

# Loss and Legibility: A Conversation with Saeeda Khatoon

Palvasha Shahab

**Abstract** Saeeda Khatoon rose as a prominent figure and main voice of the Ali Enterprises Factory Fire Affectees Association (AEFFAA). She lost her son in the fire of 11 September 2012 and was one of the four petitioners in the German case against KiK. In this interview, she speaks to Palvasha Shahab about the events unfolding from her perspective as well as strategic decisions and collective organizing in light of the transnational lawsuits she was involved in.

**Keywords** Ali Enterprises factory fire · KiK case · Transnational collaboration · Strategic litigation · Ali Enterprises Factory Fire Affectees Association · AEFFAA

In the aftermath of the 2012 Ali Enterprises factory fire in Karachi, Pakistan, Saeeda Khatoon rose as a prominent figure and one of the main voices of the Ali Enterprises Factory Fire Affectees Association (AEFFAA). She lost her son in the fire on 11 September 2012 and was one of the four petitioners in the German case against KiK Textilien und Non-Food GmbH (KiK). Conversation with her makes one recall the Argentine Mothers of the Plaza de Mayo, her soft and endearing appearance only testifying to the iron resolve, bravery and strength that lies within. For the past 9 years, she has fought systems that she does not even always understand. But to her, understanding them is not the most relevant factor. What is important to her is to fight against the injustice and precarity that she was and still is forced to occupy, along with countless others. It is important for her to do everything she can to render her son's death meaningful.<sup>1</sup>

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<sup>1</sup>The interview was conducted in Urdu and later translated into English by Palvasha Shahab. Saeeda Khatoon's recollection of events is not always self-explanatory or chronologically consistent. For

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**Palvasha Shahab:** Can I record you?

**Saeeda Khatoon:** Of course! My recordings are everywhere. They have to be, because nobody wants to listen to the voice of labour, nobody wants to work with or for labour interests. I have suffered this. They try to stop you: your own neighbours who are tired themselves, or political parties, or factory owners, or others. They even tried to subvert the whole tragedy and politicise it. They say it was a case of political *bhatta* [extortion money, claimed in return for extra-legal protection by political parties], or terrorism, or this or that. All I have to say is, if this is true, why didn't they [factory owners] get help? Why did the owners not address it in any way? Why did they not even increase security in the factory? It has been 8 years, whoever this secret criminal was, why haven't they found him? And in any case, what has that got to do with our children? That is not why they died.

**Shahab:** Can you tell us about the events of 11 September 2012?

**Khatoon:** I used to work as a governess in Shakil Hasan, which is a little beyond Hyderi. I used to get done at 4 pm. We lived in Orangi Town, so it used to take me an hour to get home by bus. The first thing I did when I got home was to cook dinner because as soon as my son walked in, his first question used to be: "Is dinner ready?" And his second question was always: "What have you made for dinner?" So, I always used to make dinner and then do everything else. That evening, I had finished cooking the *saalan* [stew or gravy]. The rice we get in the area cooks very well if you soak it for a while, so I had soaked the rice. Several of our children—of us who lived in our neighbourhood—used to work in that [Ali Enterprises] factory, so around 6:30 pm somebody banged on my door and said there had been a fire in the factory where my son works. I turned off the stove, locked the house and went towards the homes of others who worked in the factory to find out if this was true. As I was walking, people were running and they said: "Others have already gone to the factory, whole families have gone. What are you still doing here? Don't go in that direction, don't go upwards, go to the factory!" I panicked, ran up to the bus stop, and from there I took a rickshaw to the factory. The factory was in SITE [Sindh Industrial Trading Estate], which was about an hour away. I had never been to the factory before. I had not even been to the SITE area before.

When I got there, the fire was raging. I could see it from a distance. There were personnel from the police, the navy, the rangers, even the traffic police. I tried to go towards the factory, but they held me back. There was one fire engine, which had water and was fighting the fire, while the other fire engine had run out of water already. I could see people were being taken out of the factory using a crane. I was frantically running about, crying, yelling my son's name, trying to call him on the phone, messaging him, praying for him to just send me one message—just one message. There were quite a few of us from the neighbourhood, relatives, acquaintances, etc. We tried to get together and do something, to go towards the factory and

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more detailed accounts of events and lawsuits surrounding the fire and its aftermath, please see the chapters by Faisal Siddiqi and Miriam Saage-Maaß in this volume.

get our family members out, but the police held us back. They even “baton-charged” [colonial term for pushing back crowds or hitting them with batons] us.

At about 11 pm, the authorities said we should go to either the Civil Hospital or Abbasi Shaheed Hospital. I went to the Civil Hospital first and checked every list. His name was not on the list of the injured or the dead. Then I went to Abbasi Shaheed Hospital, where they had taken only 10–15 of the injured, they had not taken any of the dead bodies there. But I found nothing there either. I sat on the steps of the Abbasi Shaheed Hospital and cried and cried. I didn’t know what to do. It was 2 am and there was no sign of my son. Then I went back to the Civil Hospital, where dead bodies were coming in now. Then, we also went to the morgue, but I still couldn’t find him. My sister and her husband were with me. They told me to wait outside while they went inside and checked. My neighbours said we should go back home and check if anything or anyone had turned up at home. The first dead body arrived in our neighbourhood at 4 am. I got home, had a cup of tea—I couldn’t eat—I said my morning *fajr* prayer and tried to think of what to do, of how to find my son. I was at a loss.

Then, I went back to the factory. They were removing only dead bodies from the factory now. They had been removing dead bodies since late at night. But my son used to work in the basement. There were about 40 people in the basement and none of them survived. At about 10 am, they found my son. Some youths had gone into the building with a torch. His body was found at the top of the stairs; he had been protecting his face with a plate. My child was the first of that lot that they got out. I kept saying: “Ayaan, Ayaan, Ayaan. Get Ayaan out.” They found that his death was caused primarily by suffocation and, later, by drowning; there were only minor burns. He had drowned in the hot water from the fire engines that drained towards the basement. When we saw his body, blood was coming out of his nose and ears. They took his body to Civil Hospital. They didn’t have space to put the dead bodies inside, so they put them outside and covered them with sheets. The authorities would not hand over the dead body to us, as they said there were many bodies and we would have to wait to identify the body. My sister went to them and said, “Just let us see, we will identify it.” Some bodies were recognisable, some weren’t. As I was requesting that they let us have the dead body, a gust of wind blew off the sheet they had laid on my son’s dead body, and I immediately identified it. We finally brought the dead body home at about 1:30 pm.

That day was like the apocalypse. Every house in our neighbourhood seemed to have a dead body on their doorstep. Some homes had two brothers’ dead bodies, and some had the bodies of a mother and daughter. There were 17 bodies in my immediate neighbourhood that day, then 24 more bodies arrived the next day. In total, our neighbourhood received 112 dead bodies. About 13 of these were women. It was a day from hell.

**Shahab:** What happened in the weeks and months following the fire? How did different victims and affectees come together, how was the AEFFAA founded and what were its aims?

**Khatoon:** After the fire, I tried to wrap my head around what had happened and different affectees tried to gather to seek justice—to make sure that this kind of

tragedy does not happen again. The police also called us in for verification during this time, but that was a harrowing experience. They made us sit and wait until 1 am. This was about a week or 10 days after the fire. I went with my sister's husband. There were many of us. They made us wait and wait. I also yelled and said: "We have come from afar, men, women, all sorts. Why are you not doing anything? Do what you have to do and let us go!" Then they called me in and did the verification, where they asked me the name of my son and what time I got the body, and so on, and prepared their report. And then things started moving along a little.

For the next year and a half, I just kept running from office to office, trying to get justice. It was imperative for us that no one else's child should suffer the same fate. There are others like my child. Every factory is unsafe. These 258 children lost their lives due to a lack of safety. Ali Enterprises did not have any safety. We wanted to take up this issue. We had to take up this issue. My child could not come back, but others can be saved.

During the next year and a half, we sought out the Death Grant.<sup>2</sup> When one person would get the call from government offices that would tell them about the grant or pension, then we would all share the information to make sure that everyone gets their due. When we went to their office on Shahrah-e-Faisal Road, they said we should go to Islamabad. We went to Islamabad. There, they said the money is here, but the orders and directions have to come from Karachi. So, we went back to Karachi, to the office on Shahrah-e-Faisal Road. There were times when we filled two buses, one from Orangi Town and one from Baldia Town, to apply pressure to make sure that all of us got their due.

Over the next year and a half, we kept trying to figure out what was the Death Grant, the pension from the Employees Old Age Benefits Institution (EOBI), the social security, and we went from office to office.

There was this lawyer's office in Mashriq Centre [near Gulshan Town, Karachi]. They had an association of some sort. They said if we pay them 30,000 rupees each,<sup>3</sup> then they would get us all the pension and compensation that was due to us. But at the time, the office of the National Trade Union Federation (NTUF) was in the same building. So, they used to see us coming and going. One of those days, about one and a half years after the tragedy, we got talking with Nasir [Mansoor]<sup>4</sup> and Zehra [Khan],<sup>5</sup> who used to be at that NTUF office. They then advised us to organise and form an association [AEFFAA]. And it was the best advice, because things became a lot easier once we formed the association. Different offices and departments started recognising us as a whole, as opposed to the scattered many.

**Shahab:** When did AEFFAA start working with national and international organisations like NTUF, the Pakistan Institute for Labour Education and Research

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<sup>2</sup>Provided by the Sindh Employees Social Security Institution (SESSI), under Section 37 of the Provincial Employees Social Security Act, 1965.

<sup>3</sup>The monthly minimum wage at the time was 10,000 rupees.

<sup>4</sup>General Secretary of National Trade Union Federation (NTUF).

<sup>5</sup>General Secretary of the Home Based Women Workers Federation.

(PILER), the Home Based Women Workers Federation (HBWWF), the European Center for Constitutional and Human Rights (ECCHR), and the Clean Clothes Campaign (CCC)?

**Khatoon:** We met Nasir [Mansoor] and Zehra [Khan] after a year and a half. Then, we made the association [AEFFAA] and the first thing we did as an association was file three court cases. And we won them too. Since then, we have worked in solidarity with Nasir and Zehra. They also introduced us, as an association, to the lawyer Faisal Siddiqi, who fought three cases for us, the affectees, and which we won fairly quickly after we formed the association. As a result of these cases, we got our pension settled with EOBI, and those who didn't have social security [registration with SESSI] also got their social security worked out, and then we got the Death Grant as well. Since then, we have been introduced to many organisations and worked with the lawyer Faisal Siddiqi. It was because we made the association that we got all this done.<sup>6</sup>

After that, we met PILER. Then, we met ECCHR. After the cases here [in Pakistan], we brought a case in Germany,<sup>7</sup> against the international brand [KiK]. What happened there was that there were some people, who are our friends now, who had come from Germany in 2014, who wanted to help us. So, they called about a hundred people over to the Mehran Hotel. They said we would like to meet some people from Baldia Town and some from Orangi Town, for a case about this fire. So, we selected a group of 100 people. They had a 3-day long programme in the Mehran Hotel. In those 3 days, they took in-depth interviews from all of us. They asked what happened, who were the family members, how burnt the bodies were, and so forth. After all these interviews, they selected 15 people, in accordance with what they thought might give us the best chance in Court. Then they called these 15 affectees the next day, to interview them further. Then, from those 15, we selected four people. One of them was me, then Muhammed Jabir, Abdul Aziz, and one who had been injured, Muhammed Hanif—he had fainted at some point in the fire, but he was the one who knew most about what had happened inside. Then, after this, we did this case in Germany.<sup>8</sup> Then, this ILO (International Labour Organization) pension has been coming from the Social Department [SESSI] since 2018.

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<sup>6</sup>Two of the cases Khatoon refers to were, in fact, initiated within a month of the Ali Enterprises fire. The third was filed in or around January 2013. Please see Faisal Siddiqi's chapter in this volume for details on the court proceedings. However, it is obvious that Saeeda and most of her fellow affectees had been unaware of the court cases and had been struggling for justice on their own. They believed that the cases were filed sometime after the AEFFAA's formation in late 2013 or early 2014. It appears that by making the association, the affectees became legible to the government offices, civil society organisations and lawyers, and vice versa.

<sup>7</sup>*Jabir and others v. KiK Textilien und Non-Food GmbH (Case No. 7 O 95/15)*.

<sup>8</sup>See Business and Human Rights Resource Centre, KiK lawsuit (re Pakistan), 7 October 2015, [www.business-humanrights.org/en/latest-news/kik-lawsuit-re-pakistan/](http://www.business-humanrights.org/en/latest-news/kik-lawsuit-re-pakistan/) (last accessed 7 October 2020).

**Shahab:** How did you come to lead AEFFAA and what were the difficulties you faced while leading it?

**Khatoon:** First, I was made vice president, Muhammed Jabir was president, and Abdul Aziz Khan was made general secretary. They were both from the Baldia Town area. But then later, Muhammad Jabir stepped down and I became president. Even though we were not an association before and didn't have a point person as such, we had, in one way or another, struggled from office to office from day one.

After this, in 2015, we did a case in the Labour Department and one in the Compensation Department [could mean the Sindh Employees Social Security Institution, Employees Old-Age Benefits Institution or Workers Welfare Fund]. We had some gratuity remaining and Group Insurance as well. Now, this year [2020], we will win the Group Insurance. The case is fixed for orders and when we get the order, I'll share it with you.<sup>9</sup>

When I struggled to get results, such as at the Compensation Department and Labour Department, I told the AEFFAA members that if they wanted results, they would have to take the trouble to come with me. I had been running around for 6 years, but it was time for a show of strength. In 2018, when the Compensation Department would not proceed with our case, I decided to fill two to three buses with people and show up at their offices. Then, these officers surrounded me, saying "Saeeda Baji, Saeeda Baji, Saeeda Baji!" [*Baji* means elder sister], requesting that I disperse them. I told the officers they should have thought about this when they refused to take action and move things along. Now, I couldn't help them. They said the judge had an accident and would definitely hear us the next day. But a little while later, we found out that the judge was sitting inside. Then, he met with us and told us to come tomorrow. So, the next day, I filled those buses again and showed up and made sure the hearing happened. Since the tragedy, there has not been a single month when I have not attended some hearing or pursued some meeting.

**Shahab:** What role did the case against KiK in Germany and the complaint against auditor RINA in Italy play in your struggle? What did the transnational collaboration mean to you?

**Khatoon:** It was a good experience. Our aim was not compensation, it was justice. We needed to fight for our children's safety against the international brand [KiK], to deter them from enabling this again, so that something like this does not happen to other children. It was not compensation we cared about at the time. We needed to

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<sup>9</sup>According to Section 12 of the Sindh Terms of Employment (Standing Orders) Act, 2015 [previously the West Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance, 1968] "every industrial establishment and commercial establishment, in which twenty or more workers are employed, the employer shall have all the permanent workers employed by him insured against natural death and disability and death and injury arising out of contingencies not covered by the Workmen's' Compensation Act, 1923 (Act No. VIII of 1923) or the Provincial Employees' Social Security Ordinance, 1965 (W.P.Ord.No.X of 1965)." This is referred to as "Group Insurance" in the side bar margins of the aforesaid Act, 2015. Khatoon is fighting a case for the victims to be processed for Group Insurance and for their heirs to receive this insurance.

make sure that things did not go on as they were. The dead bodies we have seen—the young bodies, 22-year-olds, 15-year-olds—most of them were so young, most of them were unmarried. The sight of those bodies does not leave me, and I cannot bear to think of something like this happening again.

Due to these transnational collaborations, we were able to amplify the incident and talk about it on various platforms. We were able to draw attention to our cause. The money does not mean anything. It is worth nothing against the joy we would have had if our children were still around. What is money? Money gets spent. But these collaborations allowed us to not be forgotten. If we can work to save lives, prevent deaths—that, for us, is the biggest motivation. We hoped it would lead to the factory owners and the international brand being held accountable and would usher in new safety mechanisms. We wanted a big judgement and something that would put an end to this lack of safety.

**Shahab:** How did you feel when you were not allowed to address the court in Dortmund, even though you had travelled all the way to Germany from Pakistan for the hearing on 26 November 2018?

**Khatoon:** I did not like it. I was hurt. On the day of the hearing, the judges in Germany got scared. They realised that we had too much support and too many supporters. That is why they delayed the judgement and said they would reserve it. They said they would give us a report on the 10th of the next month and disposed of our case.<sup>10</sup> But they should have given me something. Some report [judgement], some piece of paper to show for all the effort we made. There were two judges—they should have done something at least. They should have taken some steps, some initiative. That day, the lawyers with us requested the judges to let me address the court, but the judges did not allow it. The judges did not even let me speak to them. That day, I was very upset. When Nasir and all went to get lunch after the hearing, I went straight to my room. I did not eat anything that day. It felt very anticlimactic.

**Shahab:** How much were you able to achieve in the past 9 years?

**Khatoon:** We were more hopeful in the beginning. But now, we have very little hope from the government or from anyone else. What we won is more or less irrelevant because, despite the passage of 9 years, nothing has changed with respect to safety. Even if all factories within Karachi were not able to achieve perfect safety, it would have meant something if even 50 of these factories had been made safe. But people are still dying. Factories are still catching fire. Other accidents are still happening. I have run in every direction. I have mobilised here in Karachi, I have gone abroad, I have done it all. But to what real avail? Nevertheless, we do not intend to give up. It is difficult, but if we give up, things might become even worse. Maybe

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<sup>10</sup>Jabir and others v. KiK Textilien und Non-Food GmbH—Dortmund court dismisses lawsuit, *Focus on Regulation*, 11 January 2019, [www.hlregulation.com/2019/01/11/jabir-and-others-v-kik-textilien-und-non-food-gmbh-dortmund-court-dismisses-lawsuit/](http://www.hlregulation.com/2019/01/11/jabir-and-others-v-kik-textilien-und-non-food-gmbh-dortmund-court-dismisses-lawsuit/) (last accessed 7 October 2020).

one day we will have a breakthrough. We will get safety one way or another, whether it is the government or us, we have to get it done.

**Shahab:** What are the future goals of AEFFAA?

**Khatoon:** Safety is a big part of what we want to achieve. We have to get the worker to be seen as human. We want to keep mobilising with the workers. We want to be able to help and advise other workers or their families who are suffering. We want to keep doing these awareness programmes, keep pursuing these cases. Also, no one in the assembly [Pakistan's national or provincial parliaments] ever really raises their voice for the workers. No one really thinks of workers as human beings. We want to change that. We need to keep pushing forward, keep pushing along—we cannot rest until workers are treated humanely.

**Shahab:** What do you think justice would have looked like?

**Khatoon:** Justice should have been served. If it had been served, the order of priority would have been as follows: first, the factory owners, then second, the international brand [KiK], and then third, the audit company [RINA] would have been held to account.

First, on one hand, the audit company [RINA] mis-stated everything about safety in the factory. What did they see? Three out of four gates were locked, but they issued their license [SA-8000 certificate, issued by Social Accountability International]. If they had not issued the license, the factory may not have been operating. Second, on the other hand, what did the international brand [KiK] see? They made tens of millions and took it away without worrying about the real cost—the human cost and the lives their business endangered. If they cannot create life, they have no right to take away the lives of our children for their profits. If they cannot return those lives to us, the brands cannot take these lives. What did they see? These are the second culprits. And the third category of culprits are, of course, the factory owners. They have started their own stories and made a huge fuss, crying about how the fire was due to the non-payment of a political prevention tax. Even if it were the case, how come they were seen or known to be taking no action? How come they did not close down the factory to assess their situation? How come they put our children at risk, even if, as they say, the fire was caused or initiated by political goons? How dare they risk our children like this?

But we must emphasise that it is irrelevant if the fire was accidental or intentional. There was no safety in the factory. That is why our children died. We sent our children to the factory well and living, and their dead bodies came back to us. It is irrelevant what caused the fire. The only thing that is relevant is that they would have survived if there had been any semblance of safety in the factory. They were so young, they would have survived—they were fit and able-bodied, they would have run, they would have climbed, if only there were a way to do so, if the gates and exits were open. The biggest criminals are truly the factory owners. They must not be spared. If they are spared, an incident like this will happen again. There will be even more impunity than before.



We believe that the factory owner and the workers should have a healthy relationship. They are mutually benefiting each other. They should be like family. But here, we have lost 258 of our children. And here, he [the owner of Ali Enterprises] fled to Dubai and has been gone since. His life was so precious that he fled. But our children's had no value? Know that we are still here. And we will stay here and we will keep fighting. We are here in Karachi and we will keep fighting and raising our voices until our last breath. We will keep trying to save the other children.

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