

December 7, 2007

To: EU Commissioners Günter Verheugen Vice President
 Franco Frattini Vice President
 Benita Ferrero-Waldner
 Peter Mandelson
 Vladimír Špidla

Re: ECCJ concerns about the issuing of an arrest warrant against Dutch human rights activists

Dear Commissioners,

The European Coalition for Corporate Justice, a European wide network of more than 250 civil society organisations, wishes to express its grave concern over recent developments in a court case against two of our member organisations in the Netherlands, the Clean Clothes Campaign and the India Committee of the Netherlands.

Seven employees of these organisations are being targeted for their efforts to disseminate information about labour rights violations at the Indian jeans manufacturer Fibres and Fabrics International Pvt. Ltd. (FFI) and its subsidiary Jeans Knit Pvt. Ltd. (JKPL). The Dutch organisations, their employees and the internet service provider are being accused of cyber crime, acts of a racist and xenophobic nature and criminal defamation and their case has been in court since June 2007. On 1 December 2007, the Bangalore magistrate court ordered their arrest and announced to request the Indian Ministry of Home Affairs to execute arrest warrants and request extradition of the Dutch nationals.

Since July 2006, local unions and labour rights organisations who reported labour rights violations at Indian garment factories in 2005 and 2006 have had a restraining order issued against them at the behest of FFI/JKPL to prevent them from circulating any information about conditions in the factories. Local activists have also been summoned to appear in court in December 2007.

In an attempt to resolve the issue through mediation by the Dutch Government, Dutch NGOs filed a specific instance under the OECD Guidelines for Multinational Enterprises in October 2006 against the Dutch company G-Star, a major buyer of FFI/JKPL. The specific instance has not yet been concluded, partly due to reluctance of G-star to enter into a dialogue.

We consider it unacceptable that the situation was allowed to escalate up to the point that an international arrest warrant might be issued against these human rights activists. We believe that the legal actions that have been initiated are an attempt to curb freedom of speech and the fundamental rights of NGOs to address labour and human rights violations throughout supply chains of European companies.

In the framework of EU commitments for the protection of human rights defenders and upholding the ILO conventions, ECCJ urgently calls on the European Commission to:

- Request all EU Member States to state that they will not extradite the employees of the Dutch NGOs and internet provider to India, as was stated by the Dutch Government;
- Urge the Indian Government to refrain from giving executive approval of the international arrest warrant against the employees of the Dutch NGOs and to work toward initiating a dialogue between the Indian company and the labour rights organisations involved in order to normalize industrial relations and address outstanding labour issues;

- Clarify to the Indian Government that the EU fundamentally disagrees with the claim that NGOs aiming to protect labour rights are a barrier to trade. Upholding fundamental labour rights can never be a barrier to trade.
- Recognise that court cases like these undermine Corporate Social Responsibility (CSR) activities and objectives. Ensuring the respect for workers' and human rights depends on the ability of corporations to accurately assess working conditions, and for civil society organisations to participate freely in this process.

We would appreciate being informed about the steps the Commission is taking to address our concerns.

Yours Sincerely,

On behalf of the European Coalition for Corporate Justice,

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WHO WE ARE

The European Coalition for Corporate Justice (ECCJ) was established in 2005, and brings together NGOs, trade unions and coalitions promoting Corporate Social Responsibility (CSR) and Corporate Accountability (CA) from all over Europe. We share a vision of a sustainable world in which corporations' drive for profit is balanced by the interest of society at large and respects human, social and environmental rights.

ECCJ members include national European coalitions such as the UK-based Corporate Responsibility Coalition (CORE), the Dutch CSR Platform, the German Network for Corporate Accountability (CorA) and the French Forum Citoyen pour la RSE, as well as sections of the leading NGOs in the areas of environmental, social and human rights, such as Amnesty International, Friends of the Earth, Greenpeace and Oxfam. Overall the ECCJ represent over 250 NGOs and trade unions throughout Europe including new Member States.