

Murder charges dropped in Pakistani factory fire

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Pakistan prosecutors have dropped murder charges against the owners of a Karachi garment factory that burned down last September, killing nearly 300 workers. The charge sheet was changed after the intervention of Prime Minister Raja Pervaiz Ashraf, under pressure from domestic and international investors.

Ashraf met leaders of Pakistan's largest and most influential business lobby group, the Karachi Chamber of Commerce and Industry (KCCI), on December 29. The KCCI had protested against the murder charges initially laid against the Ali Enterprises owners, "simply because they owned" the factory, and argued they should instead face lesser counts of "negligence".

The prime minister agreed, and in a closed-door meeting, told the business leaders that the murder charges should not proceed. Ashraf's press secretary, Shafqat Jalil, later admitted that the KCCI had been told the prime minister would "ask the Sindh chief secretary and police to reinvestigate the legal aspect of the case, before referring it to the court for a further decision."

Two weeks later, the police applied to the courts to have the murder charges withdrawn. "When the head of the country makes a statement like this, the bureaucracy knows what to do," Faisal Siddiqui, a lawyer representing the fire victims told the *New York Times*. "There's a chain of events. Only a blind person wouldn't see that it's linked to the PM's statement."

On the evening of September 11, at least 259 workers of about 650 working in the Ali Enterprises factory either burned alive or were asphyxiated by smoke after the plant caught fire. Many more were severely injured after jumping from the roof of the building. The disaster highlighted the slave-like exploitation of workers in the country's garment and textile sector.

The blaze was the world's deadliest factory fire.

Prosecutors filed murder charges against the owners amid public outrage over the deadly fire.

Ashraf's office has attempted to downplay the prime minister's intervention in the legal proceedings. Spokesman Shafqat Jalil told the *Express Tribune*: "The government would not tolerate anyone being harassed." He added that "it was never discussed that all charges against the owners ought to be withdrawn."

The KCCI rushed to the defence of the prime minister, insisting that murder charges were "unjustified". KCCI president Muhammad Haroon Agar declared: "Our point is that the fire seems like an accident and the case should remain in the realm of an accident and not on the lines of intentional murder. According to our reports, the factory had everything for safety, including ISO 9000, and some other international safety standards."

In reality, the four-story factory was a death trap, lacking basic safety measures. All but one of the exits, including emergency exits, were kept locked, stairways were blocked and windows barred with iron grills. When the fire rendered the only open exit in the building inaccessible, workers had no way out. Fire fighters could only enter the building after digging holes in the building's walls.

Four other fires had broken out in the factory over the past two years, including one just before the deadly blaze. The factory was nevertheless issued a SA8000 certification, after health and safety, wages, working hours and child labour were inspected by officials in the month before the fire.

Both the standardisation organisations and their inspection partners, locally and internationally, have denied any responsibility. They invoked "confidentiality" to categorically refuse to reveal any

issues found in inspection reports. Hundreds of other factories in Pakistan have been certified by these “inspectors” so that international garment brands could subcontract work at minimum cost.

The squalid and dangerous working conditions revealed in Ali Enterprises are the norm in factories across Pakistan as well as in neighbouring countries in the region competing for export orders and foreign investment. KCCI president Muhammad Haroon Agar gave voice to the demands of business interests seeking to promote foreign investment when he urged people to view the Karachi fire and similar incidents as the “cost of doing business”.

Following the Ali Enterprises disaster, the government initiated a number of bogus investigations to contain public outrage and cover up for those who were politically responsible for creating the conditions that produced the fire. But Ashraf’s intervention underscores the government’s concern not to alienate business interests over the case. Amid an acute balance of payment crisis, the government relies on the textile industry as a major foreign currency earner—it accounted for 56 percent of export earnings in 2011.

The charge-sheet subsequently submitted by the public prosecutor declared that the “premeditated murder charges against the suspects ... are not proven.” The sections invoked earlier in the penal code identified the murder charges as *qatl-e-amd*, which in part include acts “with the knowledge that his act is so imminently dangerous that it must in all probability cause death,” and carry life imprisonment or death sentence.

The National Trade Union Federation (NTUF), has petitioned in the Sindh High Court against Ashraf’s intervention, claimed that “police have weakened the case due to pressure.” NTUF and other trade unions are asking workers to expect relief through courts. The unions share responsibility for the disaster—they are complicit in maintaining the dangerously poor conditions in the garment factories as part of their collaboration with big business.



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