> Therefore, Ecuador has made the decision to officially suspend our support for the Andean Trade Promotion and Drug Eradication Act (ATPDEA). We want to make it perfectly clear to this applicant and all asylum applicants that their human rights are not to be bargained with or subject to political pressure.
>
> Ecuador will commit to use our own resources to support the industries and workers who may be affected by the lapse of ATPDEA.[9]

INTERNATIONAL HUMAN RIGHTS

U.S. Government Responds to Poor Working Conditions in Bangladesh's Garment Industry[1]

The United States imports about $4.5 billion in garments from Bangladesh annually.[2] Two tragic events in clothing factories in Bangladesh, which manufacture apparel for U.S. and other western markets, have heightened U.S. officials' attention to substandard and unsafe working conditions in Bangladesh's garment industry. In November 2012, a fire in the Tazreen Fashions factory killed 112 people;[3] in April 2013, the Rana Plaza factory building collapsed, killing over 1,100 people.[4]

In May 2013, officials from concerned U.S. agencies discussed issues of workers' rights and safety with firms importing garments for the U.S. market from Bangladesh. A U.S. Department of State press release described the discussion.

> Today the State Department, the Department of Labor and the Office of the U.S. Trade Representative convened a conference call with U.S. buyers in Bangladesh's garment industry to discuss U.S. Government engagement to improve workers' rights and working conditions in Bangladesh, and to review how the private sector can assist in these vital ongoing efforts. Assistant Secretary of State for South and Central Asian Affairs Robert O. Blake, Jr. and Special Representative for International Labor Affairs Barbara Shailor represented the State Department.
>
> Assistant Secretary Blake and Special Representative Shailor noted that the tragedy at Rana Plaza once again underscores the urgent need for government, owners, buyers, and labor organizations to work together to improve labor safety and the lives of working people in Bangladesh. Both the United States and Bangladesh have a shared interest in ensuring that the growth of Bangladesh's export sector does not come at the expense of safe and healthy working conditions or fundamental labor rights.

[9] Press Statement from the Government of Ecuador, Statement on the Renunciation of ATPDEA (June 27, 2013), *at* http://www.ecuador.org/blog/?cat=8&paged=2. Ecuador reportedly is considering legislation to compensate exporters harmed by the loss of ATPDEA preferences. *See Government Prefers Cash Compensation for Exporters*, ECUADOR TIMES, July 26, 2013, *at* http://www.ecuadortimes.net/2013/07/26/government-prefers-cash-compensation-for-exporters.

[1] *See U.S. Clothing Retailers Adopt Factory Safety Plan for Bangladesh*, this issue.

[2] Office of the United States Trade Representatives, Bangladesh, *at* http://www.ustr.gov/countries-regions/south-central-asia/bangladesh.

[3] Julfikar Ali Manik & Jim Yardley, *Bangladesh Finds Gross Negligence in Factory Fire*, N.Y. TIMES, Dec. 17, 2012, *at* http://www.nytimes.com/2012/12/18/world/asia/bangladesh-factory-fire-caused-by-gross-negligence.html.

[4] Jim Yardley, *Report on Deadly Factory Collapse in Bangladesh Finds Widespread Blame*, N.Y. TIMES, May 22, 2013, *at* http://www.nytimes.com/2013/05/23/world/asia/report-on-bangladesh-building-collapse-finds-widespread-blame.html.

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> The State Department strongly urged U.S. buyers to coordinate efforts with each other and with the Government of Bangladesh and the Bangladesh Garment Manufacturers & Exporters Association (BGMEA), as well as civil society and labor groups, on factory safety and fire initiatives, including helping pay for independent safety and fire inspectors. They encouraged the buyers to communicate their concerns about labor conditions to the BGMEA and the Bangladeshi Government, and to urge immediate passage of the labor law amendments to lay the basis for the establishment of an International Labor Organization and International Finance Corporation Better Work Program.[5]

In June 2013, the United States took more emphatic action. President Obama terminated the duty-free treatment of some imports from Bangladesh under the Generalized System of Preferences (GSP) because of that country's failure to provide internationally recognized labor rights. (Garments imported from Bangladesh, valued at about $4.5 billion a year, do not have duty-free status in the United States.[6]) An excerpt from the president's proclamation terminating GSP follows:

> 1. Section 502(b)(2)(G) of the Trade Act of 1974, as amended (the "1974 Act") (19 U.S.C. 2462(b)(2)(G)), provides that the President shall not designate any country a beneficiary developing country under the Generalized System of Preferences (GSP) if such country has not taken or is not taking steps to afford internationally recognized worker rights to workers in the country (including any designated zone in that country). Section 502(d)(2) of the 1974 Act (19 U.S.C. 2462(d)(2)) provides that . . . the President shall withdraw or suspend the designation of any country as a beneficiary developing country if, after such designation, the President determines that as the result of changed circumstances such country would be barred from designation as a beneficiary developing country under section 502(b)(2) of the 1974 Act. Section 502(f)(2) of the 1974 Act requires the President to notify the Congress and the country concerned at least 60 days before terminating its designation as a beneficiary developing country for purposes of the GSP.
>
> 2. Having considered the factors set forth in section 502(b)(2)(G) and providing the notification called for in section 502(f)(2), I have determined pursuant to section 502(d) of the 1974 Act, that it is appropriate to suspend Bangladesh's designation as a GSP beneficiary developing country because it has not taken or is not taking steps to afford internationally recognized worker rights to workers in the country. . . .[7]

In July 2013, the U.S. Departments of State and Labor and the Office of the U.S. Trade Representative issued a joint statement setting out a plan to address worker safety issues and allow restoration of GSP benefits.[8] An excerpt follows:

[5] U.S. Dep't of State Press Release No. 2013/0537, State Department Call with U.S. Buyers in Bangladesh Ready-Made Garment Sector (May 8, 2013), *at* http://www.state.gov/r/pa/prs/ps/2013/05/209163.htm.

[6] Howard Schneider, *Bangladesh Labor Lapses Could End Tariff Breaks*, WASH. POST, May 17, 2013, at A1; Ian Urbina, *Unions Seek to Revise Bangladesh Trade Status*, N.Y. TIMES, May 31, 2013, at B1; Editorial, *Obama Gets Tough on Bangladesh*, N.Y. TIMES, June 28, 2013, at A24.

[7] White House Press Release, Technical Trade Proclamation to Congress Regarding Bangladesh (June 27, 2013), *at* http://www.whitehouse.gov/the-press-office/2013/06/27/technical-trade-proclamation-congress-regarding-bangladesh.

[8] Steven Greenhouse, *U.S., Urging Worker Safety, Outlines Steps for Bangladesh to Regain Its Trade Privileges*, N.Y. TIMES, July 20, 2013, at B2.

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Today, the United States is outlining next steps in a longstanding effort to address in a meaningful way worker safety problems in Bangladesh—the severity of which were exemplified in the tragedies of the November 2012 Tazreen Fashions factory fire and the April 2013 Rana Plaza building collapse—and, more broadly, the ability of Bangladeshi workers to exercise their full range of labor rights.

On June 27, 2013, President Obama announced his decision to suspend Bangladesh's trade benefits under the Generalized System of Preferences (GSP) in view of insufficient progress by the Government of Bangladesh in affording Bangladeshi workers internationally recognized worker rights. That decision followed an extensive, interagency review under the GSP program of worker rights and worker safety in Bangladesh during which the U.S. Government encouraged the Government of Bangladesh to implement needed reforms. At the time of the announcement, the Administration provided the Government of Bangladesh with an action plan which, if implemented, could provide a basis for the President to consider the reinstatement of GSP trade benefits.

Today, the Administration is making this action plan public as a means to reinforce and support the efforts of all international stakeholders to promote improved worker rights and worker safety in Bangladesh. On the basis of this action plan, the United States looks forward to continuing to work with Bangladesh on the actions it needs to take in relation to potential reinstatement of GSP benefits.

The United States is also pleased to associate itself with the July 8, 2013 European Union (EU)-Bangladesh-International Labor Organization (ILO) Sustainability Compact for Continuous Improvements in Labour Rights and Factory Safety in the Ready-made Garment and Knitwear Industry in Bangladesh (Compact).[9] The United States looks forward to working as a full partner with the EU, Bangladesh, and the ILO to implement the goals of the Compact, many of which are broadly consistent with the GSP action plan we are releasing today. At the same time, the United States will pursue additional concrete actions required under the GSP action plan, such as increasing sanctions for labor violations sufficient to deter future misconduct, publicly reporting on the outcome of union registration applications, establishing an effective complaint mechanism for labor violations, and ending violence and harassment of labor activists and unions.

In addition to these complementary, government-to-government efforts, the Administration recognizes the importance of efforts by retailers and brands to ensure that the factories from which they source are compliant with all fire and safety standards in Bangladesh. We urge the retailers and brands to take steps needed to help advance changes in the Bangladeshi garment sector and to work together and with other stakeholders to ensure that their efforts are coordinated and sustained.

The Administration looks forward to continuing its engagement with the Government of Bangladesh and all stakeholders in order to effect positive change for Bangladeshi workers and to help ensure that the recent tragedies we have witnessed do not recur.[10]

[9] [Editor's Note: The compact is available online at http://trade.ec.europa.eu/doclib/docs/2013/july/tradoc_151601.pdf.]

[10] U.S. Dep't of State Press Release No. 2013/0908, Statement by the U.S. Government on Labor Rights and Factory Safety in Bangladesh (July 19, 2013), *at* http://www.state.gov/r/pa/prs/ps/2013/07/212209.htm.

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The Bangladesh Action Plan 2013 cited in the July 2013 U.S. joint statement includes detailed proposals for reforms in government inspections for labor, fire and building standards; the ready-made garments (RMG)/knitwear sector; export processing zones; and the shrimp processing sector.

INTERNATIONAL CRIMINAL LAW

U.S. Court Sentences New Hampshire Resident for Lying About Her Participation in Rwandan Genocide to Secure U.S. Entry and Citizenship

In July 2013, Senior Judge Steven J. McAuliffee of the U.S. District Court for New Hampshire sentenced Beatrice Munyenyezi of Manchester, New Hampshire, to ten years in prison for lying about her participation in Rwanda's 1994 genocide in order to secure entry into the United States and acquire U.S. citizenship. Munyenyezi, whose husband was a known Hutu militia leader, reportedly commanded a checkpoint where Tutsis were identified, detained, and then killed.[1] According to prosecutors and defense attorneys, she is the first person to be convicted in the United States based on her participation in the genocide.[2] Munyenyezi was found guilty following a jury trial in February 2013.

An excerpt from a report on the revocation of Munyenyezi's citizenship following her conviction contained in the U.S. Department of Justice's Human Rights and Special Prosecutions Section's newsletter follows:

> On February 21, 2013, in Concord, New Hampshire, U.S. District Judge Steven McAuliffe revoked Beatrice Munyenyezi's U.S. citizenship after a jury convicted her on two criminal counts of procuring citizenship unlawfully. Munyenyezi is the first Rwandan-born naturalized citizen to be denaturalized in connection with the 1994 genocide.
>
> Munyenyezi, 43, was admitted into the United States in 1998 as a refugee from Rwanda. She obtained her U.S. citizenship in 2003 and was charged in June 2010 (see http://www.justice.gov/usao/ma/news/2010/June/MunyenyeziBeatricePR.html).
>
> Munyenyezi, who was not on trial for genocide because the jurisdictional element to the U.S. genocide statute was expanded only after the Rwandan genocide, was found guilty of intentionally lying during the naturalization process and being ineligible to obtain U.S. citizenship. Prosecutors argued that she had also lied in her application to adjust status to lawful permanent resident and in various refugee documents about her role in the slaughter by ethnic Hutu militants of Tutsis. Prosecutors argued that Munyenyezi, a Hutu, misrepresented, on various immigration and naturalization documents, her membership in and affiliation with the *Mouvement Republicain National pour le Development ("MRND"),* the political party in power before and during the Rwandan genocide. Prosecutors also argued that Munyenyezi concealed the fact that she had aided and abetted in the genocide and persecution of Tutsis, including the murder, rape, and kidnapping of Tutsis, at a roadblock outside her residence.

[1] Lynne Tuohy, *U.S. Woman Gets 10 Years in Rwanda Fraud Case*, USA TODAY, July 15, 2013, *at* http://www.usatoday.com/story/news/world/2013/07/15/us-woman-rwanda/2518713.

[2] Lynne Tuohy, *N.H. Woman Silent Amid Rwanda Genocide Allegations*, ASSOCIATED PRESS, July 15, 2013, *at* http://www.apnewsarchive.com/2013/NH_woman_silent_amid_Rwanda_genocide_allegations/id-aa6c4ed5380c4c6594f83a9ce495aecc.

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