

An Urgent Appeal for Solidarity Support

Indictment of women workers of the apparel sector under the Prevention of Hostage Taking Act No 41 of 2000 by the government of Sri Lanka

GP Garment (Pvt) Ltd is a Belgian own company operating two factories in Sri Lanka one in the Biyagama Free Trade Zone (FTZ) and the other in the Seethawaka FTZ. They produce uniforms for the French Army.

In 2005, the management of the Biyagama factory wanted to close down and transfer the workers to its Seethawaka factory which is nearly 30Km. away from Biyagama. When the union opposed this move, the management planned to bust the union by making certain changes in the command structure. The main strategy of the management was to destroy the union through intimidation and provocation. The management even went to the extent of using the Special Task Force of the Police (for more information please find enclosed a statement that was submitted to the Court by the union).

As described in the enclosed statement, the company dismissed 518 workers without even issuing charge sheets. No opportunity was made available to prove the innocence of workers. When the arbitration case was taken up for the inquiry, the Arbitrator suspended proceedings of the case by accepting the preliminary objections raised by the company lawyers on the grounds that, the police has filed criminal cases in the lowest criminal court (Magistrate's Court) against 37 of the 518 who are dismissed.

When the Magistrate's Courts took up the cases of said 37 workers for hearing, the company lawyers again objected and requested not to proceed, as the company has urged the Attorney General to indict the workers under the provision of Prevention of Hostage Taking Act No. 41 of 2000. As result the case was dragged on for more than 3 years through continues postponements.

As mentioned in our submissions to the Court, workers were promised by the company that their annual bonus will be paid on 18th April 2005 when they report to work. The company showed no signs of paying the entitled workers' bonus till 20th April 2005. In protest of this deceitful action, the workers staged a stay-in/sit-down strike till they were paid the bonus which is due to them. The stay-in/sit-down strike is an accepted and a legal trade union action recognized union action in the country and also by ILO Convention No.87 and No.98. The company having dismissed most of the trade union activists, selected 37 workers (one of them was under interdiction over a previous union incident) inclusive of some committee members and lodged a false complaint to the police station alleging that they took two of the foreign directors of the company hostage. Contradicting this claim, the Director of the Board of Investment(BOI) who is in charge of the Biyagama FTZ and the officer in charge of the BOI security who was present at the factory on that day and involved in negotiating the dispute of the bonus issue have inform in writing to the Director General of the BOI **stating that none of the management staff of GP Garments were taken hostage.**

On 16.07.2008 when the case came up before the Magistrate's Court, the police informed the Courts that the Attorney General has decided to file indictments before the High Court under the Prevention of Hostage Taking Act. The workers were asked to appear before the High Court on 25th July 2008, when summons are served.

This is the first occasion in Sri Lanka where workers have been indicated under the Prevention of Hostage Taking Act, which has been specifically enacted to give effect to the 1979, United Nations Convention Against the Taking of Hostages. When indicted under the said law the High Court is authorized to remand the accused until the final determination of the case or release them on cash and personnel bail. If granted bail, the falsely accused workers will be called upon to deposit huge amounts of cash in order to ensure the accused will not abscond from Court proceedings. In the event of failure to deposit the required bail money as a guarantee, the accused workers will be placed under remand custody.

A person who is guilty of an offence under the said law, on conviction after trial on indictment by the High Court, can be punished with imprisonment for life.

Defending the workers interests in this case also involves exorbitant financial burdens. Due to the gravity of the charges framed, the services of experienced and competent legal services need to be obtained. This legal persecution is aimed clearly aimed at exhausting the union's capabilities and putting it out of action.

This is a very clear and blatant violation of ILO Conventions on freedom of association and collective bargaining. The legal action is designed to victimize innocent female workers.

We attach herewith a copy of the **letter** our union sent to the Minister of Labor urging him to take immediate steps to withdraw this indictment. We will hold a press conference with the participation of these workers on **24th July 2008**. We have also called representatives of all trade unions to discuss this matter on the same day and extend their strength to us.

We urge you to take similar action by writing letters to the following, demanding the withdrawal of the above case with immediate effect. **You can use our letter to the minister as a model letter**

Email address

1. Athauda Senaverathana Esq . Hon, Minister of Labor Relation And Man Power
smol@slt.lk
2. Dr. Sarath Amunugama Esq. Hon, Minister of Investment Promotion
minedip@slt.net.lk
3. G.L Peiris Esq
Hon. Minister of External Tread
fortrade@doc.gov.lk

In order to defend the interests and prove the innocence of workers before the High Court it will involve a large sum of funds. In support of this initiative we have decided to launch a fund raising campaign nationally and internationally. Your contribution to this fund however small will give us and the battered workers courage and strength to fight this injustice. Please find below our union Bank Account Number, if you so wish to make a contribution at this time of our difficulty.

Account Details

Name of the Bank Account : Free Tread Zones & General Services Employees Union
Account No.: 0003267980
Name of the bank: Bank Of Ceylon (Lake House Branch)
Address: Lake house Building Colombo 10 Sri Lanka
SWIFT Code: BCGYLKX
Bank Code: 636

Please copy us all written communications, protest letters and solidarity letters you may send to the authorities. We look forward to receiving your support and solidarity.

Yours
In solidarity
Anton Marcus
Joint Secretary
Free Trade Zones & General Services Employees Union