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Fighting for Bangladesh labour, and ending up in pauper's grave

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HIS tiny office was lost among the hulking garment factories that churn out cargo pants or polo shirts for brands like Gap or Tommy Hilfiger, yet workers managed to find Aminul Islam. They came with problems. Unpaid wages. Abusive bosses. Mr. Islam, a labour organiser, fought for their rights.

Security forces found Mr. Islam, too. His phone was tapped, the police regularly harassed him, and domestic intelligence agents once abducted and beat him, his co-workers and family say. More than once, he was told his advocacy for workers was hurting a country where garment exports drive the domestic economy.

And then no one could find Mr. Islam. He disappeared April 4. Days later, his family discovered that he had been tortured and killed. His murder bore a grim familiarity in a country with a brutal legacy of politically motivated killings, and it raised a troubling question: Was he killed for trying to organise workers?

Five months later, Mr. Islam's killing remains under investigation. There have been no arrests in the case, and the police say they have made little progress.

On the day he disappeared, Mr. Islam was trying to resolve a labour impasse at factories that stitch shirts for Tommy Hilfiger, American Eagle and other global brands. Then an acquaintance arrived unexpectedly, accompanied by a woman in a veil. The man, now suspected of having ties to security agencies, had an urgent request, that Mr. Islam officiate at his wedding. Mr. Islam rode off in a rickshaw to help him and was never seen again.

It is unclear if Mr. Islam was killed because of his work, and it is possible that he was killed for an altogether different motive. But his labour advocacy had collided with powerful interests in Bangladesh, now the second leading exporter of apparel in the world, after China. Cheap, non-union labour is essential to the export formula in Bangladesh, where the minimum wage for garment workers is \$37 a month. Unions are almost nonexistent in apparel factories.

Ordinarily, a murder in Bangladesh attracts little outside attention, but Mr. Islam's death has inspired a fledgling global campaign, with protests lodged by international labor groups and by European and American diplomats, including Secretary of State Hillary Rodham Clinton. This outside pressure is partly because so many global brands now use Bangladeshi factories. But Mr. Islam also worked for local labour groups affiliated with the A.F.L.-C.I.O., a connection to the American labour movement that has infused his death with geopolitical overtones.

For years, mutual suspicion has defined the relationship between the labour federation and the Bangladeshi establishment. Citing labour abuses, the A.F.L.-C.I.O. is currently petitioning Washington to overturn trade preferences for Bangladesh, infuriating Bangladeshi leaders and casting suspicions on the domestic labour groups nurtured by the federation, including those where Mr. Islam worked.

"It was viewed as, 'Why are you trying to destroy our economy?' " said Alonzo Suson, who runs an A.F.L.-C.I.O. training center in Dhaka known as the Solidarity Center. "The federations that supported the A.F.L.-C.I.O. are viewed as not being loyal, as being traitors."

Mr. Islam's work often made him a target. In 2010, after angry wage protests shook the country, the authorities charged Mr. Islam and two of his bosses with "antistate" activities. Harassment by police and intelligence agents became so intense that Mr. Islam's bosses sought a truce: a secret meeting was held between Mr. Islam and the director of the main domestic spying agency, the National

Security Intelligence Agency, or N.S.I.

A senior government official, interviewed about the case, denied any involvement by the spying agency in Mr. Islam's death. But Mr. Islam's colleagues worry that the lack of progress on the case reflects a lack of commitment by the authorities on labour rights.

"Who is so powerful?" asked Kalpona Akter, who had been Mr. Islam's boss and friend, "that they killed Aminul - yet is still untouchable?"

A Voice for Workers

Aminul Islam was a small man, barely 5 feet 4 inches tall, serious-minded and bearing the beard that signifies a devout Muslim. In February, he spent 40 days on a religious programme canvassing villages and encouraging people to be better Muslims. In a Muslim nation, his piety brought him respect and lent him stature as a labour organiser.

He had started as a worker at the Shasha Denim garment factory in the teeming industrial zones ringing parts of Dhaka, the capital. The area is chockablock with factories. Trucks ramble down dirt roads or cracked highways, with traffic sometimes backing up for hours. At shift changes, hundreds of thousands of workers pour in and out of the nondescript concrete buildings that produce many of the clothes sold in American stores.

At Shasha Denim, Mr. Islam's co-workers elected him to a committee in 2005 to raise grievances with management. Within a year, the company had fired him. Undeterred, he took his case to court and won, only to see the factory owner invoke a legal provision allowing him to pay Mr. Islam a salary of about \$30 a month without reinstating him in his job.

To learn about labour rights, Mr. Islam had attended workshops at the Solidarity Center in Dhaka. Affiliated with the A.F.L.-C.I.O., the nonprofit Solidarity Center has 23 field offices on four continents. Bangladesh already had established labour federations, many of which are aligned with political parties and draw members from public sector industries. But the Solidarity Center has kept a distance from these unions, wary of their political affiliations and skeptical of their influence in the garment sector.

Instead, the Solidarity Center focused on a handful of newer labour federations and nonprofit groups led by younger labour leaders. By 2006, two of these groups had hired Mr. Islam as an organiser in Ashulia, one of the big industrial zones outside Dhaka.

"He was vocal, and he was fearless," said Ms. Akter, head of the Bangladesh Center for Workers Solidarity, a nonprofit labour group. "Whenever workers came to him, he took them as his own case, as if it was his own pain."

By 2010, business analysts were praising Bangladesh as a manufacturing power, and global brands rushed to take advantage of the country's rock-bottom labour costs. Workers, though, were seething. The monthly minimum wage for a garment worker was then about \$21, not including overtime and bonuses. Inflation was soaring and protests began to spill out of factories in the industrial ring outside Dhaka.

Mr. Islam tried to act as a mediator, his co-workers say, imploring workers not to vandalise. He had already recruited a growing number of workers to join the labour groups affiliated with the A.F.L.-C.I.O., a trend noticed by intelligence officials. That April, Babul Akhter, head of one of the labour groups, said an N.S.I. agent warned him "to refrain from" discussing labour rights with workers or the agency would take "strong action" against them.

"Why are you guys, and Aminul, talking to them?" Mr. Akhter recalled the agent asking him. "He asked me, 'Do you have the right to do this work?' "

As the 2010 protests continued, the authorities revoked the registration for the Bangladesh Center for Workers Solidarity, the nonprofit labour group that employed Mr. Islam. His bosses, Kalpona Akter and Babul Akhter, were arrested and accused of inciting worker riots, charges they denied and interpreted as a heavy-handed effort to shut down their organising. Mr. Islam faced similar charges.

But the most brazen intimidation came that June, when Mr. Islam was abducted and tortured by a group of thugs, led by an N.S.I. agent, his family and colleagues say. He told co-workers that he had been taken north of Dhaka and beaten badly. He said the agent pressured him to sign a document incriminating his colleagues, even threatening to kill him and his family, before Mr. Islam managed to escape.

"During the torture, they told him 'You are trying to become a leader of the workers,' " recalled another organiser, Laboni Akter, who worked closely with Mr. Islam. "They told him, 'We follow you. We listen on your phone.' "

A Secret Truce

Workers won a partial victory after the 2010 riots, as Prime Minister Sheikh Hasina raised the monthly minimum wage to about \$37. Many labour activists believed the next step should have been to lift restrictions on workers' organising. Street protests would be less likely, they argued, if workers thought a fair, impartial process existed to resolve disputes.

Bangladeshi officials instead have focused on oversight. A special government committee, called the Crisis Management Cell, now monitors the garment sector. An entirely new law enforcement agency was created, the Industrial Police, empowered to collect intelligence and pre-empt labor unrest in industrial areas. After his ordeal, Mr. Islam lowered his profile. Kalpona Akter said N.S.I. agents were calling so regularly that she moved Mr. Islam to a quieter industrial area to put some distance between him and the angry protests still happening in Ashulia. At one point, she asked him if he wanted to quit. "He said, 'No, I want to work. It is my passion,' " she recalled.

Finally, in late 2010, an intermediary arranged a secret meeting that included Mr. Islam and the director of the National Security Intelligence Agency. The meeting -- confirmed by three people with knowledge of the meeting -- was an attempt to clear the air so that Mr. Islam could continue to work in safety. The director gave Mr. Islam his cellphone number and told him to call if he had a problem.

But last March, more than a dozen officers took Mr. Islam away, his family and co-workers say. For several hours, officers with the Industrial Police questioned him about unfounded rumours that he was planning to organise 10,000 workers to participate in an opposition political rally on March 12. Not true, Mr. Islam had responded. The officers allowed him to leave but required him to return to the station on the day of the rally.

At roughly the same time, a protest in Ashulia paralysed the Shanta Denim factory, which made clothes for Nike, Tommy Hilfiger, American Eagle and a range of other American brands. The dispute had a fluky spark: An angry confrontation had broken out after managers had refused to allow workers an afternoon off to watch the Bangladesh national cricket team play for the Asia Cup championship. But soon it swelled into a standoff over wages, sexual harassment of female workers and other concerns.

Workers sought out Mr. Islam, who began exchanging regular phone calls with a high-ranking government security official to try to broker a deal. On the early evening of April 4, Mr. Islam had negotiated a breakthrough. The next morning, workers would return to the factory. By then, Mr. Islam had disappeared.

Evidence From a Grave

Two days later, a photograph appeared in Amar Desh, a newspaper circulated in Mr. Islam's home village. It was the face of an unidentified dead man whose body had been discovered by the police in Tangail, about 40 miles from Dhaka. Someone in the village grabbed the newspaper and rushed to Mr. Islam's family home.

When the family reached Tangail, the police had buried the body in a pauper's grave. The corpse was exhumed and showed evidence of torture. In police photographs of the body, Mr. Islam's knees are smashed and his toes broken. Someone had cut or drilled a hole beneath his right knee. A medical official concluded that he bled to death.

"This kind of torture was definitely by a professional goon squad," Ms. Akter said.

Torture and extrajudicial killings have existed in Bangladesh since its founding in 1971. In a scathing 2009 report, the International Crisis Group wrote that Bangladesh's police "have a well-deserved reputation for brutality, corruption and incompetence." Too often, the report noted, security forces served at the behest of powerful interests.

"Wealthy businessmen in particular have a history of buying police support to increase profit margins," the report stated, citing a human rights lawyer who complained of "numerous examples of garment factory owners bribing police officials to force workers protesting late wages to work."

In 2007 and 2008, when a military-backed caretaker government ruled Bangladesh, at least 297 people died in extrajudicial killings, according to Odhikar, a Bangladeshi human rights group. When she took office as prime minister in 2009, Ms. Hasina promised to restore democratic practices and put an end to vigilante-style killings.

But nearly four years later, progress has been halting. In January, Human Rights Watch noted that security forces "remain above the law" and described the rise of a new problem -- "enforced disappearances" -- in which a growing number of people have disappeared after being abducted.

Mr. Islam's co-workers believe his case fits the same pattern, even as the authorities deny any involvement by security agencies. In July, Ms. Hasina seemed frustrated by the outside attention on the case, saying that suspicions about security forces were unfounded and that Mr. Islam's image as a labor leader was misleading, since he actually worked for a nonprofit group. "Why don't you inform the embassies of the Western countries that Aminul was not a workers' leader?" she said, according to The Independent, a Dhaka publication.

One of the biggest mysteries in the case involves Mustafiz Rahman, the man who sought Mr. Islam's help in arranging his wedding on the night that Mr. Islam disappeared. Mr. Islam's co-workers say Mr. Rahman had ties to security forces, while an investigative account in the New Age, a Bangladeshi publication, said Mr. Rahman had helped the police arrest a different labour organiser and had been seen in the presence of intelligence agents.

He has not been seen or located since the day Mr. Islam disappeared.

Leaders of the biggest Bangladeshi labour federations have condemned Mr. Islam's killing but also complained that the Solidarity Center and its unions initially shunned them and looked overseas for help.

"They didn't do anything on the ground," said Roy Ramesh Chandra, head of the country's biggest labour federation, a government ally. "They have only asked for solidarity support from the outside. They only send e-mails that tarnish the image of the country, industry, even the trade union movement. That is not acceptable to us."

Analysis of RPO: Does the law ensure governance in candidate selection?

MD. ABDUL ALIM

BEFORE the 9th parliamentary election, the key electoral legal framework of Bangladesh, the Representation of People Order, 1972 (RPO) was revised and many initiatives were included in the law. One of the initiatives was to bring transparency in selection of candidates by the political parties. To address the issue, two provisions were made. The first provision [Article 90B(b)(iv) of the P.O. No. 42/2008] states that a political party has "to finalise nomination of candidate by central parliamentary board of the party from the panels prepared by the members of the ward, union, thana, upazila or district committee ... of concerned constituency." The second provision [Article 12(1) (j)] says that a person is disqualified (not applicable for independent candidate) for election if he has not been a member of a registered party for three years.

Some objectives behind the two provisions are: (i) to ensure intra-party democracy in candidate selection, (ii) to stop selling of nomination by the parties or party leaders, (iii) to prevent non-politicians such as civil servants, army officials from becoming a candidate just after retirement, (iv) to prevent non-political businessman from becoming a candidate from a political party, and (v) to stop nomination of politicians switching from other parties.

The first provision was mandatory in the 9th parliamentary election and the second has now become

mandatory as parties have already completed 3 years after getting registration with Election Commission (EC). Did the parties follow the first provision in the 9th parliamentary election? About Awami League's nomination Transparency International Bangladesh's (TIB) study on Local Participation and Expectations in the Nomination Process of the National Elections observed that "in most of the constituencies nominations were made from the recommended panel in the 9th parliamentary election. Nevertheless, in some constituencies there was little reflection of the grassroots opinion as it was ignored and nomination was not given from the proposed panel." About BNP's nomination, the study found that "in most cases their (local BNP leaders) opinion was hardly reflected in the final nomination." The study also found that in only 52% cases local leaders of the parties participate in candidate nomination process.

Both the above-mentioned provisions were made during the time of CTG and later, when the law was passed in the parliament in 2009, an amendment was made with the Article 90B(b)(iv). If we analyse those two provisions, we can identify the following shortcomings.

- The registration criterion [Article 90B(1)(a)(iii)] does not mention that the parties have to form committees at union/ward level, but the nomination criterion [Article 90B(b)(iv)] makes it mandatory to collect feedback from the ward/ union committees along with district and thana/upazila committees. This is contradictory as there is no provision to form union/ward committees. How do parties receive

feedback from those committees?

- A party is allowed to get registration if it establishes "district offices in at least in one-third administrative districts, and at least one hundred upazilas or metropolitan thanas." So a party need not establish offices at all districts and thanas/upazilas. If there is no office/committee in a specific district/thana/upazila, who will recommend the panel for nomination? In this case, there is no way to violate the RPO provision.
- Article 12(1)(j) of the RPO clearly says that a candidate nominated by a registered party must have membership for three years. The question is how can EC understand who is a member of AL and who is a member of BNP? The RPO does not have any provision that the parties have to submit and/or update their membership base to EC time to time. As a result, there is scope by the parties to nominate someone (showing back date), who has not been a member of the party for three years, as a candidate.
- After revising the law in 2009, parties may only collect list of panel from the grass-root committees, but central parliamentary board is not bound to select candidates from this list. As a result, we are assuming that the previous practice of nominating candidates will back again and the party high-ups will enjoy all power to nominate candidates. So, there may be corruption and lack of intra-party democracy in candidate selection. In the case of Simin Hossain Rimi, AL didn't collect any suggestions from grass-root committees and the decision was taken by the party high-ups.

Suggestions: (i) RPO has to make a provision that the parties have to establish membership database, update it on a regular basis and submit it to EC once a year. The concerned membership base could be stored in the respective local offices of EC; (ii) the nomination provision of the RPO [Article 90B(b)(iv)] could be revised to ensure meaningful intra-party democracy, e.g. parties could hold council for nomination of candidates. The German Law on Political Parties requires that "the nomination of candidates for election to all levels of government must be by secret ballot." Article 21 of the law provides that there are three ways that a party can nominate a candidate, i.e. through an assembly of party members, or a special assembly or a general assembly of party representatives; (iii) the time between the declaration of election schedule and finalisation of nomination is very limited, and it is impossible to verify information provided by the candidates. The timeframe could be extended and the parties could be told to submit a potential list of candidates six months before the election so that EC can verify information about the candidates; (iv) there are lots of NGOs/CSOs working in the field of election. The RPO should make a provision to include them to oversee nomination by the parties; and (v) another provision could be made that a candidate nominated by a political party has to submit the list of panel prepared by grass-root committees along with the nomination submitted to EC.

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