



INTERNATIONAL LABOR RIGHTS FORUM

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April 28, 2011

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Dear Rajan,

Thank you for your letter of February 10, 2011, concerning the criminal cases against leaders and staff of the Bangladesh Center for Worker Solidarity (BCWS). Nine months or more after they were filed, none of the charges has yet been substantiated; nor have they been dropped despite Walmart's stated efforts in securing a solution.

We are committed to protecting the freedom of human rights and labor rights defenders such as BCWS and convinced that Walmart could make a decisive difference to ensure peaceful labor rights leaders are not prosecuted under false charges. Because of the long period of time with no progress, the severity of the charges against the BCWS staff and leaders, and the chilling message of these cases—that anyone who seeks to defend labor rights can be harassed, imprisoned, and tortured with impunity—we plan to continue our public education campaign to hold the responsible parties, including Walmart, accountable.

The following is an update on the cases against BCWS. We also seek to correct apparent misinformation in your letter of February 10, 2011.

Alarmingly, two weeks ago an additional Nassa case against Babul Akhter and Aminul Islam of the BCWS came to light. We understand that this is case number 33 filed on June 12, 2010, at the Aasulia police station by Md. Eusuf, the Assistant General Manager of the Nassa Basic Complex. The complaint is that Mr. Akhter and Mr. Islam extorted money from Nassa managers on June 10, 2010. According to BCWS, neither Mr. Akhter nor Mr. Islam was anywhere close to the Nassa Basic Complex that day. Mr. Akhter and other leaders of BCWS were in High Court from early morning until at least 5:30 pm to request the court to enjoin the revocation of BCWS's NGO registration. Mr. Islam was in BCWS's Tangail office, about 50 kilometers from Nassa Basic Complex. Police recently raided the homes of both Mr. Islam and Mr. Akhter and issued arrest warrants for both individuals. Unless they can post bail, these individuals could be sent back to jail where Mr. Akhter was tortured on August 30, 2010.

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Case number 33 is not the only Nassa case still pending.

In your letter you state that you “understand the Nassa group has dismissed all charges against the BCWS and 54 of their employees.” We assume that you refer to case number 48 filed on June 19, 2010, at the Aasulia Police Station by the same person who filed case number 33, Md. Eusuf, the Assistant General Manager of the Nassa Basic Complex, against Babul Akhter and Aminul Islam of the BCWS, 59 named workers, and 70-80 unnamed workers. This case was filed on the day of an uprising of tens of thousands of workers in the Aasulia industrial area which began with 7,000 workers at a Nassa factory demonstrating for a 5,000 taka minimum wage.¹ The case alleges that the accused entered a Nassa factory, assaulted officers, vandalized property worth 900,000 taka, and stole motherboards of ten computerized bartek machines.²

At the time of this incident Mr. Islam was recuperating from being tortured just three days earlier at the hands of National Security Intelligence officers who had demanded he confess that BCWS leaders had instigated worker unrest and violence.³ He was in too much pain to move and too terrified of being detained by police or security forces to even come close to a protest. For his part, Mr. Akhter reports that he was in a meeting with Mr. Israfil Alam, a member of parliament and the chairman of the Standing Committee on Labor and Employment, at the time of the alleged misconduct at Nassa. The Nassa Group has claimed publicly, and apparently to Walmart as well, that it has dropped the charges against BCWS staff and leaders relating to the worker protest of June 19, 2010. The Bangladesh Garment Manufacturers and Exporters Association also states in its September 8, 2010, letter to the United States Congress that they have been informed that the Nassa Group does not have any charges against BCWS anymore. Yet, both Mr. Akhter and Mr. Islam are still required to report to court under this case. This indicates that the case has not been dismissed.

Your letter also reports that the “Envoy Group has advised that they did not file a case against the leaders of the BCWS.” However, on August 22, 2010, M.A. Awal, a security officer at Manta Apparels Ltd., a part of the Envoy Group, filed a complaint against Aminul Islam, accusing him of participating in attacks against the factory and vandalizing property on July 31, 2010. This is case number 51 in the Aasulia Police Station. At the time of this incident, Ms. Akter reports that Mr. Islam was in the Tangail district office of the Bangladesh Garment and Industrial Workers Federation office, 95 kilometers away from Manta Apparels.

Your letter also misses another case related to the Nassa Group. Case number 36 filed on July 30, 2010, in the Tejgaon Industrial Area police station by Sub-Inspector Md. Mainul Islam Pulok, alleges that Kalpona Akter and Babul Akhter from the BCWS and nine others destroyed property of the Nassa Group on July 30, 2010. On July 30 Ms. Akter and Mr. Akhter were attending a BCWS staff meeting in the BCWS Gazipur office, approximately 35 kilometers away from the location of the incidents. According to Ms. Akter and Mr. Akhter, the meeting started at approximately 9:30 a.m. and ended at about 2:00 p.m. After the meeting, there were informal discussions with the staff until about 6:30 p.m., when Ms. Akter and Mr. Akhter closed the office together with the staff and departed. The meeting participants are listed in the sign-in book for the meeting.

¹ “76 factories closed, 100 injured in police-workers clash in Ashulia,” The Financial Express, June 20, 2010, www.thefinancialexpress-bd.com.

² “Case filed against 4,000 workers,” The Financial Express, June 21, 2010, www.thefinancialexpress-bd.com.

³ Mr. Islam’s testimony of torture is available in ILRF’s report, “Enemies of the Nation or Human Rights Defenders?: Fighting Poverty Wages in Bangladesh” (<http://www.sweatfree.org/bcws>).

It is noteworthy that Ms. Akter reports that she communicated directly with a Walmart representative while attending this meeting. When she received news that the Navana Towers was attacked by mobs she called the Walmart representatives who have an office there to inquire about their safety. Ironically, both Ms. Akter and Mr. Akhter face charges relating to the incident at the Navana Towers. The charges include using explosives to destroy property, an offense punishable by death under the Explosive Substances Act of 1908. This is case number 89 filed at the Gulshan police station on July 30, 2010, filed by Md. Salim, General Secretary of the Navana Tower Shopping Complex Owners Society.

There now appears to be a total of 11 cases pending against leaders and staff of BCWS. They are facing years in prison, and possibly capital punishment should they be convicted. The Bangladeshi government has failed to substantiate the charges.

There is strong circumstantial evidence that the charges against the BCWS leaders and staff are retaliatory. BCWS had conducted labor rights trainings with Nassa workers from April to June, 2010. One worker at Nassa Global Wear filed a complaint with the International Labor Organization stating that on May 8, 2010, management announced over the factory's public address system that workers who attended BCWS trainings would be fired and forced to leave the area and that BCWS would be "taught a lesson."⁴ On June 6, 2010, a worker leader from the same factory told BCWS that managers had told workers that BCWS would be shut down; Nassa managers knew that the NGO Affairs Bureau would cancel BCWS's NGO registration several days before BCWS itself was informed of this fact.

BCWS had also conducted labor rights trainings with hundreds of workers at Manta Apparels early in 2010. Workers told BCWS that managers warned them they would file criminal charges against them if they "raised their voices for their rights."

We urge Walmart to act on its responsibility to prevent peaceful labor rights leaders from being prosecuted under false and possibly retaliatory charges, and being sentenced to long prison terms or being put to death. We ask that you please work with your suppliers and any other appropriate actors in Bangladesh to ensure all unsubstantiated criminal charges against BCWS leaders and staff are immediately dropped, and that no evidence obtained through torture or beatings or evidence that is otherwise fabricated is used in prosecuting BCWS leaders and staff. We have no doubt that if Walmart insisted that its suppliers drop the charges against peaceful labor rights defenders they would do so in order to be assured of retaining Walmart's business.

Please let us know what steps you have taken and what additional steps you might take to address this situation.

Sincere regards,



Judy Gearhart
Executive Director, International Labor Rights Forum



Bjorn Claeson
Director, SweatFree Communities
Campaign at ILRF

⁴ This worker's testimony is on file with the International Labor Rights Forum. Additional circumstantial evidence that Nassa filed retaliatory charges against BCWS is included in the report cited above, "Enemies of the Nation: Fighting Poverty Wages in Bangladesh."