

An Immigrant's Legal Enterprise;
In Suing Employer, Maid Fights Diplomatic Immunity

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Body

As a **maid** for a high-ranking diplomat from Bahrain, Shamela Begum says she was kept a virtual prisoner in a high-rise apartment on Manhattan's East Side. For almost nine months, she was forbidden to go out alone, she says, and forced to work seven-day workweeks for meager wages that she never got to see herself.

So about four months ago, Ms. Begum, a mother of three from Bangladesh, illiterate and in many ways ill-prepared for the modern world, made a bold escape. She was on a rare trip outdoors with her **employer's** wife when, by chance, she heard a sidewalk fruit vendor speaking her native Bengali. As soon as the diplomat and his wife had left town later that day, she slipped out of the apartment, summoned a little boy to show her how the elevator worked and found her way back to the vendor, to whom she poured out her tale. Within days, she managed to get out for good.

Then, mustering more courage, Ms. Begum took a typically American route to justice: she **sued**.

Ms. Begum, however, faces a hurdle other ill-paid laborers seeking redress do not face: because her former **employer** is a diplomat, he is potentially beyond the reach of the American courts.

In a rare effort to hold an official of a foreign government accountable to the laws of the United States, Ms. Begum has accused the diplomat who employed her, Mohammed Saleh, and his wife, Khatun, of flagrant state and federal labor law violations. Filed last month in Federal District Court in Manhattan and seeking unspecified damages, the suit also accuses the Salehs of a civil charge of false imprisonment. The most serious charge accuses the couple of keeping Ms. Begum in indentured servitude.

Ms. Begum's lawyers say they are seeking to push the **legal** envelope. Although diplomats serving in a foreign country are required to abide by the host country's laws, they are immune from **legal** action, both civil and criminal, according to the Vienna Convention on **Diplomatic** Relations.

"Our position," said Ms. Begum's lawyer, Chaumtoli Huq of the Asian-American **Legal** Defense and Educational Fund in Manhattan, "is that hiring an employee to clean your house and watch your children is not related to consular functions and should not be immune from federal and state law."

To date, Ms. Begum's accusations are just that; no witness can corroborate her version of events.

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Mr. Saleh is second secretary at the Bahraini Mission to the United Nations, in effect the No. 3 official there. He did not return repeated telephone calls seeking comment. Several calls placed recently to other officials at the Bahraini Mission in New York and to the Bahraini Embassy in Washington were also not returned.

Last week, a lawyer for the defendants, David Wohabe, hung up the phone when asked to comment. The defendants have until Jan. 24 to respond to the charges in court.

But the lawsuit has already produced results. In Washington, State Department officials, aware of Ms. Begum's claims, said they were preparing a detailed new memorandum spelling out the obligations of United Nations diplomats toward their domestic workers. The department is also drawing up a brochure meant to inform those domestic workers of their rights in this country, officials said.

Ms. Begum's bewildering journey -- as described in interviews and court documents -- began a little more than a year ago in Dhaka, the Bangladeshi capital. The wife of a vegetable vendor, she had never worked outside her home. She had only seen how friends and neighbors went abroad, found work and returned with money to build a house or set up a business of their own.

In November 1998, after contacting an employment broker, Ms. Begum, who is in her mid-30's, decided to make the trek herself. Unable to read or write, she pressed her thumbprint on an employment contract that promised a job as a domestic worker in the desert monarchy of Bahrain.

"I thought maybe I can improve myself if I go abroad," she said in rapid-fire Bengali the other day. "I thought my kids will say, 'My mother sacrificed so I could do something.' "

In Bahrain came the first surprise. Her employer, she said, told her that she would soon be working for his brother in New York. State Department records show that on Dec. 2, 1998, Ms. Begum went to the United States Embassy in Manama, the Bahraini capital, where she was given a visa allowing her to work as a live-in maid for Mr. Saleh. According to an employment contract reviewed by embassy officials, Ms. Begum was to earn minimum wage -- \$5.15 an hour -- and to be provided free room and board, State Department officials said.

The gross domestic product of Bangladesh, one of the world's poorest countries, is about one-tenth that of Bahrain, an oil-rich hereditary monarchy in the Middle East that has a shortage of laborers.

Ms. Begum arrived in New York on Dec. 13, 1998. That day, Ms. Begum contends, the Salehs took away her passport. Her salary, roughly \$100 a month, was sent directly to her husband in Dhaka, she says, adding that she did not get paid for her last two months on the job. Indeed, she says, she had not seen any type of American currency until recently.

When her employers left town, she contends, they left little or no food. On one occasion, she says, Mrs. Saleh struck her with a glass. Ms. Begum, who speaks only Bengali, communicated with her employers in a mix of broken Arabic and Bengali. For many months, her family did not know where she was.

Worst of all, Ms. Begum said, she was allowed to leave the apartment only three times, accompanied by the Salehs for short walks in the neighborhood. On most days, she stared out the windows of their apartment near the United Nations building. And she wept.

"Who could I tell? I just cried," she said. "I didn't even feel the wind, see the trees. They wouldn't let me see another human being."

There are nearly 800 migrant domestic workers with special visas allowing them to work for United Nations officials in New York, State Department officials said. Many other workers, government officials say, are brought here illegally.

Martha Honey of the Institute for Policy Studies, a research organization in Washington that has taken up the cause of domestic workers employed by officials at foreign embassies and international agencies, said it was not

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uncommon for **maids** to have their passports taken away, to be barred from contacting friends and to earn salaries of \$100 to \$400 a month.

In recent years, a handful of lawsuits have been filed, seeking back wages and damages, she said. A few have been settled out of court; others have been thrown out because **diplomatic immunity** was upheld.

Ms. Begum said it was impossible to escape her predicament. She knew no one in New York. She could not read street signs. She had no money. What she had instead was a mounting \$1,400 debt for her passage out of Bangladesh -- a daunting sum in that country, where the per capita income is less than \$300.

On her third and last outing with Mrs. Saleh, to a supermarket one day last August, she overheard a conversation in Bengali among some sidewalk fruit vendors. Mrs. Saleh, she recalled, pressed her not to dawdle. " 'Quick, quick,' " Ms. Begum recalls her saying. " 'America bad. America bad.' "

Nonetheless, when the Salehs left town later that day, she left the apartment alone for the first time.

Working the elevator was the first hurdle. She had never been on one by herself before, and so she stood there as the door repeatedly closed and opened on the same floor. A boy finally helped her get downstairs.

Ms. Begum retraced her steps to the fruit vendor and told him her tale. The vendor contacted Thikana, a Bengali-language weekly newspaper published in Queens. A reporter for the paper contacted a South Asian workers' rights group called Andolan -- the Bengali word for "movement."

On Aug. 30, a member of Andolan, Nahar Alam, showed up at the Salehs's apartment. At Ms. Alam's request, officers from the 17th Precinct took a complaint alleging false imprisonment.

Because the Salehs had **diplomatic immunity**, they were not arrested, a police spokesman said, though the Police Department made no determination as to whether the case, based on its merits, could be prosecuted.

State Department officials said recently that they would have sought a waiver of **immunity** from the government of Bahrain had the police referred the case for prosecution.

"The State Department's position is to react to cases where prosecutors want to proceed but need a waiver to do so," said Robert Moller, minister counselor for the department's Office of Host Country Affairs.

Ms. Begum left the Salehs's apartment for good the day the police came. Now in the country illegally, she has yet to gain control of her destiny, though her circumstances are markedly better. With help from Andolan, she found a job as a live-in **maid** for a family in Pennsylvania, earning \$1,100 a month. It is a luxurious amount by Bangladeshi standards. And while conditions are hardly perfect -- she gets a three-day weekend once a month, for instance -- she can feel her earnings in her own hands. Finally, she says, she feels as if she is working. For now, she does not want to give that up.

"It doesn't suit me, being here, being away from my children," she said, wrapping a polyester scarf around her head and shivering in the crisp winter wind the other day. "It's just for the money I'm here. Just for the money."

How long she will remain in the United States is unclear. She hopes to return with enough money to set up a small business for her two sons, ages 10 and 15, to run when they are older. She has married off her daughter, now 17 and uneducated like herself. Under no circumstances, she says, will she let her come to the United States to work.

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Graphic

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Photo: Shamela Begum came from Bangladesh to be a maid, but says that for almost nine months she was kept as a virtual prisoner in a high-rise apartment by her employer, a diplomat. (Michelle V. Agins/The New York Times)(pg. B1)

Map shows path of Shamela Begum's Journey to New York.

Classification

Language: ENGLISH

Subject: CRIMINAL FALSE IMPRISONMENT (89%); EMBASSIES & CONSULATES (89%); SUITS & CLAIMS (88%); LAWYERS (87%); FOREIGN RELATIONS (78%); CORRECTIONS (78%); PRISONERS (78%); DIPLOMATIC SERVICES (78%); JAIL SENTENCING (78%); WAGES & SALARIES (76%); LABOR & EMPLOYMENT LAW (75%); RANKINGS (73%); DAMAGES (71%); LITIGATION (71%); WITNESSES (70%); INTERNATIONAL RELATIONS (68%); LAW COURTS & TRIBUNALS (66%); UNITED NATIONS (66%)

Company: AS SOON AS POSSIBLE INC (59%); UNITED NATIONS AS SOON AS POSSIBLE INC (59%); UNITED NATIONS (59%); UNITED NATIONS (59%)

Organization: UNITED NATIONS (59%); UNITED NATIONS (59%); UNITED NATIONS UNITED NATIONS (59%); UNITED NATIONS (59%)

Industry: LAWYERS (87%); FRUIT & VEGETABLE STORES (69%)

Geographic: NEW YORK, NY, USA (91%); NEW YORK, USA (79%); BAHRAIN (94%); UNITED STATES (94%)

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