics trump its own peace initiatives. As a Foreign Ministry official told Human Rights Watch, "Considering various factors, for

citizens representing 73 religious and civic organizations invited the Dalai Lama to visit in November. The South Korean government was in no way involved. After the Chinese embassy in Seoul made known its displeasure, a representative of the South Korean Ministry of Foreign Affairs and Trade met with group members and asked that they postpone the suggested visit until 2001. That visit never took

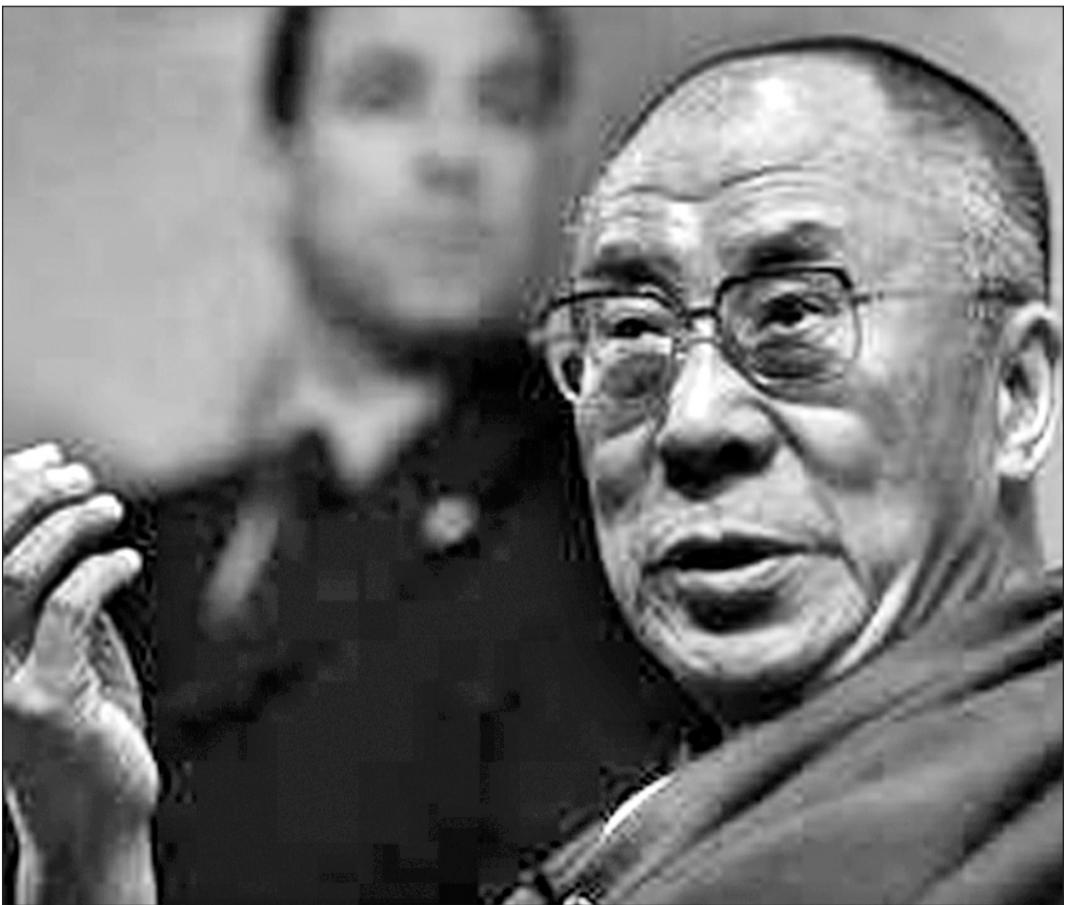
try's national interest."

For many, the Dalai Lama is not only a desired visitor but an emblem of their desire for peace. How ironic, then, that he was prevented from contributing last week to a gathering dedicated in part to "reaffirm democracy and human rights as universal values of human kind and the foundation of peace around the world." The Dalai Lama has a long history of promoting core human rights values, among them the unfettered exchange of ideas central to the Kwangju conference agenda. For decades he has attempted to find a "middle way" through the thicket of conflicting Tibetan and Chinese visions for Tibet - a well-documented example of his search for peaceful solutions to long-standing problems, one of the conference's themes.

In early June 2006, European Union leaders brushed aside China's objections and met the Dalai Lama in Brussels. He has also recently traveled to Argentina, Chile, and Peru. The U.S. has hosted the Dalai Lama on many occasions, as has Japan. Switzerland went ahead with a visit in 2005; Mexico, Russia, and South Africa received him the previous year. And this list is far from exhaustive.

It is too late for South Korea to reverse its stand. But it is not too late for those attending the Kwangju conference, as well as those who had to refuse the invitation, to publicly air their displeasure with South Korea's stance, and with all countries bowing to similar pressures. Kim Dae-jung, a former president, a Nobel laureate, and a conference convener, should organize such an effort. By making this public statement, Nobel Peace laureates would reiterate their commitment to the free exchange of ideas and invite all those equally committed to join with them.

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such as Amnesty International, the International Red Cross, and the American Friends Service Committee.

The Dalai Lama, however, couldn't attend. Not because he wasn't invited, or because he had other plans: like those other laure-

ates, we decided the Dalai Lama's visit to South Korea is not desirable."

place; nor did one proposed by the student council of Seoul National University that same year. The Dalai Lama had planned to deliver a speech at the university on peace and non-violence. But, said a Foreign Ministry official, "His visit would not be beneficial to the coun-

LAW week

Election Fraud
Lingering stay order saves Sayedee's JS membership

Jamaat-e-Islami leader Delwar Hossain Sayedee, whose membership of the parliament was cancelled by a High Court judgement in 2003 on grounds of election fraud, is continuing as a lawmaker while the tenure of the current parliament is scheduled to expire on October 27 this year, thanks to a stay order by the Supreme Court. Effectiveness of the historical judgement of the High Court (HC) passed on September 14, 2003 has ostensibly been lost due to the death of the petitioner Shudangsu Shekhor Halder, who contested against Sayedee from the parliamentary constituency of Pirojpur 1 in 2001 election. Halder died in September 2004 after a year of bout with ill health. The HC Division stripped ruling Jamaat-e-Islami leader Sayedee of his membership of the parliament (Jatiya Sangsad) for submitting a false statement on his poll expenses and for violating other election rules. It declared Sayedee's election from Pirojpur-1 constituency null and void for corruption, illegal practices and violation of the Representation of People's Order 1972, setting the first ever example of unseating a lawmaker by the HC in an election dispute case. Sayedee filed a petition with the Appellate Division of the Supreme Court on September 15, 2003 to grant him permission to appeal against the HC judgement. -- *The Daily Star, August 1.*

It's not possible to drop cases against Ershad: Moudud

Law, Justice and Parliamentary Affairs Minister Moudud Ahmed ruled out the possibility of withdrawing corruption cases against the deposed dictator HM Ershad by saying "The judiciary would follow its own course". Moudud made the remark at a press conference at Chittagong Hill Tracts Affairs ministry in reply to a question about the speculation that the government reached an understanding with Ershad to withdraw the corruption cases against him if he joins the ruling alliance. Moudud termed the question a hypothetical one and said that he was unaware of any such understanding. "I do not think there was such an understanding with him". However, he added that if it were a political decision to withdraw the cases, the ministry would do the needful. "But no such decision has been made so far," confirmed the minister. When asked about the legal jurisdiction over withdrawal of corruption cases, Moudud said the Anti Corruption Commission (ACC) would be the authorised body to withdraw any corruption cases. The press meet was organised highlighting the government's legal aid services to the financially disadvantaged. -- *The Daily Star, August 1.*

HC rule on age for admission to colleges

The High Court (HC) issued a rule on the government and education boards to explain in one week why they should not be directed to allow admission of students at colleges on the basis of marks instead of their date of birth. The court also asked them to show cause why the new rules (sub-clause 6 of clause 4 of the HSC admission policy 2006) introduced by the education ministry to consider the students' date of birth during college admission should not be declared illegal. The HC rule came following a writ petition filed by Uttara Dev Chowdhury, a lawyer from Chittagong Judge Court, challenging the new policy. The sub clause provides for consideration of the admission seekers' date of birth during their enrolment in colleges. The senior ones will get priority if the number of admission seekers securing same GPA in SSC exam is higher than the number of seats available in a college. The order issued by an HC division bench after hearing the writ petition will be sent to the respondents by special messenger. -- *The Daily Star, August 1.*

SC bar denied appointment with president

A Bangabhaban official informed the Supreme Court Bar Association (SCBA) that their appointment with President Iajuddin Ahmed is not possible now as the president has not completely recovered from illness. The SCBA in its July 27 letter to the president sought his meeting with a civil society delegation to discuss people's concern about their voting rights and empowerment. The letter was sent as part of a follow up action of a July 22 roundtable organised by SCBA where a large number of professionals, lawyers and civil society leaders requested the president to remove the Chief Election Commissioner and two election commissioners if they do not willingly resign by July 31. An official from the president's office contacted SCBA leaders over telephone and informed them that the SCBA letter, resolution and recommendations had been submitted to the president. SCBA Secretary AM Amin Uddin admitted communication with the Bangabhaban. -- *Prothom Alo, August 1.*

2001 Election Disputes

13 cases still pending as next polls near
With a new parliament election round the corner, 13 cases of 2001 election disputes still remain pending with the Supreme Court making the Election Commission's (EC) move for quick adjudication of the disputes a futile exercise. The possibility of adjudicating the disputes within the tenure of the current parliament is slim and the cases are likely to be automatically dismissed after expiry of the current parliament's tenure on October 27 this year, sources said. Ahead of the parliament election in 2001, the EC through reforms in electoral laws introduced a new system of lodging election dispute cases with the High Court (HC) Division, instead of election tribunals, in a bid for quick adjudication of the cases. A total of 31 cases alleging various irregularities in the polls were filed with the HC soon after the election in October 2001. Eleven of those cases were dismissed due to reluctance of the petitioners to continue the cases and for lack of their initiatives. Five were dismissed on grounds of lack of merits, one was rejected and one became legally 'ineffective'. Five of the 13 pending cases remain with the Appellate Division and eight in the HC division of the Supreme Court, sources said referring to a compilation of present status of the cases. -- *The Daily Star, August 2.*

26 JMB men held during training

Rapid Action Battalion (Rab) captured 26 Islamist militants while they were receiving military training in a remote jungle in Mymensingh. The captured militants include two prospective suicide bombers and a veteran of the previous Afghan war. The capture came a few days after the government had alerted all law enforcers about reorganisation of militancy in the country. Rab, which has been interrogating the arrestees, said the militants belong to outlawed Jama'atul Mujahideen Bangladesh (JMB) that carried out 500 bomb blasts simultaneously across the country on August 17 last year. The elite battalion also recovered some bomb-making materials and training equipment from a militant den at Jibontola village under Bhaluka upazila in the district. The den had four bunkers and two sentry outposts. A 30-member team of Rab-9, led by Lt Col Nurul Momen and Flight Lt Faisal, carried out a 15-minute raid on the remote jungle at Jibontola village and captured the militants. -- *The Daily Star, August 3.*

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