Forced labour in Myanmar (Burma)

Report of the Commission of Inquiry appointed under article 26 of the Constitution of the International Labour Organization to examine the observance by Myanmar of the Forced Labour Convention, 1930 (No. 29)

International Labour Organization
Geneva, 2 July 1998

CONTENTS

Part I. Establishment of the Commission
1. Filing of the complaint and appointment of the Commission
   (1) Filing of the complaint
   (2) Provisions of the Constitution of the International Labour Organization relating to complaints concerning non-observance of ratified Conventions
   (3) Summary of the measures taken by the Governing Body of the International Labour Office following the filing of the complaint and establishment of the Commission

Part II. Procedure followed by the Commission
2. First Session of the Commission
   (1) Solemn declaration made by the members of the Commission
   (2) Adoption of the procedure to be followed by the Commission
   (3) Communication of additional information
   (4) Measures adopted with a view to the Second Session and the subsequent work of the Commission
3. Communications received by the Commission following its First Session 10
   (1) Communications received from the parties 10
       (a) Communications from the complainants 10
       (b) Communications from the Government of Myanmar 11
   (2) Communications received from other sources 11
       (a) Communications from member States under article 27 of the ILO Constitution 11
       (b) Communications from intergovernmental organizations 12
       (c) Communications from non-governmental organizations 12
       (d) Communications from companies mentioned in the complaint 14

4. Second Session of the Commission 15
   (1) Hearing of witnesses 15
   (2) Communications received by the Commission following its Second Session 18
       (a) Communication from the Government of Myanmar 18
       (b) Communications from non-governmental organizations 18
       (c) Communications from a company named in the complaint 19

5. Visit by the Commission to the region 20
   (1) Procedure followed by the Commission 20
   (2) Persons and witnesses interviewed 22
       (a) India 22
       (b) Bangladesh 23
       (c) Thailand 23

6. Third Session of the Commission 24

Part III. Allegations by the parties and historical background of the case 25

7. Summary of the complaint and the Government’s observations 25
   (1) Factual allegations submitted by the complainants 25
   (2) Legal conclusions submitted by the complainants 26
   (3) The Government’s observations 27
       (a) Public purposes or public sector 28
           (i) Portering 28
           (ii) Construction of development and infrastructure projects by the Government 28
           (iii) Hotel industries in Myanmar 29
       (b) Private benefit or private sector 29
           (i) Construction of the Yadana natural gas pipeline 29
       (c) The law 29
       (d) Conclusion 30

8. Historical background 30
   A. Earlier reports and statements by the Government of Burma/Myanmar on the application of the Forced Labour Convention, 1930 (No. 29), comments and representation by industrial organizations, and observations, findings and requests by ILO supervisory bodies 30
(1) Reports under article 22 of the ILO Constitution and statements to the International Labour Conference (ILC) presented by the Government, 1960 to 1992, and corresponding comments ........................................... 30

(2) 1993 representation under article 24 of the ILO Constitution .......................... 34
   (a) Allegations made by the complainant organization ................................... 34
   (b) The Government’s observations as to the facts ......................................... 35
   (c) The Government’s observations concerning the Convention ....................... 37
   (d) The Committee’s conclusions and recommendations, approved by the Governing Body of the ILO ................................................................. 38

(3) Subsequent developments up to the lodging of the complaint under article 26 of the ILO Constitution (June 1996) ......................................................... 40

B. Examination by United Nations bodies of the human rights situation in Myanmar (particularly with respect to forced labour) ........................................... 44
   (1) General Assembly ................................................................. 44
   (2) Commission on Human Rights and Special Rapporteurs on the situation of human rights in Myanmar .......................................................... 45
   (3) Secretary-General .............................................................. 52
   (4) Other United Nations bodies .................................................. 52

Part IV. Examination of the case by the Commission ........................................ 55

9. Context of general international law and requirements of the Forced Labour Convention, 1930 (No. 29) ............................................................... 55
   A. General international law, including slavery, forced labour and other slavery-like practices .......................................................... 55
   B. Requirements of the Forced Labour Convention, 1930 (No. 29) ............... 59
      (1) Measures called for under Articles 1(1) and 25 of the Convention ........... 59
      (2) Definition of forced or compulsory labour and scope of exceptions ......... 59
         (a) Compulsory military service ................................................. 60
         (b) Normal civic obligations .................................................... 60
         (c) Prison labour .................................................................. 61
         (d) Emergencies .................................................................. 61
         (e) Minor communal service .................................................. 62
      (3) Present status of Article 1, paragraph 2, and Articles 4 et seq. of the Convention .............................................................. 62

10. Brief description of Myanmar ................................................................. 64
    (1) General presentation ........................................................... 64
    (2) Historical background ......................................................... 65
    (3) Administrative structure ....................................................... 66
    (4) Opposition forces ............................................................... 67

11. Legislation of Myanmar relevant to the case ............................................ 68
    (1) Requisition of labour under the Village Act and Towns Act and subsequent orders and directives .................................................. 68
    (2) Restrictions on the freedom of movement and citizenship ..................... 71
    (3) Compulsory military service and forced conscription ........................... 73
    (4) Sanctions for illegally imposing forced or compulsory labour ................. 74
12. Findings of the Commission concerning the facts

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Admissibility and probative value of testimonial evidence and documentary material</td>
<td>74</td>
</tr>
<tr>
<td>B. General pattern of conduct by Myanmar authorities</td>
<td>76</td>
</tr>
<tr>
<td>C. Thematic analysis of the forms of labour and services requisitioned by certain authorities</td>
<td>82</td>
</tr>
<tr>
<td>(1) Portering</td>
<td>82</td>
</tr>
<tr>
<td>(a) Documentary material</td>
<td>82</td>
</tr>
<tr>
<td>(b) Oral testimony</td>
<td>90</td>
</tr>
<tr>
<td>(2) Military camp work</td>
<td>94</td>
</tr>
<tr>
<td>(a) Documentary material</td>
<td>94</td>
</tr>
<tr>
<td>(b) Oral testimony</td>
<td>97</td>
</tr>
<tr>
<td>(3) Other work in support of the military</td>
<td>99</td>
</tr>
<tr>
<td>(a) Documentary material</td>
<td>99</td>
</tr>
<tr>
<td>(b) Oral testimony</td>
<td>101</td>
</tr>
<tr>
<td>(4) Forced recruitment</td>
<td>102</td>
</tr>
<tr>
<td>(a) Documentary material</td>
<td>102</td>
</tr>
<tr>
<td>(b) Oral testimony</td>
<td>103</td>
</tr>
<tr>
<td>(5) Work on agriculture, logging, and other production projects</td>
<td>103</td>
</tr>
<tr>
<td>(a) Information provided to the Commission</td>
<td>103</td>
</tr>
<tr>
<td>(b) Oral testimony</td>
<td>106</td>
</tr>
<tr>
<td>(6) Construction and maintenance of roads, railways and bridges</td>
<td>107</td>
</tr>
<tr>
<td>(a) Documentary material</td>
<td>107</td>
</tr>
<tr>
<td>(b) Oral testimony</td>
<td>112</td>
</tr>
<tr>
<td>(7) Other infrastructure work</td>
<td>116</td>
</tr>
<tr>
<td>(a) Documentary material</td>
<td>116</td>
</tr>
<tr>
<td>(b) Oral testimony</td>
<td>118</td>
</tr>
<tr>
<td>(8) General work</td>
<td>119</td>
</tr>
<tr>
<td>(a) Nature and condition of work.</td>
<td>119</td>
</tr>
<tr>
<td>(b) Specific examples from documentary material and oral testimony.</td>
<td>120</td>
</tr>
</tbody>
</table>

13. Findings as to compliance with the Convention

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. National laws and statutory or administrative standard-setting instruments, considered in the light of the Convention</td>
<td>122</td>
</tr>
<tr>
<td>(1) Provisions of the Village Act and the Towns Act and subsequent orders and directives dealing with the requisition of labour</td>
<td>122</td>
</tr>
<tr>
<td>(a) Applicability of the definition of forced labour</td>
<td>122</td>
</tr>
<tr>
<td>(b) Non-applicability of exceptions defined in Article 2(2) of the Convention</td>
<td>122</td>
</tr>
<tr>
<td>(c) Expiration of the transitional period</td>
<td>122</td>
</tr>
<tr>
<td>(d) Role of secret directives and payment of wages</td>
<td>123</td>
</tr>
<tr>
<td>(2) Legislation on citizenship and other instruments bearing on the freedom of movement</td>
<td>124</td>
</tr>
<tr>
<td>(3) Legislation on compulsory military service</td>
<td>124</td>
</tr>
<tr>
<td>(4) Sanctions for illegally imposing forced or compulsory labour</td>
<td>124</td>
</tr>
<tr>
<td>B. National practice considered in the light of the Convention</td>
<td>125</td>
</tr>
<tr>
<td>(1) Requisition of labour</td>
<td>125</td>
</tr>
</tbody>
</table>
(2) Requisition of labour for various purposes, considered in the light of the exceptions in Article 2(2)(a), (b), (d) and (e) of the Convention

(a) Portering

(b) Military camp work and other work in support of the military

(c) Forced conscription

(d) Work on agriculture, logging and other production projects

(e) Construction and maintenance of roads, railways and bridges

(f) Other infrastructure work

(g) General work

Requisition of labour, considered in the light of the prohibitions in Article 4 et seq. of the Convention

(a) Residual relevance of Article 4 et seq. of the Convention

(b) Violation of specific prohibitions

(i) Imposition of forced or compulsory labour for private benefit

(ii) Exaction of forced or compulsory labour from women, children, elderly people and disabled persons

(iii) Denial of remuneration and compensation

(iv) Compulsory cultivation

(4) Punishment of the illegal exaction of forced or compulsory labour

Part V. Conclusions and recommendations

14. Conclusions and recommendations

(1) Preliminary questions

(2) Terms of reference of the Commission

(3) Conclusions on the substance of the case

(4) Recommendations

(5) Concluding observations

Appendices

I. Supplementary evidence submitted by the complainants in October 1996

II. Observation of the Myanmar Government on the initial complaint and supplementary evidence made by 25 Worker delegates to the 83rd Session of the International Labour Conference under article 26 of the ILO Constitution

III. Rules for the hearing of witnesses

IV. List of documents received by the Commission following its First Session

V. List of documents received by the Commission following its Second Session

VI. List of documents received in the course of the hearings

VII. Summaries of testimony

VIII. List of documents received in the course of the visit to the region

IX. Maps of Myanmar

X. Names, foreign terms and acronyms

XI. Samples of orders received by the Commission

XII. Order by the Chairman of the State Law and Order Restoration Council (SLORC) on the subject of "Prohibiting unpaid labour contributions in national development projects" dated 2 June 1995

XIII. The Forced Labour Convention, 1930 (No. 29)
SPECIAL SUPPLEMENT

Forced labour in Myanmar (Burma)

Report of the Commission of Inquiry appointed under article 26 of the Constitution of the International Labour Organization to examine the observance by Myanmar of the Forced Labour Convention, 1930 (No. 29)

Geneva. 2 July 1998
PART I

Establishment of the Commission

1. FILING OF THE COMPLAINT AND APPOINTMENT OF THE COMMISSION

1. Filing of the complaint

1. By a letter dated 20 June 1996 addressed to the Director-General of the ILO, 25 Workers’ delegates to the 83rd Session of the International Labour Conference (June 1996) presented a complaint under article 26 of the Constitution against the Government of Myanmar for non-observance of the Forced Labour Convention, 1930 (No. 29), which it ratified on 4 March 1955 and which came into force for Myanmar on 4 March 1956. The complaint stated, in particular, that:

Myanmar’s gross violations of the Convention [No. 29] have been criticized by the ILO’s supervisory bodies for 30 years. In 1995, and again in 1996, they have been the subject of special paragraphs in the reports of the Committee on the Application of Conventions and Recommendations, and this year, the Government has also been singled out by the Committee for its “continued failure to implement” the Convention.

In addition, in November 1994, the Governing Body adopted the report of the Committee it had established to examine the representation made by the International Confederation of Free Trade Unions [ICFTU] against the Government of Myanmar for its failure to ensure effective observance of Convention No. 29.

The Government has demonstrated its unwillingness to act upon the repeated calls addressed to it by the ILO’s supervisory bodies to abolish and cancel legislation which allows for the use of forced labour and to ensure that forced labour is eliminated in practice. In these circumstances, the Committee on Applications has again expressed deep concern at the systematic recourse to forced labour in Myanmar.

Despite its protestations that the powers available under the offending legislation, the Village Act (1908) and the Towns Act (1907), have fallen into disuse since 1967 and that these laws are currently under review with a view to their repeal, the Government has failed conspicuously to provide the information requested of it concerning concrete action for legislative change.

Indeed, it is clear that the practice of forced labour is becoming more widespread and that the authorities in Myanmar are directly responsible for its increasing use, and actively involved in its exploitation.

The ICFTU representation presented under article 24 of the Constitution in January 1993 addressed the particular case of the forced recruitment and abuse of porters by the military which was, at that time, the primary cause of concern.

Since then, however, forced labour is being used systematically, on an ever larger scale, and in an increasing number of areas of activity. Large numbers of forced labourers are now working on railway, road, construction, and other infrastructure projects, many of which are related to the Government’s efforts to promote tourism in Myanmar. In addition the military is engaged

1 The Workers’ delegates were: Messrs. E. About-Risk (Lebanon), C. Agyei (Ghana), K. Ahmed (Pakistan), M. Blondel (France), W. Brett (United Kingdom) and U. Edström (Sweden), Ms. U. Engelen-Kefer (Germany), Messrs. R. Falbr (Czech Republic), C. Gray (United States), S. Itoh (Japan), Y. Kara (Israel), A. Lettieri (Italy), I. Mayaki (Niger), S. Mookherjee (India), B.P. Mpangala (United Republic of Tanzania) and J.-C. Parrot (Canada), Ms. P. O’Donovan (Ireland) and Messrs. F. Ramirez Leon (Venezuela), Z. Rumpak (Malaysia), I. Sahbani (Tunisia), A. Sanchez Madariaga (Mexico), G. Sibanda (Zimbabwe), L. Sonibes (Cameroon), L. Trotman (Barbados) and T. Wojcik (Poland).
Forced labour in Myanmar

in the confiscation of land from villagers who are then forced to cultivate it to the benefit of the military appropriators.

The current situation is that the Government of Myanmar, far from acting to end the practice of forced labour, is engaged actively in its promotion, so that it is today an endemic abuse affecting hundreds of thousands of workers who are subjected to the most extreme forms of exploitation, which all too frequently leads to loss of life.

2. Supplementary evidence was submitted to the ILO in the name of the complainants by a letter dated 31 October 1996 and is appended to the present report.²

(2) Provisions of the Constitution of the International Labour Organization relating to complaints concerning non-observance of ratified Conventions

3. The procedure under which the Workers' delegates filed their complaint against the Government of Myanmar is set out in articles 26 to 29 and 31 to 34 of the ILO Constitution, which read as follows:

Article 26

1. Any of the Members shall have the right to file a complaint with the International Labour Office if it is not satisfied that any other Member is securing the effective observance of any Convention which both have ratified in accordance with the foregoing articles.

2. The Governing Body may, if it thinks fit, before referring such a complaint to a Commission of Inquiry, as hereinafter provided for, communicate with the government in question in the manner described in article 24.

3. If the Governing Body does not think it necessary to communicate the complaint to the government in question, or if, when it has made such communication, no statement in reply has been received within a reasonable time which the Governing Body considers to be satisfactory, the Governing Body may appoint a Commission of Inquiry to consider the complaint and to report thereon.

4. The Governing Body may adopt the same procedure either of its own motion or on receipt of a complaint from a delegate to the Conference.

5. When any matter arising out of article 25 or 26 is being considered by the Governing Body, the government in question shall, if not already represented thereon, be entitled to send a representative to take part in the proceedings of the Governing Body while the matter is under consideration. Adequate notice of the date on which the matter will be considered shall be given to the government in question.

Article 27

The Members agree that, in the event of the reference of a complaint to a Commission of Inquiry under article 26, they will each, whether directly concerned in the complaint or not, place at the disposal of the Commission all the information in their possession which bears upon the subject-matter of the complaint.

Article 28

When the Commission of Inquiry has fully considered the complaint, it shall prepare a report embodying its findings on all questions of fact relevant to determining the issue between the parties and containing such recommendations as it may think proper as to the steps which should be taken to meet the complaint and the time within which they should be taken.

² Appendix I.
Article 29

1. The Director-General of the International Labour Office shall communicate the report of the Commission of Inquiry to the Governing Body and to each of the governments concerned in the complaint, and shall cause it to be published.

2. Each of these governments shall within three months inform the Director-General of the International Labour Office whether or not it accepts the recommendations contained in the report of the Commission; and if not, whether it proposes to refer the complaint to the International Court of Justice.

Article 31

The decision of the International Court of Justice in regard to a complaint or matter which has been referred to it in pursuance of article 29 shall be final.

Article 32

The International Court of Justice may affirm, vary or reverse any of the findings or recommendations of the Commission of Inquiry, if any.

Article 33

The defaulting government may at any time inform the Governing Body that it has taken the steps necessary to comply with the recommendations of the Commission of Inquiry or with those in the decision of the International Court of Justice, as the case may be, and may request it to constitute a Commission of Inquiry to verify its contention. In this case the provisions of articles 27, 28, 29, 31 and 32 shall apply, and if the report of the Commission of Inquiry or the decision of the International Court of Justice is in favour of the defaulting government, the Governing Body shall forthwith recommend the discontinuance of any action taken in pursuance of article 33.

(3) Summary of the measures taken by the Governing Body of the International Labour Office following the filing of the complaint and establishment of the Commission

4. At its 267th Session (November 1996), the Governing Body had before it a report by its Officers (GB.267/16/2) concerning the subject of the complaint. The report recalled, inter alia, the dates of ratification and entering into force of the Forced Labour Convention, 1930 (No. 29) (hereinafter “Convention No. 29”) for Myanmar. It also pointed out that the 25 complainants were, on the date of filing the complaint, Workers' delegates of their countries to the 83rd Session of the International Labour Conference. Accordingly, they had the right to file a complaint under article 26, paragraph 4, of the Constitution, if they were not satisfied that the Government of Myanmar was securing the effective observance of Convention No. 29. In addition, the report indicated the following:

No discussion on the merits of the complaint is admissible at the present stage. It would indeed be inconsistent with the judicial nature of the procedure provided for in article 26 and the following articles of the Constitution that there should be any discussion in the Governing Body on the merits of a complaint until the Governing Body has before it the contentions of the
government against which the complaint is filed, together with an objective evaluation of these contentions by an impartial body. Nor would such discussion be appropriate while a proposal to refer the complaint to a Commission of Inquiry is pending before the Governing Body or while the complaint is sub judice before a Commission of Inquiry. If there is to be a Commission of Inquiry – which it is for the Governing Body to decide under article 26, paragraph 4, of the Constitution – it is when the Commission of Inquiry has reported on the merits of the complaint that the Governing Body may be called upon to take action in the matter.

5. At the same session, the Governing Body took the following decisions:

(a) The Government of Myanmar should be requested by the Director-General to communicate its observations on the complaint so as to reach him not later than 31 January 1997.

(b) In accordance with article 26, paragraph 5, of the Constitution, the Governing Body should invite the Government of Myanmar to send a representative to take part in the proceedings of the Governing Body concerning this matter at its future sessions. When so inviting the Government of Myanmar, the Director-General should inform it that the Governing Body intended to continue its discussion of this case at its 268th Session, which was to take place in Geneva in March 1997.

6. In a letter dated 23 December 1996, the Director-General informed the Government of Myanmar of the decisions mentioned above.

7. By a letter dated 5 February 1997, the Permanent Mission of the Union of Myanmar in Geneva transmitted the observations of the Government of Myanmar on the complaint and the further supplementary evidence submitted. The document (without its confidential annexes) is appended to the present report (Appendix II).

8. At its 268th Session (March 1997), the Governing Body had before it another report of its Officers (GB.268/15/1) which noted that:

Contradictions exist between the facts presented in the allegations and those set out in the observations of the Government of Myanmar. It would, however, not be appropriate to enter into a discussion of the substance if it is envisaged to set up a Commission of Inquiry under article 26, paragraph 4, of the Constitution in order to make an objective assessment of the situation. As was pointed out in the report of the Officers of the Governing Body at the latter's 267th Session, it would be incompatible with the judicial nature of the procedure thus instituted to open up such a discussion before the Commission of Inquiry submits its conclusions.

In light of the foregoing, the Governing Body decided that the whole matter should be referred, without further discussion, to a Commission of Inquiry set up in accordance with article 26 of the Constitution. The Governing Body recalled that the members of the Commission would be nominated in accordance with the same criteria, and would serve in the same conditions, as the members of commissions previously appointed under article 26 of the Constitution. They would serve as individuals in their personal capacity, would be chosen for their impartiality, integrity and standing. They would undertake by solemn declaration, similar to that made by judges of the International Court of Justice, to carry out their tasks and exercise their powers as members of the Commission "honourably, faithfully, impartially and conscientiously". The Governing Body added that the Commission was to establish its own procedure in accordance with the provisions of the Constitution.

9. At the same session, the Governing Body decided that the Commission be composed as follows, as proposed by the Director-General (GB.268/14/8):

Chairperson: The Right Honourable Sir William DOUGLAS, PC, KCMG (Barbados), former Ambassador; former Chief Justice of Barbados; former Chairman, Commonwealth Caribbean Council of Legal
Education; former Chairman, Inter-American Juridical Committee; former Judge of the High Court of Jamaica; Chairperson of the Committee of Experts on the Application of Conventions and Recommendations.

Members:

Mr. Prafullachandra Natvarlal BHAGWATI (India), former Chief Justice of India; former Chief Justice of the High Court of Gujarat; former Chairman, Legal Aid Committee and Judicial Reforms Committee, Government of Gujarat; former Chairman, Committee on Juridicare, Government of India; former Chairman of the Committee appointed by the Government of India for implementing legal aid schemes in the country; member of the International Committee on Human Rights of the International Law Association; member of the Editorial Committee of Reports of the Commonwealth; Chairman of the National Committee for Social and Economic Welfare of the Government of India; Ombudsman for the national newspaper Times of India; Chairman of the Advisory Board of the Centre for Independence of Judges and Lawyers, Geneva; Vice-President of El Taller; Chairman of the Panel for Social Audit of Telecom and Postal Services in India; member of the United Nations Human Rights Committee; member of the Committee of Experts on the Application of Conventions and Recommendations.

Ms. Robyn A. LAYTON, QC (Australia), Barrister-at-Law; Director, National Rail Corporation; former Commissioner on Health Insurance Commission; former Chairperson of the Australian Health Ethics Committee of the National Health and Medical Research Council; former Honorary Solicitor for the South Australian Council for Civil Liberties; former Solicitor for the Central Aboriginal Land Council; former Chairman of the South Australian Sex Discrimination Board; former Judge and Deputy President of the South Australian Industrial Court and Commission; former Deputy President of the Federal Administrative Appeals Tribunal; member of the Committee of Experts on the Application of Conventions and Recommendations.
PART II

Procedure followed by the Commission

2. FIRST SESSION OF THE COMMISSION

(1) Solemn declaration made by the members of the Commission

10. The Commission held its First Session in Geneva on 9 and 10 June 1997. At the beginning of its First Session, on 9 June 1997, each member of the Commission made a solemn declaration in the presence of the Director-General of the International Labour Office. In inviting the members of the Commission to make this declaration, the Director-General recalled the circumstances according to which the Commission was established and stressed that the Commission's task was "to ascertain the facts and to examine the issues arising in this case without fear or favour and in complete independence".

11. The members of the Commission then each made the following declaration:

I solemnly declare that I will honourably, faithfully, impartially and conscientiously perform my duties and exercise my powers as a member of the Commission of Inquiry appointed by the Governing Body of the International Labour Office at its 268th Session (March 1997) under article 26 of the Constitution of the International Labour Organization to examine the observance of the Forced Labour Convention, 1930 (No. 29), by Myanmar.

(2) Adoption of the procedure to be followed by the Commission

12. The ILO Constitution does not lay down rules of procedure to be followed by a Commission of Inquiry appointed under article 26. When the Governing Body decided in March 1997 to refer the complaint to a Commission of Inquiry, it also specified that the Commission was to determine its own procedure in accordance with the provisions of the Constitution and the practice followed by previous commissions of inquiry.

13. In determining its procedure, the Commission recalled certain elements which characterized the nature of its work. As earlier commissions of inquiry had stressed, the procedure provided for in articles 26 to 29 and 31 to 34 of the Constitution was of a judicial nature. Thus, the rules of procedure had to safeguard the right of the parties to a fair procedure as recognized in international law.

14. Furthermore, the Commission considered that its role was not to be confined to an examination of the information furnished by the parties themselves or in support of their contentions. The Commission would take all necessary measures to obtain as complete and objective information as possible on the matters at issue.

15. Finally, the Commission was aware that its procedure had to ensure that the complaint would be examined expeditiously, avoiding undue delay and thereby ensuring a fair procedure.

16. Bearing these considerations in mind, the Commission adopted the rules of procedure which it intended to follow during the Second Session for the hearing of witnesses. These rules were brought to the attention of the Government of Myanmar and the complainants.

(3) Communication of additional information

17. The Commission examined the information submitted by the complainants and by the Government of Myanmar and took a series of decisions on the procedural arrangements for the examination of the questions at issue.

18. It decided to invite the complainants to communicate to it, before 15 August 1997, any additional information or observations, including any information on developments subsequent to the submission of the complaint. The Commission also invited the Government of Myanmar to communicate before 30 September 1997 any written statement it might wish to present. The Government and the complainants were informed that the substance of all information submitted to the Commission would be communicated to the other party to the proceedings.

19. Pursuant to article 27 of the ILO Constitution and in accordance with the practice of earlier commissions of inquiry, the Commission invited the governments of countries located in the South-East Asian region or having economic relations with Myanmar to make available to it any information in their possession bearing upon the subject-matter of the complaint.

20. Furthermore, the opportunity of presenting information relevant to the matters raised in the complaint was also offered to several intergovernmental organizations, to international and national workers' and employers' organizations, as well as to a
number of non-governmental organizations operating in the legal and human rights spheres. In addition, companies mentioned in the complaint were also given the opportunity to submit information on the subject-matter of the complaint.

21. The Commission notified the governments, organizations and companies concerned that the substance of the information submitted by them would be transmitted to the Government of Myanmar and the complainants.

22. Finally, as regards any material submitted by governments, organizations or individuals that had not been invited to do so, the Commission requested its Chairperson to decide on a case-by-case basis the measures to be taken.

(4) Measures adopted with a view to the Second Session and the subsequent work of the Commission


24. In communications dated 13 and 16 June 1997, the Commission invited the Government of Myanmar and the complainants to communicate before 30 September 1997 the names and description of any witnesses whom they wished the Commission to hear with an indication of the points on which it was desired to adduce evidence of each of the persons concerned. The Commission informed the parties that on the basis of the information thus obtained, it would decide whether to hear each of the witnesses in question.

25. In addition, the Commission drew the complainants' and the Government's attention to the fact that information about each witness would be disclosed to the other party in the absence of an application requesting confidentiality pursuant to Rule 7 of the Rules for the hearing of witnesses. If such an application were filed, it would be heard at the beginning of the Commission's hearing of witnesses. In the meantime, the points of evidence would nevertheless be disclosed to the other party. The Government of Myanmar was requested to assure in all cases that it would not obstruct the attendance and giving of evidence by witnesses and that no sanction or prejudice to witnesses or their families would occur as a consequence of them appearing or giving evidence.

26. The Commission asked the Government of Myanmar and the complainants to designate representatives to act on their behalf before the Commission. The complainants were also requested to consider the possibility of a joint representation.


\* TOTAL, UNOCAL Corporation, and Yukong Limited.
27. Finally, the Commission authorized its Chairperson to deal on its behalf with any questions of procedure that might arise between sessions, with the possibility of consulting the other members whenever he might consider it necessary.

3. COMMUNICATIONS RECEIVED BY THE COMMISSION FOLLOWING ITS FIRST SESSION

28. Further to the requests addressed by the Commission to the Government of Myanmar, the complainants and the governments, organizations and companies referred to in paragraphs 19 and 20 above, the Commission received a number of communications, as set out in the present chapter. The Commission's analysis of factual information submitted is reflected in Part IV of the report (see below Chapter 12). The list of documents received by the Commission following its First Session is reproduced in Appendix IV to this report.

(1) Communications received from the parties

(a) Communications from the complainants

29. In communications received by the secretariat in the course of the months of July to October 1997, all the complainants informed the Commission of their wish to transfer all necessary powers to Mr. Bill Jordan, General Secretary of the International Confederation of Free Trade Unions (ICFTU), and/or to any person or persons whom he might wish to appoint for the purpose of representing him at any stage of the procedure before the Commission.

30. In a communication dated 11 August 1997, the ICFTU submitted on behalf of the complainants additional information on the occurrence of forced labour in Myanmar. The information included two ICFTU reports, entitled *Burma: SLORC's private slave camp* and *Forced labour in Burma: An international trade union briefing,* several documents relating to the withdrawal of trade preferences from Myanmar by the European Community; two reports from the Mon Information Service entitled *Forced labour on the Ye-Tavoy railway* and *The situation of people living in the gas pipeline project region,* a report from Images Asia entitled *Nowhere to go,* and a copy of a letter from the ICFTU to the complainants dated 14 July 1997.
31. In a communication dated 30 September 1997 regarding the November hearings, Mr. Bill Jordan, General Secretary of the ICFTU, submitted on behalf of the complainants a preliminary list of 13 witnesses who could be available to be heard. The letter also indicated that an application for protective measures pursuant to Rule 7 of the Rules for the hearing of witnesses would be made on behalf of several of the witnesses. The letter further indicated that the ICFTU would like to present to the Commission by 31 October 1997 further information concerning the witnesses, and requested the Commission to grant such an extension to the deadline for submitting information regarding witnesses.

32. In a further communication dated 14 November 1997, Mr. Bill Jordan submitted on behalf of the complainants a revised list of 13 witnesses, with names and descriptions. The letter also specified measures of protection sought for a number of the witnesses.

(b) Communications from the Government of Myanmar

33. In a communication dated 10 November 1997, the Government of Myanmar indicated that a High Level Coordination Committee comprising representatives from several ministries and governmental bodies had been set up, and that the Department of Labour would serve as secretariat to this Committee. This Committee had been set up to examine the substance of the communications received by the Commission from solicited sources, the majority of which had been forwarded to the Government in August. The Government noted that as this evidence was so vast and extensive the examination would take some time and thus it would not be ready to provide names of witnesses as requested. It indicated, however, that the Department of Labour would respond to questions on a case-by-case basis.

(2) Communications received from other sources

(a) Communications from member States under article 27 of the ILO Constitution

34. The Governments of Canada (communication dated 24 July 1997), India (communication dated 27 August 1997), Malaysia (communication dated 18 August 1997), New Zealand (communication dated 15 August 1997), Singapore (communication dated 5 July 1997) and Sri Lanka (communication dated 31 July 1997) indicated that they had no information relevant to the complaint before the Commission.

35. In a communication received on 14 August 1997, the Government of the United States submitted a large number of documents which provided information on the matters raised in the complaint. The letter indicated that the information had been compiled from public hearings on the subject of forced labour in Myanmar held by
the United States Department of Labor in conjunction with the United States Department of State on 27 June 1997. The information submitted included the transcript of those hearings, the prepared statements of the witnesses and all other information submitted for the record, including written testimony, photographs and video tapes.  

(b) Communications from intergovernmental organizations

36. In a communication dated 30 July 1997, the European Commission recalled that a Council Regulation of 24 March 1997 had temporarily withdrawn the benefit of the Community’s Generalized Scheme of Preference from Myanmar, for reasons relevant to the complaint before the Commission. A copy of this Council Regulation was provided.  

37. In a communication dated 6 August 1997, the Office of the United Nations High Commissioner for Refugees (UNHCR) provided comments and observations on the subject of forced labour in Myanmar’s Rakhine State.  

(c) Communications from non-governmental organizations

38. In a communication dated 13 August 1997, Amnesty International submitted information to the Commission on matters relevant to the complaint, including 15 documents published by Amnesty International between 1988 and 1997. The communication noted that Amnesty International had been investigating the practice of forced labour and forced portering in Myanmar for ten years, and that since the organization had not been allowed access to Myanmar, the information had been collected through interviews with persons who had left Myanmar.  


40. In a communication dated 13 August 1997, the Australian Council for Overseas Aid (ACFOA) submitted an excerpt from the US Embassy’s July 1996 Country commercial guide for Myanmar, a publication entitled Holidays in Burma, an ACFOA report entitled Slave labour in Burma, and several transparencies allegedly showing forced labour in Myanmar.  

41. In a communication dated 30 July 1997, Burma Action Group submitted several documents relating mainly to the use of forced labour in connection with tourism.  

---

24 Docs. 57-84.  
25 Doc. 11.  
26 Doc. 33.  
28 Doc. 153.  
29 Doc. 101.  
30 Doc. 102.  
31 Doc. 103 (a copy of this document can be found in doc. 1 at p. 227 ff.).  
32 Doc. 104.  
33 Docs. 12-14.
42. In a communication dated 10 August 1997, Burma Centrum Nederland submitted 18 documents from a number of sources regarding forced labour in Myanmar’s Rakhine State.14

43. In a communication dated 28 August 1997, Burma Issues suggested that the Commission contact the Burma Peace Foundation, to whom the organization had provided relevant information in its possession.15

44. In two communications dated 7 July 1997 and 14 August 1997, the Burma Peace Foundation submitted several thousand pages of information from a large number of sources relating to all aspects of the complaint, including a large number of photographs. Most of the information related to the period from 1995 to August 1997.16

45. In a communication dated 12 August 1997, the Burma UN Services Office provided two reports (entitled Forced labor and Child labor17 prepared by its Human Rights Documentation Unit and containing information on matters relevant to the complaint. The letter indicated that the reports were based on information provided by organizations which had been monitoring the human rights situation in Myanmar through the Thai-Myanmar border. The letter also indicated that the said Human Rights Documentation Unit would be publishing the Human Rights Yearbook on Burma 1996, which would include a chapter on forced labour, and that a copy of this book would be sent to the Commission.18

46. In a communication dated 10 August 1997, Earth Rights International submitted two reports regarding forced labour in the Tanintharyi (Tenasserim) Division, entitled The Yadana gas pipeline project and The Ye-Tavoy railway.19

47. In a communication dated 26 August 1997, the International Federation of Human Rights Leagues (FIDH) submitted a report regarding human rights abuses in relation to the Yadana gas pipeline project entitled La Birmanie, TOTAL et les droits de l’Homme : dissection d’un chantier.20

48. In a communication dated 16 July 1997, the Friends World Committee for Consultation (Quakers) submitted a report by Images Asia entitled No childhood at all, regarding child soldiers in Myanmar.21

49. In a communication dated 15 August 1997, Human Rights Watch/Asia submitted a copy of the prepared statement made by its Washington director before the United States hearings mentioned above (see above paragraph 35);22 a recent report on the human rights situation in Myanmar entitled No safety in Burma, no sanctuary in Thailand;23 and transcripts of interviews by Human Rights Watch with five persons from Myanmar conducted in Thailand in June 1997.24

50. In a communication dated 13 August 1997, Images Asia submitted four reports and two video documentaries containing information on matters relevant to the
Forced labour in Myanmar

complaint, a video address by Daw Aung San Suu Kyi to the European Union regarding labour practices in Myanmar and the transcript of that address, copies of a number of orders from the authorities mostly having to do with the requisition of labour obtained by Images Asia dated between 1992 and 1997; and a number of other reports containing relevant information relating to the Chin, Kayah, Mon and Shan States and the Tanintharyi (Tenasserim) Division.

51. In a communication dated 10 August 1997, the Karen Human Rights Group submitted a detailed summary of practices relevant to the complaint entitled Forced labour in Burma, analyses of portering and child labour in Myanmar, as well as 15 recent Karen Human Rights Group reports on the situation in the country.

52. In a communication dated 17 July 1997, Project Maje submitted a report detailing human rights abuses by specific military units in Myanmar, as well as several other recent reports from various organizations.

(d) Communications from companies mentioned in the complaint

53. In a communication dated 19 July 1997, Yukong Limited indicated that it had operated a block in Myanmar for three years and a few months from October 1989. According to the company's record, it did not drill a well in Htaw Tha village as alleged in the complaint. The company had moreover nothing to do with the construction of roads in Myanmar and was therefore not involved in building the road between Monywa and Khamti as alleged in the complaint.

54. In a communication dated 11 August 1997, TOTAL provided comments on the complaint before the Commission. Regarding work conditions, the communication noted that the gas pipeline was built by internationally renowned companies employing as many local workers as possible, thus making significant resources available to communities in the area. It indicated also that those companies offered work conditions equivalent to the conditions applied by TOTAL in all parts of the world, and that local employees were paid considerably more than the local wage average, with payment carried out under its supervision. The communication also noted that TOTAL and its partners had in 1995 decided to launch a large-scale socio-economic programme for the local communities. In response to the complaint before the Commission, the communication stated that the text repeated a number of unfounded allegations to which TOTAL had already replied in the course of the past years. One such reply, in the form of a letter from TOTAL to FIDH, was appended. The communication also indicated that there were a great number of minor as well as very serious factual errors in the text of the complaint. In particular, it pointed out that there was no connection between the pipeline and the Ye-Dawei (Tavoy) railroad, and that no communities had been displaced in the pipeline area since the initial contract was signed in 1992. It also drew the Commission's attention to articles written by 15 journalists, which were

"Docs. 125-128, 131 and 132.
"Docs. 129 and 133.
"Doc. 130.
"Doc. 32.
"Docs. 16 and 21.
"Docs. 15, 17-20 and 22-31.
"Docs. 6-10.
"Doc. 4.
"Docs. 48-55."
appended to the communication. Also appended were a copy of the TOTAL Myanmar Code of Conduct; procedures for land compensation; and a brochure entitled The Yadana project. The communication further indicated that TOTAL remained at the Commission’s disposal for any supplementary information and would be willing to meet the members of the Commission, if they so wished.

4. SECOND SESSION OF THE COMMISSION

(1) Hearing of witnesses

55. The Commission held its Second Session, which was principally devoted to the hearing of witnesses, in Geneva from 17 to 20 and 25 to 26 November 1997. This session consisted of 13 closed sittings, with the participation of the representatives of the complainants, Mr. Janek Kuczkiewicz and Mr. Colin Fenwick, assisted by Mr. Maung Maung and Mr. David Arnott, as well as Mr. Guy Ryder and Mr. Dan Cunniah, Director and Deputy Director respectively of the ICFTU Geneva office.

56. The Government of Myanmar was not represented and did not therefore occupy the seats reserved for it. Noting the absence of the Government, the Chairperson of the Commission recalled the communications addressed to the Government of Myanmar following the First Session of the Commission to transmit the information received from the complainants and a number of organizations, inform it of the dates on which the Second Session would be held and invite it to designate its representative.55

57. The Commission requested the secretariat in limine litis to contact the Permanent Mission of Myanmar in Geneva by telephone. It was then informed that the Government of Myanmar did not intend to be represented at the Second Session of the Commission.

58. In the light of the foregoing, the Commission considered that the Government of Myanmar had been duly informed of the dates on which the Second Session would be held and that it had been given adequate opportunity to participate in the proceedings. The Commission therefore concluded that the Government of Myanmar had abstained in full knowledge that it was not availing itself of its right to be present at the hearings. In the circumstances and considering the time that had elapsed since the filing of the complaint, the Commission considered that it should proceed in order to ensure that the complaint was examined expeditiously, avoiding undue delay and thereby ensuring a fair procedure.56

59. Before giving the floor to the representatives of the complainants, the Chairperson of the Commission recalled that, in accordance with the Rules for the hearing of witnesses which had been adopted at its First Session and transmitted to the parties, all witnesses would be heard in closed session unless the Commission decided otherwise in consultation with the party concerned. All information presented

55 See in particular para. 26 above. Reminders were sent to the Government by the secretariat on 15 Oct. and 9 and 12 Nov. 1997.
to the Commission in closed session would be treated as confidential by all persons permitted by the Commission to be present. In particular, no public statement about such information should be pronounced unless expressly authorized by the Commission. With regard to the presentation of evidence and in the absence of the representatives of the Government concerned, the representatives of the complainants and the witnesses would be allowed to make statements to provide the Commission with factual information on the case before it. Each witness would be questioned by the representatives of the complainants and by the Commission, although the Commission would retain its right to intervene at any stage and all questioning of witnesses would be subject to its control. 57

60. The Commission then heard the opening statements by a complainant and by the representatives of the complainants. 58 It then requested them to present their evidence. The complainants presented 14 witnesses.

61. Before they gave their testimonies, the Chairperson of the Commission informed each of the witnesses of the conditions under which they would be giving their testimonies and indicated that the Commission had been established to examine the facts concerning the application by Myanmar of the Forced Labour Convention, 1930 (No. 29). The Chairperson also emphasized that reasonable latitude would be given to witnesses to furnish such information, but that statements of a political character or in any other way irrelevant to the issues referred to it would not be accepted. All information presented to the Commission in closed session would be treated as confidential by all persons authorized by the Commission to be present at the hearings. The Chairperson then invited each witness to make a solemn declaration identical to that provided for in the rules of the International Court of Justice by which they solemnly declared upon their honour and conscience that they would speak the truth, the whole truth and nothing but the truth. In cases in which interpretation was necessary, the Commission also required the interpreters to make a statement by which they undertook to faithfully translate the statements of the witnesses.

62. The witnesses who appeared before the Commission at its hearings may be divided into two groups. In the first place, 11 witnesses were invited to give testimony in view of the knowledge that they had acquired through research, investigations and interviews on the situation in Myanmar in general and on the allegations contained in the complaint in particular. Two of these witnesses also gave evidence of having personally witnessed events related to the complaint. As part of their evidence, all of these witnesses provided prepared written statements and also answered questions put to them. Of these witnesses, Ms. Donna Guest, representing the non-governmental organization Amnesty International, and Ms. Edith Mirante, representing the non-governmental organization Project Maje, described various forms of forced labour that they had identified in the course of their research on Myanmar. The following witnesses were then heard: Mr. Kevin Heppner, representing the non-governmental organization Karen Human Rights Group, who gave a systematic description of forced labour, particularly in the eastern part of Myanmar, Mr. Tom Kramer, representing the non-governmental organization Burma Centrum Nederland, who gave evidence on the delicate question of the situation of Rohingyas in Rakhine State, and Ms. Zunetta Liddell, representing the non-governmental organization Human Rights Watch/Asia, who addressed in particular issues relating to cultural tradition and prison labour. A

57 ibid., pp. 6-7.
58 The following persons made opening statements: Mr. William Brett, complainant, Worker representative of the United Kingdom and Chairman of the Workers' group of the Governing Body of the ILO; Messrs. Kuczkiewicz and Fenwick, designated representatives of the complainants; and Mr. Maung Maung, advisor to the complainants.
representative of the non-governmental organization Images Asia, who requested that her name and other identifying data should not be divulged, gave evidence on the situation in various States and Divisions of Myanmar. Mr. Terry Collingsworth, representing the non-governmental organization International Labor Rights Fund, and Mr. Douglas Steele described, inter alia, the current situation in the case before the United States District Court, Central District of California involving the Federation of Trade Unions of Burma and the Yadana Natural Gas Project as well as the American company UNOCAL concerning the gas pipeline which crosses the Tanintharyi Division in the south of Myanmar; Ms. Christine Habbard of the International Federation of Human Rights also referred to the gas pipeline. Finally, two other persons submitted testimony that they had collected during investigations in the field.

63. Three other witnesses provided evidence of personal experience concerning the case. The Commission decided that these latter witnesses should benefit from measures of protection and that neither their real names nor identifying data would therefore be divulged. Nevertheless, once such data had been removed, their statements would be made public.

64. Furthermore, because of the young age of one of the witnesses, the complainants made a request for her to be heard in a private place and for the person who normally accompanies her to be present during her testimony. After consideration, the Commission decided to grant the measures of protection requested in order to create in so far as possible a favourable environment for her testimony. The Commission therefore decided that it would sit in a private place which would not be disclosed and that it would be accompanied by a representative of the complainants and two members of the secretariat. The person normally accompanying the witness could be present provided that the person did not try to communicate with the witness or otherwise interfere with the procedure. The Commission nevertheless reserved the right to decide at any time to ask that person to leave the room if it considered that the person's presence adversely affected the testimony.  

65. Furthermore, the Commission authorized another witness who was unable to travel to Geneva for the session to give evidence by video conference.

66. Preparatory meetings between the Commission and the representatives of the complainants were held from time to time with regard to the procedure to ensure its proper functioning. The members of the Commission withdrew on several occasions to deliberate in private and ex parte to determine procedural issues raised during the hearings.

67. Various documents were submitted by the witnesses and the representatives of the complainants during the Second Session. Finally, following the presentation of the evidence, the representatives of the complainants made their concluding statements.

* * *

68. The information furnished during the hearings is examined in the analysis contained in Part IV of the report. The stenographic records of the hearings have been transmitted by the secretariat of the Commission to the Government of Myanmar. Furthermore, two copies of the records of the hearings have been placed in the library of the International Labour Office.

* The list of documents submitted during the hearings is reproduced in Appendix VI to this report.
69. Following its Second Session, the Commission considered that it would be desirable to visit Myanmar in order to supplement the information in its possession. The Commission therefore requested the Government, in a letter dated 28 November 1997, to consent to a visit to Myanmar for a period of seven to ten days; it expressed the hope that the Government would offer its cooperation and assistance in this respect. In particular, the Commission emphasized the importance of its having full and free access to all persons whose knowledge and experience it considered relevant, including high-level governmental officials and any person or organization that the Commission might deem it necessary to meet. It added that the meetings should be held in circumstances providing full confidentiality to the persons interviewed and recalled that, pursuant to Rule 8 of the Rules for the hearing of witnesses, it expected the Government to give the assurance that no sanction or prejudice would occur to persons or their families as a consequence of their being associated with the work of the Commission.

(2) Communications received by the Commission following its Second Session

(a) Communication from the Government of Myanmar

70. In a communication dated 12 December 1997, the Director-General of the Department of Labour of Myanmar informed the Director-General of the ILO that his Government was not able to authorize the visit by the Commission of Inquiry to Myanmar, since "such a visit would not contribute much towards resolving the case" and "would interfere in the internal affairs of [the] country".

71. In a communication dated 16 June 1998, the Permanent Mission of the Union of Myanmar to the United Nations Office and other International Organizations in Geneva transmitted a number of articles, news reports, reports, memoranda, correspondences and video tapes concerning labour-related activities and projects in Myanmar. The information highlighted in particular the use of members of the Tatmadaw for the construction of regional development projects and for the development of "border areas and national races", as well as documents on the situation of women and children and the participation of private companies in the transport and tourism sectors.

(b) Communications from non-governmental organizations

72. In a communication dated 10 March 1998, the Friends World Committee for Consultation (Quakers) requested information from the secretariat concerning the work of the Commission.

73. In a communication dated 27 March 1998, Images Asia transmitted a copy of a report on the situation in Chin State and Sagaing Division entitled All quiet on the western front?.

---

Doc. 176.
Doc. 167.
74. In the course of the months of April to June 1998, the following documents were also transmitted to the Commission: an Amnesty International report entitled *Atrocities in the Shan State*, transmitted by the Burma Peace Foundation; several reports by the Karen Human Rights Group, transmitted by that organization; and an EarthRights International report entitled *School for Rape*, transmitted by that organization.

(c) Communications from a company named in the complaint

75. In a letter dated 11 December 1997, the Commission gave the opportunity to TOTAL to provide additional information on a series of allegations naming the company that were made in the documents received by the Commission and the testimonies that it heard. In a communication dated 23 December, TOTAL replied to each of the points raised emphasizing that they contained few new elements to which the company had not already responded and that the allegations bore no relation to the real situation known on site. In particular, TOTAL stated that:

- it was wrong to claim that the preparatory clearing work could have been undertaken by forced labourers for the purpose of facilitating the access of the project teams. During the years 1993 and 1994, clearing work had been carried out under the supervision of TOTAL by the *Compagnie générale de géophysique* (CGG);
- TOTAL had no knowledge of work to level the ground in Phaungdaw, either in 1994 or since, with the exception of the work related to the right of way of the pipeline, which had been carried out under the supervision of the company;
- the security of the facilities and the staff working on the pipeline was the responsibility of the national authorities of Myanmar and the organization of the public forces in that region was absolutely not the responsibility of TOTAL;
- with regard to the Heinze islands, none of the persons working for TOTAL had set foot on the islands nor flown over them: there was no relation between these islands and the pipeline laid by TOTAL;
- TOTAL had not been associated in any way or form, even indirectly, with civil works or a military base that the army was alleged to have constructed at Kadaik (situated in the estuary of the Heinze river);
- it was wrong to claim that TOTAL had entrusted any work at all to the army or the national company MOGE, either in February 1996 or before or after that date;
- TOTAL had never paid money to the army of Myanmar or to any of its units;
- TOTAL could make a categorical assurance that the army had never carried out clearing work at the eastern end of the pipeline route;
- most of the helipads situated on the pipeline route had been constructed by TOTAL or by companies working for TOTAL and applying its code of conduct, although TOTAL did not know under what conditions other helipads in the region had been constructed;
- contrary to what had been indicated to the Commission, there was no specific pipeline road network in the western part of the area in which it had been

*Doc. 168.*

*Docs. 169-172, 174 and 175.*

*Doc. 173.*

*Doc. 165.*
constructed. In 1995-96, for the needs of the project, improvements had been made to the existing road network in this coastal area and had been carried out by the public works company BEC-Frères (based in Montpellier), working under the supervision of TOTAL and respecting its code of conduct. This work involved the use of modern civil works machinery and not in any event recourse to forced labourers;

- although it had not always been the case, no one now contested the fact that TOTAL and its contractors paid all the persons working in the framework of the Yadana project;

- to state that the use of the railway had been seriously envisaged for the needs of the project and then abandoned due to allegations of forced labour was quite simply absurd. In this regard, TOTAL stated that:
  - the wharf through which materials were brought to the region formed part of the project from the beginning;
  - a train (particularly with the technical specifications of the future Ye-Tavoy railway) would not in any case have been able to transport the sections of the pipeline, which were 12 metres long and weighed nearly 5 tonnes each, or the more than 700 pieces of machinery and public works equipment, some of which were of gigantic proportions, used for the project;
  - that the mere chronology of the facts spoke for itself since, unlike the pipeline, the train was far from being operational and had still not reached the pipeline zone; and

- finally, a pipeline was laid on a soft bedding and did not therefore need stones to be crushed.

76. In a communication dated 4 March 1998, TOTAL transmitted a copy of a report drawn up by two members of the non-governmental organization Commission for Justice and Peace. The report was prepared at the request of UNOCAL Corporation and was intended to review labour conditions and socio-economic programmes at the Yadana gas pipeline project in Myanmar. Although the report stated that the question of how and whether foreign investment affected the viability of the current regime of the country was beyond the scope of the review, it concluded that each village had a better life because of the project. It added that the approach adopted should be a model for other international companies.

5. VISIT BY THE COMMISSION TO THE REGION

(1) Procedure followed by the Commission

77. The members of the Commission also considered it appropriate to supplement the information in their possession by visiting the region so as to meet the largest possible number of persons and organizations which could provide it with information on the practices referred to in the complaint.

69 Doc. 166.
78. This visit was particularly important after the refusal of the Government of Myanmar to receive the members of the Commission; it enabled the members of the Commission to form a direct impression of the situation described in the complaint, acquire personal knowledge of the circumstances described in the mass of documents submitted to them and assess the veracity of the allegations in the complaint. In doing so, the Commission exercised its fact-finding and inquiry functions.

79. With a view to making the optimum use of its time and determining the places that it wished to visit, the Commission established in advance a detailed plan of the journeys it intended to make and informed the competent authorities of its need to visit India, Bangladesh and Thailand during the period from 18 January to 20 February 1998.

80. During the inquiry that it carried out in the region, the Commission obtained personal testimonies from close to 250 persons. These testimonies were obtained with the assistance of persons and non-governmental organizations working in the areas concerned. At the request of the Commission, these people and organizations were asked to identify a pool of potential interviewees in relation to which the Commission gave explicit instructions that the witnesses be selected at random and not have been questioned previously on the matters that it was investigating, save preliminary identifying data. This request was made in order to avoid potential duplication with other statements already provided to the Commission as well as to minimize risk of any tainting of evidence together with ensuring currency of information. The Commission expressed the desire to cover as much of the territory of Myanmar as possible and in this spirit to interview people from the largest possible number of regions and belonging to a range of ethnic groups without distinction. Given the large number of interviews, priority was given to witnesses with the most recent experiences. The Commission also considered it important to include as witnesses persons who had served in the armed forces of Myanmar.

81. In view of the considerable number of persons that it could interview and in order to conduct as many interviews as possible, the Commission often split into three groups, with one member of the Commission and one member of the secretariat comprising a team. Each team then obtained testimony from witnesses. This procedure varied on one occasion in Thailand when the Commission was unable to obtain access to available witnesses. In that circumstance the Commission authorized a person who was able to obtain access to potential witnesses and who took the testimony of eight such witnesses. This person had previously given evidence before the Commission in Geneva concerning his professional experience and his taking of earlier statements from persons who had experienced or witnessed matters relevant to the inquiry. The Commission gave instructions to the person as to the scope of the interviews and the manner in which they should be carried out. The Commission, on the basis of this person’s previous evidence and experience, as well as on the debriefing which followed the interviews, satisfied itself that the testimonies obtained were voluntary and reliable.

82. In making these arrangements it became obvious that witnesses feared reprisals from the authorities; the Commission in the interests of obtaining full and accurate information decided it was appropriate to grant some measures of protection under which names and other identifying information would not be divulged. However, the Commission considered it essential that the summaries of these testimonies, from

---

Min Lwin appeared before the Commission on 18 and 19 Nov. 1997. See Ch. 4, Second Session of the Commission, paras. 55 to 68.
Forced labour in Myanmar

which this information had been removed, should be made public and form part of the report.\(^1\)

83. The Commission took testimonies from witnesses on an individual basis. Exceptions were made in some cases where persons were from the same family or locality or interview conditions were not conducive to such an approach. In these cases a person’s statement was taken and corroborated by others in a small group. In cases in which interpretation was necessary, the Commission selected the interpreters in advance and required them to make a statement in which they undertook to translate faithfully the statements of the witnesses. In addition, a member of the secretariat, fluent in Burmese, was able to ascertain that the translations were true.

84. Men, women and children were interviewed. In the latter case in particular, the Commission assured itself that the witness understood the mandate of the Commission and the need to tell the truth. The interviews were conducted under conditions ensuring full confidentiality to the persons concerned. Since several persons interviewed now lived in distant areas which were closed to the members of the Commission, they were transported and interviewed under conditions ensuring the safety of all concerned. For each witness, the Commission commenced by obtaining the identifying information necessary for the purposes of verifying, comparing and corroborating the various accounts of the facts. It then questioned the witnesses on their relevant personal experience of the practices referred to in the complaint and verified in particular the year, duration, location, context and conditions under which such practices were carried out. Furthermore, it questioned the witnesses on experiences that others may have recounted to them, including their family, close friends and any other persons. Each witness was given the possibility of making a personal statement. Where appropriate, the Commission also questioned witnesses on their political affiliations or allegiances.

85. The method of recording information was by handwritten notes taken by the Commission; because of their copious nature were later summarized. The Commission abandoned the taking of tape-recordings because of physical difficulties of use, particularly with interpreters; also interviewees felt less intimidated, given the environment in which many interviews took place: in huts, on the ground, out in the open and in a factory.

(2) Persons and witnesses interviewed

86. The Commission went to India, Bangladesh and Thailand to meet with persons able to provide it with relevant information concerning the complaint. Their ages varied between 12 and 72; the vast majority of the factual elements presented by these persons occurred over the last year or two.

(a) India

87. The Commission conducted interviews on 19, 20 and 22 January 1998 in Delhi. On that occasion, it held interviews with 17 people from the Chin and Rakhine States belonging to the Chin and Rakhine ethnic groups.\(^2\) Despite its requests, the

\(^1\) See Appendix VII. In addition, Appendix VIII to this report lists the documents submitted to the Commission during its visit to the region.

\(^2\) Appendix VII, Witnesses 1 to 17.
Commission was not however able to obtain in due time the necessary authorizations from the Government of India to visit the State of Manipur in the north-eastern region of India in which other persons coming from Myanmar and in possession of information which could have been of interest to the Commission were alleged to have found refuge.

88. On 22 January 1998, the Chairperson of the Commission paid a courtesy visit to the Secretary of the Ministry of Labour of the Government of India outlining in general the importance of the inquiry and the Commission’s work in India.

(b) Bangladesh

89. The Commission travelled to Bangladesh, where it stayed from 23 January to 3 February. While in Dhaka from 23 to 27 January the Commission met representatives of the United Nations High Commissioner for Refugees and non-governmental organizations who could provide it with information identifying the most appropriate places to meet persons with personal knowledge of the matters referred to in the complaint.

90. From 27 January to 3 February 1998, the Commission visited Cox’s Bazar, a town located a few kilometres from the border between Bangladesh and Myanmar. A total of over 71 testimonies were gathered from interviews held in the town and the neighbouring areas.73 Most of the persons interviewed were of Rohingya origin and came from the northern part of Rakhine State, which some of them had only left a few days earlier. Several of them had no fixed accommodation and were forced to live with no shelter.

91. The Chairperson of the Commission visited the Ministry of Labour and Manpower of Bangladesh on 2 February 1998 in Dhaka. During his visit, the Chairperson explained the origin and mandate of the Commission and the reasons for its presence in the region.

(c) Thailand

92. The Commission visited Thailand from 3 to 20 February 1998. From 5 to 9 February, it went to the locality of Mae Hong Son, a town situated near the Thai border with Kayah State in Myanmar. It passed through the cities of Bangkok and Chiang Mai, where it met representatives of non-governmental organizations who were able to provide it with recent information on the situation in Myanmar.

93. In Mae Hong Song, the Commission met 53 people from various States in Myanmar and belonging to the Karenni, Karen, Burman, Shan and Pa-o ethnic groups.74 The interviews were conducted in three locations near to the town.

94. From 10 to 16 February 1998, the Commission then visited Mae Sot, a Thai town located near to the border with Kayin State, where it met 56 people from the Muslim, Karen, Burman, Shan and Pa-o ethnic groups.75 From 15 to 17 February, one of the members of the Commission, accompanied by a member of the secretariat, visited Kanchanaburi, a Thai province bordering Karen and Mon States and the

73 ibid. Witnesses 18 to 88.
74 ibid. Witnesses 89 to 141.
75 It was during this period that the Commission authorized the taking of testimonies referred to in para. 81.
Tanintharyi Division. It held 12 interviews there with people from the Mon and Karen ethnic groups.\textsuperscript{76}

95. After leaving Mae Sot a little earlier to return to Bangkok, the Chairperson on 15 February met with members of the National Coalition Government of the Union of Burma (NCGUB).

96. The members of the Commission met once again on 18 February in Bangkok. The next day they paid a courtesy visit to the Ministry of Labour of Thailand and met a representative of a non-governmental organization concerned with forced labour in Myanmar.

97. Since two members of the Commission had to leave Thailand on early flights, a single member remained on 20 February to conduct interviews at a location near to Bangkok with 32 persons from the Karen, Burman, Mon and Rakhine ethnic groups.\textsuperscript{77}

98. At the end of its visit to the region, the Commission decided to meet once again in Geneva from 29 June to 2 July 1998, to prepare and adopt its final report.

6. THIRD SESSION OF THE COMMISSION

The Commission held its Third Session in Geneva from 29 June to 2 July 1998. At this session, the Commission completed the preparation of its report. The Commission closed this last session by signing the report, which it presented to the Director-General of the International Labour Office.

\textsuperscript{76} ibid., Witnesses 142 to 209.
\textsuperscript{77} ibid., Witnesses 210 to 241.
PART III

Allegations by the parties and historical background of the case

7. SUMMARY OF THE COMPLAINT AND THE GOVERNMENT’S OBSERVATIONS

100. In their complaint and supplementary evidence, the complainants referred to earlier findings by ILO supervisory bodies concerning non-compliance with the forced labour Convention by Myanmar. The complainants alleged that, far from acting to end the practice of forced labour, the Government of Myanmar was still engaged actively in its promotion, so that it was today an endemic abuse affecting hundreds of thousands of workers who were subjected to the most extreme forms of exploitation. The complainants submitted detailed factual allegations concerning both the systematic use of forced labour in practice and the existence of national legislation authorizing or condoning the imposition of forced labour; the complainants also presented detailed legal conclusions concerning the alleged incompatibility of national law and practice with the Convention. The allegations of fact and legal conclusions of the complainants are summarized as follows.

(1) Factual allegations submitted by the complainants

101. According to the complainants, Myanmar is, and has been, conducting a widespread practice of exacting forced labour in the country. The practice, which affects hundreds of thousands of residents of Myanmar, involves the use of forced labour for public purposes as well as for private benefit. The labour is exacted from men, women and children of villages and towns in various parts of the country, as well as from prisoners. Along with the forced labour, the military Government is perpetrating severe physical and sexual abuses on many forced labourers, including beatings, rape, executions, and deliberate deprivation of necessary food, water, rest, shelter, and access to medical care.

102. The complainants specify that forced labour practices for public purposes include the following: (1) portering, combat, mine-sweeping, and sexual services for military troops; (2) construction and other heavy labour on development and infrastructure projects that do not benefit and, most often, harm the population from which forced labour is exacted; and (3) heavy work on military construction projects. The practice of forced labour for private benefit is to: (1) promote joint venture developments, including the country’s oil and natural gas reserves; (2) encourage private investment in infrastructure development, public works, and tourism projects; and (3) benefit the private commercial interests of members of the Myanmar military.

103. The complainants also state that the Government has represented that it will use only armed forces henceforth on, in its words, “major community development projects”; in the view of the complainants, that representation provides no assurances

78 The full text of the supplementary evidence submitted is reproduced as Appendix I to this report.
that the Government will stop the use of forced labour on other projects, including support and portering services for the military, or that forced labour on "major projects" could not resume at any time.

103. The complainants refer to two laws currently in force in Myanmar which authorize forced or compulsory labour to be exacted from the people and provide for fines and imprisonment of those who fail to comply. According to the complainants, those laws, the Village Act, 1908 and the Towns Act, 1907, fall outside the scope of a law apparently in effect that makes "unlawful" exaction of labour a criminal offence. Other recently uncovered secret military directives implicitly legitimize forced labour practices on development projects by urging that payment be made to forced labourers and that the "misery and sufferings" associated with "undesirable incidents" during forced labour be curbed.

(2) Legal conclusions submitted by the complainants

104. The complainants allege that the Government of Myanmar has failed entirely to secure the effective observance of Convention No. 29. It deliberately engages in the practice of forced labour within the meaning of the Convention and commits gross human rights abuses in the context of that practice. It has refused to repeal laws that authorize the practice or to properly make the exaction of forced labour a penal offence. It further has refused to ensure that penalties imposed by law are really adequate and strictly enforced as required by the Convention.

105. According to the complainants, the Government has sought to characterize the practice of forced labour under menace of threats, abusive practices, fines, and imprisonment as the voluntary contribution of the people of Myanmar pursuant to Buddhist cultural tradition. The evidence demonstrates not only that non-Buddhist minorities are at times subjected disproportionately to forced labour requirements, but also that the practice is conducted under threat of legal penalties and use of physical force.

106. The complainants submit that none of Myanmar's forced labour practices qualifies as an exception from the Convention's general prohibitions on the use of forced or compulsory labour. The practices fail to satisfy any of the following five narrow exceptions allowed under the Convention: compulsory military service; normal civic obligations; labour as punishment for duly convicted prisoners; work carried out in circumstances of emergency threatening the population; and minor communal service. In addition, whether a forced labourer is paid makes no difference to the determination of whether the conduct qualifies under any of the five exceptions, despite the fact that the Government has sought to defend its practices by alleging that its forced labourers are paid.

107. According to the complainants, no transitional period applies to exempt Myanmar from its obligation under Convention No. 29 to suppress forced labour in all its forms. The Committee established by the ILO to review the ICFTU's article 24 representation on forced portering in Myanmar determined that no transitional period applied. The period of 40 years since Myanmar ratified the Convention constitutes more than ample time to make required alterations to law and practice to conform to the Convention's requirements. Moreover, the complainants state that the Government itself has admitted that no transitional period applies: such admissions were made in

* See paras. 150 and 151 below.
the article 24 proceeding and recently in its observations made to the United Nations relating to reports of forced labour practices.

109. Finally, in the view of the complainants, even if a transitional period applied in this case, the evidence demonstrates that none of the conditions and guarantees required to be met during the transitional period are satisfied in Myanmar. Forced labour is used for private benefit; forced labour is used widely and systematically as a regular part of the Government’s budget; and the practice of forced labour is in no way limited to use as an exceptional measure. Further breaches of the conditions and guarantees required under the transitional provisions of the Convention include: inadequate or non-existent regulation of forced labour practices; work that is not of important direct interest for the community from whom the labour is exacted and that is not of imminent necessity; work that lays too heavy a burden on the population; forced labour exacted as a tax without the safeguards required by the Convention, including allowing the forced labourers to remain at their habitual residence and respecting religion, social life, and agriculture; conscripting women, children, and men over 45 into forced labour; failing to limit forced labour duty to 60 days per year; failing to provide cash remuneration in rates of pay equal to the prevailing wage for voluntary labour and failing to observe normal working hours and a weekly day of rest; failing to apply workers’ compensation laws and, in any case, failing to meet the responsibility of maintaining the subsistence of any person incapacitated as a result of performing forced labour; failing to ensure that people are not moved to different parts of the country in which their health may be affected or, where that is necessary, to ensure gradual acclimatization; failing for extended periods of forced labour, to ensure appropriate medical care and subsistence of the workers’ families and providing for the cost of the workers’ journeys to and from the workplace; and failing to abolish forced portering “within the shortest possible period” after ratification.

(3) The Government’s observations

110. Before responding to the complainants’ allegations, the Government described its initiatives for the emergence of a peaceful, modern and developed nation, its political, economic and social objectives, and the benefits which the local population and the nation as a whole draw from the building of infrastructures throughout the country, in particular the building of new railroads, but also motor roads, irrigation facilities, schools, hospitals, market places, parks and new towns through the collective efforts of the State, the people and the members of the Myanmar armed forces (Tatmadaw).

111. In addressing the allegations made by the complainants, the Government has placed its refutation under three main headings: (i) public purposes or public sector; (ii) private benefit or private sector; (iii) the law.

* The text of the Government’s observations on the initial complaint and supplementary evidence submitted is reproduced as Appendix II to the present report, unabridged except for two confidential annexes (“Annexures” II and VII) which have been omitted.
Forced labour in Myanmar

(a) Public purposes or public sector

(i) Portering

112. Since 1948, successive Myanmar governments have had to deal with insurgent groups. Therefore, under certain circumstances the Myanmar armed forces had to employ porters for transportation of supplies and equipment over difficult terrain in remote places and mountains near the frontier areas where military campaigns against the armed groups were launched. The Government stated that the porters employed were not treated harshly and inhumanely by the Myanmar armed forces. Criteria for the recruitment of these porters required that they must be unemployed casual labour, that they must be physically fit to work as porters, and that a reasonable amount of wages must be fixed and agreed to before recruitment. Also, these porters were never required to accompany the troops in the actual scene of the battle, nor exposed to danger. In the unfortunate event of loss of limb unconnected with any armed conflict, they or their family were equitably compensated in accordance with the prevailing law. The authorities wished to point out that there was no recruitment of women, children and elderly people as porters at any time.

113. The Government also stated that the Tatmadaw were under a strict military code of conduct, were highly disciplined, and did not resort to onerous or oppressive actions against the people. Any isolated aberration was met with severe punishment meted out by a military court. Finally, the Government asserted that the use of porters had significantly diminished as a result of fewer military operations against the armed groups, most of which had returned to the "legal fold" and were taking part in the economic and social development and the country. In this regard, the Government also referred to excerpts from the press conference given by United States Presidential Envoys, Ambassador Mr. William Brown, and Senior Official of the National Security Council of the White House, Mr. Stanley Roth, on 15 June 1996 at the Foreign Correspondents' Club of Thailand, appended to its observations as "Annexure I".

(ii) Construction of development and infrastructure projects by the Government

114. Among the development and infrastructure projects undertaken by the Government were the Aungban-Loikaw railroad construction, the Ye-Dawei (Tavoy) railroad, the Pathein airstrip extension, the construction of dams and embankments, etc. For all these projects, and other projects not mentioned, the Government asserted that there was no forced labour involved. The use of labour was purely voluntary, and it was remunerated equitably. No coercion whatsoever was involved in the recruitment of labour, which was done according to the local recruitment procedures of employment exchanges established by the Department of Labour. There were altogether 78 township-level labour offices all over the country operating under the Employment and Training Act and the Employment Restriction Act. With a view to substantiating the above facts, the Government stated it had made field surveys in the respective areas to verify that the recruitment of labour was done in accordance with the procedure. Detailed statements and photographs of some local people interviewed were annexed to the Government's observations as (confidential) "Annexures IIa-IIg".

115. The Government stated that it had taken concrete actions regarding the use of civilian labour in infrastructure building and development projects. A further and unprecedented step had been taken in using members of the Tatmadaw in these projects. There was to be no more recruitment and deployment of local populace in any development projects. Tatmadaw were now taking part in these works to serve the interests and general well-being of the people in addition to the primary responsibility of defending the country. One concrete example was the recent participation of
Tatmadaw in railroad construction and other public works in the Mandalay, Magway and Tanintharyi Divisions. Photographs of Tatmadaw at the respective worksites were annexed to the Government’s observations as “Annexure III”. The Government also pointed out here that some prisoners who were convicted of criminal offences such as murder, rape, etc. (common criminals) were sometimes employed in road construction.

(iii) Hotel industries in Myanmar

116. The Government stated that, upon its invitation, foreign investors had built hotels in Yangon, Mandalay, Bagan, etc. under a system known as Build, Operate and Transfer (BOT). These foreign companies with 100 per cent investment had their own contractors who in turn appointed local subcontractors, who recruited local skilled, semi-skilled or unskilled workers. The competition or demand for local workers was very keen, inducement in the form of high wages was offered by the foreign companies and the question of forced labour did not arise. In addition, local labour law and procedures saw to it that equitable wages and proper conditions of work were observed by the companies. In most cases these subcontractors went through the labour exchanges run by the Department of Labour. Although the Ministry of Hotels and Tourism was responsible for the promotion of building hotels in Myanmar, the Ministry played no part in the employment of the construction workers.

117. With regard to allegations that forced labour was used in the construction of “barracks”, the Government stated that accommodation for border policing units in Rakhine State were constructed by private building contractors employing voluntary paid labour. In this regard, the Government referred to two “Contract Agreements” between responsible officials of the border policing unit and local building contractors, appended as “Annexures IVa and IVb” to its observations.

(b) Private benefit or private sector

(i) Construction of the Yadana natural gas pipeline

118. With regard to allegations that forced labour was being used for the construction of projects for the development of oil and gas reserves, in particular the Yadana gas pipeline project, a joint venture between a United States oil company (UNOCAL), a French oil company (TOTAL), and the Myanmar Oil and Gas Enterprise (MOGE), the Government stated that the allegations were totally unfounded. The Government quoted corresponding statements made by Mr. Roger Beach, Chairman and Chief Executive Officer (CEO) of UNOCAL, and Mr. John Imle, President of UNOCAL, in televised interviews conducted by CNN, the texts of which were appended as “Annexures V and VI” to the Government’s observations. Moreover, the Myanmar authorities conducted field observations at some of the areas described in the supplementary evidence. Statements of some workers at the Ye-Dawei (Tavoy) railroad construction sites and some employees of the Yadana natural gas pipeline project were appended to the Government’s observations as (confidential) “Annexure VIIa and b, and VIIIf”.

(c) The law

119. The Government indicated that, with a view to bringing the Towns Act, 1907 and the Village Act, 1908 into line with the current positive changes in the country.
the authorities concerned had taken action on the entire national legislation of Myanmar which encompassed a total of more than 900 laws. These laws had been reviewed and redrafted, including the Towns Act and the Village Act which were enacted when Myanmar was under colonial rule. The Government stated that the new laws would be in consonance with the new executive legislative and judicial systems which were to be brought about under a new state Constitution. The National Convention whose task was to lay down basic principles to be enshrined in the new state Constitution had already adopted 104 basic principles. Among these was the principle that "the State shall enact necessary laws to protect the rights of workers". The authorities were keenly aware of the criticisms made by some delegates at the Conference over the powers available under the Towns and Village Acts and, therefore, in the redrafted version which was being prepared the Government said the clauses which attracted so much attention of the delegates had been deleted.

(d) Conclusion

120. In conclusion, the Government indicated that the Myanmar authorities were aware of the criticisms made by some Worker delegates relating to the use of labour in Myanmar for national development projects. A considerable portion of the criticisms were unfortunately based on biased and specious allegations made by expatriates living outside Myanmar who wished to denigrate the Myanmar authorities for their own ends. The Myanmar authorities had made an effort to answer, in all sincerity, the questions addressed to them.

8. HISTORICAL BACKGROUND

A. Earlier reports and statements by the Government of Burma/Myanmar on the application of the Forced Labour Convention, 1930 (No. 29), comments and representation by industrial organizations, and observations, findings and requests by ILO supervisory bodies

(1) Reports under article 22 of the ILO Constitution and statements to the International Labour Conference (ILC) presented by the Government, 1960 to 1992, and corresponding comments

121. In its first report (received 21 May 1960) on the measures taken to give effect to the provisions of the Forced Labour Convention, ratification of which was registered on 4 March 1955, the Government of the Union of Burma indicated, under Article 1 of the Convention, that: "Since forced labour is non-existent in this country, no recourse to forced or compulsory labour in any form is authorised in this country." Having indicated, in relation to Articles 6 to 17 of the Convention, that in view of the non-existence in the country of forced labour (and of chiefs of the kind envisaged in Articles 7 and 10), the question of compliance with the requirements under these

Moreover, the Government stated under Art. 2 that: "So far there had been no necessity to take advantage of the exemptions provided under para. 2 of this Article. However, it will be duly reported when necessity arises."
Articles did not arise, the Government reported under Article 18 that: "Officials of administration in this country, when they are on government tours in the rural areas, use the services of porters, boatmen, bullock carts, etc. But they are not employed in the sense of forced or compulsory labour as envisaged in this Convention." Finally, under Article 25 of the Convention, the Government referred to section 374 of the Penal Code, under which: "Whoever unlawfully compels any person to labour against the will of that person, shall be punished with imprisonment of either description for a term which may extend to one year, with fine, or with both."

122. In a request addressed to the Government in 1964 and repeated in 1966 and 1967, the ILO Committee of Experts on the Application of Conventions and Recommendations referred to section 11(d) of the Village Act, under which persons residing in a village-tract shall be bound, on the requisition of the headman or of a rural policeman, to assist him in the execution of his duties prescribed in sections 7 and 8 of the Act. These duties consist, inter alia, of the obligation "to collect and furnish ... guides, messengers, porters, supplies of food, carriage and means of transport for any troops or police posted in or near or marching through the village-tract or for any servant of the Government travelling on duty". The Committee noted that corresponding provisions concerning persons residing in towns are contained in section 9 of the Towns Act. It asked the Government to indicate whether these provisions of the Village Act and the Towns Act were still in force, and if so, what measures the Government proposed to take to bring the legislation into conformity with the Convention.

123. In its reply received 15 June 1967, the Government indicated that: "Although the provisions in question of the Village Act and Towns Act, which were established during the colonial rules, are still in force, the authorities concerned no longer exercise the power accordingly vested in them. And ... those laws and rules which do not meet the standards and needs of the country's new social order shall have to cease to exist. Appropriate new laws in place of the old ones will be made soon." In reply to further requests by the Committee of Experts for information on the measures taken, the Government repeated in a report received 7 June 1973 that: "The Village Act and the Towns Act are framed while Burma was under foreign domination, there is no recourse to section 11(d) of the Village Act and section 9 of the Towns Act, though they have not been repealed officially."

124. In its report received 19 February 1974, the Government again stated that the provisions of the Towns Act and the Village Act were being reviewed along with other acts so as to fall in line with the new Constitution which guaranteed the freedom and the right to work.

125. In replies to further reminders by the Committee of Experts the Government indicated in 1978 that: "A new law to replace the Towns Act and the Village Act is now being drafted by the authorities concerned. A copy of the new law will be transmitted to the Committee of Experts when enacted."

126. In 1982, the Government stated that a new Law Commission was constituted and "New draft laws which revised the old ones (which empowered headmen and rural policemen to impose compulsory portage on residents of the labouring class ...) will eventually be reviewed by the Commission and submitted to the Pyithu Hluttaw [People's Assembly] to bring legislation into conformity with the Convention."

42 The full wording of the relevant provisions of the Village Act and the Towns Act is given in paras. 238-240 below.
127. In 1983, the Government restated that: "The provisions of the Towns and the Village Act which empower headmen and rural policemen to impose compulsory portage on residents of the labouring class ... being legacies from the British colonial rule, have become obsolete and are no longer applied." In the same reply (received 13 October 1983) the Government added that with the promulgation of the People's Council Law in 1974, the administrative power formerly entrusted to a single headman was vested with a group of people's representatives who collectively managed the affairs of the village, and that: "Among the duties and functions of the Ward and Village Tract People's Councillors as prescribed in the People's Council Law, 1974, and the subsequent law prescribing the duties and functions of the People's Councils at different levels and that of Executive Committees at different levels, 1977, there is no such provision as compulsory portage on residents or the labouring class."

128. In its report received 21 October 1985, the Government repeated that the People's Council Act, 1974 contained no provisions that authorized the People's Councils at different levels to have recourse to forced or compulsory labour, and that: "Any significant progress towards the repealing of the provisions incompatible with the Convention will be reported at once."

129. In a "consolidated reply" attached to the Government's report received 16 November 1989, the Government stated that:

... the political, social, and economic and administrative structure in the Union of Myanmar has changed drastically since 18 September 1988. Myanmar is now on her way to multiparty democratic system in place of one party political structure. Consequently, the socialist economic system has recently been substituted by new open-door economic policy along with other changes in social and administrative pattern.

The present Government has been endeavouring for the betterment of the quality of life of its people including the workers from every sector of the economy. The existing labour laws are once again under review to be in consonant with the changing situations. The Government has reconstituted the Labour Laws Reviewing Committee in July, 1989. In doing so, every salient point raised by the Committee of Experts shall be taken into serious consideration in the process of reviewing the existing labour laws.

130. In an observation made in 1991 on the application of the Convention in Myanmar, the Committee of Experts noted comments of 17 January 1991 by the International Confederation of Free Trade Unions (ICFTU) on the application of the Convention and the information submitted in the annexed documents. In its comments the ICFTU indicated that the practice of compulsory portering was widespread in the country and involved many thousands of workers: the majority of porters used by the army were forcibly recruited and harshly exploited; rarely, if ever, paid; inadequately fed and cared for; required to carry excessive loads; and exposed to acute physical hardship and danger. According to the documents there was no formal regulation or supervision of the conditions of work of porters, which were, in practice, determined at the discretion of local military commanders. As a result, many of them died or were killed in the course of forced labour, some were used as human shields during military actions, others were shot when trying to escape or were killed or abandoned when as a result of malnutrition or exhaustion they were no longer able to carry their load. The comprehensive documentation submitted by the ICFTU contained detailed and specific indications to back these allegations. The Committee expressed the hope that the Government would provide detailed comments on these allegations as well as full information on any measures adopted or contemplated to ensure observance of the Convention.
131. In the absence of a report from the Government, the Committee repeated its observation in 1992. At the ILC in June 1992, the Government submitted the following information:

With reference to the comments made by the International Confederation of Free Trade Unions (ICFTU) concerning the practice of compulsory portering, the Government wishes to indicate that it is true that armed forces have to employ porters for transportation of equipment and things over difficult terrain in remote jungles and mountains near the frontiers where military campaigns against the armed insurgents are launched. Where the terrain is inaccessible by car or other motorised vehicles, the Myanmar army has to employ porters for transport of supplies and equipment. However, it is not true that porters are treated harshly and inhumanely by the Myanmar armed forces. All these allegations about the treatment of porters by the armed forces are untrue. They mainly emanate from outside sources with ulterior political motives.

As a matter of fact, there are volunteer porters and professional porters who offer to work as porters on behalf of others to earn their living. Porters are recruited and employed by the armed forces after consultation with local authorities. This has been in practice in Myanmar since she regained her independence in 1948. Recruitment and employment are in accordance with section 8, subsection 1(n), of the Village Act of 1908 and section 7, subsection 1(m), of the Towns Act of 1907. Recruitment is based on the following three criteria:

(a) they must be unemployed;
(b) they must be physically fit to work as porters;
(c) a reasonable amount of wages must be fixed and agreed to beforehand.

Porters thus recruited are never required to accompany the troops to the actual scene of battles; neither are they exposed to danger. They are sent back as soon as their assignment is completed. They are paid equitably and in the unlikely event of a loss of life or limb unconnected with any armed conflict they or their families are compensated in accordance with the Workmen’s Compensation Act of 1925. They are entitled to medical treatment like soldiers in accordance with the Armed Forces Act. They are placed in safe places during operations.

132. In addition, a Government representative of Myanmar at the ILC in June 1992, referring to the written information provided by his Government, stressed that in his country there was no coercion with regard to the employment of workers. Comprehensive and elaborate laws effectively prevented the use of forced labour. In response to the allegations made against his Government that equated the use of porters by the armed forces of Myanmar with forced labour, he stressed that the use of porters was not the same as the use of forced labour. He stated that even if the employment of porters by the armed forces was considered to be forced labour, such porters had ceased to be employed by the military, because the Government was no longer conducting military campaigns. The Government wished to establish national unity and peace, and to remove all differences by amicable discussion rather than fighting among the different races in the country.

133. Referring to the issue of compulsory portering, the Committee of Experts, in an observation made in 1993, noted that a representation made by the ICFTU under article 24 of the ILO Constitution was declared receivable by the Governing Body and submitted to a committee set up to examine it. Consequently, the Committee of Experts suspended examination of this matter.

134. In relation to forced labour other than portering, the Committee of Experts noted in its observation made in 1993 that in his report submitted to the United Nations Commission on Human Rights at its 49th Session, February-March 1993 (UN doc. UNGA E/CN.4/1993/37 (17 February 1993)), the Special Rapporteur on the situation of human rights in Myanmar referred to the testimony of persons taken to provide labour in the construction of railroads (Aungban-Loikaw railroad) and of roads or the clearing of jungle areas for the military, that hundreds of persons were killed by the
Forced labour in Myanmar

military when, as with porters, they were unable to carry loads and to continue the hard labour. The labour projects reportedly included two major railway projects, other border-development projects of the Government, particularly along the Thai-Myanmar border, and labour for the military, particularly in the areas of conflict in the Karen, Karenni, Shan and Mon areas. It was reported that the labourers died frequently as a result of constant beatings, unsanitary conditions, lack of food and lack of medical treatment, once they became sick or wounded and unable to continue work. Witnesses also provided information that some friends or relatives who returned from the work in the border development projects died afterwards as a result of the wounds and diseases contracted during their labour. The Committee requested the Government to comment on the detailed testimony reported by the UN Special Rapporteur.

(2) 1993 representation under article 24 of the ILO Constitution

(a) Allegations made by the complainant organization

135. By a communication of 25 January 1993, the ICFTU made a representation under article 2440 of the ILO Constitution alleging that the Government of Myanmar had failed to secure the observance of the forced labour Convention, institutionalizing the use of forced labour by military commanders through the forced recruitment and abuse of porters. According to the complainant organization, women and children as well as men were randomly rounded up by local police or the military from such public places as train stations and movie theatres or from their homes or places of work; in many cases, village headmen were responsible for filling porter quotas or providing large sums of money to the military instead. Porters were required to carry heavy loads of ammunition, food, and other supplies between army camps, generally back and forth over rugged mountains which were inaccessible to vehicles. They must often construct the camps for the military upon arrival. They were not paid for their work and allowed very little food, water, or rest. In many cases, porters were bound together in groups of 50 to 200 at night. They were denied medical care. Porters were subject to hostile fire as well as to abuse by the soldiers they served. They were routinely beaten by the soldiers and many of the women were raped repeatedly. Unarmed themselves, they were placed at the head of columns to detonate mines and booby traps as well as to spring ambushes. According to credible sources, many of these porters died as a result of mistreatment, lack of adequate food and water, and use as human mine-sweepers. While the majority of porterage cases had been linked to actions by the Myanmar army, the ICFTU also mentioned allegations by diplomats, denied by leaders of the ethnic minorities, that insurgents also forced villagers into porter service. The ICFTU referred to specific information on compulsory porterage cases that had been gathered by a variety of reputable human rights groups which had conducted fact-finding missions to the Myanmar border regions. A number of excerpts from interviews conducted with alleged victims were included in the representation.

136. Moreover, the ICFTU set out proposed conclusions concerning the inapplicability of exceptions under Article 2(2) of the Convention and of the transitional clause in Article 1(2), and the violation of Articles 1(1) and 25, as well as

40 Art. 24 of the ILO Constitution states that: “In the event of any representation being made to the International Labour Office by an industrial association of employers or of workers that any of the Members has failed to secure in any respect the effective observance within its jurisdiction of any Convention to which it is a party, the Governing Body may communicate this representation to the government against which it is made, and may invite that government to make such statement on the subject as it may think fit.”
of many of the conditions specified in the Convention (in particular in Articles 8 to 16, 18, 23 and 24) for the “transitional period”.84

137. At its 255th Session (March 1993) the ILO Governing Body decided that the representation made by the ICFTU was receivable and set up a committee to examine it.

(b) The Government’s observations as to the facts

138. The Government, in a written statement presented in May 1993 to the Committee set up by the Governing Body to consider the representation made by the ICFTU under article 24 of the ILO Constitution, indicated that the allegations made in certain quarters that the Myanmar authorities were using forced labour for the construction of railways, roads and bridges were false and were based on fabrications by people who wished to denigrate the image of the Myanmar authorities and by persons who did not understand the tradition and culture of the Myanmar people. In Myanmar, voluntary contribution of labour to build shrines and religious temples, roads, bridges and clearing of obstruction on pathways was a tradition which went back thousands of years. It was a common belief that the contribution of labour was a noble deed and that the merit attained from it contributed to a better personal well-being and spiritual strength. In the villages and in the border areas, members of the Tatmadaw and the local people in the region had been contributing voluntary labour towards building roads and bridges for the past four years or so. There was no coercion involved. In Myanmar history, there had never been “slave labour”. Since the times of the Myanmar kings, many dams, irrigation works, lakes, etc. were built with labour contributed by all the people from the area. Accordingly, those who accused the Myanmar authorities of using forced labour patently revealed their ignorance of the Myanmar tradition and culture.

139. With regard to the allegations of forced recruitment and abuse of porters, the Government in the same statement of May 1993 repeated indications given to the ILC in June 1992.85 The Government added that, as a matter of fact, there were volunteer porters and professional porters who offered to work as porters on behalf of others to earn their living. So, only those who did not know the true situation would take seriously the vicious slander against the armed forces of Myanmar. The Government concluded that allegations concerning ill-treatment of porters were totally unfounded. Those allegations were completely untenable particularly in view of the high standard of professionalism and discipline of the Myanmar armed forces.86

140. In an additional detailed statement provided to the same Committee in October 1993, the Government mentioned that there was not to be any doubt or question on the reputation and credibility of the persons who led the two ICFTU fact-finding missions. However, the Government pointed out that the work of these missions was carried out ex parte in Myanmar/Thai border areas and that it was done without

---

84 See paras. 15 to 19 of the report of the Committee set up to consider the representation made by the ICFTU under art. 24 of the ILO Constitution alleging non-observance by Myanmar of the Forced Labour Convention, 1930 (No. 29) (doc. GB.261/13/7, Geneva, Nov. 1994).
85 See para. 131 above. The substantially identical indications given by the Government to the Committee set up to consider the representation made by the ICFTU under art. 24 of the ILO Constitution alleging non-observance by Myanmar of the Forced Labour Convention, 1930 (No. 29) are reflected in paras. 22 to 25 of that Committee’s report (doc. GB.261/13/7, Geneva, Nov. 1994).
86 See paras. 26 and 27 of the report of the Committee set up to consider the representation made by the ICFTU under art. 24 of the ILO Constitution alleging non-observance by Myanmar of the Forced Labour Convention, 1930 (No. 29) (doc. GB.261/13/7, Geneva, Nov. 1994).
the knowledge of the Myanmar Government. The Government added that these areas were known to have been the hideouts of terrorist groups living on smuggling and drug trafficking. These terrorists groups were constantly engaged in atrocious activities against the Myanmar Government, based on ill political motives. Therefore, persons interviewed in these areas would unequivocally provide false and fabricated information to the fact-finding missions under the influence and duress of terrorists. The Government had tried to find the persons mentioned in the ICFTU fact-finding missions' statements. However, the persons said to have been interviewed by the missions could not be identified as there had not been any statement regarding their parents' names, citizenship card number and permanent residential address. Based on the significant characteristics of Myanmar's system of nomenclature, the name of a person did not show his surname. The Government concluded that since the existence of the said person had not been established or proved, the allegations should be regarded as unfounded facts.\(^{17}\)

141. In the same additional statement of October 1993, the Government indicated that three independent observation teams had been formed comprising the members of the township workers' supervisory committees and distinguished local residents. These teams visited areas mentioned by the fact-finding missions in Mon State, Kayin State and Bago Division in August 1993, and met with local administrative authorities and villagers to find out the true situation. In the interviews with the local administrative authorities (Township Law and Order Restoration Councils, Ward and Village-tract Law and Order Restoration Councils) it was found that local recruitment of porters was done only in the case of urgent necessity and was not frequent in nature. Participation in the porterage service was also voluntary. The selection and recruitment were made among those who are willing to work as porters. It was usually done in a systematic manner and the porters were sent to the end-users along with prescribed forms and documents. They had to report back to the local authorities properly after completion of their assignments. It had never been heard of any woman working as a porter. In various regions of the country, there was a large number of workers who earned wages or income for their living on casual jobs. These workers were available for any type of manual work which could provide them with reasonable wages/salary or income. This was the most important reason that they were inclined or preferred to work as porters, if and when available.\(^{88}\)

142. The Government added that since the persons mentioned in the ICFTU fact-finding missions' statements could not be traced even with the assistance of the ward and village-tract authorities, the observation teams resorted to meeting with some villagers who had been voluntarily looking for work as porters to earn some income. The information received from them was found to be contrary to that of the fact-finding missions of the ICFTU. Based on their version, porters had to carry food and supplies along the way only to the compatible limit and were never overburdened with excess loads. It was also confirmed that they were well-treated and well-provided with four items of basic needs: rice, cooking oil, beans and salt. They were allowed to rest and given enough time to sleep. They always had cordial and intimate relations with soldiers. The willingness of the porters to work for another assignment clearly indicated that there did not exist any incidence of ill treatment by soldiers towards porters.\(^{89}\)

\(^{87}\) ibid., paras. 28 and 29.

\(^{88}\) ibid., paras. 30 to 32.

\(^{89}\) ibid., para. 33.
143. The Government further stated that military offensives had been suspended since 1 April 1992 and recourse to porterage was rarely exercised. But, if and when the terrorists took advantage of the lull, defensive operations had to be made to ensure the security and well-being of the community. In such circumstances of imminent urgent necessity, porterage was to be resorted to inevitably. But the duration of porterage service rarely exceeded 30 days and porters had to serve only for a limited distance at which they had to hand over to another batch of porters who would carry food provisions and equipment to the specified destination, and their service was said to be completed at that point of destination. Here, it was to be mentioned that the loads were also shared by the armed forces personnel. Schoolteachers, pupils and officials of the administration in general were exempted and had never been used as porters in Bago Division. Translations of statements made by the individuals concerned were attached together with photographs. Finally, the Government stressed that, moreover, porters had to serve only for a certain period of time for a specific assignment and yet this would mean a considerable amount of earnings to support their families. Porters were never exposed to any danger. They, together with the provisions, had been placed in safe areas during actions with the enemies. However, there had been very few cases of accidents caused to the porters not directly related to armed clashes. In case of injury and sickness, porters enjoyed first-aid medical care, the same as soldiers. If ever there were cases of serious illness or injury, the affected person was transported immediately to the nearest hospital by any available means. In such cases of injury and death, porters and their dependants were entitled to realize compensation in accordance with provisions of the Workmen’s Compensation Act of 1923 which is still in force. Porters included single and married adult males who were healthy and strong enough to work for manual/physical labour. Women were never employed for such work.

(c) The Government’s observations concerning the Convention

144. In reply to the alleged violation of Convention No. 29, the Government indicated, with regard to Articles 1 and 2 of the Convention, that the term “forced labour” was not applicable to Myanmar based on the fact that voluntary contribution of labour for community development efforts should not necessarily be considered as “forced labour”. The Government had not failed to suppress forced labour as alleged because there was no such practice whatsoever in Myanmar. In taking an overview of whether a member country adhered to the provisions of the Convention, it was vital to take into account the cultural heritage of its member States. Only then, the soul of the Convention would be able to withstand the test of time.

145. Referring to the conditions and guarantees of Articles 8 to 16, 18, 23 and 24 of the Convention as well as to Article 25, the Government added that:

- The use of voluntary labour, alleged compulsory or forced labour, was made only for the urgent necessity in accordance with the following provisions: (a) section 8(1)(g)(n) and (o) of the Village Act (1908); (b) section 9(b) of the Towns Act. According to these provisions only the local highest civil authorities are vested with power for necessary recruitment of any form of voluntary labour. Such recruitment was done only for the betterment of the community itself under the

---

*ibid., paras. 37 to 39.
**ibid.
*See. ibid., paras. 40 and 41.
supervision of the local authorities concerned. Therefore, it was not practical at all to remove workers from their place of habitual residence.

- Myanmar’s practices of voluntary labour (alleged forced labour) satisfied the conditions mentioned in Article 9.

- There was not “forced or compulsory labour” exacted as tax. Moreover, the allegations made did not apply in any case relating to the provisions of Article 10.

- As for Article 11, only able-bodied adults were permitted to contribute voluntary labour in community development programmes. There was no forced labour of any form in the country. Even in the case of porters, recruitment was done only for urgent unexpected requirements. But in any way the recruitment was absolutely voluntary. Porters therefore were not conscripted. Instead they offered their services on their own accord for want of subsistence. Furthermore, they were provided with enough food and medical care during their service, and they all were covered by the Workmen’s Compensation Act of 1923.

- The aforesaid voluntary labour contribution never exceeded 60 days. If the work was not completed within this period, others who offered their service voluntarily were given their turn. Porters who served more than once were accepted strictly on a voluntary basis.

- In community development projects and public works, labour contributors were remunerated on a piece-rate basis so that rest during working time was at their own disposal.

- Voluntary labour contributors and porters were remunerated. They were being paid at prevailing Government wage-rates.

- The existing Workmen’s Compensation Act of 1923 and other relevant rules and regulations were applicable both to voluntary labour and porters.

- According to the existing practices Article 16 was not applicable.

- Forced or compulsory labour for the transport of persons or goods, such as the labour of porters or boatmen, was not applicable since they never existed and therefore allegations made under Article 18 were not valid.

- As regards Articles 23, 24 and 25, instruments regulating the use of any form of voluntary labour (alleged forced or compulsory labour) and the relevant measures to guarantee compensation in case of accident and death were in force. These voluntary labour contributors were treated on an equal footing with other workers under respective laws and regulations.

(d) The Committee’s conclusions and recommendations, approved by the Governing Body of the ILO

146. The Committee noted that the question of forced labour other than portering in Myanmar, touched upon by the Government, had been addressed by the Committee of Experts on the Application of Conventions and Recommendations in its observation of 1993 on the application of Convention No. 29 in Myanmar; but the representation made by the ICFTU in January 1993 dealt only with the use of forced labour by military commanders through the forced recruitment and abuse of porters. The Committee, set up to consider that representation, therefore limited its conclusions to this issue.93

93 ibid., para. 42.
147. The Committee noted that the testimony on porterage given by witnesses quoted by the complainant organization conflicted with other testimony quoted by the Government. The Committee noted that the Government had sought, with the assistance of ward and village authorities, to find the witnesses quoted by the complainant organization. It also noted the Government's allegation that these witnesses had spoken under pressure from terrorist groups. The Committee likewise noted the view of the Special Rapporteur of the United Nations Commission of Human Rights, in his report of February 1993 on the situation of human rights in Myanmar, "that serious oppression and an atmosphere of pervasive fear exist in Myanmar" (UN doc. UNGA E/CN.4/1993/37, paragraph 241). The Committee furthermore took note of the *note verbale* dated 26 February 1993 from the Permanent Representative of Myanmar to the United Nations Office at Geneva addressed to the Secretary-General (UN doc. UNGA E/CN.4/1993/105) which rebutted a number of statements made by the Special Rapporteur in his report. The Committee pointed out that, unlike a Commission of Inquiry, it was not in a position to organize its own fact-finding on the basis of a direct hearing of witnesses. In view of the circumstances mentioned above, the Committee abstained from using the individual testimonies referred to by the two sides in making its evaluation of the observance of the Convention by the Government.\(^4\)

148. The Committee noted the Government's indication that the recruitment of porters was made in accordance with section 8, subsection 1(g)(n) and (o) of the Village Act (1908) and section 7, subsection 1(m) and section 9, subsection (b) of the Towns Act. Referring also to sections 11(d) and 12 of the Village Act and section 9A of the Towns Act, the Committee noted that the Village Act and the Towns Act provided for the exaction of labour and services, in particular porterage service, under the menace of a penalty from residents who had not offered themselves voluntarily, that is, the exaction of forced or compulsory labour as defined in Article 2(1) of the Convention. Consequently, amendment or repeal of the provisions referred to had been called for by the Committee of Experts for the Application of Conventions and Recommendations in comments regularly addressed to the Government since 1964.\(^5\)

149. In the statements submitted by the Government to the Committee there were no elements which would allow a different approach. In particular, while stressing the need "to take into account the cultural heritage of member States" with regard to Articles 1 and 2 of the Convention, the Government had supplied no indications that would bring compulsory porterage within the scope of one of the exceptions provided for in Article 2, paragraph 2, of the Convention.\(^6\)

150. Similarly, the transitional period envisaged in Article 1(2) of the Convention and subsidiarily examined in the representation by the complainant organization had not been invoked by the Government. The Committee noted that this was in line with the position taken by the Government ever since 1967 that the authorities no longer exercised the power vested in them under the relevant provisions of the Village Act and the Towns Act; according to the Government these had been established under colonial rule, did not meet the standard and the needs of the country's new social order and were obsolete and soon to be repealed. The Committee considered that this should now be done.\(^7\)
151. Since there was no longer a question of a transitional period, the Committee abstained from considering compulsory porterage in Myanmar in the light of the conditions and guarantees which had been laid down in Articles 8 to 16, 18, 23 and 24 of the Convention for the employment of forced or compulsory labour during the transitional period.

152. Article 25 of the Convention requires that the illegal exaction of forced or compulsory labour shall be punishable as a penal offence, and the Government is to ensure that the penalties imposed by law are really adequate and are strictly enforced. The Committee stressed that the formal repeal of the powers to impose compulsory labour under the Village Act and Towns Act thus had to be followed up in actual practice with penal prosecution of those resorting to coercion. This appeared all the more important since the blurring of the borderline between compulsory and voluntary labour, recurrent throughout the Government's statements to the Committee, was all the more likely to occur in actual recruitment by local or military officials.98

153. At its 261st Session (November 1994), the Governing Body of the International Labour Office approved the report of the Committee set up to consider the representation, and, in particular, the conclusion that the exaction of labour and services, in particular porterage service, under the Village Act and the Towns Act was contrary to the Forced Labour Convention, 1930 (No. 29), ratified by the Government of Myanmar in 1955. Following the recommendations of the Committee, the Governing Body urged the Government of Myanmar to take the necessary steps to ensure that the relevant legislative texts, in particular the Village Act and the Towns Act, were brought into line with the Forced Labour Convention, 1930 (No. 29), as already requested by the Committee of Experts on the Application of Conventions and Recommendations, and to ensure that the formal repeal of the powers to impose compulsory labour be followed up in actual practice and that those resorting to coercion in the recruitment of labour be punished. The Governing Body requested the Government of Myanmar to include in the reports it supplies under article 22 of the Constitution on the application of Convention No. 29 full information on the measures taken, in accordance with these recommendations, to secure observance of the Convention, so as to enable the Committee of Experts on the Application of Conventions and Recommendations to follow the matter.99

(3) Subsequent developments up to the lodging of the complaint under article 26 of the ILO Constitution (June 1996)

154. At its February 1995 session, the Committee of Experts on the Application of Conventions and Recommendations noted that no report had been sent by the Government under article 22 of the Constitution on the application of the Convention. With regard to compulsory porterage, the Committee noted the Government's statement at the 261st Session of the Governing Body, indicating that Myanmar was undergoing a major transformation in changing from one political and economic system to another and that a basic step in this process was the amendment of laws which no longer pertain to current circumstances and situations. Recalling that in its reports on the application of the Convention, the Government indicated ever since 1967 that the authorities no longer exercised the powers vested in them under the provisions in question of the Village Act and Towns Act, which were established under

98 ibid., para. 52.
colonial rule, did not meet the standard and the needs of the country's new social order and were obsolete and soon to be repealed, the Committee expressed the hope that this would now be done and that the Government would supply full details on the steps taken both as regards the formal repeal of the powers to impose compulsory labour and the necessary follow-up action, with strict punishment of those resorting to coercion in the recruitment of labour. As pointed out by the Governing Body Committee, this follow-up appeared all the more important since the blurring of the distinction between compulsory and voluntary labour, recurrent through the Government's statements to the Committee, was all the more likely to occur also in actual recruitment by local or military officials.

155. In the same observation made in February 1995, the Committee of Experts, recalling its earlier reference to detailed testimony concerning the imposition of forced labour for public works, noted that the Government had addressed these matters in its written statement presented in May 1993 and its additional detailed statement presented in October 1993 to the Governing Body Committee set up to consider matters relating to the observance of Convention No. 29.

156. In its additional detailed statement of October 1993, the Government specified that allegations made on the use of forced labour for the railway projects in southern Shan State related to the construction of two sections, from Aungban to Pinlaung and from Pinlaung to Loikaw. The purpose of this project was to promote and develop smooth and speedy transportation in the region for economic and social development. Labour contributed to this project was purely voluntary. The Tatmadaw personnel numbering 18,637 from military units stationed in the area and 799,447 working people from 33 wards and villages of Aungban township and 46 wards and villages of Pinlaung township contributed voluntary labour. Labour contributed to this project was purely voluntary. The Tatmadaw personnel numbering 18,637 from military units stationed in the area and 799,447 working people from 33 wards and villages of Aungban township and 46 wards and villages of Pinlaung township contributed voluntary labour. Fifteen heavy machines belonging to the Public Works and Irrigation Department and Myanmar Timber Enterprises were utilized. In addition, technicians and labourers from the Myanmar Railways (state organization) also contributed their labour. For the purely voluntary labour contributed by the people of the region, the Government disbursed a lump sum of 10 million kyat (US$1.6 million) for the Aungban-Pinlaung sector and another 10 million kyat for the Pinlaung-Loikaw sector.

157. The Government added that the entirely voluntary labour which contributed towards the construction of this railroad was witnessed by the members of the diplomatic corps in Yangon, who visited the construction site in January and May 1993. The members of the diplomatic corps met the people who contributed this labour and there were no instances where complaints were made to them.

158. The Government further considered that, under Article 2, paragraph 2(e), of the Convention, the building of the railroad could be regarded as a communal service performed by the members of the community for the members of the community in the direct interest of the community. Prior to the construction of the project, consultation in a free and spontaneous manner was made with the people of the community and the project was carried out with spontaneous enthusiasm on their part to contribute their labour.

159. In its observation of February 1995, the Committee of Experts took due note of these indications. As regards Article 2, paragraph 2(e), of the Convention, which exempts from the provisions of the Convention minor communal services, the Committee referred to paragraph 37 of its General Survey of 1979 on the Abolition of
Forced Labour, where it recalled the criteria which determine the limits of this exception: the services must be minor services, i.e. relate primarily to maintenance work; and the services must be communal services, performed in the direct interest of the community and not relate to the execution of works intended to benefit a wider group. The construction of a railroad would not appear to meet either of these criteria, even where the third condition is met, namely that the members of the community or their direct representatives must have the right to be consulted in regard to the need for such services.

160. The Committee further noted that the provisions of the Village Act and the Towns Act mentioned in relation with compulsory porterage conferred sweeping powers on every headman to requisition residents to assist him in the execution of his public duties. Where such powers existed it was difficult to establish that residents performing work at the request of the authorities were doing so voluntarily. The Committee accordingly expressed the hope, with regard to public works projects as well as regarding porterage services, that the powers vested in the authorities under the Village Act and the Towns Act would now be repealed, and that the Government would supply full information on the measures taken to this effect as well as on the follow-up action mentioned in relation with compulsory porterage.

161. At the Committee on the Application of Standards of the International Labour Conference (ILC) in June 1995, a representative of the Government of Myanmar indicated that in compliance with the request from the Governing Body, “to ensure that the relevant legislative texts, in particular the Village Act and the Towns Act, are brought in line with the Convention” and “to ensure that formal repeal of powers to impose compulsory labour be followed up in practice and that those resorting to coercion in the recruitment of labour be punished”, the Government had started the process of amending these laws.

162. In a special paragraph of its report, the Conference Committee in 1995 called upon the Government to urgently repeal the offensive legal provisions under the Village Act and the Towns Act to bring them into line with the letter and spirit of Convention No. 29, to terminate forced labour practices on the ground, to provide for and award exemplary penalties against those exacting forced labour, and to furnish a detailed report on legislative and practical measures adopted to fall in line with Convention No. 29.

163. In an observation made in November 1995, the Committee of Experts noted that no such details had been provided by the Government. In its summary report, received 31 October 1995, the Government, referring to the provisions of Article 2(2)(b) and (d) of the Convention, concerning “normal civic obligations” and “work or service exacted in cases of emergencies”, once more stated that in Myanmar it was an accepted concept that voluntary contribution of labour for community development such as construction of pagodas, monasteries, schools, bridges, roads, railroads, etc., was a kind of donation and meritorious which was good not only for the present life but also for the future life as well. So, in the Government’s view, the term “forced labour” was not applicable to the provisions of section 11(d) of the Village Act and section 9 of the Towns Act. Besides, the Village Act and the Towns Act, administered by the General Administration Department were “under review to be in accordance with the present situation in Myanmar”.

\[^{102}\text{See para. 154 above.}\]
164. The Committee of Experts noted these indications with concern. Recalling its earlier comments, it concluded that the Government’s latest report persisted in blurring the distinction between compulsory and voluntary labour and contained no indication whatsoever that concrete measures had been taken to abolish the powers to impose compulsory labour either in law or in practice. The Committee asked the Government to supply full particulars to the Conference at its 83rd Session in June 1996.

165. At the Committee on the Application of Standards of the ILC in June 1996, a representative of the Government of Myanmar indicated that during the first half of 1996, a board that had been formed to monitor the progress made in reviewing the Village Act of 1908 and Towns Act of 1907 held three meetings as a result of which the draft of a new unified law had been submitted to the Laws Scrutiny Central Body for approval. With regard to the practical application of the Convention, he recalled that the use of porters was the consequence of a decades-long armed conflict between the Government and insurgent groups. However, today 15 out of 16 insurgent groups had abandoned armed struggle to join hands with the Government in national development. This encouraging situation had led to greatly diminished military operations and correspondingly the use of porters would come to an end. Indeed, concrete measures had been taken by his Government to this end. Specific instructions had been issued since 1995 to the local authorities, regional commanders and ministries concerned, prohibiting the recruitment of the local populace in carrying out national development projects such as the construction of roads, bridges and railways as well as the building of dams and embankments without proper and fair remuneration or compensation. Henceforth, members of the Myanmar armed forces would take part in these development projects to serve the interests of the people, in addition to their primary responsibility of defending the country. Thus he sincerely believed that substantial progress had been made in the observance of the provisions of Convention No. 29.

166. In the ensuing discussion, the Workers’ and Employers’ members of the Conference Committee through their spokespersons, as well as a number of individual members of the Committee, alleged that forced labour was being exacted in Myanmar under the cruellest of conditions and on a massive scale, including in tourism-related and other construction projects to build railroads and roads and to serve as porters for the military, and that the Government had supplied no indication whatsoever that concrete measures had been taken to bring law and practice into conformity with the Convention. Rather, it was becoming more and more evident, in the words of the Government member of the United States, that the Government of Myanmar “was just trying to create a smokescreen to mask the fact that, step by step, the situation in Myanmar was being reduced to a state of total lawlessness.”

167. The Conference Committee noted the information provided by the representative of the Government of Myanmar and the subsequent discussion. The Committee was deeply concerned by the serious situation prevailing in Myanmar over many years where systematically recourse was had to forced labour. The Committee once again firmly required the Government formally to abolish and urgently to cancel the legal provisions and to abandon all practices that were contrary to the Convention.

---

"ibid.
"ibid., pp. 14/56 to 14/58.
"ibid., p. 14/58.
The Committee urged the Government to prescribe truly dissuasive sanctions against all those having recourse to forced labour. The Committee hoped that the Government would, without further delay, take all necessary measures to abolish recourse to forced labour and that it would provide next year all necessary detailed information on concrete measures taken or envisaged to abolish in law and in practice the possibility of imposing compulsory labour. The Committee decided to mention this case in its report as one of persistent failure to implement Convention No. 29 since over a period of several years there had been serious and continued discrepancies in law and in fact.\(^{107}\)

168. By letter dated 20 June 1996, 25 Workers’ delegates to the International Labour Conference filed a complaint under article 26 of the Constitution against the Government of Myanmar, which has led to the establishment of the Commission of Inquiry.\(^{108}\)

B. Examination by United Nations bodies of the human rights situation in Myanmar (particularly with respect to forced labour)

169. Several United Nations bodies have addressed the human rights situation in Myanmar. On various occasions, they have invited the Government of Myanmar to take the necessary measures to bring an end to the violations that come under their purview and to ensure that the rights and guarantees of a democratic system prevail in the country.

170. The human rights situation in Myanmar was first examined by a United Nations body when the Commission on Human Rights considered the question in 1990 under the procedure established by Economic and Social Council resolution 1503.\(^{109}\) At the present time, the General Assembly, the Commission on Human Rights and certain of its subsidiary bodies, the Secretary-General and the Committee on the Rights of the Child are following closely the question of forced labour in the country. This section of the report describes their work in this respect.

(1) General Assembly

171. The General Assembly considered the human rights situation in Myanmar for the first time in 1991.\(^{110}\) On that occasion, it expressed its concern at the “information on the grave human rights situation” and stressed the need “for an early improvement of this situation”.\(^{111}\) Since then, the General Assembly has examined the situation in Myanmar at each of its annual sessions. Since 1994, the General Assembly has been urging the Government of Myanmar “to ensure full respect for human rights and fundamental freedoms”,\(^{112}\) “to put an end to violations of the right to life and integrity of the human being, to the practices of torture, abuse of women and forced

\(^{107}\) ibid., pp. 14/58 and 14/46.

\(^{108}\) See para. 1 above.

\(^{109}\) However, the human rights situation in Myanmar had already been considered by the Sub-Commission on the Prevention of Discrimination and Protection of Minorities in 1988 and 1989 and gave rise to a resolution by the Commission on Human Rights in 1989: resolution 1989/112 of 8 Mar. 1989.


labor and to enforced disappearances and summary executions”; and to “fulfil its obligations as a State Party to the Forced Labour Convention, 1930 (No. 29) ...”.

(2) Commission on Human Rights and Special Rapporteurs on the situation of human rights in Myanmar

172. Noting with concern the seriousness of the human rights situation in Myanmar, the Commission on Human Rights decided in 1992 to nominate Professor Yozo Yokota as Special Rapporteur “to establish direct contacts with the Government and with the people of Myanmar [...] with a view to examining the situation of human rights in Myanmar and following any progress made towards the transfer of power to a civilian government and the drafting of a new Constitution, the lifting of restrictions on personal freedoms and the restoration of human rights in Myanmar” Judge Rajsoomer Lallah succeeded Professor Yokota in 1996. The two Special Rapporteurs have submitted a total of 11 reports on the situation of human rights in Myanmar to the General Assembly and the Commission on Human Rights, in which they have specifically addressed the issue of forced labour and forced portering.

173. In his first preliminary report dated 13 November 1992, Professor Yokota noted that the Centre for Human Rights had been provided with more than 100 well-documented cases of torture or cruel, inhuman or degrading treatment alleged to have been committed by the armed forces in the context primarily of forced recruitment and forced labour. The cases of torture mentioned concerned porters being forced to carry loads they could not bear and when they were too sick or weak to continue, they were allegedly beaten with rifle butts, kicked and left by the wayside.

174. In February 1993, after a visit to the country, the Special Rapporteur provided further information supporting his observations concerning the human rights situation in Myanmar. He addressed the issue of forced labour and forced portering in his examination of allegations relating to the right to life and protection against torture, cruel, inhuman or degrading punishment. With regard to portering, the testimony received by the Special Rapporteur revealed that thousands of persons had been killed

118 ibid., para. 10.
120 Consideration of the question of forced labour by other subsidiary bodies of the Commission on Human Rights, namely the Special Rapporteurs on the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief, on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and on Extra-judicial, Summary or Arbitrary Executions is described below in section (iv) Other United Nations bodies.
123 ibid., particularly paras. 46 to 52. The Special Rapporteur has referred to the case of soldiers from a military unit referred to by name which allegedly went through a village in Rakhine State recruiting people for forced labour (para. 48).
Forced labour in Myanmar

since 1988 by the military "throughout Myanmar while providing forced portering for the military". The most affected groups were the Muslims of Rakhine State (Rohingyas), the Karen, Shan and the Mon. According to the testimony that he received, the Special Rapporteur described the circumstances in which portering was allegedly carried out. Men, including children, were periodically taken forcibly from their villages to work as porters, and some of them were used to detect mines. From the information provided by more than 30 persons, the Special Rapporteur noted that portering was allegedly accompanied by systematic torture and ill-treatment.\(^{122}\) Furthermore, hundreds of persons taken away by force to work as porters had allegedly disappeared.\(^{123}\) The harsh climatic conditions exacerbated the effects of the ill treatment received by the porters, a large number of whom reportedly suffered from malaria, tuberculosis and other respiratory diseases, dysentery, parasitic infestations and infections of their open wounds.\(^{124}\) The Special Rapporteur noted that there was no medical care for those who were ill, many of whom were continually cursed and insulted with racial or ethnic slurs.

175. In the case of forced labour other than portering, witnesses told the Special Rapporteur that persons had been forced to work on the construction of railroads, roads or clearing jungle areas in the context of railroad construction projects,\(^{125}\) development projects along the Thai border and the construction of military installations, particularly in the areas of conflict in the Karen, Karenni, Shan and Mon areas. Hundreds of persons were reportedly killed when they were unable “to carry loads and to continue the hard labour”.\(^{126}\)

176. The Special Rapporteur also devoted a full chapter to the situation of the Muslims of Rakhine State (Rohingyas). According to the information received and reviewed by the Special Rapporteur, this group suffered non-respect for the family unit and the decrease of land resources due to arbitrary resettlement policies. He noted that the systematic repression of the Rohingyas was based upon ethnic and racial intolerance and that they were at high risk of being taken for use as forced porters or forced labourers.\(^{127}\) Finally, large volumes of direct testimony received by the Special Rapporteur, as well as other well-documented evidence, indicated the use of a systematic pattern of torture (including rape), cruel, inhuman and degrading treatment, forced disappearance and arbitrary execution of Muslim and other Rakhine ethnic minorities in Rakhine State by the Myanmar authorities.\(^{128}\)

177. In view of the evidence compiled by the Special Rapporteur, he concluded that physical integrity violations in Myanmar affected three categories of persons, one of which included porters requisitioned by force and persons compelled to carry out forced labour.\(^{129}\)

178. Among the recommendations made by the Special Rapporteur, one was directed specifically at forced labour and forced portering and invited the Government to take "measures to comply with its obligations under ILO Convention No. 29 by

\(^{122}\) These acts are alleged to have occurred in particular in the Kayah, Kayin, Mon, Rakhine and Shan States: ibid., paras. 101-103 and 231-234.

\(^{123}\) ibid., para. 232.

\(^{124}\) ibid., para. 104.

\(^{125}\) In this respect, reference was made to the Aungban-Loikaw railroad.


\(^{127}\) ibid., paras. 135 and 235-236.

\(^{128}\) ibid., para. 136.

\(^{129}\) ibid., para. 228. The other categories included citizens wishing to participate freely in the political process and the transition to the democratically elected civilian government as well as ethnic minorities, against whom oppressive measures were imposed.
eradicating the practice of forced portering and other forced labour which has provoked systematic torture, cruel, inhuman and degrading treatment or punishment, disappearances and mass arbitrary executions.\textsuperscript{130} The Special Rapporteur added that "given the magnitude of the abuses, official condemnation should be made by the Government of all acts by authorities involving human rights violations. Such acts, including all acts of intimidation, threat or reprisal, should not benefit from the present system of complete denial and impunity of the Government."\textsuperscript{131}

179. Since then, the Special Rapporteurs have had to note with regret that violations of human rights were committed consistently and on a wide scale by the authorities of Myanmar against innocent civilians under forms which included forced labour and forced portering.\textsuperscript{132} Indeed, since October 1994, the Special Rapporteurs have devoted complete sections of their reports to this practice and have included examples to support their conclusions and recommendations in this respect.

180. In his interim report submitted to the General Assembly in October 1994,\textsuperscript{133} the Special Rapporteur indicated that allegations had also been made that elderly persons, women and children had been taken as army porters and were often reportedly used as human shields in military operations.\textsuperscript{134} In addition to portering, civilian labour was allegedly forced to carry out other work for the army. Inhabitants of villages near army camps were reportedly obliged to supply daily workforces to assist with the construction of army barracks, fences, land clearance, wood-cutting operations, agricultural projects and other activities in direct support of army camps.\textsuperscript{135}

181. The Special Rapporteur also referred to certain large development projects initiated by the Government of Myanmar, for which civilians had reportedly been forced to contribute uncompensated labour. These projects included the building of hospitals, roads, railways, gas pipelines, bridges and fisheries. Inhabitants of villages in these areas were reportedly obliged to frequently contribute their labour and other resources.\textsuperscript{136} The Special Rapporteur received many reports of considerable detail alleging violations of human rights on a massive scale in connection with the construction of a railway commenced in 1993 between the city of Ye (Mon State) and Tavoy (Tanintharyi Division).\textsuperscript{137} Furthermore, the Special Rapporteur was informed of the use of other forms of forced labour in connection with the construction of a road between Bokpyin and Lenya in Tanintharyi Division, an international airport at Pathein and a new military airfield in Labutta Township in Ayeyarwady Division and the

\textsuperscript{130} Ibid., para. 242(f).
\textsuperscript{131} Ibid., para. 242(k).
\textsuperscript{134} Ibid., para. 19.
\textsuperscript{135} Ibid., para. 20.
\textsuperscript{136} Ibid., para. 21.
\textsuperscript{137} According to reports received, "each family from the villages along the line and also from surrounding areas is obliged to supply one worker for 15 days at a time in rotating shifts. Almost all the civilian families in Ye township, Thanbyuzayat township and Mudon township of Mon State, as well as Yehyu township, Dawei (Tavoy) township, Launglon township and Thayetchaung township of Tanintharyi Division, are said to have been forced to contribute labour for the railway's construction. The workers are reportedly required to bring their own food, provide their own shelter, ensure their own health and medical needs, use their own tools and, in some cases, also supply materials for the construction of the

(Rest of note 137 on page 45.)
restoration of tourist sites in Mandalay. Finally, civilians reportedly had to serve 24-hour guard duties without compensation along roads and railways in regions where insurgencies were taking place. They also allegedly had to sweep roads for mines by walking or riding carts in front of military columns.

In his interim report of October 1995, preceded by the report submitted to the Commission in January 1995, the Special Rapporteur requested the Government to respond to the following allegations that: the Government made extensive use of various forms of forced, unpaid labour for a variety of development projects aimed at building the infrastructure of the country; that with a view to preparing "Visit Myanmar Year (1996)", the Government made use of forced labour to restore tourist sites and to upgrade the infrastructure; and that an increase in forced portering for the military had occurred in connection with the conflicts between the Myanmar army and insurgent groups in Kayin State.

In his report submitted to the Commission on Human Rights in February 1996, the Special Rapporteur indicated that during his visit to Myanmar in October 1995 he had received the texts of two secret directives which gave orders to bring to an end the use of labour without payment for irrigation and development projects. However, in view of the complaints received from reliable sources, it seemed that these directives were not implemented and that men, women and children were still being used as forced labour for the construction of railways, roads and bridges. The workers were reportedly not paid for their work and were allowed only a minimum of food and rest. The Special Rapporteur therefore concluded that the detailed reports, photographs, video recordings and a variety of physical evidence brought to his knowledge indicated that the practices of forced labour, forced portering, torture and arbitrary killings were still widespread, particularly in the context of development projects and counter-insurgency operations in ethnic minority regions. Many of the victims of such acts appeared to belong to ethnic national populations and were composed of villagers, women, daily wage-earners and other peaceful civilians who did not have enough money to avoid mistreatment by paying bribes. In his

railway. Allegations have also been made that the military supervising the construction of the railway demands money for the use of bulldozers available at construction sites; the fuel needed for use of the bulldozers is also said to be sold by the military. Reports received consistently estimate that over 100,000 persons have had to contribute their labour for the railway project without any compensation. Elderly persons, children and pregnant women are also reported to have been seen as labourers along the railway. Several persons are also reported to have died from illness and accidents caused by poor conditions at construction sites. The land along the railway's route is said to have been confiscated from its owners without compensation.
recommendations, the Special Rapporteur emphasized that the Government of Myanmar should comply with its obligations under Convention No. 29 prohibiting the practice of forced portering and forced labour. In this connection, he requested the Government to urgently take the appropriate measures to repeal the offensive legal provisions in the laws authorizing the use of this practice so as to bring it to an end.  

184. Since October 1996, the Special Rapporteur has regretted the absence of cooperation by the Government.  

In his first interim report dated 8 October 1996, Judge Lallah, like his predecessor, expressed his concern at the large number of cases of alleged torture and other ill-treatment attributable to the Myanmar armed forces. It was reported that these practices were regularly employed against civilians living in insurgency areas, against porters serving the army and against workers in work sites where the authorities make use of forced labour.  

185. With regard to the issue of forced labour itself, the Special Rapporteur stated that he continued to receive numerous reports from a wide variety of sources indicating that the practice of forced labour remained widespread. Civilians reportedly continued to be forced to work on development projects, including the building of roads, railways, bridges and gas pipelines. People living near the projects were said to be forced to work under threat of reprisals. Elderly persons and children had reportedly been seen working on those sites.  

186. The Special Rapporteur also noted that the forced recruitment of civilians for the purpose of portering was still practised in Myanmar. The treatment of porters was reported to be brutal. Porters had to cross mountainous terrain carrying heavy loads and those who attempted to escape were regularly shot.  


188. Ibid., particularly in paras. 45 and 51.  

189. Ibid., paras. 126-145.  

190. Ibid. The Special Rapporteur cited some illustrations, namely: the people of Ahphyauk town in Ayeyarwady Division were reportedly been seen working on those sites.  

191. Ibid. The reports received by the Special Rapporteur showed that porters could be divided into several categories, i.e. operations porters, taken for the duration of a specific military operation; permanent or shift porters, provided by villages on written military orders who work a set length of time and must be replaced by their village; emergency porters, demanded from villages for special tasks such as monthly rice delivery to troops; porters of opportunity - often farmers - working a set time and build various barracks. The workers received no wages and were forced to pay for the petrol used in the boat which took them to the island. Villagers who refused to go were fined or arrested and sent to conflict areas to serve as porters for the military. In Aug. and Sep. 1995, a Mon farmer from Yebyu township was allegedly forced to build army buildings near the pipeline at Ohnhinkwin and in Kadaik harbour. He was also reportedly forced to cut trees and clear bushes for the road. In Mar. 1996, villagers were allegedly forced to cut trees and carry timber to the sawmill in Kyet Paung (Hlaingbwe township, Kayin State), and some villagers also had to work at the sawmill (para. 139).  

192. Ibid. The Special Rapporteur indicated various cases of forced portering: on 10 Dec. 1995, a group of soldiers reportedly arrived at Meh Bhe Wah Kee in Myawaddy township in Kayin State, arrested ten persons who were forced to carry very heavy army equipment across the Dawna mountains to Ber Kho (para. 143); a farmer from Mon State was reportedly caught by the military, tied up and forced to carry army material for 17 days (para. 144); in Mar. 1996, a fisherman from Taung Kun in Ye township (Mon State) was allegedly forced to serve as a porter for the army for 15 days (para. 145). The Special Rapporteur noted that porters are reportedly civilians forced to do work which does not fall under any of the exceptions envisaged in the Forced Labour Convention, 1930 (No. 29).
187. In light of the information brought to his knowledge, the Special Rapporteur therefore urged the Government of Myanmar “to comply with its obligations under ILO Convention No. 29, prohibiting the practice of forced labour and forced portering.”\textsuperscript{154} The Government was also requested to “take the necessary steps to bring the acts of soldiers, including privates and officers, in line with accepted international human rights and humanitarian standards so as to prevent arbitrary killings, rapes, and confiscation of property, or forcing persons into acts of labour, portering, relocation or otherwise treating persons without respect to their dignity as human beings. When local villagers are hired for porterage and other works, adequate wages should be paid. The nature of the work should be reasonable and in accordance with established international labour standards.”\textsuperscript{155} Finally, “given the magnitude of the abuses, the Government should subject all officials committing human rights abuses and violations to strict disciplinary control and punishment and put an end to the culture of impunity that prevails at present in the public and military sectors.”\textsuperscript{156} The Special Rapporteur also encouraged the Government to cooperate with the ILO to that end.\textsuperscript{157}

188. Before submitting his report to the Commission in February 1997,\textsuperscript{158} the Special Rapporteur visited Thailand in December 1996 to assess the situation of displaced persons from Myanmar living in refugee camps on the border. In his report, the Special Rapporteur identified forced labour as one of the causes of people leaving their homes.\textsuperscript{159}

189. The Special Rapporteur provided new information on forced labour in his interim report dated 16 October 1997.\textsuperscript{160} Recourse to forced labour was reported in all parts of Myanmar, including those where a cease fire had been agreed upon. In the case of military offensives, the Special Rapporteur indicated that an estimated 30,000 porters had reportedly been recruited for the offensives against the Karen National Union (KNU) launched in the dry season of 1997.\textsuperscript{161} A substantial increase in the presence of the Myanmar army in the border regions was reported, leading to an increase in non-frontline forced labour for the military, such as portering and courier duties, building, maintaining and guarding military roads and bridges, sweeping roads for mines, and building and servicing military camps and farms.\textsuperscript{162} Another form of forced labour which had been reported was work on commercial projects for the army.
such as rice farms, fish ponds and tree-planting operations, which the local farmers had to build up and maintain.\[163\] Forced labour continues to be used for infrastructure and development work.\[164\]

190. In his report to the Commission on Human Rights in January 1998,\[165\] the Special Rapporteur specifically addressed the issue of women victims of forced labour. In this respect, he noted that increasing numbers of women, including young girls and the elderly, had reportedly been forced to work, without receiving remuneration or being provided with food, on infrastructure projects and to act as porters in war zones, even when they were pregnant or nursing their infants.\[166\] The Special Rapporteur added that women porters were more vulnerable than men, since they had been reported to have been used not only as porters, but also as human shields and had been sexually abused by soldiers.\[167\]

191. In the light of the facts described by the Special Rapporteurs, the Commission on Human Rights has adopted resolutions since 1992 in which it had expressed its growing concern at the extreme seriousness of the persistent violations of human rights in Myanmar, and particularly those relating to the practices of torture and forced labour, including portering for the army.\[168\]

192. Since 1993, the Commission on Human Rights has been urging the Government "to restore full respect for human rights and fundamental freedoms" and "to put an end to violations of the right to life and integrity of the human being, to the practices of torture, abuse of women and forced labour and to enforced disappearance and summary executions";\[169\] furthermore, it appealed to the Government "to fulfil its obligations as a State party to the Forced Labour Convention, 1930 (No. 29)".\[170\] Since 1994, it has been reminding the Government "of its obligation to put an end to the impunity of perpetrators of violations of human rights, including members of the military, and its responsibility to investigate alleged cases of human rights violations".

\[163\] ibid., para. 62.

\[164\] ibid., para. 63. The Special Rapporteur summarized the information contained in reports received by him as follows: in Oct. 1996, the authorities used forced labour to build a road from Ywam on to Zeebyugon in Natmauk township. People from more than 40 villages in Natmauk were made to take part in the project. Households that could not supply labourers were made to pay. Thirteen people, including two women, were reported to have been arrested on 15 Jan. 1997 because they refused to take part in a forced labour project to build a road from Pathein to Ta laba to Morton Point in Ayearyawady Division. Each household in village-tracts had to provide one-and-a-half baskets of rock. Those households which could not do so had to pay 2,000 kyat to the Village-tract Law and Order Restoration Council (para. 64 and 65). The farmers of Wuntho township in Sagaing Division were reported to have had to provide forced labour to build a stupa in Kyungi village (para. 66). Forced contributions were required for the construction of roads (Kanthagyi-Kyaungdawya, Salin, Natye gan) and a bridge (Man Bridge) in Pwinbyu township, Magway Division (para. 67). Forced labour was also reportedly used in Kawhmu township (Yangon Division) in Dec. 1996 for the construction of a road to Htaman village (para. 68). The workers were regularly subjected to ill treatment.


\[167\] ibid., para. 65.

\[168\] ibid., para. 66. In this connection, the Special Rapporteur referred to the following case: on 8 June 1997, troops from Mongban (eastern Shan State) allegedly arrested 17 villagers (ten men and seven women) at Ter Hmng village and forced them to carry military supplies from Kengtung to Mongban. When they arrived, the men were released while the women were detained all night and were reportedly gang-raped before being released the next morning.

\[169\] Commission on Human Rights resolution 1993/73 of 10 Mar. 1993, preamble (7); Commission on Human Rights resolution 1994/85 of 9 Mar. 1994, preamble (6); Commission on Human Rights resolution 1995/72 of 8 Mar. 1995, preamble (8); Commission on Human Rights resolution 1996/80 of 23 Apr. 1996, preamble (5) and (7). In 1997, the Commission on Human Rights expressed its deep concern "at the continuing violations of human rights in Myanmar, as reported by the Special Rapporteur, including [...] forced labour by children as well as adults, including portering for the military"; Commission on Human Rights resolution 1997/64, para. (2a).

\[170\] Resolution 1992/73, para. 6; resolution 1994/85, para. 7; resolution 1995/72, para. 11; resolution 1996/80, para. 12.

\[171\] Resolution 1993/73, para. 11; resolution 1994/85, para. 13; resolution 1995/72, para. 16; resolution 1996/80, para. 14; resolution 1997/64, para. 3(g) (in this resolution, the Commission explicitly calls upon the Government to cooperate more closely with the ILO, "in particular with the Commission of Inquiry appointed in accordance with art. 26 of the Constitution of the International Labour Organization"); and resolution 1998/63 of 21 Apr. 1998, para. 4(i).
committed by its agents on its territory, to bring them to justice, prosecute them and
punish those found guilty, in all circumstances". In 1997, it expressed its deep
concern at "violations of the rights of children in contravention of the Convention on
the Rights of the Child, in particular by the lack of conformity of the existing legal
framework with that Convention, by systematic recruitment of children into forced
labour, and by discrimination against children belonging to ethnic and religious
minority groups". In 1998, the Commission on Human Rights expressed its deep
concern at "the widespread use of forced labour, including work on infrastructure
projects and as porters for the army". It therefore decided to extend the mandate of
the Special Rapporteur for a further year and to continue its consideration of the
question at its Fifty-fifth Session.

(3) Secretary-General

193. Requested by the General Assembly to assist in the implementation of the
resolution on the situation of human rights in Myanmar, since 1993 the Secretary-
General has offered his good offices in assisting the Government of Myanmar to
respond to the concerns of other member States of the United Nations in this respect. In
the context of this mandate, representatives of the Secretary-General visited
Myanmar on six occasions since, for the adequate discharge of his mandate, the
Secretary-General holds the considered view that it is essential for his representatives
to meet with the highest governmental authorities as well as with leaders of other
relevant political forces. Despite the dialogue which was initiated, which he
welcomed, the Secretary-General has been expressing his regret since 1996 that no
progress can be reported in the areas on which the General Assembly and the Human
Rights Commission have repeatedly expressed their concern.

(4) Other United Nations bodies

194. The Committee on the Rights of the Child, established under Article 43 of
the Convention on the Rights of the Child, to which Myanmar adhered on 15 July
1997, examined the report supplied by Myanmar in 1997 in accordance with its
obligations under the Convention. The Committee expressed concern at the reports

171 Resolution 1994/85, para. 8; resolution 1995/72, para. 12; resolution 1996/80, para. 12; resolution 1997/64,
para. 3(g); resolution 1998/63 of 21 Apr. 1998, para. 4(l).
172 Resolution 1997/64, para. 2(g). In 1998, it expressed its deep concern at continuing violations of the rights of
children by recruitment of children into forced labour programmes and into the armed forces: resolution 1998/63,
para. 3(d).
173 Commission on Human Rights resolution 1998/63, para. 3(a).
174 Resolution 1998/63, para. 5(a) and (d).
176" As the Special Rapporteur on Myanmar already had the mandate to "establish direct contacts with the Government
and people of Myanmar, with a view to examining the situation of human rights in Myanmar" and to report to the General
Assembly, the Secretary-General therefore interpreted his role "as being not one of fact-finding, but rather one of good
offices in assisting the Government of Myanmar to respond to the concerns of other member States": Report of the
Secretary-General on the situation of human rights in Myanmar, UN doc. UNGA A/49/716 of 25 Nov. 1994, para. 2.
177 They were not able to visit the country in 1996: Report of the Secretary-General on the situation of human rights
in Myanmar, UN doc. CES/C/4/1996/157 of 17 Apr. 1996 and Report of the Secretary-General to the General Assembly
on the situation of human rights in Myanmar, UN doc. UNGA A/51/660 of 8 Nov. 1996.
178 See in particular report to the General Assembly, ibid., para. 13.
179 Report to the Commission on Human Rights, op. cit., note 177, para. 15; report to the General Assembly, ibid.,
para. 13; report to the Commission on Human Rights on the situation of human rights in Myanmar, UN doc. CES
UN doc. UNGA A/52/887 of 10 Nov. 1997, para. 14; and report to the Commission on Human Rights on the situation
from various sources concerning cases of abuse and violence perpetrated against children, particularly cases of rape and of children systematically forced into labour, including as porters. It noted with concern the forced recruitment of child-soldiers and the insufficient measures taken to provide physical and psychological recovery and social reintegration to children victims of any form of neglect, abuse and/or exploitation. The Committee therefore recommended the Government to take all necessary measures to remedy the situation and bring it into conformity with the provisions of the Convention and in particular that the army should refrain from recruiting under-aged children and that forced recruitment should in all cases be abolished.

195. Finally, other bodies of the Commission on Human Rights have been dealing at one time or another with questions relating to forced labour in Myanmar. For instance, in 1993 the Special Rapporteur on the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief examined in detail allegations of acts of discrimination against Muslims in Rakhine State (Rohingyas) related to forced labour. On that occasion, the Special Rapporteur expressed the opinion that these cases merited an investigation that would identify the persons, locations and situations concerned, which has not been carried out. In 1994, the Special Rapporteur noted that the members of the Buddhist, Christian and Muslim communities continued to be persecuted.

196. The Special Rapporteurs on torture and other cruel, inhuman or degrading treatment or punishment have dealt since 1992 with allegations of torture perpetrated by the military against persons compelled to work or perform portering.

197. Finally, in 1994, the Special Rapporteur on extrajudicial, summary or arbitrary executions, expressed concern at the allegations brought to his knowledge reporting the arbitrary and excessive use of force by members of the security forces, who seemed to enjoy virtual impunity.
Examination of the case by the Commission

9. CONTEXT OF GENERAL INTERNATIONAL LAW AND REQUIREMENTS OF THE FORCED LABOUR CONVENTION, 1930 (No. 29)

A. General international law, including slavery, forced labour and other slavery-like practices

198. In international law, the prohibition of recourse to forced labour has its origin in the efforts made by the international community to eradicate slavery, its institutions and similar practices, since forced labour is considered to be one of these slavery-like practices. Many conventions and international treaties prohibit recourse to slavery, both in times of peace and during periods of armed conflict. Although certain instruments, and particularly those adopted at the beginning of the nineteenth century, define slavery in a restrictive manner, the prohibition of slavery must now be understood as covering all contemporary manifestations of this practice.

199. The first initiatives to abolish the slave trade date from 1815 when the States participating in the Congress of Vienna expressed their desire, in the name of the universal principles of morality and humanity, to put an end to a scourge which had desolated Africa, degraded Europe and afflicted humanity for so long. Following the Congress of Vienna, national laws were adopted and bilateral treaties concluded which gave effect to the commitment to prohibit the slave trade and enforce its prohibition with penal sanctions. Furthermore, multilateral instruments were signed under the auspices of the Great Powers for the purposes of prohibiting the practice and coordinating action to suppress it. These included the Treaty of London of


Final Act of the Congress of Vienna, reproduced in De Martens, Nouveau Recueil de Traité (NRT), 1814-1815, Tome II, p. 433. Austria, France, Great Britain, Prussia and Russia, meeting in Verona in 1822, reaffirmed their commitment to seeking the most effective means of preventing a trade which had already been declared illegal and repugnant by almost all civilized countries and to rigorously punish those who continue in breach of these laws: De Martens, NRT, 1822-1823, Tome VI.1, pp. 136-137.

By way of illustration, see the treaties concluded by Great Britain for the suppression of the slave trade at sea, including the additional Convention to the Treaty of 22 Jan. 1815 with Portugal, signed on 18 July 1817, replaced on 3 July 1842 and modified by the additional Convention of 18 July 1871 (reproduced in De Martens, Nouveau Recueil Général de Traités (NRT), Tome III, p. 511); with Spain on 23 Sep. 1817 (reproduced in De Martens, Nouveau Recueil de Traités (NRT), 1808-18, Tome III, pp. 135-140), as modified and extended by the Treaty of 28 June 1835; with the Netherlands on 4 May 1818 (reproduced in De Martens, NRT, 1808-19, Tome IV, pp. 511-523); with Sweden-Norway on 6 Nov. 1824 (reproduced in De Martens, NRT, 1824-26, Tome VI.2, pp. 619-655); with France on 30 Nov. 1831, supplemented on 22 Mar. 1833 and suspended by another Treaty dated 29 May 1845 (reproduced in De Martens, NRG, 1845, Tome VIII, pp. 284-311); with the United States on 7 Apr. 1862 (reproduced in De Martens, NRG, 1847-64, Tome XVII.2, pp. 259-277) which was modified and extended in Feb. 1863 and June 1870 (reproduced in De Martens, NRG, 1837-1874, Tome XX, pp. 504-511).
20 December 1841 for the Suppression of the African Slave Trade, the General Act of the Berlin Conference of 26 February 1885 prohibiting the slave trade in the Congo Basin, the General Act of the Brussels Anti-Slavery Conference, held from 18 November 1889 to 2 July 1890 to bring about the suppression of the slave trade, the 1904 International Agreement as well as the 1910 International Convention for the Suppression of the White Slave Traffic and the 1921 International Convention for the Suppression of Traffic in Women and Children.

200. After the First World War, slavery and slavery-like practices were among the first issues addressed by the League of Nations. The work of this organization was highly significant since, under its impetus, nearly all States adopted legislation to prevent slavery internally and the importation of slaves. Moreover, the Slavery Convention, concluded on 25 September 1926, specified for the first time the components which constitute slavery, by defining it as “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised”. Under the terms of the 1926 Convention, the High Contracting Parties undertake to prevent and suppress the slave trade, to bring about progressively and as soon as possible the complete abolition of slavery in all its forms and to adopt the necessary measures in order to ensure that breaches of laws and regulations enacted with a view to giving effect to the purposes of the Convention are punished by severe penalties. Recognizing the grave consequences that recourse to forced labour may have, the Contracting Parties undertake “to take all necessary measures to prevent compulsory or forced labour from developing into conditions analogous to slavery”.

The Convention endeavours to limit as far as possible the circumstances under which compulsory or forced labour may be exacted by laying down that the responsibility for any recourse to compulsory or forced labour shall rest with the competent central authorities of the territory concerned. It was against this background that the ILO
Forced Labour Convention (No. 29), the provisions of which are discussed below, was adopted by the International Labour Conference in 1930.\(^{201}\) The Convention explicitly states that "the illegal exaction of forced or compulsory labour shall be punishable as a penal offence" and that the penalties imposed must be "really adequate" and "strictly enforced".\(^{202}\)

201. Thirty years later, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery was adopted at the initiative of the United Nations Economic and Social Council on 7 September 1956. This Convention supplements the 1926 Convention by condemning the practice in a more general manner and establishing more far-reaching provisions for the criminalization of slavery, the slave trade and practices similar to slavery.\(^{203}\) Among the latter, the Convention refers, inter alia, to debt bondage, serfdom and the exploitation of the labour of a young person under the age of 18 years by someone to whom he or she was delivered by his or her parents or guardian for this purpose.\(^{204}\) The Forced Labour Convention, 1930 (No. 29), was complemented by the Abolition of Forced Labour Convention, 1957 (No. 105), which was adopted by the International Labour Conference in 1957.\(^{205}\)

202. Since 1945, many States have prohibited forced labour at the constitutional level.\(^{206}\) Moreover, several international human rights instruments explicitly prohibit this form of denigration of the individual.\(^{207}\) These instruments do not define forced labour; reference should therefore be made to the relevant Conventions and resolutions of the ILO.\(^{208}\) The prohibition of recourse to forced labour, including the right to the free choice of employment, is closely related to the protection of other basic human rights: the right not to be subjected to torture or to other cruel, inhuman or degrading treatment, and even the right to life. In the case of armed conflicts, civilians and prisoners of war are offered protection against forced labour under the terms of the applicable international instruments.\(^{209}\)

\(^{201}\) As of 31 May 1998, 146 States have ratified ILO Convention No. 29. See below Ch. 9, section B, paras. 205-218.

\(^{202}\) Art. 25 of Convention No. 29.


\(^{204}\) Art. 1(a), (b) and (d) of the 1956 Convention.

\(^{205}\) As of 31 May 1998, 130 States have ratified ILO Convention No. 105 (although not by Myanmar).

\(^{206}\) By way of illustration see: Constitution of Barbados, art. 6; Constitution of Colombia, art. 17; Constitution of Congo, art. 31; Constitution of El Salvador, art. 9; Constitution of Ethiopia, art. 17; Constitution of Georgia, art. 30; Constitution of Greece, art. 22(3); Constitution of India, art. 23; Constitution of Malaysia, art. 6; Constitution of Malawi, art. 27; Constitution of Mongolia, art. 16; Constitution of Nigeria, art. 33; Constitution of Pakistan, art. 11; Constitution of Rwanda, art. 17; Constitution of the Russian Federation, art. 37(2); Constitution of Suriname, art. 15; Constitution of Turkey, art. 18; Constitution of the United States, art. 13; Constitution of Ukraine, art. 43.


\(^{208}\) For an example of such reference to ILO Conventions in the context of the European Convention on Human Rights, see Van der Mussele v. Belgium, 23 Nov. 1983, European Court of Human Rights, Series A, No. 70.

\(^{209}\) For prisoners of war, see the Geneva Convention (III) relative to the treatment of prisoners of war of 12 Aug. 1949, Art. 49-57 and Art. 130. For civilians, see the Geneva Convention (IV) relative to the protection of civilian persons in time of war of 12 Aug. 1949, Art. 40, 51 and 52, as well as the Protocol additional to the Geneva Conventions of 12 Aug. 1949, and relating to the protection of victims of international armed conflicts, Arts. 75 and 76. Finally, the Protocol additional to the Geneva Conventions of 12 Aug. 1949, and relating to the protection of victims of non-international armed conflicts specifically states in Art. 4 that slavery and the slave trade in all their forms are and shall remain prohibited "at any time" against all persons who do not take a direct part or who have ceased to take part in hostilities.
203. The Commission concludes that there exists now in international law a peremptory norm prohibiting any recourse to forced labour and that the right not to be compelled to perform forced or compulsory labour is one of the basic human rights. A State which supports, instigates, accepts or tolerates forced labour on its territory commits a wrongful act for which it bears international responsibility; furthermore, this wrongful act results from a breach of an international obligation that is so essential for the protection of the fundamental interests of the international community that it could be qualified, if committed on a widespread scale, as an international crime under the terms of article 19 of the draft articles of the International Law Commission on state responsibility. 210  Similarly, the International Court of Justice has qualified the obligation to protect the human person against slavery as an obligation erga omnes since, in view of the importance of this right, all States can be held to have a legal interest in its protection. 211

204. Finally, any person who violates this peremptory norm is guilty of a crime under international law and thus bears individual criminal responsibility. More specifically, enslavement, which was defined by the International Law Commission as "establishing or maintaining over persons a status of slavery, servitude or forced labour contrary to well-established and widely recognized standards of international law," 212 is also, if committed in a widespread or systematic manner, a crime against humanity that is punishable under the terms of the statutes setting up the four ad hoc international criminal tribunals established since the Second World War to try those responsible for serious violations of international humanitarian law, 213 as well as under the draft statute for an international criminal court and the draft code of crimes against the peace and security of mankind adopted by the International Law Commission in 1994 214 and 1996 215 respectively.

210 Yearbook of the International Law Commission. 1980, Vol. II, Part Two, pp. 30 et seq. Art. 19 of the draft articles reads as follows:

1. An act of a State which constitutes a breach of an international obligation is an internationally wrongful act, regardless of the subject-matter of the obligation breached.

2. An internationally wrongful act which results from the breach by a State of an international obligation so essential for the protection of fundamental interests of the international community as a whole constitutes an international crime.

3. Subject to paragraph 2, and on the basis of the rules of international law in force, an international crime may result, inter alia, from:

   [...]

   (c) a serious breach on a widespread scale of an international obligation of essential importance for safeguarding the human being, such as those prohibiting slavery, genocide and apartheid;

   [...]


213 Charter of the Nuremberg Tribunal, Art. 6(c); Charter of the International Military Tribunal for the Far East, Art. 5(c); Statute of the International Criminal Tribunal for the former Yugoslavia, Art. 5(c); and Statute of the International Criminal Tribunal for Rwanda, Art. 3.


215 Art. 18(d) of the draft code, op. cit., note 212, p. 98.
B. Requirements of the Forced Labour Convention, 1930 (No. 29)

(1) Measures called for under Articles 1(1) and 25 of the Convention

205. The basic obligation undertaken by a State which ratifies the Forced Labour Convention, 1930, is "to suppress the use of forced or compulsory labour in all its forms within the shortest possible period". This obligation to suppress the use of forced or compulsory labour, as defined in the Convention, includes for the State both an obligation to abstain and an obligation to act. In the first place, the State must neither exact forced or compulsory labour nor tolerate its exaction, and it must repeal any laws and statutory or administrative instruments that provide or allow for the exaction of forced or compulsory labour, so that any such exaction, be it by private persons or public servants, is found illegal in national law. Secondly, the State must ensure that "the illegal exaction of forced or compulsory labour shall be punishable as a penal offence" and "that the penalties imposed by law are really adequate and are strictly enforced".

(2) Definition of forced or compulsory labour and scope of exceptions

206. The Convention defines "forced or compulsory labour" as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily". As noted by the Committee of Experts on the Application of Conventions and Recommendations, it was made clear during the consideration of the draft instrument by the Conference that the penalty here in question need not be in the form of penal sanctions, but might take the form also of a loss of rights or privileges. Concerning the criteria for "offering oneself voluntarily", the Committee of Experts pointed out that with regard to child labour, the question arises whether, and if so, under what circumstances a minor can be considered to have offered himself or herself "voluntarily" for work or service and whether the consent of the parents is needed in this regard and whether it is sufficient, and what the sanctions for refusal are. In this connection, the Committee also recalled that, in regulating recourse to compulsory labour during a transitional period following the entry into force of the Convention (1 May 1932), the Conference specifically excluded in Article 11 the call-up of any persons below the age of 18.

207. The Convention provides specifically for the exemption of certain forms of compulsory service which otherwise would have fallen within the general definition of forced or compulsory labour but are thus excluded from the scope of the obligations imposed on ratifying States, subject to the observance of certain conditions that will be considered below.

---

205 Art. 1, para. 1, of the Convention. The full text of the Convention is given in Appendix XIII.
206 For the definition of forced or compulsory labour given in the Convention and the exceptions from its scope see paras. 198 et seq. below.
220 Art. 25 of the Convention.
213 Art. 2, para. 2, of the Convention.
(a) Compulsory military service

208. The Convention exempts from its scope "any work or service exacted in virtue of compulsory military service laws for work of a purely military character".224 As the Committee of Experts on the Application of Conventions and Recommendations noted in its 1979 General Survey on the abolition of forced labour,225 the discussions which took place when the draft Convention was under consideration by the Conference help to explain both the purpose and scope of this exception. There was general agreement that compulsory military service as such should remain beyond the purview of the Convention. Considerable discussion however took place with regard to systems existing at the time in various territories, whereby persons liable to military service but not in fact incorporated in the armed forces might be called up for public works. It was pointed out that to sanction this form of labour implicitly by excluding it from the scope of the Convention would be to sanction a system which ran counter to the avowed purpose of the Convention – namely the abolition of forced or compulsory labour in all its forms, for public purposes as well as for private employers. It was also stressed that the reason and justification for compulsory military service was the necessity for national defence, but that no such reason or justification existed for imposing compulsory service obligations for the execution of public works. The Conference accordingly decided that compulsory military service should be excluded from the Convention only if used for work of a purely military character.226

208. The Committee of Experts also recalled that the provisions of the 1930 Convention relating to compulsory military service do not apply to career servicemen. Consequently, on the one hand, the Convention is not opposed to the performance of non-military work by persons who are serving in the armed forces on a voluntary basis and, on the other hand, the fact that compulsory military service is not covered by the Convention cannot be invoked to justify denying career servicemen the right to leave the service either at certain reasonable intervals or by means of notice of reasonable length.227 Although, in such cases, employment is originally the result of a freely concluded agreement, the worker's right to free choice of employment remains inalienable.228 The Committee has accordingly considered that the effect of statutory provisions preventing termination of employment of indefinite duration by means of notice of reasonable length is to turn a contractual relationship based on the will of the parties into service by compulsion of law, and is thus incompatible with the Conventions relating to forced labour. This is also the case when a worker is required to serve beyond the expiry of a contract of fixed duration.229

(b) Normal civic obligations

210. The Forced Labour Convention exempts from its provisions "any work or service which forms part of the normal civic obligations of the citizens of a fully

---

224 Art. 2, para. 2(a).
226 ILC, 14th Session, Geneva, 1930, Report I, Forced labour, pp. 137-140; ILC, 14th Session, Geneva, 1930, Record of Proceedings, Vol. I, p. 301. It may also be noted that the Abolition of Forced Labour Convention, 1957 (No. 105), ratified by 130 States although not by Myanmar, provides in Art. 1(b) for the suppression and non-use of any form of forced or compulsory labour as a means of mobilizing and using labour for purposes of economic development.
227 1979 General Survey on the abolition of forced labour, para. 33.
228 As an illustration of this principle, the Committee of Experts recalled that Art. 1(a) of the Supplementary Convention of 1956 on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery refers, inter alia, to the status or condition arising from a pledge by a debtor of his personal services if the length and nature of those services are not respectively limited and defined.
229 1979 General Survey on the abolition of forced labour, para. 68.
As noted by the Committee of Experts on the Application of Conventions and Recommendations, three exceptions specifically provided for in the Convention refer to certain forms of work or service which constitute normal civic obligations: compulsory military service, work or service required in cases of emergency, and minor communal services. Other examples of normal civic obligations mentioned by the Committee of Experts are compulsory jury service and the duty to assist a person in danger or to assist in the enforcement of law and order. The Committee pointed out that these exceptions must be read in the light of other provisions of the Convention and cannot be invoked to justify recourse to forms of compulsory service which are contrary to such other provisions.

(c) Prison labour

The Convention exempts from its provisions "any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations". Unlike the other exceptions provided for in the Convention which are concerned with cases of calling up persons for the purpose of performing particular work or services, this case relates to the consequences of punishment imposed as a result of the conduct of the individuals concerned. However, as pointed out by the Committee of Experts, two of the conditions laid down in regard to the exaction of prison labour, namely that prison labour may be imposed only as a consequence of a conviction in a court of law and that the persons concerned should not be placed at the disposal of private individuals, companies or associations are important guarantees against the administration of the penal system being diverted from its true course by coming to be considered as a means of meeting labour requirements.

(d) Emergencies

The Convention exempts from its scope "any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population". The Committee of Experts has pointed out that the concept of emergency - as indicated by the enumeration of examples in the Convention involves a sudden, unforeseen happening calling for instant counter-measures. To respect the limits of the exception provided for in the Convention, the power to call up labour should be confined to genuine cases of emergency. Moreover, the duration and extent

230 Art. 2, para. 2(b).
231 See para. 208 above.
232 See para. 212 below.
233 See para. 213 below.
234 1979 General Survey on the abolition of forced labour, para. 34.
235 Art. 2, para. 2(c).
236 1979 General Survey on the abolition of forced labour, para. 35.
237 Art. 2, para. 2(e).
238 1979 General Survey on the abolition of forced labour, para. 37.
of compulsory service, as well as the purpose for which it is used, should be limited to what is strictly required by the exigencies of the situation. 239

(e) Minor communal service

213. The Convention also exempts from its provisions "minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services". 240 The Committee of Experts has drawn attention to the criteria which determine the limits of this exception and serve to distinguish it from other forms of compulsory services which, under the terms of the Convention, must be abolished (such as forced labour for general or local public works). These criteria are as follows:
- the services must be "minor services", i.e. relate primarily to maintenance work and, in exceptional cases, to the erection of certain buildings intended to improve the social conditions of the population of the community itself (a small school, a medical consultation and treatment room, etc.);
- the services must be "communal services" performed "in the direct interest of the community", and not relate to the execution of works intended to benefit a wider group;
- the "members of the community" (i.e. the community which has to perform the services) or their "direct" representatives (e.g. the village council) must "have the right to be consulted in regard to the need for such services". 241

(3) Present status of Article 1, paragraph 2, and Articles 4 et seq. of the Convention

214. While States ratifying the Convention are obliged "to suppress the use of forced or compulsory labour in all its forms" 242 within the shortest possible period, 243 the Convention, as adopted in 1930, provides that: "With a view to this complete suppression, recourse to forced or compulsory labour may be had during the transitional period, for public purposes only and as an exceptional measure, subject to the conditions and guarantees hereinafter provided" (Article 1, paragraph 2). There is no definition of what is meant by the transitional period, nor how long it should last, although under Article 1, paragraph 3, "the possibility of the suppression of forced or compulsory labour in all its forms without a further transitional period and the desirability of placing this question on the agenda of the Conference" was to be considered by the Governing Body "at the expiration of a period of five years after the coming into force of this Convention". 244 The essential purpose of the transitional

239 Ibid., para. 36. The Committee noted that a similar approach has been adopted in the International Covenant on Civil and Political Rights, Art. 4 of which permits derogations from its provisions in time of public emergency which threatens the life of the nation, to the extent strictly required by the exigencies of the situation.
240 Art. 2, para. 2(e).
241 1979 General Survey on the abolition of forced labour, para. 37.
242 Other than those specifically excluded from the scope of the Convention (see above, paras. 207 to 213).
243 Art. 1, para. 1 (see above para. 205).
244 The Convention came into force on 1 May 1932, but such action was taken neither in 1937 nor subsequently.
period was to allow, in particular a colonizing member State, a window within which to attain complete suppression of all forced or compulsory labour.

215. Article 1, paragraph 2, qualified the obligation contained in Article 1, paragraph 1, to a limited extent so that forced or compulsory labour could be used during the transitional period, only as an exceptional measure for public purposes and subject to the conditions and guarantees laid down in the Convention.245 These conditions and guarantees aim at limiting the power to exact the work or service in question to specified authorities,246 to ensure that labour is exacted only in cases of present or imminent necessity for work of important direct interest to the community called upon to perform it,247 to safeguard the social and physical conditions of the population,248 and to ensure the observance of certain minimum standards as regards hours of work, weekly rest, remuneration, workmen's compensation, health and welfare.249 Special conditions are laid down with regard to compulsory porterage and compulsory cultivation.250

216. In the light of these conditions and guarantees, a number of forms of forced or compulsory labour were to be suppressed immediately, regardless of any period of transition. These included forced or compulsory labour for the benefit of private individuals, companies or associations,251 forced or compulsory labour exacted from women, from men under 18 years or over 45 years, or from disabled persons,252 compulsory cultivation otherwise than as a precaution against famine or deficiency of food supplies,253 forced or compulsory labour for work underground in mines,254 and forced or compulsory labour exacted by persons or authorities to whom under the terms of the Convention such power should not be granted.255

217. As pointed out by the Committee of Experts on the Application of Conventions and Recommendations in 1962, 1964 and 1968, the undertaking by ratifying States “to suppress the use of forced or compulsory labour in all its forms within the shortest possible period” precludes them from introducing new forms of forced or compulsory labour within the scope of the Convention and also from having recourse to any forms of such labour which, while existing at the time of entry into force of the Convention for the country concerned, had in the meantime been abolished.256 In 1968 the Committee also noted that, having regard to this effect of the undertaking arising out of ratification and also to the nature of the forms of compulsion to be found in some existing laws, relatively few of the countries bound by the Convention were still in a position to avail themselves of the transitional arrangements permitted by this instrument.


246 Arts. 7 and 8.

247 Arts. 9 and 10.

248 Arts. 9 to 12.

249 Arts. 13 to 17.

250 Arts. 18 and 19.

251 Arts. 4 and 6.

252 Art. 11.

253 Art. 19.

254 Art. 21.

255 Arts. 7 and 8.

Forced labour in Myanmar

218. In 1997, the Committee of Experts observed that:

Since the Convention, adopted in 1930, calls for the suppression of forced labour within the shortest possible period, to invoke at the current time (67 years after its adoption) that certain forms of forced or compulsory labour comply with one of the requirements of this set of provisions, is to disregard the transitional function of these provisions and contradict the spirit of the Convention.

In the view of the Committee, use of a form of forced or compulsory labour falling within the scope of the Convention as defined in Article 2 may no longer be justified by invoking observance of the provisions of Article 1, paragraph 2, and Articles 4 to 24, although the absolute prohibitions contained in these provisions remain binding upon the States having ratified the Convention.\footnote{R.C.E. 1998, p. 100.}

The Commission of Inquiry shares this view, having regard also to the status of the abolition of forced or compulsory labour in general international law as a peremptory norm from which no derogation is permitted.\footnote{See paras. 198 to 204 above.}

10. BRIEF DESCRIPTION OF MYANMAR

(1) General presentation

219. Myanmar is situated in South-East Asia, bordering China to the north and north-east, Laos and Thailand to the east, the Andaman Sea and the Bay of Bengal to the south and Bangladesh and India to the west; it is bounded to the north, east and west by mountain ranges which enclose the fertile plains of the Ayeyarwady (Irrawaddy), Chindwin and Sittaung (Sittang) river systems. The country is divided into 14 first-order administrative regions: seven States with a majority non-Burman population, and seven Divisions with a majority Burman population.\footnote{The States are Chin, Kachin, Kayah, Kayin, Mon, Rakhine and Shan; the Divisions are Ayeyarwady, Bago, Magway, Mandalay, Sagaing, Tanintharyi and Yangon. Maps of Myanmar showing these States and Divisions as well as places mentioned in the report can be found in Appendix IX.}

These States and Divisions are then divided further into districts, each comprised of several townships (administrative regions centred around a town). Townships are subdivided into village-tracts (in rural areas) and wards\footnote{Sometimes also referred to as “quarters”.} (in towns). Each village-tract normally comprises several villages, and is named after the main village in the group.

220. According to a 1996-97 government estimate, the country had a population of 45.6 million,\footnote{The Government officially recognizes 135 different “national races”.} of which only 26 per cent is classified as urban, and a total labour force of 18.8 million (4.2 million urban, 14.6 million rural). Agriculture accounts for 63 per cent of total employment.

221. The Government officially recognizes 135 different national groups. The Burmans make up about two-thirds of the population; other major groups include the Karen, Shan, Mon, Rakhine, Rohingya, Chin, Kachin and Karenni.\footnote{Accurate government estimate cited in the EIU Country Profile 1997-98, p. 20 ff.; the most recent census was conducted in 1983, at which time the population was 35.7 million.}

\begin{center}
64
\end{center}
population figures for these groups are not available, since no detailed census has been
attempted since 1931 and current estimates vary considerably. 263

222. The dominant religion in Myanmar is Buddhism, practised by around 89 per
cent of the population. As well as being observed by most Burmans, Buddhism is also
dominant among several other groups (notably the Mon, Rakhine, Shan and many
Karen). Other religions include Christianity and Animism, practised chiefly by the
non-Burman groups; there is also a sizeable population of Muslims, including the
Rohingyas and other people mostly originating from the Indian subcontinent.

223. The currency of Myanmar is the kyat. The official exchange rate averaged
6.2 to the US dollar in 1997; the more widely used free-market rate averaged 250 to
the dollar in the same period. 264

(2) Historical background

224. In three Anglo-Burmese wars between 1824 and 1885, the British took
control of the territory of Burma. From then until 1948 the country was administered
as part of British India, except for a brief occupation by the Japanese during the Second
World War. In July 1947 the leader of the Burmese independence struggle and
presumptive first Prime Minister of independent Burma, Aung San, was assassinated.
The first Constitution of Burma was adopted in September 1947. A few months later,
on 4 January 1948, Burma gained its independence, with U Nu as its first Prime
Minister.

225. There followed a brief period of civilian rule, but this was plagued by
communist and ethnic insurgency and disagreements within the Government. In March
1962 the military under General Ne Win took power in a coup. A Revolutionary
Council under the chairmanship of Ne Win was formed, and this Council invested Ne
Win with full legislative, judicial and executive power. The Burma Socialist
Programme Party (BSPP) became the official party of the new Government. In January
1974 a new Constitution was formally adopted, to replace the rule-by-decree of the
Revolutionary Council.

226. In 1988, general discontent resulting from economic stagnation and
suppression of political freedom developed into a nationwide mass movement. Aung
San Suu Kyi, daughter of independence leader Aung San, emerged as the leader of
this movement. In July 1988, Ne Win resigned as the chairman of the BSPP, but the
protests gathered strength. On 8 August 1988 a general strike was called across the
country and in response troops were ordered to open fire on the crowds of
demonstrators; thousands of these demonstrators were killed or injured. The
demonstrations continued, however, and on 18 September 1988 the military announced
a coup, abolished all state organs, and established the State Law and Order Restoration
Council (SLORC) to take their place. 265 The 1974 Constitution was also suspended.

263 For some of these estimates, see Anti-Slavery International, doc. 153 at p. 4746.
265 The SLORC consisted of the following members: Senior General Than Shwe (Chairman), General Maung Aye
(Vice-Chairman), Lieutenant General Khin Nyunt (Secretary 1), Lieutenant General Tin Oo (Secretary 2), Vice Admiral
Maung Maung Khin, Lieutenant General (Air) Tin Tun, Lieutenant General Aung Ye Kyaw, Lieutenant General Phone
Myint, Lieutenant General Sein Aung, Lieutenant General Chit Swe, Lieutenant General Kyaw Ba, Lieutenant General
Maung Thint, Lieutenant General Myint Aung, Lieutenant General Mya Thin, Lieutenant General Tun Kyi, Lieutenant
General Aye Thaung, Lieutenant General Myo Nyunt, Lieutenant General Maung Hla, Lieutenant General Kyaw Min,
Major General Soe Myint and Major General Myan Lin (composition as at 20 Dec. 1995).
Forced labour in Myanmar

The demonstrations were violently suppressed; nevertheless, the SLORC promised that elections would be held, and political parties were allowed to register.

227. Elections were held in May 1990. While more than 200 parties registered, the main contenders were the National League for Democracy (NLD), whose General-Secretary was Aung San Suu Kyi, and the National Unity Party (NUP) of the military. The election was held under very restrictive conditions. Several party leaders were detained, including Aung San Suu Kyi, who was placed under house arrest in July 1989. Nevertheless, the NLD won an overwhelming victory, with 60 per cent of the votes cast leading to over 80 per cent of the 485 seats in the legislature. The NUP won only ten seats.

228. The SLORC did not accept this result or convene the new legislature; instead it claimed that the election had been solely to elect representatives to a National Convention, whose task it was to draw up a new Constitution. This National Convention first met in January 1993. Only 15 per cent of its members were elected representatives, however, and following a boycott by the NLD and the party’s subsequent expulsion only 3 per cent of the Convention’s members had been elected in the 1990 election. The Convention has not met since March 1996, and Myanmar still operates without a Constitution.

229. On 15 November 1997, the SLORC dissolved itself and appointed a new 19-member State Peace and Development Council (SPDC) in its place. The four most senior members of the SLORC, Senior General Than Shwe, General Maung Aye, Lieutenant General Khin Nyunt and Lieutenant General Tin Oo, retained their positions, and other younger military commanders, including the heads of the military’s 12 Regional Commands (see para. 232 below), filled the remaining posts. Former SLORC members were moved aside into an advisory body which was subsequently dissolved.

(3) Administrative structure

230. When it came to power in 1988, the SLORC established regional Law and Order Restoration Councils (LORCs) at the state/divisional, district, township and ward/village-tract levels. When the SLORC was replaced by the SPDC, these regional LORCs were renamed Peace and Development Councils (PDCs).
231. Since 1988, the Government of Myanmar has undertaken an expansion and modernization of the Tatmadaw (armed forces), which has grown in size from 186,000 in mid-1988 to 429,000 by mid-1997. The army accounts for the majority of these personnel, with a reported strength of some 400,000.

232. The Myanmar army is divided into 12 Regional Commands, which together control 145 infantry battalions (the KaLaYa, or IBs) and ten mobile Light Infantry Divisions, which together control another 100 infantry battalions (the KaMaYa, or LIBs). There is also a small number of specialized battalions, and a number of Military Intelligence (MI) units.

233. In addition to the Tatmadaw, other government military groups include the People’s Militia and the NaSaKa, a border security force created in 1992 and made up of the Immigration and Manpower Department, police, Lone Htein (riot police), Military Intelligence and customs officials; it only exists in Buthidaung and Maungdaw townships (though the agencies of which it is comprised are found throughout Myanmar); it is under the army’s Western Command based in Sittway (Akyab).

234. One armed ethnic organization, the Democratic Kayin Buddhist Army (DKBA), allied itself with the Government shortly after it was formed in December 1994, and operates as government militia in its areas of influence in Kayin State.

235. A note on names. In June 1989 the Government changed the name of the country from “Union of Burma” to “Union of Myanmar”. The English spellings of several other place names were also subsequently changed. The Commission uses these revised spellings in the report, but also gives alternative names following the official name, where this is necessary to avoid confusion as to the place which is being referred to. With regard to the names used for various ethnic groups in the country, the Commission decided to follow the usage of the persons concerned whom it met.

(4) Opposition forces

236. Since independence there have been many armed groups in opposition to the Government, some of which have at various times established territorial control over large areas. Since 1989, cease-fires have been concluded between the Government and several of the remaining groups. Those which agreed to cease-fires included the United Wa State Army (UWSA) and the Shan State Army (SSA) in 1989, the Kachin Independence Organization (KIO) in 1994, the New Mon State Party (NMSP) in 1995 and the Mong Tai Army of drug warlord Khun Sa in 1996. Groups which remain active...
and have yet to agree to cease-fires include the Karen National Union (KNU), which has been active since the 1940s, the All Burma Students' Democratic Front (ABSDF), the Chin National Front (CNF), and the Rohingya Solidarity Organization (RSO), which became active more recently. In addition it was announced in January 1998 in Shan State, following an agreement reached in September 1997, that the Shan United Revolutionary Army (SURA) had joined forces with two groups which had concluded cease-fires with the Government, the SSA and the Shan State National Army (SSNA), to form a "new" Shan State Army (still known by the acronym SSA); this new group is currently in armed opposition to the Government.277

11. LEGISLATION OF MYANMAR RELEVANT TO THE CASE

(1) Requisition of labour under the Village Act and Towns Act and subsequent orders and directives

237. After having stated for many years that the provisions of the Village Act (1908) and the Towns Act (1907) which empower headmen and rural policemen to impose compulsory labour on residents of the labouring class had become obsolete and were no longer applied,278 the Government indicated in October 1993 that "the use of voluntary labour, alleged compulsory or forced labour, is made only for the urgent necessity in accordance with the following provisions: (a) section 8(1)(g)(n) and (o) of the Village Act (1908); (b) section 9(b) of the Towns Act".279

238. The relevant provisions of section 8(1) of the Village Act (1908) were submitted by the Government280 in October 1993 in the following wording:

Every headman shall be bound to perform the following public duties, namely:

(g) to collect and furnish, upon receipt of payment for the same at such rates as the Deputy Commissioner may fix, guides, messengers, porters, supplies of food, carriage and means of transport for any troops or police posted in or near or marching through the village-tract or for any servant of the Government travelling on duty: provided that no headman shall requisition for personal service any resident of such village-tract who is not of the labouring class and accustomed to do such work as may be required;

(n) generally to assist all officers of the Government in the execution of their public duties; and

(o) generally to adopt such measures and do such acts as the exigency of the village may require.

Section 7(1)(m) of the Towns Act (1907) corresponds to section 8(1)(n) of the Village Act (1908) and is also preceded by a proviso "that no headman shall requisition for personal service any resident of such ward who is not of the labouring class and accustomed to do such work as may be required".

278 See paras. 121 to 123 above.
279 See para. 145 above.
280 See report of the Committee set up to consider the representation made by the ICFTU under article 24 of the ILO Constitution alleging non-observance by Myanmar of the Forced Labour Convention, 1930 (No. 29) (quoted in footnote 84 above), para 45.
239. Under Section 11 of the Village Act:

Every person residing in the village-tract shall be bound to perform the following public duties, namely:

(d) on the requisition of the headman or of a rural policeman, to assist him in the execution of his duties prescribed in sections 7 and 8 of the Act and the rules made under the Act.

Explanation: A requisition under clause (d) may be either general or addressed to an individual.

Under section 12 of the same Act:

If any person residing in a village-tract refuses or neglects to perform public duties imposed upon him by this Act or by any rule thereunder, he shall, in the absence of reasonable excuse, the burden of proving which shall lie upon him, be liable:

(i) by order of the headman, to fine ...; or

(ii) by order of the village committee, on the case being referred to it by the headman, to fine ..., or to confinement for a term not exceeding 48 hours in such place as the Deputy Commissioner may appoint in this behalf, or to both; or

(iii) on conviction by a Magistrate, to fine ..., or to imprisonment for a term not exceeding one month, or to both.

240. Similarly, section 9 of the Towns Act (1907) provided that:

Persons residing in a ward shall be bound to perform the following public duties, namely:

(b) on a general or individual requisition of the headman to assist him in the execution of his public duties.

Section 9A of the same Act provides that:

If any person residing in a ward refuses/neglects to perform any of the public duties imposed upon him by this Act or any rule thereunder, he shall, in the absence of reasonable excuse, the burden of proving which shall lie upon him, be liable, on conviction by a magistrate, to a fine...

241. The Commission notes the indication by Daw Aung San Suu Kyi\(^\text{281}\) that such things as having to gather in the harvest, or needing to work in the field, would have been accepted as “reasonable excuse” under the original section 12 of the Village Act, as reproduced above, but that nowadays, this provision translated into Burmese has left out the phrase “in the absence of reasonable excuse”, so “under this law, the authorities are able to force the people in the villages to do anything they like ...”. The Commission did not have at its disposal the Burmese text of the Village Act, nor of the Towns Act (the English text of which likewise referred to the absence of reasonable excuse).\(^\text{282}\)

242. As regards the range of duties which every headman shall be bound to perform, and in the execution of which residents shall be bound to assist him on his requisition (or that of a rural policeman), section 8(1)(g) of the Village Act specifically refers to the supply of guides, messengers, porters, etc., while section 8(1)(n) and (o) of the same Act, as well as section 9(b) of the Towns Act, also invoked by the Government\(^\text{283}\) in 1993, contain general references to the execution of “public duties” and “such acts as the exigency of the village may require”. In this connection, the Commission’s attention has been drawn to the fact that provision for the requisition of “labourers for the making or repair of roads, embankments or other public works”,
originally made in section 8(1)(h) of the Village Act, 1908, was specifically deleted by Burma Act IV of 1924.

243. Executive Orders made subsequently under the Village Act indicated in paragraph 76 that clause (n) of section 8(1) of the Village Act:

... is widely worded and must be worked with discretion. The clause does not cover requisitions for coolies to carry out forest and other departmental work. Services obtained under clause (n) legitimately for what are in fact private purposes, e.g. repairing the roof of a zayat or clearing a camping ground or carrying a letter (except from village to village in accordance with the custom of the country), should be paid for.

According to paragraph 78 of the same Executive Orders:

Deputy Commissioners should bear in mind that the wide powers conferred upon them and upon Township Officers and headmen by the Village Act should be exercised with judgment and consideration; and that the people of Burma, and especially of Upper Burma, are apt to submit without much complaint to annoyances and extortions which are in reality very burdensome. They should remember that it is their duty to protect the people from such treatment, and to see that subordinate officials are kept in check and are not allowed to abuse their position and power to the harassment and annoyance of the residents in the tracts committed to their charge.

244. Paragraph 70 of the same Executive Orders stressed in relation to clause (g) of section 8 of the Village Act that "all supplies which it costs money or labour to procure and all carriage should be paid for at full rates".

245. Over half a century later, concern about "causing misery and sufferings to the local population" and the non-remuneration of labour obtained "from the local populace in carrying out national development projects, such as construction of roads, bridges and railways as well as the building of dams and embankments" (i.e. projects for which the requisition of labour under former section 8(1)(h) of the Village Act had been altogether abolished by Burma Act IV of 1924) was expressed in an Order dated 2 June 1995 by the Chairman of the State Law and Order Restoration Council (SLORC) to State/Division Law and Order Restoration Councils on the subject of "Prohibiting unpaid labour contributions in national development projects". While marked "secret", this Order has according to the Government "the full legal force and effect in Administrative Law". The Order makes no reference to the Village Act or the Towns Act. It notes in paragraph 1 that "it has been learnt that in obtaining labour from the local populace in carrying out national development projects, such as construction of roads, bridges and railways as well as building of dams and embankments, the practice is that they have to contribute labour without compensation". While observing (in paragraph 3) that "causing misery and sufferings to the people in rural areas due to the so-called forced and unpaid labour is very much uncalled for", the Order does not put into question the requisition of labour for national development projects but stresses (in paragraph 2) that "it is imperative that in
obtaining the necessary labour from the local people, they must be paid their due share.

246. A Directive (No. 82) dated 27 April 1995 by the Chairman of the SLORC, to the Ministry of Agriculture, the Chairman of the Yangon Division LORC and the Commander of No. 11 Light Infantry Division, with the subject “To stop obtaining labour without compensation from the local people in irrigation projects” stated that:
1. It has been learnt that some of the local people are very concerned over the assignment of each and every family in the task of digging a certain number of pits for making ditches and trenches in the overall construction of dams in Yangon Division.
2. It is hereby instructed to hire paid labourers to carry out these projects and to stop the practice of obtaining labour from the local people without monetary compensation.
3. In so doing, the Ministry of Agriculture is to bear the resulting expenditure.
   Also marked “secret”, this Directive was submitted to the UN Special Rapporteur."

247. Under paragraph 72 of the Executive Orders made pursuant to the Village Act:
   In cases where labour is compulsorily requisitioned under the provisions of section 11(d) read with section 8(1)(g) of the Village Act, the Government accepts the liability to pay compensation for personal injury by accident or sickness arising out of and in the course of the labourers’ employment. The conditions of the grant of compensation will be similar to those contained in the Workmen’s Compensation Act ...

248. While the Government has indicated that the Village Act and the Towns Act remain in force, it has not specified the present status of Executive Orders made under the Village Act. It has, however, repeatedly stated that porters injured were compensated in accordance with the prevailing law.

(2) Restrictions on the freedom of movement and citizenship

249. Where compulsory labour may be imposed on residents of village-tracts and town wards, restrictions on the freedom of movement of residents have a bearing on their exposure to such compulsory labour. The Commission has received indications that not only all movements are subject to reporting requirements and every resident is obliged to register overnight guests with the local authorities, but also, and more importantly, freedom of movement is restricted to those residents who carry identity documents that identify them as citizens.

250. Under section 10 of the Foreigners Act, no foreigner shall travel in Myanmar without a license; under section 12, every such license shall state the name of the person to whom the license is granted, the nation to which he belongs, the district or districts through which he is authorized to pass or the limits within which he is...
authorized to travel, and the period (if any) during which the license is intended to have effect. According to section 13, the licence may be granted subject to such conditions as the officer granting the licence may deem necessary, and may be revoked at any time by such officer.

251. A large group in Rakhine State, the Rohingyas, have been progressively denied citizen status.

252. Section 11 of the Constitution of the Union of Burma of 24 September 1947 provided that:

(i) Every person, both of whose parents belong or belonged to any of the indigenous races of Burma;
(ii) Every person born in any of the territories included within the Union, at least one of whose grandparents belong or belonged to any of the indigenous races of Burma;
(iii) Every person born in any of the territories included within the Union, of parents both of whom are, or if they had been alive at the commencement of this Constitution would have been, citizens of the Union;
(iv) Every person who was born in any of the territories which at the time of his birth was included within His Britannic Majesty's dominions and who has resided in any of the territories included within the Union for a period of not less than eight years in the 10 years immediately preceding the date of the commencement of this Constitution or immediately preceding January 1942 and who intends to reside permanently therein and who signifies his election of citizenship of the Union in the manner and within the time prescribed by law, shall be a citizen of the Union.

Notwithstanding the provisions of section 11 of the Constitution of 1947, the Rohingyas were not recognized by the Government as citizens, save for those who could establish their citizenship under subsection (iv). However, section 12 of the Constitution provided that:

Nothing contained in section 11 shall derogate from the power of the Parliament to make such laws as it thinks fit in respect of citizenship and alienage and any such law may provide for the admission of new classes of citizens or for the termination of the citizenship of any existing classes.

In 1948, a new Citizenship Act was adopted which restricted the scope of subsection 11(iv) of the Constitution to any person “from ancestors who for two generations at least have all made any of the territories included within the Union their permanent home and whose parents and himself were born in any such territories.”

---

299 Quoted from Human Rights Watch/Asia, doc. 154 at p. 4918. According to Human Rights Watch/Asia “as a measure to prevent the continued immigration of Indians into Burma, all residents in Burma were required to apply for registration within one year of the 1948 law and were given identity cards. Many Rohingyas registered and were given cards which enabled them to vote during the democratic period between 1950 and 1962. After the military coup in 1962, Rohingyas claim that it became increasingly difficult for the children of recognized citizens to receive citizenship. The law required parents to register their children when they reached the age of ten, so that in many families those born before 1952 will have cards, whereas when their younger siblings applied, they simply never received a response. In 1974, a new constitution was introduced to enshrine the one-party state that had effectively existed since 1962. Those Rohingyas who were not considered citizens under the 1948 law and who could not provide evidence of the families’ residence in Burma for two generations prior to 1948 were only able to apply for Foreigners Registration Certificates (FRC). Once again new identity cards were issued, and again, Rohingya interviewees claimed that when their cards were given in for replacement, they never saw them again. When 200,000 Rohingyas fled to Bangladesh in 1976, the Government of Burma claimed that they were all illegal immigrants who fled when they were unable to produce their identification papers during a routine immigration check. Shortly after the last refugees were forced back to Burma in 1980, the Government drafted a new Citizenship Law, which was promulgated in 1982. Both the timing and content of the 1982 law indicated that it was deliberately targeted at the Rohingyas, while also discriminating against other Asian immigrants who had entered the country during the British colonial period. This includes others of south Asian origin, and ethnic Chinese. The total population of immigrants is thought to be around one million people” (in this connection, Human Rights Watch/Asia also refers to Martin Smith: Ethnic groups of Burma. Anti-Slavery International, doc. 153 at p. 4728 ff.)
253. A further Citizenship Law was adopted in 1982 which repealed the 1948 Act and defined three categories of citizens: "citizens", "associate citizens" and "naturalized citizens". "Citizens" were limited to "nationals such as the Kachin, Kayah, Karen, Chin, Burman, Mon, Rakhine or Shan and ethnic groups as have settled in any of the territories included within the State as their permanent home from a period prior to 1185 B.E. [Buddhist Era], 1823 A.D.". A list of recognized ethnic groups was later published including the Kaman and Zerbadee but not Rohingyas. If a person cannot give proof of residence of all ancestors prior to 1823 A.D., he or she can be classified as an "associate citizen" if one grandparent, or pre-1823 ancestor, was a citizen of another country. Those persons who had qualified for citizenship under the 1948 law, but who would no longer qualify under this new law (i.e. those people whose ancestors came to Burma two generations prior to 1948), were also considered "associate citizens" if they had applied for citizenship in 1948. However, under the new law, an application to be recognized as an "associate citizen" had to be made within one year of the promulgation of the law, and after that time all former foreigners or stateless persons are only able to apply for naturalization.

254. Under the new law, few Rohingyas could qualify as "citizens" and many would not be recognized as either "associate citizens" or "naturalized citizens" due not only to their individual histories but also to the difficulty of providing evidence substantiating their ancestry. Thus, most Rohingyas are only recognized as foreign residents. This was confirmed by the testimonies given by Rohingya witnesses to the Commission, who reported on the need to ask for permission each time they were to leave their village.

(3) Compulsory military service and forced conscription

255. There is a People's Militia Act, 1959, which was published in the Official Gazette. Under the provisions of the Act, Myanmar nationals can be called up for full-time or part-time service in the armed forces. Under section 3(a), subparagraphs 1 and 2, all men from age 18 to 35 and all women from age 18 to 27 can be called for full-time service in the armed forces for a period of not less than six months and not more than 24 months; under subparagraphs 4 and 5, doctors, engineers or persons having any other skill can be called for military service for a period of 24 months between the ages of 27 and 35 in the case of women, and for a period of 18 months between the ages of 35 and 56 in the case of men. Under section 3(b), all men from age 18 to 46 and all women from age 18 to 35 can be called for part-time service, i.e.
Forced labour in Myanmar

for a total of not more than 30 days a year, which may be increased by seven days in certain cases.

256. The People's Militia Act, as adopted in 1959, does not contain any provisions under which work or service is to be exacted for work of a non-military character.\(^{306}\)

257. Under section 1(2) of the People's Militia Act, "This Act shall come into force on a day to be notified by the Government". The Commission is not aware whether such notification has been made and the Act brought into force.\(^{307}\)

(4) Sanctions for illegally imposing forced or compulsory labour

258. Under section 374 of the Penal Code: \(^{308}\)

Whoever unlawfully compels any person to labour against the will of that person shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

12. FINDINGS OF THE COMMISSION CONCERNING THE FACTS\(^{309}\)

A. Admissibility and probative value of testimonial evidence and documentary material

259. In addition to the testimony heard during the hearings in November 1997 and the visit of the Commission to the region in January and February 1998, 274 documents, totalling nearly 10,000 pages in the official Commission registries, have been communicated to the Commission since the commencement of the procedure. This written information was transmitted by the parties and other solicited sources,\(^{310}\) as well as by witnesses and other persons during the hearings\(^{311}\) or the visit of the Commission to the region.\(^{312}\) These documents have been carefully itemized by the secretariat and indexed according to the date on which they were received by the Commission; the lists of documents transmitted to the Commission are to be found in Appendices IV, V and VI to this report.\(^{313}\)

\(^{306}\) That is to say, for work incompatible with Art. 2(2)(a) of the Convention.

\(^{307}\) According to the United States Department of Labor Report of 1964, op. cit., note 305, the Act had not yet been implemented then. See also the more recent indications referred to in para. 389 below.

\(^{308}\) Quoted from Burma Code, 1944, Vol. IV, p. 93.

\(^{309}\) References to pages in the official record of submissions indicate the source of the information and the document number and page number in the official record, separated by a dash. References to the record of the hearings held at the Commission's Second Session indicate the name of the witness and the sitting and page, by Roman and Arabic numerals respectively. References to the testimony of witnesses interviewed by the Commission in the course of its visit to the region indicate the number of the witness; summaries of these testimonies are appended to this report as Appendix VII.

\(^{310}\) See Ch. 3, paras. 28-54.

\(^{311}\) See Ch. 4, paras. 55-76.

\(^{312}\) See Ch. 5, paras. 77-98.

\(^{313}\) Three registries have been compiled: the first lists the documents received following the First Session of the Commission; the second refers to documents that were submitted by witnesses at the time of the hearings held in Geneva in November 1997, and the third lists the documents communicated to the Commission during its visit to the region.
260. The Commission is thus in possession of evidence submitted in both written and testimonial forms. While the Commission, in its pursuit of gathering full and detailed information, prefers the direct testimony of a witness who claims to have experienced or observed facts relevant to the inquiry, it nevertheless considers that the copious documentation communicated to it constitutes an important source of information which may serve to support or refute in one way or another the allegations contained in the complaint. The Commission notes that there is no rule in international law restricting the admissibility of written or oral evidence. The practice of the International Court of Justice is that flexibility is the guiding principle; international tribunals are not bound by such strict rules of evidence as those of national tribunals, many of which are not appropriate to international disputes. In this spirit, the Rules of the International Court of Justice aim at making the procedure as simple and expeditious as possible and its provisions “have to do with time-limits and other matters designed ‘to guarantee the sound administration of justice, while respecting the equality of the parties’. They do not bear on the categories of material admissible as evidence, or on the principles by which evidence is assessed by the Court”.

261. Moreover, the ILO Governing Body left the Commission entirely free to decide on its own rules concerning the admissibility of evidence in accordance with the provisions of the ILO Constitution. Accordingly, in adopting its own rules of procedure the Commission followed the custom established by the nine Commissions of Inquiry which preceded it. In these circumstances, the Commission considers that both written and oral forms of evidence should be admitted.

262. Oral testimony. The clear preference of the Commission is that direct oral testimony of a witness claiming to have experienced or observed facts, if accepted, has the highest probative value.

263. In the course of the inquiry, testimony was given by witnesses in Geneva, and further on locations as described respectively in Chapters 2 and 5 of this report.

264. With regard to the evidence obtained for the Commission with the assistance described in paragraph 81 above, the Commission also considers this to be direct oral testimony and to be of high probative value because of the circumstances of its taking, though clearly not as high as that which the Commission heard itself.

265. Documentary material. The documentary material which was submitted and admitted before the Commission fell into a number of different categories:

(1) written statements from persons who had themselves obtained statements from others claiming to have experienced or observed relevant matters (“secondary statements”) and who were questioned before the Commission. The statements from persons who gave evidence also included statistical, historical and research material as well as analyses;

(2) written communications containing secondary statements from persons claiming to have experienced or observed relevant matters, as well as containing statistical research, historical and material analyses. However, the purveyors of that material did not give evidence before the Commission;


(3) written communications from parties, persons or organizations which contained
assertions, statistical, historical and research material as well as analyses, but not
secondary statements. Some of the purveyors of that material were questioned
before the Commission and some were not;
(4) other documents including (a) originals or copies of military orders, (b) videos and
photos, and (c) newspaper reports.

266. Generally speaking documentary material was regarded by the Commission
as less probative on the facts than the oral testimony. Further, some categories of
documentary material were more probative, prima facie, than others.

267. With regard to category 1 documentation, this was clearly admissible and,
prima facie, had greater probative value than the other categories of documents save
category 4(a). The persons who provided the written statements also gave testimony
about the manner and circumstances of the taking of the secondary statements. To this
extent this material could have been described as oral evidence but for convenience is
characterized as documentary evidence.

268. With regard to category 2 documentation, this also was admissible but was
of, prima facie, less probative value than category 1 as the Commission did not have
the benefit of being able to satisfy itself as to the voluntariness and truthfulness of the
statements.

269. With regard to category 3 documentation, this contained more generalized
rather than specific material but provided helpful background where it could be
corroborated by other material.

270. With regard to category 4, documents in (a) being the military orders were
of high probative value as to relevant matters. Documents in (b), except where the
contents were the subject of explanatory evidence, had little probative value.
Documents in (c) were largely from government publications The New Light of
Myanmar and its predecessor the Working People’s Daily as being indicative of
government attitude.

271. In reaching the findings of fact set out in section B, the Commission relied
on documentary material as described in the four categories above. This material
provided a generalized background and pattern of practices.

272. In reaching the findings of fact set out in section C, the Commission again
relied on the same documentary material as in section B and has identified those parts
within section C. This again reflected a general pattern of practices. Further, in section
C, the Commission has relied on oral testimony and has identified those parts within
section C. This oral testimony confirmed the pattern of conduct which emanated from
the documentary evidence.

273. The reason for dividing the material in this way was to place the oral
testimonies in an overall context of practice in Myanmar, and also to isolate this
material which was the most probative evidence before the Commission.

B. General pattern of conduct by Myanmar authorities

274. Information provided to the Commission indicated that the Myanmar
authorities, including the local and regional administration, the military and various
militias, forced the population of Myanmar to carry out a wide range of tasks. Labour
was exacted from men, women and children, some of a very young age. Workers were
not paid or compensated in any way for providing their labour, other than in exceptional circumstances, and were commonly subjected to various forms of verbal and physical abuse including rape, torture and killing. The vast majority of the information covered the period since 1988, the year in which the State Law and Order Restoration Council (SLORC) came to power. While the information indicated that the use of forced labour for all the purposes discussed was prevalent since at least 1988, the use of forced labour on infrastructure-related work appeared to have been much less common before 1992. In the paragraphs which follow, some indication of the range of purposes for which labour was requisitioned will be given, as it appears from the various documents and testimony provided to the Commission.

275. The information provided indicated that Myanmar’s military and various militias made systematic and widespread use of civilians to provide logistical support. This most commonly involved the use of porters to carry a range of supplies and equipment. In comparison to other forms of compulsory labour, the treatment of porters, especially during military offensives, was particularly brutal; such porters were also likely to be exposed to danger in combat situations.316

276. In addition to providing porters for the military, villagers across the country, and to a lesser extent urban residents, were required to construct and repair military camps and provide general workers for these facilities on a permanent basis. A number of villagers had to be on permanent stand-by at camps to act as messengers. Villagers also had to provide the necessary materials for the construction and repair of these facilities. This included camps for militia groups such as the Democratic Kayin Buddhist Army (DKBA).317

277. The information also disclosed a variety of other tasks that people throughout Myanmar were requisitioned to carry out in support of the military, such as acting as guides, sentries and minesweepers. It appeared that such people were also used as human shields, in that they would be sent ahead of troops to draw enemy fire, trip booby-traps, or as hostages to prevent attacks against columns or army camps. This most often occurred in the context of portering, but also occurred independently. In addition, owners of vehicles regularly had to place these at the disposal of the military.318

278. The question of forced recruitment into the Tatmadaw and various militia forces was also brought to the attention of the Commission. In some cases recruits appeared to be arbitrarily requisitioned, without any reference to compulsory military service legislation, and included minors.319

279. Information was also received concerning the use of civilians on a variety of projects undertaken by the Myanmar authorities, most commonly by the military authorities for what appeared to be income-generation purposes. This ranged from the use of forced labour for cultivation and production of goods to extortion and theft of property.320

280. The information revealed that over the last ten years the Government of Myanmar had implemented a large number of national and local infrastructure projects, in particular the construction and improvement of various roads and railways and associated infrastructure such as bridges. These projects appeared to be constructed

---

316 See paras. 300-350 below.
317 See paras. 374-388 below.
318 See paras. 351-373 below.
319 See paras. 389-393 below.
320 See paras. 394-407 below.
in large part with the use of forced labour, sometimes involving hundreds of thousands of workers.\textsuperscript{281}

281. Similarly, it appeared that forced labour was used by the Government in relation to a range of other infrastructure projects and public works such as dams, irrigation works and airports.\textsuperscript{282}

282. Urban residents in particular were required to work, usually one day per week, on the cleaning and maintenance of urban areas. This was organized by the ward authorities, but was often supervised by the military.\textsuperscript{283}

283. The information provided indicated that the use of forced labour for the purposes mentioned above occurred throughout Myanmar, and affected Burmans and the other ethnic groups in the country. It appeared, however, that there was significantly more forced labour in rural areas, particularly in less developed areas such as the seven States. Since these States have a majority non-Burman population, the burden of forced labour thus fell disproportionately on the non-Burman ethnic groups in Myanmar.

284. It appeared that persons exacting forced labour in Myanmar were not subject to legal sanction, and were therefore enjoying full impunity. Several witnesses who had undertaken general research and investigation informed the Commission that there had been, to their knowledge, no cases of persons being punished for forcing others to provide their labour, or for committing abuses against those so forced.\textsuperscript{284}

285. The numbers of people in Myanmar affected by forced labour appeared to be vast. In 1995, Human Rights Watch/Asia estimated that since 1992 at least two million people had been forced to work without pay on the construction of roads, railways and bridges.\textsuperscript{285} An indication of the large scale of some of the projects on which it is claimed that forced labour was used can be gained from statistics published by the Government of Myanmar in its official newspaper, \textit{The New Light of Myanmar}.\textsuperscript{286}

286. In rural areas, orders were transmitted to villagers through their village head. The village head received instructions, sometimes verbally, but more often in written form, from either the local administration (at the village-tract or sometimes the township level) or the military (the local military camp or battalion headquarters).\textsuperscript{287} These instructions usually specified that a given number of persons had to be provided by a given date, or that a given amount of work had to be completed within a given time-frame. It was then left to the village head to make the arrangements. Often, the village head would instruct a certain number of households in the village to provide one person for a certain period of time, usually one to two weeks; at the end of this

\textsuperscript{281} See paras. 408-443 below.
\textsuperscript{282} See paras. 444-457 below.
\textsuperscript{283} See paras. 458-461 below.
\textsuperscript{284} Guest, II/24; Liddell, V/34; Lin, VII/47; Heppner, XII/62.
\textsuperscript{285} Human Rights Watch/Asia, 001-0050.
\textsuperscript{286} For example, 364,224 people reportedly contributed labour for the Nahtogyi-Mingyan railway in Mandalay Division; 799,447 people for the Aungban-Loikaw railway in Shan and Kayah States; over 44,000 people on a single day for the Ye-Dawei (Tavoy) railway in Mon State and Tanintharyi Division; over 85,000 people for the Yeangyaung-Thanlwin road; and 2.3 million people for the dredging of a moat and construction of a ring-road in Mandalay. See doc. H14 for copies of some of these reports from \textit{The New Light of Myanmar} and its predecessor, the \textit{Working People’s Daily}. An estimate was provided to the Commission based on these published figures that over four million people were forced to work on infrastructure projects over the period from 1992 to 1995. See Steele, VIII/5. In addition, the US Embassy in Yangon estimated the amount of forced labour used on local development projects, based on the value of (uncompensated) “people’s contributions” given in economic data published by the Government of Myanmar. The value of these contributions reached a maximum in the 1995/96 fiscal year, at which point they were valued at 186.9 million (current) kyat, which at the official Government day labour wage of 20 kyat per day is equivalent to over 9.3 million work-days. See American Embassy in Rangoon, 101-3905 ff., H13-6009 to 6012; Steele, VIII/5-7 for further discussion.
\textsuperscript{287} Min Lwin, VI/14; Ka Hsaaw Wa, X/9.
period, the workers were replaced by villagers from the other households in the village. On certain occasions, the order given to the village head would specify that one person from each household in the village had to be sent, leaving no possibility for rotating the requirement among the households in the village.

287. In urban areas, orders were transmitted to individuals through officials of the ward administration. These officials received instructions from the township administration or local military specifying the number of workers required or the amount of work to be completed in a given time. The ward administration officials then made the necessary arrangements. They often rounded up people arbitrarily or sent them as a punishment for some minor offence, but they also commonly held a "lottery" to choose which of the residents of the ward had to go. The only way to avoid taking part in the lottery, or avoid the obligation once chosen, was to pay a sum of money so as to be exempted.

288. Small-scale labour demands usually originated at the battalion or township level, but larger-scale demands would usually originate from a higher level in the administrative or military hierarchy. For labour on large infrastructure projects or for porters in major military offensives, the order could originate at the national level and then be passed down through the state/divisional, district and township levels. The Commission received copies of a large number of these orders (mostly from local army camp, battalion, village-tract and township levels).

289. The written orders to provide porters and labourers which were sent to village heads by the local military or civil administration typically contained some kind of overt or implied threat. Examples of overt threats included such statements as "Anyone who refuses to come to build the road shall be punished according to the law", "If you don't come because you are afraid of Mon rebels, we the Army must show you that we are worse than Mon rebels", "I warn you that if you make excuses and fail to come, violent action will be taken against you" or "If nobody comes this time [you] will be destroyed by an artillery attack". In one case when two villagers ran away from portering, an order from the military column to the village head demanding their return stated: "Should this happen in the future, we will take action and you will be charged with disturbing and causing delay to our military operations". Examples of implied threats included statements such as "If you fail to comply it will be your responsibility", which villagers knew from experience meant that they would face serious punishment, or "If you fail to come we will not take any responsibility for [your] village", which the villagers knew was a threat to destroy their village. Another common form of threat was the inclusion with the order of some combination of a bullet, chilli and piece of charcoal, implying that the recipient would be shot, face problems, or have their house or village burned down if they failed to comply with the order.

290. Local authorities regularly required village heads to provide detailed information about the number of households in their area, and the composition of those households. These lists could then be used to decide how many workers a given village

---

[2] Copies of orders are contained, inter alia, in docs. 1, 15 to 20, 22 to 28, 130, H6, H21, H25 and M50.
[3] See orders 5, 7, 8 and 4 respectively in Appendix XI.
[4] See order 2 in Appendix XI.
[5] See, for example, order 3 in Appendix XI, see also Heppner, XII/35-39.
[6] Ka Hsaw Wa, X/9, 43-44; Heppner, XII/38-39; for an example of an order containing bullets, see order 6 in Appendix XI.
was required to provide, or the amount of work a village was required to complete. When a worker was required from each household, this was usually irrespective of the number of able-bodied persons in the household, or their gender. This could cause particular problems for households without an able-bodied worker; in these cases children or the elderly would have to go if a replacement could not be found.

291. It appeared that a lack of effective coordination between the local military units, the local and regional authorities, and other bodies demanding forced labour could lead to sometimes impossible demands for labour. Such cumulative demands resulted in women, children and older persons being sent for forced labour duties, and could make it impossible for the household to earn a living. One way for people to deal with such a problem was to pay someone else to do forced labour in their place, or when possible pay a sum of money to the authorities to be exempted, but most rural villagers who lived on a subsistence basis could not afford to do this very often or for any great length of time. In addition, it was sometimes very difficult to find someone willing to work as a porter for military operations, because such work was particularly dangerous, and because there was a great demand for porters at such times.

292. The information before the Commission was that the penalties for failing to comply with forced labour demands were harsh. Punishments included detention at the army camp, often in leg-stocks or in a pit in the ground, commonly accompanied by beatings and other forms of torture, as well as deprivation of food, water, medical attention and other basic rights. Women were subject to rape and other forms of sexual abuse at such times. The first person to be punished if a village failed to comply with demands for forced labour would usually be the village head. For this reason, the position of village head was an unpopular one, and it was often rotated among those villagers competent to do the job, in some instances with each villager having a rotation of as short as two weeks. Also, it was mentioned that villages often chose older women to be village heads, because the villagers felt that in virtue of being women they were likely to be treated less brutally, and by virtue of their age they were less likely to face rape or other sexual abuse.

293. The information before the Commission indicated that populations which had been forcibly relocated were liable to face demands to provide their labour. Forced relocation of populations was a common strategy by the military in areas with active insurgencies. Remote villages were commonly ordered to relocate to areas which were more firmly under government control, usually either to larger towns, or to rural areas near to military camps. Such relocations could affect hundreds of thousands of people. It appeared that given their close proximity to the military, these relocated populations were particularly vulnerable to demands for portering and other kinds of forced labour. In some cases it appeared that forced relocation had been used to provide a pool of readily accessible labourers close to a major infrastructure project, or at least that the presence of large relocated populations in the areas of some projects had been taken advantage of and used for forced labour on such projects. This was the case in Kayah State for the construction of the Aungban to Loikaw railway, for road construction in Tanintharyi Division, and for road and railway construction in Shan State.
294. In addition to providing labour for various purposes, people throughout Myanmar also had to pay various fees and taxes. It was indicated to the Commission that in some cases these were arbitrary and discriminatory. It appeared that the Rohingya population of Rakhine State was particularly discriminated against in this way. 295. Common fees and taxes which people in Myanmar were required to pay included porter fees, ostensibly for the payment of porters; monetary contributions to infrastructure projects (road tax, railway tax, etc.); miscellaneous fees to local army camps, in the form of cash or goods; and a variety of taxes on agricultural produce, including compulsory purchase of a proportion of the rice crop by the authorities, at a rate well below the market rate. In addition to this, people also had to pay regular sums of money if they wanted to be exempted from forced labour assignments which were given to them; because of the arbitrary nature of taxation, it was often difficult to distinguish these payments from fees and taxes. In cases where people were unable to pay these taxes and fees, they were often required to provide labour or services instead, increasing the burden of uncompensated labour demands they faced. 296. The information provided to the Commission indicated that the system for the forcible requisition of labour was largely similar across the country, and that the nature of this system was such that certain groups were particularly affected by these demands. In particular, since it appeared to be almost always possible to avoid forced labour if a sufficiently large sum of money was paid, the burden of forced labour fell disproportionately on the poorer sectors of society. The existence of a cash economy in urban areas also meant that urban residents were more likely to be able to pay to avoid forced labour. In addition, non-Burman populations appeared to be particularly targeted for forced labour, particularly in rural areas (see also paragraph 283 above). In particular, the Muslim population of Myanmar, including both the Rohingya population of Rakhine State and Muslim populations in other parts of the country, was particularly discriminated against in this way. Treatment of this population also appeared to be especially harsh. 297. The information before the Commission disclosed that there was a significant social and financial impact of forced labour on those who were subjected to it. Forced labour caused the poorer sections of society who carried out the majority of the labour to become increasingly impoverished. Day labourers needed paid work every day in order to obtain sufficient income and that became impossible when they were forced to provide uncompensated labour. Families who survived on subsistence farming also required every member of the family to contribute to this labour-intensive work, particularly at certain times of the year. Demands for forced labour seriously affected such families. Families who were no longer able to support themselves often moved to an area where they thought the demands for forced labour would be less; if this was not possible, they would often leave Myanmar as refugees. Information provided to

Human Rights Watch/Asia, 154-5406.
Karen Human Rights Group, 001-0027 to 0028.
See, for example, Karen Human Rights Group, 016-2148; Heppner, XII/17.
Karen Human Rights Group, 032-2427 to 2428; Liddell, V/10; Heppner, XII/49-51.
Guest II/6; Lin, VII/30-31; Heppner, XIII/20-21.
For example, Human Rights Watch/Asia noted a disproportionately large number of Muslims among escaped porters they had interviewed. See Human Rights Watch/Asia, 001-0054.
Karen Human Rights Group, 032-2430; Guest, II/7-9; Heppner, XII/63-64.
the Commission indicated that forced labour was a major reason behind people leaving Myanmar and becoming refugees. 347

298. Finally, there was information before the Commission regarding the relationship between Buddhist values and labour contribution. The information indicated that while various deeds, including contribution of labour for certain purposes, were considered noble and meritorious according to the values held by Buddhists in Myanmar, it was not the case that labour for roads or bridges, or forced labour of any kind, could be considered noble and meritorious in this way. According to the information received, Buddhism was clear as to which kinds of acts were meritorious, and such things as construction of roads and bridges could not be considered among them; Buddhism was also clear that merit came not from the act itself, but from the intentions of the person in carrying out the act, so that an act which was forced to be carried out could not be considered meritorious. Furthermore, since much of the forced labour in the country was exacted from non-Buddhist ethnic people, considerations of this kind were irrelevant in these cases. 348

C. Thematic analysis of the forms of labour and services requisitioned by certain authorities

299. This section of the report presents a thematic analysis of the forms of forced labour and services requisitioned by certain authorities in Myanmar. The first four sections deal with work directly related to the military or militia groups (portering, military camp work, other work in support of the military and forced recruitment). The latter four sections deal with work which, although it commonly involves these groups, is of a more general nature (work on agriculture, logging and other production projects, construction and maintenance of roads, railways and bridges, other infrastructure work and general urban work).

(1) Portering

(a) Documentary material

300. Nature and conditions of work. Because of the rugged terrain and lack of roads and other infrastructure in many parts of Myanmar, the army regularly moved troops and supplies on foot. 349 In general, civilian porters were used for this purpose, usually against their will. The regular major offensives which the Tatmadaw conducted against insurgent groups required large quantities of supplies and equipment, and could involve the use of thousands or even tens of thousands of civilian porters for periods of several months. 350 In addition to the use of porters for such major offensives, the Commission was informed that in both conflict and non-conflict areas troops demanded porters on a regular basis for a wide range of duties such as carrying

Karen Human Rights Group, 001-0028, 032-2430; Human Rights Watch/Asia, 001-0051 to 0052; Guest, 11/7-9, 14-16; Min Lwin III/21; Liddell, V/29-30; Lin, VII/27-28; Heppner, XII/10-11, 49-51.

Australian Council for Overseas Aid, 001-0266; Human Rights Watch/Asia, 001-0050 to 0051, H07-5805 to 5806; Liddell, V/20-22.


Human Rights Watch/Asia, 001-0057, 001-0059; Mon Information Service, M57-7432; Heppner, XII/14; Human Rights Watch/Asia, Abuses Linked to the Fall of Manerplaw, Mar. 1995, p. 7.
equipment and supplies for routine patrols, carrying provisions to the local military camp, carrying out various duties at military camps or staying at the camp on "stand-by" in case they were needed for some task. Porters were also often sent ahead of soldiers in potential danger situations, to draw enemy fire or in the hope that insurgents would not attack when there was a danger that the porters might be killed. They were also sent ahead of troops in suspected minefields, to detonate mines; many were reportedly killed or injured in this way.\footnote{351}

301. Soldiers appeared to generally prefer able-bodied males to work as porters, since they were able to move more quickly and carry heavier loads. In cases where women were taken as porters, they were generally released as soon as men were found to replace them, though this could in certain circumstances be after a considerable period of time.\footnote{352}

302. The methods used to procure porters varied. For major operations where large numbers of porters were required, various procurement methods were used. Orders to provide porters emanated from the highest levels of the military command structure.\footnote{353} Depending on the number of porters required, the quota might be spread over a number of districts, or even over a number of States and Divisions.\footnote{354} The order would be transmitted down the administrative command structure, so that a given township would be required to send a certain number of porters to a certain gathering point on a certain date. In order to fill this quota, orders were sent to each ward and village to provide a particular number of people. In cases where it was difficult to fill the quota in this way, the authorities resorted to rounding up civilians in urban areas, at such places as cinemas, video halls, tea-shops, stations, from buses or trains, or at any other place where there were large gatherings of people, such as at markets, religious festivals, weddings or funerals.\footnote{355} In rural areas, troops went into villages and rounded up everyone they could catch. In the absence of a sufficient number of able-bodied men, the authorities would take women, children, the elderly, and persons otherwise unfit for work.\footnote{356} The only way to avoid being taken was to pay a substantial sum of money (of the order of several thousand kyat\footnote{357}) to the authorities to be exempted from this work. Having released those people who paid such a sum, the authorities would have to round up more people to replace them. It appeared that often the authorities would round up many more people than required, knowing that some would pay money to be released; the amount of money to be paid would depend on the number of "spare" people they had rounded up.\footnote{358}

303. Prisoners were also regularly sent from prisons and labour camps across the country to be used by the army in major offensives. They continued to wear prison uniforms and were usually kept separate from the other porters. In certain cases, prisoners were forced to continue working in such conditions beyond their normal release date.\footnote{359}

\footnote{\textsuperscript{351} Karen Human Rights Group, 001-1462, 016-2149, 032-2422; Min Lwin, III/16; Liddell, V/35-36; Lin, VII/39; Heppner, XII/18-19.}
\footnote{\textsuperscript{352} Human Rights Watch/Asia, Abuse Linked to the Fall of Manerplaw, op. cit., note 350, p. 7.}
\footnote{\textsuperscript{353} Heppner, XII/27-28.}
\footnote{\textsuperscript{354} Mon Information Service, M57-7432; Heppner, XII/15.}
\footnote{\textsuperscript{355} Karen Human Rights Group, 016-2147; Human Rights Watch/Asia, 065-2572 to 2573; Lin, VII/54; Heppner, XII/25.}
\footnote{\textsuperscript{356} Lin, VII/26; Heppner, XII/28.}
\footnote{\textsuperscript{357} This is a substantial sum for most people in Myanmar. For an indication of purchasing power, see under "kyat" in Appendix X.}
\footnote{\textsuperscript{358} Mon Information Service, M57-7432; Karen Human Rights Group, 032-2422.}
\footnote{\textsuperscript{359} Karen Human Rights Group, 016-2148, 032-2429; Liddell, V/23.}
304. In rural areas, orders to provide porters usually gave some general indication of what task the porters were required for: general duties at the army camp, a particular task such as carrying supplies to the camp, or for a military operation. It was then up to the village head to arrange which villagers would go. In addition, villages had to provide a fixed number of porters to each of the army camps in their area on a permanent basis; this would normally be done by villagers in rotating shifts of a few days. The only way to avoid such duties was to hire a replacement or in some cases pay a sum of money to be exempted.

305. Urban populations were normally only required to provide porters at times of major operations, though troops might also round up people in the streets in urban areas for other, more minor tasks. Again, the only way to avoid such duties was to pay a sum of money to be exempted, or hire a replacement.

306. When people were ordered to work as porters either by the village head or local authorities, or directly by the military, no indication was normally given as to the length of the assignment. Even where such an indication was given, it was unlikely to be accurate and was not respected.

307. In addition to rounding people up in an organized way, or ordering local authorities to provide them, military units also captured people at random from villages and rural areas which they passed through. This might be in the context of a major operation, or on a routine patrol through a non-conflict area. Military units constantly needed to "top-up" their supply of porters, to replace those who had been killed, who had escaped, or who were sick or otherwise unable to continue. Taking porters might also be used as a means of extorting money from the community, or as a means of punishment or oppression. The only way to avoid being taken as a porter in such circumstances was to pay a sum of money to be exempted. In cases where people were taken directly by soldiers to work as porters, the family of the person was not notified.

308. When troops arrived in a village, the men would often have already fled, because they feared being arrested or killed by the army, particularly in conflict areas where they might be accused of being rebels. The women usually stayed behind, because they were likely to be treated less violently. In such cases, the women were liable to be taken as porters if the troops could find no men. There were cases where pregnant women and nursing mothers were taken by force to work as porters.

309. Given the wide variation in the amount of portering work required of different villages at different times, it would appear that little attempt was made to keep such requirements within any kind of limit. In some cases, a village household had to provide a porter as often as twice a month, for an indeterminate length of time, in addition to the other demands for labour.

310. The length of portering assignments varied considerably, and depended on a number of factors. Porters taken on routine patrols would usually be replaced at regular intervals of around two weeks by other people from the same village. It was up to the village head to find out where the troops were, and send the replacements. Porters were not normally released until their replacements arrived. Sometimes it was difficult for replacements to be sent, either because the troops were a long distance away from the village or because the village head was not notified.

---

Footnotes:

304 Karen Human Rights Group, 001-1474; Guest, II/24.
305 Amnesty International, 088-3588.
306 Heppner, XII/15-16.
307 Karen Human Rights Group, 001-0028; Guest, II/12; Ka Hsaw Wa, X/13.
308 Karen Human Rights Group, 001-1461 to 1462.
309 Guest, II/12-13.
from the village, or because their whereabouts was unknown. In such cases porters might have to work for considerably longer periods.

311. Porters taken for offensives usually had to work for much longer periods, since it was much more difficult for them to be replaced, and the demand for porters was very high at such times. Given the dangers of disease, injury or abuse at the hands of the soldiers, many porters chose to flee rather than waiting to be released. Escaping porters were routinely shot, and if recaptured were beaten or killed in front of other porters as a warning.\(^\text{366}\) Porters who attempted escape in conflict areas appeared to suffer the most severe retaliation.

312. Villagers and townspeople across Myanmar had to pay a variety of fees and taxes including the "porter fee".\(^\text{361}\) This was in addition to any money which might have to be paid to avoid doing actual work as a porter, since payment of porter fees did not appear to reduce the demand on a community to provide porters; if a community failed to pay porter fees, however, a likely punishment was an increase in the demand for porters, since people who failed to pay such fees were typically arrested and used as porters. While collection of these fees was ostensibly for the purpose of providing salaries to porters, it appeared that porters were in fact never paid, except when they were hired by another person to go in their place.\(^\text{368}\)

313. It could, however, be difficult or at least extremely expensive to hire a replacement for some kinds of portering work, particularly portering in military operations, which lasted for a long time and was particularly dangerous and demanding.\(^\text{369}\)

314. The Commission received a great deal of information detailing the situation of porters during their assignments. This information indicated that porters were generally given loads of 30 to 40 kg for men and 20 to 30 kg for women, though reports of porters having to carry up to 50 kg were not uncommon.\(^\text{370}\) This could consist of food, ammunition, soldiers' backpacks or other items, usually carried in woven cane or bamboo baskets, with straps across the shoulders and an additional strap across the forehead. When excessive loads were carried for prolonged periods, the straps of the basket and the basket itself dug into the flesh of the shoulders and back, causing serious injuries and sometimes exposing the bone.\(^\text{371}\) Injuries to the feet were also common.\(^\text{372}\) Women and children were generally given lighter loads, but otherwise the size of the load was generally irrespective of the age, physical fitness or strength of the person in question.\(^\text{373}\)

315. Porters were required to carry such loads for long distances, resting only as and when the troops themselves rested. Porters regularly had to carry such loads for a period in excess of 12 hours per day with little rest, over periods of days, weeks or months. It was not uncommon, particularly in offensives, for porters to have to carry

\(^{364}\) Guest, II/10-11; Ka Hsaw Wa, X/15.

\(^{365}\) See paras. 294-295 above.

\(^{366}\) Heppner, XII/64.

\(^{367}\) In one of the documents submitted to the Commission it was noted that hired porters perhaps face less abuse from soldiers, since they were accustomed to the work and, being paid, they were in a position to bribe soldiers to get better food or treatment. See Karen Human Rights Group, 016-2149.

\(^{368}\) Karen Human Rights Group, 016-2147; Min Lwin, III/16; Heppner, XII/16.

\(^{369}\) See photos at 155-5474, 156-5517; see also Karen Human Rights Group, 032-2422; Heppner, XIII/5.

\(^{370}\) Lin, VII/52-53.

\(^{371}\) In one case an epileptic woman was taken as a porter, even though her sister explained this to the soldiers, and she died after the first day (Liddell, VII/11); in another case, an elderly Mon man was taken as a porter and forced to carry heavy loads of ammunition, resulting in serious injuries (Lin, VII/26). See also Karen Human Rights Group, 001-1461 to 1462, 016-2149.

85
Forced labour in Myanmar

their loads continuously for 24 or 36 hours with no sleep. Porters, particularly those who had been rounded up without warning and forced to work, would have few belongings, usually only the clothes they were wearing at the time they were rounded up. They were not provided with any additional clothing, blankets or adequate footwear.

316. Porters were generally fed minimal rations amounting to between a half and one tin of rice per day, sometimes accompanied by a little salt, some chillies, or some watery yellow-pea curry. Many former porters said that this was considerably less than the amount given to the soldiers, and that if the soldiers had better quality food such as meat, the porters did not receive any. Unlike soldiers, porters did not have water-bottles and were usually prevented from drinking from streams as they walked, as the soldiers often claimed this would slow them down. Porters who had asked to drink from soldiers' water bottles had been beaten.

317. Female porters were sometimes raped or otherwise sexually abused by soldiers. Porters who walked too slowly were regularly beaten with sticks, punched, kicked, hit with rifle butts or prodded with bayonets. Porters who were persistently slow, or who were unable to carry their loads because of exhaustion, sickness or injury were often severely beaten and forced to continue, or if this was not possible they were abandoned or killed. The killing of porters who could not continue appeared to be more common in potential conflict areas. In such areas, porters were usually not shot, but were beaten to death, had their throats cut, were thrown from the sides of mountains, were thrown into rivers with their hands tied behind their backs, or were burned alive. Porters who were able to carry their loads at the required pace, who did not slip or fall and who were otherwise obedient were generally not beaten.

318. In addition to those who were executed, many porters died from disease, particularly malaria and gastrointestinal infections. Malaria was particularly endemic in the densely-forested mountainous regions away from Myanmar's central plains where most armed opposition to the government was located. In addition, porters were not provided with any form of prophylaxis and were rarely given medical treatment or medication of any kind.

319. Porters were also exposed to dangerous combat situations. This could include exposure to mines and other kinds of booby-traps, ambushes and major or minor battles. There appeared to be no attempt made by military units using porters

374 Human Rights Watch/Asia, Abuses Linked to the Fall of Manerplaw, op. cit., note 350, p. 9.

375 "Tin" refers to condensed milk tins of a standard size, which are the usual measure for small quantities of dry goods in Myanmar. One tin is equal to approximately 300 grams of uncooked rice. By contrast, the World Food Programme reportedly estimated that a family of six to eight persons required 6 kg of rice per day, or up to 1 kg per person (see Human Rights Watch/Asia, H07-5806).

376 Liddell, V/8.


378 Liddell, V/8.

379 Human Rights Watch/Asia, 001-0059; Liddell, V/6-7; Ka Hsaw Wa, X/11-12.

380 Human Rights Watch/Asia, 001-0057; Guest, II/11; Min Lwin, III/18-19; Liddell, V/8; Heppner, XII/16; Human Rights Watch/Asia, Abuses Linked to the Fall of Manerplaw, op. cit., note 350, pp. 9-10.

381 Human Rights Watch/Asia, 001-0060; Guest, II/10; Ka Hsaw Wa, X/14-15; Heppner, XII/16-18; Human Rights Watch/Asia, Abuses Linked to the Fall of Manerplaw, ibid., pp. 9-11.

382 This might be done to prevent them from providing intelligence to hostile forces. Karen Human Rights Group, 032-2422; Heppner, XII/16.

383 Karen Human Rights Group, 032-2422; Heppner, XII/16.

384 Guest, II/24; Liddell, V/8; Lin, VII/41-42.

385 Human Rights Watch/Asia, 001-0059, 065-2971; Karen Human Rights Group, 001-1462; Ka Hsaw Wa, X/17.
to minimize the exposure of porters to such situations. On the contrary, soldiers sometimes forced porters to walk ahead of them in areas where mines, other booby-traps, or ambushes were suspected in order to minimize the exposure of troops to such dangers; if they were carrying ammunition, porters also had to take this to soldiers requiring it during battles. There were also reportedly cases of soldiers forcing porters to exchange clothes with them, in order to draw enemy fire. Many porters were killed or injured in this way. Compensation for death or injury, or medical treatment in the event of injury, appeared to be minimal. In cases of death, the family of the porter was not normally notified.

320. To prevent their escape, porters were guarded at all times. During the day they were often tied together, or to their loads, and they were kept guarded in bunkers or tied together in groups at night. At night, they often had to sleep in the open, with no shelter or blankets provided, even in cold and wet situations. During actual fighting, where they might be able to take advantage of the confusion to escape, porters were often kept in the middle of the soldiers so as to make escape more difficult. Former porters mentioned that it was less feasible to try to escape when they had been sent by the village head in response to an order from the military, because their identities, or at least the identity of their village, was known to the troops, and so they, their families or village could face problems. Porters who had been arrested directly by passing troops could not be identified as easily in this way, and so they were less likely to face problems if they managed to escape.

321. In cases where large numbers of porters were needed and the quota was spread over a wide area, people might be taken considerable distances from their homes. Cases of people being taken from the capital Yangon or even Rakhine State to work as porters in offensives near the Thai border were not uncommon. It was suggested that this might be a deliberate strategy to reduce the chances of porters escaping, since they would be in territory which was unfamiliar to them.

322. If such people did manage to escape, or if they were released after some period, they would find themselves in an unfamiliar area, with no money or possessions. No provision was made for released porters to be transported back to their homes, though in some cases they might be given passes which should allow them to pass through military checkpoints in the area. Such escaped or released porters often became internally displaced, with no opportunity of returning to their homes. They were liable to be arrested as porters by some other military unit as they passed through checkpoints or if they ran into military patrols.

323. Specific examples. The Commission had information relating to the requisition and use of porters in most parts of Myanmar, covering Chin, Kachin, Kayah, Kayin, Mon, Rakhine and Shan States and Ayeyarwady, Bago, Sagaing, Tanintharyi and Yangon Divisions. Those required to work as porters included women, minors, persons over the age of 45, and persons otherwise unfit for work.

87
324. Use of porters in the eastern and central parts of Myanmar was very common, particularly in large-scale military operations against opposition groups in the region near the eastern border with Thailand. This region will be discussed in the paragraphs which follow.

325. In Shan State, civilians were requisitioned by military units in a number of areas, and used as porters. The information related to a period from 1992 to 1997. Civilians were also reportedly forced to act as sentries on the Namhsam to Mongnai railway in 1995.

326. There was a considerable amount of information relating to Kayah State. Porters were requisitioned by various military units from a number of townships, particularly at relocation sites such as Demawso, Shadaw and Ywathit. The information received covered a period from 1992 to 1997, and included copies of several orders from Demawso Township LORC in 1995 requiring villages to provide porters for a military operation.

327. A very large volume of information was received relating to the requisition and use of porters in every part of Kayin State, involving a large number of military units as well as the Democratic Kayin Buddhist Army (DKBA) militia. Porters in Kayin State were also regularly forced to carry out other tasks such as acting as sentries and guides for the troops, a practice discussed further in paragraphs 374-388 below. There was also information that civilians, including women, were forced to act as human minesweepers, often during portering assignments. Porters were also used by soldiers to transport back to their camps goods which had been looted from villages. The information covered a period from 1988 to 1997, and included copies of orders from the authorities requiring villages to provide porters, as well as information from army deserters.

328. In Bago Division, porters were mostly taken by the military in areas near to the border with Kayin State which have a majority Karen population, including Shwegyin and Kyaukkyi townships, various parts of Toungoo district including Toungoo town, and parts of Nyaunglebin district. A number of porters were also

---

Footnotes:

324 For the areas mentioned covered the following townships: Hsi Hseng (by LIB 424), Kengtung, Kunhing, Laikha (by LIB 513), Lungkho, Mongnai (by LIB 520), Mong Hsat, Mong Yai (by Light Infantry Regiment 31), Namhsam (by LIB 518), and Tachilek.

325 The following military units were mentioned specifically: IB 1, LIB 4, IB 5, LIB 8, 11 Division, LIB 12, LIB 13, IB 19, LIB 22, 22 Division, IB 23, Battalion 36, 44 Division, IB 51, IB 75, LIB 76, 77 Division, Battalion 77, IB 84, LIB 88, IB 97, 99 Division, Battalion 104, IB 106, LIB 113, LIB 116, LIB 119, LIB 207, Battalion 230, IB 231, Battalion 248, Battalion 249, IB 258, Battalion 301, IB 310, IB 317, LIB 339, LIB 340, LIB 355, Battalion 356, Battalion 357, LIB 420, LIB 434, Battalion 531, LIB 545, LIB 549, and the DKBA.

326 Human Rights Watch/Asia, 001-0059 to 60; Shan Human Rights Foundation, 001-0176, 001-0369, 001-0417, 144-4536 to 4537, 145-4581 to 4583; Amnesty International, 001-0505 to 0506, 091-3693, 099-3892, 168-8397 to 8398.

327 S.H.A.N/Shan Human Rights Foundation, 001-0384.

rounded up in other parts of the Division.\textsuperscript{404} The information related to a period from 1992 to 1997. Some porters, including women, were forced to walk in front of troops as human minesweepers; several were injured or killed by mines. Porters were also used by the military for sentry duty.\textsuperscript{405}

329. People were also rounded up in Yangon Division for use as porters in military operations in other parts of the country; Muslims appeared to be particularly targeted. In October 1988 a large number of people were rounded up by the military in the capital Yangon and forced to work as porters in Kayin State.\textsuperscript{406} The same thing happened in 1994 and 1995, for another offensive in the same area.\textsuperscript{407}

330. A large volume of information was also received relating to Mon State.\textsuperscript{408} Porters were rounded up or used by various military units in a number of different areas.\textsuperscript{409} As discussed further below,\textsuperscript{410} civilians were also forced to carry out a number of other tasks, usually in the context of portering, such as acting as guides for troops, acting as human minesweepers, or working as sentries; civilians were also used by troops as human shields.\textsuperscript{411} The information covered a period from 1990 to 1997, and included copies of orders from the authorities requiring that porters be provided.

331. A very large volume of information was provided to the Commission regarding portering in Tanintharyi Division. Forced portering appeared to be particularly prevalent in Yebby township,\textsuperscript{412} though there was information of people being requisitioned by various military units\textsuperscript{413} in most parts of the Division and forced to work as porters.\textsuperscript{414} The information covered a period from 1991 to 1997, and included information from army deserters and copies of orders from the authorities requiring provision of porters.

332. In the western part of the country, porters were more commonly used for routine patrols and other tasks of a shorter duration. This was the case in various parts
of Chin State, over at least the period 1994 to 1997. The information included interviews with Tatmadaw deserters, as well as a number of orders from the authorities requiring the provision of porters. Porters were also used for sentry duty and as human shields in Chin State. For example, 30 villagers were required to work as sentries guarding six sentry posts in Thantlang. Porters were similarly used for various portering tasks in Kachin State, Sagaing Division and Ayeyarwady Division. This practice is discussed further in paragraphs 374-388 below.

333. In Rakhine State, porters were rounded up and used by both the army and NaSaKa. Porters were rounded up from various areas, including Sittway (Akyab) town and Maungdaw and Buthidaung townships, from both the Rohingya and Rakhine populations. Civilians were also forced to act as sentries, for example at a NaSaKa camp in Maungdaw township in 1992.

(b) Oral testimony

334. Over 186 witnesses stated that they had had experience of portering, either because they themselves were forced to transport food, equipment and ammunitions for the military or because members of their family — wives, husbands or parents — had been forced to do so. Testimonies gathered by the Commission tell of events that occurred in Chin, Kayah, Kayin, Mon, Rakhine and Shan States and in Magway, Sagaing, Tanintharyi and Yangon Divisions. They provide ample coverage of the years from 1993 to the present, though a number of witnesses also referred to events which occurred prior to this period.

335. Portering is clearly a common form of forced labour, experienced by most of the witnesses who provided testimony to the Commission. It is also the most arduous and the most degrading. Several witnesses made the point that portering is a further task added to the other forms of labour or services already imposed by the military; consequently, very little time is left to the workers to provide for their own personal and economic needs.

336. In order to clarify the variations of the practice of portering in the different regions of Myanmar, the Commission has grouped together the relevant evidence according to the place where events took place. The Commission in setting out its findings has emphasized the similarities which exist in regions. The Commission will therefore present, in this section, the evidence concerning the practice of portering as carried out in the eastern and central regions of Myanmar, on the one hand, and the evidence concerning the western region, on the other. Because of the nature of the evidence, the Commission has grouped together evidence concerning the western region, which is presented below.

41 The information covered the townships of Thantlang, Tiddim, Falam, Matupi and Paletwa.
42 Karen Human Rights Group, 028-2341, 154-5134 to 5136, 154-5152 to 5156; Images Asia, 167-8308, Interview, M12-6812 to 6813.
43 Karen Human Rights Group, 154-5138. This work was done for LIB 266.
44 Amnesty International, 090-3653.
45 Karen Human Rights Group, 001-0563 to 0564.
46 Karen Human Rights Group, 001-0535, 001-0692; Amnesty International, 001-0770 to 0772.
47 Amnesty International, 089-3624a, 089-3624b, 089-3608 to 3616; Karen Human Rights Group, 001-0557 to 0558; Human Rights Watch/Asia, 001-0711, 001-0716, 107-3940 to 3941, 118-3995, 154-4923 to 4924, H07-5800; UNHCR, 033-2435 to 2436; Zunetta Liddell, 114-3986 to 3987.
48 Human Rights Watch/Asia, 001-0711; UNHCR, 033-2435. See also the discussion on this practice in paras. 374-388 below.
49 See statements of Witnesses 151, 168, 175 and 200. Witness 175 claimed that, during certain months of the year, neither she nor her husband had a single moment to attend to their own activities.
evidence gathered by the Commission, the section on the western region will focus principally on the Rohingya population located mainly in northern Rakhine State.

337. The evidence concerning portering in the eastern and central parts of Myanmar, covers Kayah, Kayin, Mon and Shan States, and the Bago, Tanintharyi and Yangon Divisions. More specifically, for Kayah State, the evidence refers primarily to events during the period between 1990 and 1993, which is directly prior to the mass relocation of a large number of villages to the Mawchi, Ywathit and Shadaw sites. In fact, for reasons of survival, the witnesses very soon left these relocation sites. However, two witnesses, including one deserter from the Tatmadaw who had been stationed in Demawso between 1990 and 1996, stated that the system of portering in that State had not been altered in any way in subsequent months or years.\(^424\)

338. Portering as carried out in the western part of Myanmar covers Chin and Rakhine States as well as Sagaing Division. In the specific instance of Rakhine State, most of the evidence before the Commission refers to the situation of the Rohingyas, although at least one witness of Rakhine origin claimed to have had to perform portering once or twice a year between 1992 and 1993. On these occasions, he was neither paid nor fed and had to carry his own food with him.\(^425\)

339. The portering required of the Rohingyas must be placed in the general context of their situation. The Rohingya witnesses claimed to have left Myanmar because of the burden of forced labour imposed upon them, which prevented them from providing for their own basic needs.\(^426\) Many Rohingya witnesses were requisitioned to do portering more than ten days per month or so many times that they could no longer estimate the exact number.\(^427\) Portering is just one other of the many exactions to which the Rohingyas are subjected, along with, among other things, arbitrary taxation, confiscation or seizure of their possessions and land, the result of which is to deprive them of all means of livelihood.

340. Witnesses gave evidence of two methods used by the military across Myanmar to recruit porters. They may either use the services of the local village head or act on their own. In the former case, the orders are transmitted to the village head with instructions to provide a given number of porters within an often very short time-limit.\(^428\) Village and section heads who were questioned said that they were absolutely obliged to comply with the orders of the military under pain of physical punishment; these threats are sometimes expressed by the attachment of a bullet, a piece of charcoal or a chilli\(^431\) to the order, meaning that violent reprisals may be taken against the village head or his village in the event of non-compliance. One person per family is generally requisitioned. It appears from the evidence that the pressure subsequently put on villagers to meet the requirements of successive requisitions is such that many of them prefer to run away, rather than have to accompany military units on their patrols or operations.\(^432\)

---

\(^424\) See statements of Witnesses 93 and 98.
\(^425\) See statement of Witness 8.
\(^426\) See statements of Witnesses 29, 31, 33, 39, 48, 59, 63 and 85.
\(^427\) See statements of Witnesses 18, 20, 48, 63, 66, 72, 121 and 171.
\(^429\) The time-limit may be very short; some witnesses stated that the village head had to find the necessary porters on that very day: see statements of Witnesses 155 and 180.
\(^430\) See statements of Witnesses 113, 173 and 175.
\(^431\) See statement of Witness 166. Some village or section heads are said to have been tortured for not having carried out the orders properly. In this regard, see statements of witnesses 220-228.
\(^432\) See statements of Witnesses 113, 120, 153, 164 and 220-228.
The second method for recruiting porters consists of the military forcibly apprehending or seizing the persons they need. They intervene thus as their needs arise, and especially when the order transmitted to the local authority has not been carried out properly, such as when the village head has not provided a sufficient number of porters within the imposed time-limits. The situation of the Rohingyas in the north of Rakhine State is exacerbated by the fact that their services may be required, in an uncoordinated manner, by different authorities, such as the Tatmadaw, the NaSaKa or the police.

Men, women and children, some of them only ten or so years old, stated that they have been forced to do portering for the military. Only Rohingya witnesses from the northern Rakhine State stated that portering was done exclusively by males.

While men are generally preferred for portering, they sometimes run away and thus avoid having to accompany the military, in which case the troops then take women and children. The evidence further shows that the women are even more vulnerable than the men in this context because, in addition to the portering work, they are subjected to sexual abuse by the military. A refusal to do the portering required is absolutely inconceivable as it is systematically met with physical punishment or fines.

The porters have to transport ammunition, equipment and food, making up, in the case of the men, a load weighing over 25 kilos. According to the evidence heard, portering may take various forms. The porters may have to accompany the military when they move from one camp to another, on regular patrols or during military operations. It appears that witnesses were forced to perform all of these forms of portering in eastern Myanmar, especially in Shan, Mon, Kayah and Kayin States. Witnesses heard from northern Rakhine State had mostly to transport ammunition, equipment and rations for the military from one village or camp to another or on patrols. The evidence suggests that in this part of Myanmar territory offensive military operations are significantly fewer in number than in the eastern region of the country, where confrontations were numerous in recent years against Karen, Karenni, Mon and Shan opposition groups. In addition to the portering required for specific troop movements, witnesses have stated that they had to remain on hand with other villagers during a given period to cater for the needs of the military units whose camps were located near their village.

---

* See statements of Witnesses 93, 94, 98, 112, 125, 132, 135, 155, 169, 178, 179, 188, 201, 210 and 216. Direct arrests have even been carried out in Yangon: see statement of Witness 170.
* See, in particular, statements of Witnesses 49 and 59.
* For the eastern part, see statements of Witnesses 5, 102, 106-108, 112, 113 and 166. Even pregnant or elderly women may be requisitioned. See statements of Witnesses 174 and 176. For Chin State, testimonies cover the regions near Thantlang and Paletwa as well as Arakan hills (Arakan Yoma).
* See statements of Witnesses 119, 125, 169, 176 and 200.
* On two occasions, Witness 119 saw individuals shot dead for having refused to do the required portering.
* Witness 109 stated that a refusal could result in a fine of 3,000 kyat.
* See statements of Witnesses 9, 10, 19, 44 and 52.
* There have been no major hostilities in Mon State since the New Mon State Party (NMSP) signed a cease-fire with the Government of Myanmar in June 1995.
* It is not unusual for porters to have to accompany the military on armed offensives; see statement of Witness 32 who accompanied soldiers on a military operation in 1991, and statement of Witness 43 who was a porter on the Thai border during an operation against the Karen National Union (KNU). Finally Witness 33 claimed to have accompanied the military in an operation against the Rohingya Solidarity Organization (RSO) in April 1997.
* See statement of Witness 6, and statement of Witness 208 about a village where, from March 1997, three porters had to be permanently available for the military.
345. In all portering, the porters are forced to march from morning to evening, often not being allowed a moment's rest. One deserter estimated that 20 to 30 porters were required for 30 soldiers on their frequent manoeuvres. However, the number of porters increases with the scale of the military operation in which the division, battalion or company is taking part.

346. While portering between camps or on military operations or patrols, the porters are often placed ahead of the column, since they act as guides; by putting them in front, the military also use them to detect mines which might explode as they pass. During armed conflict, the porters are used as human shields, many of them getting killed in the process. When caught up in such a confrontation, the porters have to stay with the soldiers to keep them supplied with ammunition, on pain of being shot if they try to escape.

347. The length of time of a portering journey in the eastern part of the country varies and can stretch over several months whereas portering assignments described by Rohingyas generally last less than a week but may be repeated several times a month. The time span indicated at the start is, in fact, of little importance, as the porters are never released until the operation for which they have been requisitioned or arrested is completed, or until replacements have been obtained or apprehended by the military. Moreover, it is common for a porter who has completed a portering assignment to be seized on his way home by another military unit to carry their equipment.

348. There is ample evidence before the Commission concerning the general conditions in which portering from one camp to another or during military operations or patrols is carried out and the ill-treatment to which the porters are systematically subjected. The persons requisitioned are not paid, and if they are fed, the food is insufficient and of poor quality. The witnesses often mentioned a portion of rotten rice so tiny that it could be held in the hollow of one hand. To prevent the porters from fleeing, they are sometimes chained up and closely guarded. When injured or ill, all the porters questioned claimed never to have been given the necessary medical attention, some of them having even been left behind alone in the jungle.

---

444 See statement of Witness 201.
445 See statement of Witness 93.
446 See statement of Witness 118.
447 See statements of Witnesses 5, 93, 116, 124 and 151. The villagers may also be called up to detect mines in the vicinity of the villages or military camps: see statement of Witness 183.
448 See statements of Witnesses 93, 105, 132, 204 and 210. Witness 155 has explained that the entire village, including the children, is sometimes used as a shield.
449 Notably in Chin and Karen States. See, in particular, the statement of Witness 125.
450 The testimonies concern armed conflicts with the Karen, Mon and Shan forces. See, in particular, statements of Witnesses 108, 112, 184 and 245.
451 See statements of Witnesses 98, 105, 106, 112, 114, 117, 119, 121, 131 and 135. Consult the statement of Witness 132, whose assignment lasted for 94 days and was immediately followed by another assignment of 2 months.
452 See statements of Witnesses 19, 20, 26, 31, 44 and 48.
453 See statements of Witnesses 93, 113 and 168.
454 See statement of Witness 168.
455 See statements of Witnesses 26, 44, 48, 63, 80, 98, 100, 102, 105, 107, 113, 117, 119, 121, 132, 160, 162, 168 and 184. Witness 31 claimed to have received 15 kyat per portering assignment.
457 See statement of Witness 193.
458 See statements of Witnesses 98, 117 and 168. Witness 241 claimed that his brother had died while portering as a result of complications caused by an infectious disease.
Forced labour in Myanmar

349. If the porters cannot keep up with the column, or if they show any sign of weakness, the military do not hesitate to beat or violently punch them, causing injuries which can have serious if not fatal consequences. On other occasions, the military did not hesitate to shoot porters because they were too weak, had tried to escape or simply with a view to inspiring fear and terror in the other porters.

350. Several witnesses stated that it was often possible to avoid portering in so far as a certain sum of money was paid to the military or to the authorities. The amounts indicated to the Commission in this respect varied considerably. For example, one witness paid 600 kyat monthly over a period of nearly 15 years so as to avoid having to do portering for the military. Others indicated that it was possible to send a substitute to do the portering in their place.

(2) Military camp work

(a) Documentary material

351. Nature and conditions of work. The Commission received detailed information on various aspects of forced labour related to military camps. The information indicated that when a new military camp was established, the land would often be confiscated from local villages. No compensation would be paid.

352. All the villages in the area would then be required to send at least one person per household to construct the camp. They would have to start by clearing and levelling the land, and would then have to construct camp buildings to the required specifications. They would also have to dig trenches and bunkers and build other fortifications such as fences and defensive bamboo spikes. They would normally have to continue working every day until the construction of the camp was complete. In addition, the villages would usually have to provide all the necessary building materials, including wood, bamboo and sheets of thatch. Following the construction of the camp, these villages would also have to complete repair work at regular intervals, at least once a year (usually after the rainy season when most of the damage occurred).

353. In addition to constructing and repairing the camps, the villages would also have to provide a number of workers on a permanent basis to carry out a number of services at the camps, such as cleaning and maintenance, cooking, collecting water or firewood, washing clothes and acting as messengers. It was these messengers who would normally deliver written orders or summonses from the camp to village heads.

---

*" When questioned on this subject, all the witnesses said that they had had direct experience of such acts, perpetrated by the military for no apparent reason: see statements of Witnesses 6, 7, 19, 21, 26, 48, 63, 66, 80, 93, 98, 100, 102, 105, 107, 112-114, 117, 118, 121, 124-126, 131, 135, 137, 138, 146, 151, 155, 160, 168, 171-173, 176, 181, 194, 200, 204-207, 210 and 245. One deserter claimed to have personally beaten porters on the orders of his superior. Witness 44 mentioned a practice involving use of a red-hot iron.

*" See statement of Witness 236, who claimed to have seen about sixty porters shot dead by the military because they were exhausted, to weak to continue, or simply wanted to rest for a moment. See also the statements of Witnesses 169, 200, 222 and 225. The situation of prisoners who have to do portering work is even more disgraceful in this respect: see statement of Witness 96.

*" See statements of Witnesses 108, 109, 118, 145, 168, 185 and 236.

*" The amounts mentioned vary from 300 to 10,000 kyat. See statements of Witnesses 96, 112 (3,000 kyat), 119 (5,000 kyat), 121 (400 to 500 kyat), 125 (5,000 kyat), 138 (3,000 kyat), 154 (2,000 kyat), 158 (450 kyat), 169 (200 kyat), 171 (500 kyat), 180 (1,300 kyat for one week), 184 (500 kyat), 187 (200 to 300 kyat), 209 (2,000 kyat for three days' portering), 229 (5,000 to 10,000 kyat) and 236.

*" Witness 236 had in fact been subjected to beatings during a portering assignment in 1985 at Three Pagodas Pass (Kayin State) and did not wish to repeat this traumatic experience.

*" See statements of Witnesses 100, 113, 159, 200 and 210.

*" Karen Human Rights Group, 032-2423; Lin, VII/42-43.
in addition to carrying out a variety of other tasks for the army camp or its officers. 467 These workers were often women, sometimes because the camp specifically demanded women, but often because this was generally a less arduous form of forced labour than others such as portering, for which men from the household tended to go. Army camp workers might be able to return home at night, but in certain circumstances this might not be possible, either because they were not permitted to do so, or because of the distance of the village from the army camp. In such cases these workers had to stay at the army camp for a number of days, until replacements arrived from their village, in accordance with the schedule arranged by the village head. In such circumstances, women were particularly at risk of abuse and rape. This did not appear to be uncommon. However, abuses other than sexual abuse of women appeared to be less common than with portering and some other forms of forced labour. 468

354. **Specific examples**. The information before the Commission contained details of forced labour being used for the construction, repair and servicing of military camps and other facilities in most parts of the country, particularly border areas and other places with active insurgencies. The Commission received specific information from Chin, Kachin, Kayah, Kayin, Mon, Rakhine and Shan States and Ayeyarwady, Bago, Sagaing and Tanintharyi Divisions.

355. The use of forced labour for the construction, repair and servicing of military installations in the eastern parts of Myanmar was very common, particularly in those areas near the eastern border with Thailand. This region, covering Shan, Kayah, Kayin and Mon States and Bago and Tanintharyi Divisions, will be discussed first in the paragraphs which follow.

356. In Shan State, forced labour was used for the construction, repair and servicing of a number of camps in several different townships, 469 including camps at relocation sites. 469 The information covered a period from 1992 to 1998. 470

357. A considerable amount of information was provided to the Commission relating to construction, repair and servicing of military camps in Kayah State. 472 Populations which had been forcibly relocated to sites under military control were often used for this work. The information covered the construction and renovation of a number of camps in 1996 and 1997. 473 Other villagers were forced to work at camps as messengers or for carrying out other servicing work. 474

358. A large volume of information was provided relating to Kayin State and neighbouring parts of Bago Division. 475 Civilians were forced to build, repair or service...
a large number of military installations over the period from 1992 to 1997. The information included copies of several orders from the authorities requiring villages to provide labour for this work.\textsuperscript{477} 

359. In Mon State, civilians were forced to carry out work on the construction, repair and servicing of several camps from 1994 to 1997.\textsuperscript{478} The information included copies of orders from the authorities requiring labour to be provided for this work.\textsuperscript{479} 

360. Considerable information was provided relating to military installations in Tanintharyi Division indicated that forced labour was used for the construction, repair and servicing of a large number of these installations\textsuperscript{480} in several townships\textsuperscript{481} covering a large part of the Division.\textsuperscript{482} There appeared to be a particularly large demand for forced labour for these purposes in Yebu township. The information included a number of copies of orders from the authorities requiring the provision of labour for this work.

361. The Commission received somewhat less information from the western part of Myanmar. It did, however, receive some relevant information, particularly from Rakhine State and Chin State.
362. In Rakhine State, forced labour was used for the construction, repair and servicing of barracks and camps for the NaSaKa in Maungdaw and Buthidaung townships, as well as camps for various battalions in Sittway (Akyab). In various areas including Maungdaw, Buthidaung and Mrauk-U townships the Muslim population was forced by the military to various work for Rakhine and Burmese villagers, including doing cultivation work and constructing houses (so-called “model villages”).

363. Forced labour was used on the construction of military camps and other installations in Chin State. These included a police station in April 1996 and sentry posts in June 1996, as well as an army camp in Thantlang. The information included copies of a number of orders from the authorities in 1996 which requested villages in Thantlang township to cut wood and bamboo, and make roofing thatch, for the construction of the army camp.

364. In addition, the Commission received relevant information from a number of other areas. Land was confiscated from villagers in Kachin State for the construction of a military installation. In Ayeyarwady Division, people were forced to construct military camps, including the building of barracks for troops supervising the construction of a road in 1995-96. Forced labour was also used for the construction and servicing of camps in Sagaing Division, including the construction of a camp for a battalion in Monywa township in 1995, as well as continued servicing of the camp until at least 1997, and construction and repair of camps for a number of battalions in Kalaymyo town and other parts of Kalaymyo township over the last few years.

(b) Oral testimony

365. The evidence obtained by the Commission concerning military camps refers to camps located in Chin, Kayah, Kayin, Mon, Rakhine and Shan Sates as well as in Tanintharyi Division. More than two-thirds of the witnesses met claimed to have been obliged to construct, renovate or provide services to military camps or to have seen others performing these tasks. The Commission questioned persons who had directly witnessed the performance of this work, workers who had been forced to take

---

361 IB 263 and IB 264 were specifically mentioned.
362 Karen Human Rights Group, 001-0445, 001-0557 to 0559, 001-0565 to 0566; Human Rights Watch/Asia, 001-0711, 118-3995; Amnesty International, 064-2962.
363 See para. 397 below.
365 Villagers from Matupi township were ordered to construct a police station in Lailenpi; villagers from Thantlang township were ordered to construct six sentry posts for LIB 266 in Thantlang.
366 Karen Human Rights Group, 028-2343, 154-5138 to 5140; Images Asia, 167-8308.
367 The land was confiscated by LIB 384 from villagers in Momauk township. See Minante, I/51.
368 The road was being constructed from Talakwa, near Pathein, to Nga Saw beach (30 km north of Chaungtha); there is information that forced labour was also used for the construction of this road (see para. 422 below). See Karen Human Rights Group, 001-0652, 001-0692.
369 Artillery Battalion 20.
370 Karen Human Rights Group, 001-0563, 154-5148; Images Asia, 167-8337.
371 The witnesses questioned by the Commission come from different ethnic groups: Burman (3); Chin (4); Karen (36), Karenni (17); Mon (8); Muslim other than Rohingya (6); Rakhine (8); Rohingya (44); Shan (17); and Tavoyan (1).
372 The testimonies cover, in particular, in Chin State, Thantlang and Patekwa townships; in Mon State, Biin and Thanyayycayat townships; in Kayah State, Demawso, Loikaw, Maweth, Shadoe and Ywaibat townships; in Kayin State, the following townships: Hlaingbwe (particularly in the Painkyone and Bee T'Ka areas), Kawkareik (particularly the area around Nabu village-tract), Kya In Seik Gyi, Hpa-an and Papan; in Shan State, the following townships: Laijuaw, Langkho (particularly the area around Wan Hat village tract), Lashio, Mongpan, Namhsam, Namtu, Taunggyi; and in Yebyu township in Tanintharyi Division.

---
part in these tasks, section or village heads and former soldiers of the Tatmadaw; all these testimonies corroborate each other and illustrate the characteristics and extent of the labour required by the authorities for this purpose. Moreover, most of the testimonies cover a recent period from 1993 to early 1998.

366. The evidence shows that civilians may be forced to work on the construction, renovation or servicing of camps for the various public authorities in Myanmar, for instance the Tatmadaw, the police, the customs authorities as well as the NaSaKa and the Democratic Kayin Buddhist Army (DKBA) in areas where these operate. Requisitions by these various groups are in no way coordinated and may thus overlap each other, which means that the burden of labour for camps is in direct proportion to the number of such camps in the vicinity of a given village. For example, several witnesses claimed to have been obliged to service at least three camps.

367. The military usually recruit labour by using the services of village heads to whom they pass on an order specifying the work to be carried out and the time allowed to find the required number of workers; the village heads have no choice but to comply with the prescribed conditions on pain of fines, if not of physical punishment. In the event that an order is not carried out to the satisfaction of the military, they may intervene directly and forcibly seize the workers that they need.

368. As a rule, one person per family is requisitioned to work on military camps. Men, women and children as young as seven claimed to have been obliged to go to a camp at one time or another to carry out the tasks imposed by the authorities. Children who would otherwise be at school were sometimes sent by their parents to do this work.

369. Villagers would be forced to take part in the construction, renovation and servicing of military camps. Camp construction very often involves confiscation of land by the military. The construction work proper consists of clearing and levelling the ground and in the erection of buildings; workers are also obliged to provide, without compensation, the necessary materials, such as wood, bamboo, plaster and cement. The workers must also attend to the fortification of the camps by digging trenches or installing bamboo spikes and other defensive traps.

370. There are also many types of renovation and servicing work. The workers may be told to renovate buildings and rebuild fences. They may also have to provide their own carts to transport equipment or rations, supply the camp with wood, and carry out other duties as required.

The reference to military camps is thus not limited to those of the Tatmadaw, but embraces all work carried out for the camps of these different public forces.

See statements of Witnesses 29, 30, 31, 38, 46-48, 58, 62, 71, 81, 89, 98, 113, 138, 139, 155, 166, 162, 163, 173, 175, 176, 181-186, 202, 208 and 220.

See statements of Witnesses 113 and 155.

See statements of Witnesses 89, 160, 175 and 185. Witness 32 stated, for his part, that the military always commandeered him directly because his home was near their camp.

See statements of Witnesses 29, 58, 61, 91, 89, 141, 157, 163, 168, 174, 175, 181 and 202. Witness 155 claimed that the military might require more than one person per family if the need arose.

See statements of Witnesses 13, 58, 90, 100, 113, 144, 155, 165, 181, 185, 196, 204, 220-225 and 227.

See statements of Witnesses 144, 182, 183 and 185.


See statements of Witnesses 142, 143 and 180.

See statements of Witnesses 138, 139, 171 and 181.

See statements of Witnesses 168, 175, 180 and 195.

Several witnesses provided details on this subject: see statements of Witnesses 7, 9, 50, 51, 61, 71, 76-78, 82, 91, 132, 151, 160, 168, 170, 171, 174, 185, 190-193, 196, 198-202 and 205.

See statements of Witnesses 7, 62, 98, 100, 113, 116, 141, 142, 144, 166, 168, 174-176, 180, 181, 190, 195 and 196.

See statements of Witnesses 137, 204 and 208.
bamboo\textsuperscript{509} and water\textsuperscript{509} or provide certain services such as cleaning,\textsuperscript{510} cooking,\textsuperscript{511} acting as messengers\textsuperscript{512} or weeding.\textsuperscript{513}

371. The length of time that has to be spent at the camps depends on the nature of the work. It would appear from the evidence that assignments concerning camp construction go on for a longer period, whereas those involving servicing are shorter but have to be carried out more frequently according to a rota established among the families of an assigned village or group.

372. As for the general conditions under which these tasks are performed, the workers are not fed,\textsuperscript{514} and sometimes even have to bring food to the military.\textsuperscript{515} The workers are neither paid\textsuperscript{516} nor compensated for the materials that they have had to provide.\textsuperscript{517} Some have been subjected to ill-treatment resulting in serious injuries\textsuperscript{518} and most are constantly exposed to insults and violence.\textsuperscript{519} Abuses of a sexual nature would also appear to have been perpetrated in some cases by the military.\textsuperscript{520}

373. The witnesses indicated that it was possible to be exempted from such work in as much as if a certain sum of money was paid to the authorities requiring such work,\textsuperscript{521} or a substitute provided.\textsuperscript{522} In one case the entire village preferred to pay 26,000 kyat to hire four replacements to carry out the servicing work required by the military in a nearby camp.\textsuperscript{523}

(3) Other work in support of the military

(a) Documentary material

374. Nature and conditions of work. In addition to portering and work on military camps, there are other tasks which are required to be performed for the benefit of the military or other authorities. For example, villagers were forced to act as guides for the military in areas which were unfamiliar to the soldiers. This was particularly the case in areas which the military had recently occupied. Since these areas were conflict areas, villagers taken to act as guides also had to serve as hostages for the military: if the column was attacked, the guide would be punished or killed for supposedly leading...
the column into an ambush. In some cases the whole village could face retaliation in the event of an attack on the column, supposedly for providing information to opposition groups about the movements of the column.

375. Civilians, including women and children, were also used as human shields and minesweepers. While this often occurred in the context of portering, as discussed in paragraphs 300 and 319 above, civilians were also used for this work in contexts other than portering. In potential conflict areas civilians, including women and children, were often forced to sweep roads with tree branches or brooms to detect or detonate mines. It was suggested by certain sources that this was because the military hoped that if insurgents knew this, they would be less likely to plant mines.\(^{524}\) If villagers did find mines, the village would often face retaliation.\(^{525}\)

376. Villagers were also forced to act as sentries, particularly at night and in conflict areas, guarding military camps, roads, railways and other important places. They were unarmed, and had to alert soldiers if they saw anyone. If so alerted, the soldiers would often beat the person for supposedly making a false alarm, or failing to detain the suspect; if the site they were guarding was attacked or if mines were laid, those people who were guarding it, or the entire village, could face retaliation. If sentries were caught sleeping during their duty, they were punished, usually by being beaten.\(^{526}\) Villagers would often also be required to build fences along the sides of certain roads to make it more difficult for opposition groups to lay mines or conduct ambushes.\(^{527}\)

377. Owners of bullock carts, boats, motor vehicles or other means of transport were also regularly required to place their services at the disposal of the military. They were used for transporting personnel, equipment and supplies for the camp, transporting forced labourers to work sites, and in relation to income-generation projects by the military.\(^{528}\)

378. **Specific examples.** Documentary material provided to the Commission gave information of other kinds of work for the military, particularly minesweeping and sentry duty. There is information in this regard from Chin, Kayah, Kayin, Mon and Shan States and Bago, Sagaing and Tanintharyi Divisions. Reference should also be made to the section on portering\(^{529}\) for more details of minesweeping and other work required in the context of portering.

379. The use of civilians as minesweepers, particularly to “sweep” roads for mines using some heavy object, appeared to be common in potential conflict areas, including Kayin State,\(^{530}\) those parts of Bago Division near to the border with Kayin State,\(^{531}\) and Mon State.\(^{532}\) The use of civilians as guides, human shields or hostages also occurred in these areas, particularly in parts recently occupied by the military from opposition groups.\(^{533}\) The information covered a period from 1992 to 1997.

\(^{524}\) Karen Human Rights Group, 001-1462.
\(^{525}\) Amnesty International, 088-3588; Karen Human Rights Group, 001-1462.
\(^{526}\) Karen Human Rights Group, 001-0027, 032-2423; Mon Information Service, M56-7419; Lin, VII/39.
\(^{530}\) Karen Human Rights Group, 001-0549 to 0550, 001-0618.
\(^{531}\) Karen Human Rights Group, 032-2423; Heppner, XII/58-59.
\(^{532}\) See paras. 230-333 above.
\(^{533}\) The areas mentioned were Papun district and Dooplaya district. See Karen Human Rights Group, 001-0189, 001-0319, 001-0449, 154-5196; Images Asia, 125-4038.
\(^{534}\) The areas mentioned were located in Toungoo district. See Images Asia, 001-0216; Karen Human Rights Group, 001-0399.
\(^{535}\) The incidents referred to occurred in Thaton district. Karen Human Rights Group, 001-0312.
\(^{536}\) Karen Human Rights Group, 001-0304, 001-0312, 001-0318, 001-0449, 031-2409; Amnesty International, 093-3751; Images Asia, 125-4038.
380. Sentry duty was also common in many parts of Myanmar, often along newly-constructed roads and railways. There was information in this regard from the eastern part of the country in Shan State,\textsuperscript{534} Kayah State,\textsuperscript{535} Kayin State,\textsuperscript{536} Mon State\textsuperscript{537} and Tanintharyi Division,\textsuperscript{538} and from the western part in Sagaing Division\textsuperscript{539} and Chin State.\textsuperscript{540} The information covered a period from 1994 to 1997.

381. The requisitioning of vehicles for military use was common in most of the country, and demands for vehicles often accompanied demands for porters or workers at army camps. The Commission received specific information in this regard from Kayin State,\textsuperscript{541} Bago Division,\textsuperscript{542} and Sagaing Division.\textsuperscript{543} The information covered a period from 1994 to 1996.

(b) Oral testimony

382. Twenty-two witnesses\textsuperscript{544} from Chin, Kayah, Kayin, Mon, Rakhine and Shan States as well as Bago and Tanintharyi Divisions provided information on the additional tasks which had to be carried out for the benefit of the military and other public forces. The relevant evidence covers the period from 1986 to early 1998, though most of it refers to events that occurred between 1996 and 1998.

383. Persons from all parts of the country have claimed that they or others had to stand guard along roads\textsuperscript{545} or railways,\textsuperscript{546} at the entrance to villages\textsuperscript{547} or in the vicinity of military camps, which they had often previously had to construct.\textsuperscript{548} Others had to stand watch at specific places so as to be able to inform the military of suspicious movements from the direction of the sea or the neighbouring border.\textsuperscript{549}

384. The military generally use the services of village heads to transmit the order specifying the nature of the sentry duty to be performed.\textsuperscript{550} As a rule, one person per family is sent,\textsuperscript{551} irrespective of whether they are men, women or children.\textsuperscript{552}

385. The persons on sentry duty work in groups\textsuperscript{553} during a period which may range from one to seven days.\textsuperscript{554} They must remain permanently at their look-out posts, spend the night there and divide up the guard so as to have a sentry on duty night and

\textsuperscript{534} S.H.A.N/Shan Human Rights Foundation, 001-0170.

\textsuperscript{535} Use of the population in Mawchi relocation camp was mentioned. See Karen Human Rights Group, 154-5095.

\textsuperscript{536} The areas mentioned were Papun and Dooplaya districts and Hpa-an, Kawkareik and Hlaingbwe townships. See Karen Human Rights Group, 001-0189, 001-0376, 001-0586, 001-0619, 031-2401, 031-2403; Images Asia, 125-4038.

\textsuperscript{537} Karen Human Rights Group, 031-2405, referring to events in Bilin township.

\textsuperscript{538} The specific area mentioned was Yebbu township. See Karen Human Rights Group, 018-2167.

\textsuperscript{539} Villagers in Kalaymyo township were forced to guard a newly-constructed section of the Gangaw to Kalaymyo railway, particularly during visits of important officials. See Karen Human Rights Group, 001-0563.

\textsuperscript{540} The area mentioned was Thanlant township. Karen Human Rights Group, 154-5138.

\textsuperscript{541} Hpa-an township. Karen Human Rights Group, 001-0376.

\textsuperscript{542} Toungoo district. Karen Human Rights Group, 001-0182, 001-0453, 073-3357.

\textsuperscript{543} Tamu township. Karen Human Rights Group, 001-0376.

\textsuperscript{544} The witnesses in question came from the following groups: Burman (3); Chin (1); Karenni (1); Karen (18); Mon (3); Muslim other than Rohingya (1); Rakhine (1); Rohingya (9); and Shan (2).

\textsuperscript{545} See statements of Witnesses 5, 19, 159, 161, 166, 169, 174, 177 and 236.

\textsuperscript{546} See statements of Witnesses 136, 220-225, 227 and 229.

\textsuperscript{547} See statements of Witnesses 182-185 and 198.

\textsuperscript{548} See statement of Witness 200.

\textsuperscript{549} See statements of Witnesses 19, 46 and 80.

\textsuperscript{550} See statements of Witnesses 163, 166, 169 and 173.

\textsuperscript{551} See statements of Witnesses 161, 163, 168 and 185.

\textsuperscript{552} See statements of Witnesses 160, 169 and 174.

\textsuperscript{553} Groups may vary from two to ten persons: see statements of Witnesses 159, 161, 172 and 177.

\textsuperscript{554} See statements of Witnesses 160, 161, 166, 169, 171 and 174-176.
day. Falling asleep may be punished by physical punishment, or even reprisals against the entire village.

386. Sentry duty sometimes involves building fences along the roadside or sweeping the roads, morning and evening, to check that no mines have been laid. This mine-detection is effected by using a stick or a log attached to a cart and may also be demanded in the vicinity of villages and military camps. This is dangerous work; witnesses claimed to have seen people injured or even killed by exploding mines.

387. Persons performing guard duty are neither paid nor fed and are regularly subjected to insults. It is, however, possible to avoid performing this work by paying the military who require it or by sending a substitute.

388. Finally, other witnesses claimed that they had to keep carts, tractors, rickshaws, canoes and boats on stand-by to meet the transport needs of the military.

(4) Forced recruitment

(a) Documentary material

389. Information provided to the Commission indicated that there was regular forced recruitment throughout Myanmar, including of minors, into the Tatmadaw and various militia groups. It appeared that this did not occur pursuant to any compulsory military service laws, but was essentially arbitrary.

390. In cases where a certain number of recruits was demanded, it was common for the village or ward authorities to hold a “lottery” to choose those who had to undertake military service. Those chosen were then forcibly conscripted and commonly included minors. Less direct methods of coercion were also used: in many areas, families of soldiers were exempt from forced labour, arbitrary taxation or forced relocation.

391. Information was received regarding forced conscription into the Tatmadaw in various parts of the country. In Tanintharyi Division the Coastal Area Command reportedly required each battalion to obtain 5 recruits per month in 1996 and 3 recruits

---

102
per month in 1997, with a fine of 25,000 kyat for each recruit less than the quota, and a reward of the same amount for each recruit in excess of the quota. Because of this, many men and teenage boys in the region were recruited against their will, and many others fled to avoid conscription.\footnote{In a document provided to the Commission, a 22-year-old Karen man from Ayeyarwady Division described how government soldiers came to his village at least once a year and demanded 10 recruits for the army. The only way for a household to ensure that it would not be forced to provide a recruit was to pay 200 kyat. There was similar information in regard to other parts of the country, including Bago Division, Kayah State, Kayin State, Rakhine State, Sagaing Division and Shan State.}{570}\footnote{In a document provided to the Commission, a 22-year-old Karen man from Ayeyarwady Division described how government soldiers came to his village at least once a year and demanded 10 recruits for the army. The only way for a household to ensure that it would not be forced to provide a recruit was to pay 200 kyat. There was similar information in regard to other parts of the country, including Bago Division, Kayah State, Kayin State, Rakhine State, Sagaing Division and Shan State.}{571}

370. The Commission also received information relating to forced conscription into various militia groups. A number of orders from the authorities requiring villages to provide recruits for both full-time and reserve service in the People’s Militia in Chin State were received by the Commission.\footnote{These orders were dated 1995 and 1996. One of the orders threatened that “decisive action” would be taken against villages failing to provide the required number of recruits. From the text of one of the orders it appeared that villages were also required to pay for the cost of food for the recruits during their military training.}{572}\footnote{These orders were dated 1995 and 1996. One of the orders threatened that “decisive action” would be taken against villages failing to provide the required number of recruits. From the text of one of the orders it appeared that villages were also required to pay for the cost of food for the recruits during their military training.}{573}

573. One of the orders threatened that “decisive action” would be taken against villages failing to provide the required number of recruits. From the text of one of the orders it appeared that villages were also required to pay for the cost of food for the recruits during their military training.\footnote{In 1996 and 1997, 30 villages in Dawei (Tavoy) and Thayetchaung townships were also required to provide recruits to the People’s Militia, and were threatened with relocation if they failed to do so.}{574}\footnote{In 1996 and 1997, 30 villages in Dawei (Tavoy) and Thayetchaung townships were also required to provide recruits to the People’s Militia, and were threatened with relocation if they failed to do so.}{575}

575. Villages in Hlaingbwe and Myawady townships in Kayin State were forced by the DKBA since at least 1995 to provide DKBA recruits, under threat of fines or death.\footnote{Work on agriculture, logging, and other production projects}{576}

\begin{enumerate}
\item[(b)] Oral testimony
\item[393.] Eight witnesses who deserted the Tatmadaw between the early 1980s and 1966 gave testimony before the Commission.\footnote{If found, deserters are usually put in jail or, if they deserted with arms, executed.}{577}\footnote{If found, deserters are usually put in jail or, if they deserted with arms, executed.}{578}

578. If found, deserters are usually put in jail or, if they deserted with arms, executed.\footnote{The Commission is not in possession of oral evidence which would confirm the documentary material submitted to it with regard to the conditions of recruitment into the Tatmadaw and various militia groups.}{579}\footnote{The Commission is not in possession of oral evidence which would confirm the documentary material submitted to it with regard to the conditions of recruitment into the Tatmadaw and various militia groups.}{580}

\end{enumerate}

\begin{enumerate}
\item[(5)] Work on agriculture, logging, and other production projects
\item[(a)] Information provided to the Commission
\item[394.] \textit{Nature and conditions of work.} Information provided to the Commission indicated that villagers, and to a lesser extent urban residents, were forced to work on a variety of projects undertaken by the authorities, in particular the military. These projects included cultivation of rice, other food crops, cash crops such as rubber, shrimp farms, kilns for producing bricks, and logging activities. The produce might

\begin{itemize}
\item[\footnote{See orders 9 and 10 in Appendix XI.}{572}] See orders 9 and 10 in Appendix XI.
\item[\footnote{See order 10 in Appendix XI.}{573}] See order 10 in Appendix XI.
\item[\footnote{Karen Human Rights Group, 001-0908; FTUB, 164-8080.}{574}] See orders 9 and 10 in Appendix XI.
\item[\footnote{Karen Human Rights Group, 001-0310; Images Asia, 127-4174 to 4176, M36-7019; Human Rights Watch/Asia, H07-5807; Liddell, V/15-16; Lin, VII/35.}{575}] See orders 9 and 10 in Appendix XI.
\item[\footnote{Karen Human Rights Group, 001-0908, 031-2416 to 2417.}{576}] See orders 9 and 10 in Appendix XI.
\item[\footnote{See statements of Witnesses 5, 75, 93-95, 170, 215 and 216.}{577}] See statements of Witnesses 5, 75, 93-95, 170, 215 and 216.
\item[\footnote{See statement of Witness 93.}{578}] See statement of Witness 93.
\item[\footnote{ibid.}{579}] ibid.
\end{itemize}
be used by the military, but in many cases it was simply sold. The income generated did not go to the villagers, but either went into the funds of the military unit exacting the labour, or individuals within that unit. Some money might be paid to commanders outside the unit itself. In most cases the military unit involved was the local army camp or battalion (including NaSaKa units in areas where these operate), but larger schemes might be implemented at the Light Infantry Division or Regional Command level.  

395. For cultivation, the forced labour of villagers was used for the entire process, from clearing the land to harvesting the crop. For logging, villagers had to fell the trees and saw them into timber. For brick-making, they had to provide the raw materials and fuel in addition to labour for the process. The villagers were not paid and had to provide their own tools and equipment. Often, the land on which cultivation projects were implemented was confiscated from villagers without compensation. In certain cases, land with an existing crop was confiscated without compensation, the owners of the land were forced to continue tending that crop, and when ready the crop had to be given to the military. In other cases, the process appeared to be one of direct extortion: a village was simply ordered to deliver a certain quantity of crop to the military at the end of the season, and it was up to that village to arrange land, obtain seed or seedlings, and tend and harvest the crop. The villagers were not remunerated in any way. In the extreme case, harvested crops were simply seized by the military; poultry, livestock and other items were similarly seized. Theft of such property was most common in areas recently occupied by the military, or areas with insurgent activity.  

396. Specific examples. Information received by the Commission in this regard covered most areas of Myanmar, including Kachin, Kayah, Kayin, Mon, Shan and Rakhine States and Bago, Sagaing and Tanintharyi Divisions. This kind of work was more common in areas where the military had a more well-established presence. Information was received that several battalions in Tanintharyi Division had used forced labour on projects they controlled for their own benefit or that of their officers.  

397. The largest volume of information received related to the cultivation of food and cash crops for the military. These crops included rice, vegetables such as beans and corn, sugar cane and rubber for a number of battalions in Kachin, Kayah, Kayin, Mon, Rakhine and Shan States and Bago, Sagaing and Tanintharyi.  

LIBs 401 through 410 and battalions 25, 265, 280.  
The information mentioned the confiscation of land in Wainaw township in 1994 by IB 29, who then forced villagers to cultivate sugar cane and rice for the battalion on this land. More recent information indicates that LIB 321 forced villagers from a number of villages near Myitkyina to work for the whole season on their paddy fields, that villagers were also forced to work for LIB 384 on paddy fields which had been confiscated from them in Monka township, and do similar work for LIBs 385 and 386 in Mohin township. See HRDU, 001-0167; Mirante, 1/51-52.  
In 1994, Battalions 336,421 and 422 each reportedly confiscated 1.000 acres of land from villages in the northern part of the State and then forced villagers to carry out cultivation work on this land. In 1996, villagers who had been relocated to Shadaw were reportedly forced to clear land for the army to grow beans. See Karen Human Rights Group, 001-0436, 154-5083.  
In 1994, Battalions 336,421 and 422 each reportedly confiscated 1,000 acres of land from villages in the northern part of the State and then forced villagers to carry out cultivation work on this land. In 1996, villagers who had been relocated to Shadaw were reportedly forced to clear land for the army to grow beans. See Karen Human Rights Group, 001-0436, 154-5083.  
Forced labour was reportedly used on the following projects: cultivation of land in Kawkareik township, which had been confiscated from villagers, for battalions 330, 355 and 356; carrying out rice cultivation for the army and DKBA on land confiscated from villagers in Nabu in Kawkareik township; cultivation of rubber plantations for LIBs 547 and 549 in Kawkareik township in 1997. Karen Human Rights Group. 001-0444, 001-0586, 001-0592 to 0593; Amnesty International, 099-3896; Min Lwin, H06-5767 to 5776, H06-5783 to 5784, H06-5791 to 5794.  
It appears that in 1995 villagers from Ye North township were forced to cultivate vegetables for LIB 106 on land which had been confiscated by the Battalion. See Karen Human Rights Group. 001-0175.  
Divisions. In Rakhine State, Muslims were also forced by the military to do cultivation work for Burmese and Rakhine villagers. The information covered a period from before 1994 to at least 1997.

398. Information was received regarding the use of forced labour for logging and bamboo cutting that appeared to be for commercial purposes. The information covered Kayin, Mon, and Shan States and Sagaing and Tanintharyi Divisions over the period from 1992 to the present.

399. Information was received regarding the use of forced labour for animal husbandry, most commonly at shrimp farms. The information was from Rakhine State and Sagaing Division. The information covers a period from 1989 to at least 1995.

400. Information was received regarding the operation by military units of kilns for the production of bricks. There was information of forced labour for the collection of fuel for the kilns and work on the kilns themselves, in Kayin State and Rakhine State and Tanintharyi Division. The information covers a period from at least 1994 to 1996.
(b) Oral testimony

401. Evidence from witnesses revealed that throughout the country the military conduct activities such as cultivation, fish and shrimp farming, forestry and manufacturing which are likely to enable them either to meet their material needs or produce profit. The evidence also shows that they mobilize the population, forcing the people to carry out these activities in difficult conditions.

402. Fifty-eight witnesses gave evidence to this effect, thus enabling the Commission to identify some of the common practices of the military.

403. Some witnesses were forced to cut wood and bamboo, which the military subsequently sold. Other witnesses were obliged to farm fish or prawns for the military, including all associated work, from the setting-up of the project to its continued maintenance.

404. Several witnesses were coerced into agricultural activities which are organized in various ways. In some cases the military seize the land from villagers, without compensation, and forces them to cultivate it for their benefit. Witnesses claimed to have had to leave Myanmar because they no longer had enough land to make a living. In other cases, the military oblige the workers to cultivate land located within the military camp, or to clear the forest or jungle near the camp so as to make this land suitable for cultivation. The military often specify the quantity of the crop to be produced. If this quantity is not produced, the villagers have to make up the difference under pain of sanction.

405. Witnesses who supplied relevant evidence referred to crops of chillies, corn, rice, rubber, walnuts, sugar cane and pineapple.

406. One person per family is usually requisitioned to perform the agricultural work, the order specifying the tasks to be done being transmitted through the intermediary of the village head. The witnesses stated that they had received no pay for the work performed and had to supply their own food, tools or oxen for ploughing.

407. Finally, the evidence reveals that the military occasionally enter villages and seized, without any compensation, whatever animals or crops they find.
(6) Construction and maintenance of roads, railways and bridges

(a) Documentary material

408. Nature and conditions of work. The Commission received considerable detailed information concerning the use of forced labour on the construction of roads and railways. These ranged in size from small projects using the labour of a few local villages such as the clearing of a dirt road to a newly-established military camp to those using tens or hundreds of thousands of labourers. For example, the government stated in comments to the ILO that "799,447 working people ... contributed voluntary labour" for the construction of the Aungban to Loikaw railway connecting Shan and Kayah States; elsewhere it has stated that 921,753 people contributed to the building of the Pakokku to Monywa section of a railway in Magway and Sagaing Divisions connecting Chaung-U to Kalaymyo via Pakokku, and that over 44,000 people were "contributing voluntary labour" on a single day on three sections of the Ye to Dawei (Tavoy) railway between Mon State and Tanintharyi Division in January 1994.

409. Witnesses informed the Commission that those persons from whom they had obtained secondary statements consistently told them that the projects which they had been forced to work on did benefit them. This was in part because local forms of transport (of which the most common was the bullock cart) were not permitted to use these roads; in general only motor vehicles could use them, and the vast majority of villagers did not own such vehicles.

410. Once a project was completed, this did not necessarily mean an end to forced labour connected with it. Often on completion of a road or railway, particularly in conflict areas, people were forced to work as unarmed sentries guarding it at night, and to sweep roads for mines before troops pass, as discussed in paragraphs 374-388 above. People also had to provide labour for the maintenance of the project, and repair it in the event of damage. In the rainy season, roads and other infrastructure often washed out, and so more forced labour was required to repair them in the following months (around November to January). In particular, because roads were usually not sealed, were in any case poorly constructed and sometimes traversed paddy fields, they were damaged easily and most had to be rebuilt every year.

411. In rural areas a given household might have to provide a worker for as much as two weeks in a month, and sometimes even more, especially if there was more than one project being carried out simultaneously. This was in addition to any other forced labour demands, such as portering or work at military camps. In some cases when a project was particularly urgent or important, all the able-bodied persons from a village were required to participate in the work. It should be noted that the forced labour requirement for these projects appeared to be significantly less in urban areas than in rural villages.

---

624 For example, Karen Human Rights Group, 001-0189.
625 See para. 156 above; the project is also described in Myanmar's state press, see Working People's Daily, H14-6099.
626 Human Rights Watch/Asia, 001-0051.
627 New Light of Myanmar, H14-6112.
628 See Heppner, XII/55-56; Liddell, V/18; Min Lwin, VI/1; Wa Wa, 11/52-53. For a text of an order prohibiting the use of bullock carts on motor roads, see order 11 in Appendix XI.
629 Karen Human Rights Group, 001-0027, 001-0030, 032-2425; Liddell, V/18; Heppner, XII/13, 54. Forced labourers often produced poor-quality work, putting down branches covered with a thin layer of mud to level ground and build up embankments. One reason mentioned for this was that those forced to do the work would try to finish their assignments as quickly as possible, taking shortcuts at times when this would not be noticed.
412. In addition to the forced labour of civilians, there were also a number of labour camps across the country where prisoners were used for the purpose of constructing roads, railways, and other infrastructure, or working in quarries to provide materials for such construction. These prisoners frequently worked in heavy shackles. Members of the Tatmadaw were also required to work on such projects.

413. The Commission was provided with detailed information on the working conditions of forced labourers. People might have to travel considerable distances to work sites, particularly for more extensive projects requiring large numbers of labourers. There was information that people from as far 100 km away were forced to work on the construction of the railway from Ye to Dawei (Tavoy). In general it appeared to be common for workers to have to walk for several hours to reach a work site. When a village, household or worker was required to complete a given amount of work (a given length of embankment, a given number of kyin of excavation or crushed stones), they were not able to leave until that work was completed. Often, a time period was specified within which the work had to be completed. If the work was not completed to the satisfaction of the soldiers supervising the work (if the work was done slowly, or was of bad quality, for example), that village, household or worker would not be allowed to return home, and those involved might be beaten or otherwise punished.

414. Workers usually had to arrange their own transport to the work site, though in some cases owners of suitable transport would be ordered to provide free transport for workers at their own cost. Workers usually had to bring their own food and necessary tools, though in certain circumstances tools were provided (when the population would not normally own the necessary tools, either because it was an urban population, or because the work required special tools). If they became sick, they were not treated, and usually had to pay a fine or arrange a replacement to enable them to return to their village to seek medical attention. If they were injured they were in most cases neither treated nor given any compensation. Deaths from sickness and work accidents appeared to be frequent on some projects.

415. People forced to work on these projects were not paid, other than in exceptional circumstances. The Commission received information that forced labourers were paid in some circumstances for work on the railway from Ye to Dawei (Tavoy), but this was the only project for which the Commission received such information, and even on this project payment was rare and often at rates far below

---

630 Some of these prisoners were reported to be political prisoners. See Amnesty International, 064-2961, 085-3491, 098-3874; Karen Human Rights Group, 032-2429; Liddell, V/22-27; Lin, VII/10-11.
631 While soldiers had been more prominently used recently for tasks which were previously carried out with civilian forced labour, this was in the most part restricted to areas visible to foreigners; there was also information that in certain other cases where soldiers were seen working, the majority of the work was nevertheless carried out using civilian forced labour. See Karen Human Rights Group, 001-0632; Liddell, V/32-34; Lin, VII/49-50, 64; and para. 438 below. See also doc. 176.
632 kyin is a measure of volume equal to 100 cubic feet.
633 Heppner, XII/58.
634 Heppner, XII/18; Heppner, XIII/10.
635 Heppner, XII/58.
636 Liddell, V/18; Heppner, XIII/10.
637 Wa Wa, II/49; Lin, VII/42; Heppner, XII/64.
638 Liddell, V/32-34; Lin, VII/49-50, 64; and para. 438 below. See also doc. 176.
639 Heppner, XII/58.
640 Wa Wa, II/45; Heppner, XII/44-45. See also UNHCR, 033-2435.
prevailing market rates; payment did not appear to have continued, as there were several reports of unpaid forced labour on the project in 1997.

416. If a worker was required from each household, this was usually irrespective of the number of able-bodied persons in the household, so that if a household consisted of a widow and her child, she would have to go and either take her child with her or arrange for someone else to look after it. If there was only one adult male in a household and he had to work for the family’s income, another member of the household would have to go or the family would starve. This was especially true in the rainy season, which was the busiest period for farmers, but also the most dangerous at work sites because of the increased prevalence of disease and increased risk of injury or death from landslides and collapsing embankments. Thus, not only was there a large proportion of women, children and older workers at work sites, but they were more likely to be at risk from disease and accidents. Such people were also particularly vulnerable to abuse at the hands of the soldiers.

417. Once they arrived at the work site, workers would usually have to make their own arrangements for accommodation. This meant arranging to stay at a nearby village, or building some kind of shelter at the work site. Often, workers simply had to sleep at the work site with no shelter. There was usually no sanitation or other facilities of any kind provided at work sites. For some larger projects, however, which had work sites established for longer periods of time, some facilities such as sanitation and shelter might be present, though these had been constructed using the forced labour of other villagers.

418. The workers were usually supervised by the military, though on certain projects soldiers might not be actually present all the time. Since the military knew who had been assigned to which section, they were able to take action if a certain piece of work was not completed, and thus did not necessarily need to be present while the work was being carried out (though they often were). Workers were usually forced to work for long hours, typically between eight and 12 hours per day, with only a one-hour break for lunch in the middle of the day. Workers were usually not permitted to take rest breaks at other times. Workers were subject to verbal and physical abuse by the soldiers overseeing the project, particularly if they were not working to the satisfaction of the soldiers; some workers had died as a result of physical abuse. Cases of soldiers raping female workers were not uncommon. Punishments given

---

460 The official Government contract day labour wage was 10 kyat per day until 1988, 15 kyat per day from 1988 to 1993, and 20 kyat per day since 1993. In contrast, the market wage for dry-season day labour in rural areas appears to have been 60-80 kyat per day since the 94/95 fiscal year. See American Embassy in Rangoon, H13-6009, H13-6082. For a short period in 1996, villagers from Yebyu township were paid local market rates for labour on the project, and as a result some villagers reportedly went voluntarily.

461 Mon Information Service, 001-1229, 042-2620, 139-4435, 139-4439 to 4440; Human Rights Documentation Unit, M34-6965.

462 Heppner, XII/12.

463 Heppner, XII/54-55.

464 The only exception appeared to be among the Muslim population of Rakhine State, where because of cultural mores women rarely did forced labour; in this population the burden of forced labour thus fell entirely on the male members of the household.

465 Human Rights Watch/Asia, 001-0051.

466 Min Lwin, III/32-33.

467 Human Rights Watch Asia, 065-2968, gives the normal working day for labourers on a section of the Ye to Dawei (Tavoy) railway as 8 a.m. to 6 p.m.

468 Heppner, XII/64.

469 Human Rights Watch/Asia, 001-0051.

470 Lin, VII/38.
to workers in cases where they were perceived to be working badly or refused to carry out forced labour included kickings, punchings, beatings with canes, sticks or pieces of bamboo, arrest and detention at a military camps, confinement in stocks, or in some cases severe torture or execution.\(^{651}\)

419. **Specific examples.** The Commission received extensive and detailed information regarding the use of forced labour in connection with road construction, repair and improvement projects. The information covered all fourteen States and Divisions in Myanmar.

420. There was information regarding the use of forced labour on the construction or improvement of major road projects in many parts of the country. These included a road from Myitkyina to Putao (through Sumprabum) in Kachin State, in 1994 and 1995;\(^{652}\) the Mandalay ring road in 1994 and 1995;\(^{653}\) parts of the Yangon to Mandalay highway (through Toungoo) from 1994 to at least 1996;\(^{654}\) a road from Haka in Chin State to Gangaw in Magway Division in 1996 and 1997\(^{655}\) and from Gangaw to Kalaymyo in Sagaing Division in 1995;\(^{656}\) the highway from Yangon to Sittway (Rakhine State) since 1988 and a four-lane road continuing from Sittway on to Taungpyo on the Bangladesh border in 1991 and 1992;\(^{657}\) the Labutta to Yangon road (through Myaungmya, Pantanaw and Nyaungdone) linking Yangon and Ayeyarwady Divisions, over the past few years;\(^{658}\) and on a road linking Ye in Mon State with Kawthaung in the far south of Tanintharyi Division, through Dawei (Tavoy) and Myeik (Mergui), since 1994.\(^{659}\)

421. In addition to these major road projects, the information provided to the Commission indicated that in various parts of the country extensive networks of roads were constructed with forced labour, particularly in areas recently-occupied by the military after offensives against opposition groups. A considerable volume of information was provided regarding the construction of a major road network throughout Kayin State and bordering areas of Bago Division,\(^{660}\) between 1993 and 1998, as well as on the upgrading of some existing roads in the area.\(^{661}\)

\(^{651}\) Hepner, XII/31-35, 40-41.

\(^{652}\) See Amnesty International, 090-3655. In 1994 and 1995 forced labour was used on construction of the section from Sumprabum to Putao, with 3,000 people reportedly taken from Putao to work on a remote area of the road construction in late 1994, scores of whom apparently died because of a lack of food at the work site. See Human Rights Watch/Asia, 001-0051.

\(^{653}\) Karen Human Rights Group, 001-0574 to 0575, 032-2424, 032-2426.

\(^{654}\) Images Asia, 001-0208 to 0209; Karen Human Rights Group, 001-0528 to 0529, 032-2424.

\(^{655}\) Images Asia, 167-8301, 167-8306; Karen Human Rights Group, 028-2338, 154-5136 to 5138.

\(^{656}\) Karen Human Rights Group, 001-0577.

\(^{657}\) Karen Human Rights Group, 001-0557, 001-0566; Asia Watch, 107-3942.

\(^{658}\) Karen Human Rights Group, 001-0534, 001-0652, 001-0693, 001-0695.

\(^{659}\) Amnesty International, 001-0500; Mon Information Service, 008-2053 to 2058, 008-2062, 139-4436, 139-4440 to 4444; Karen Human Rights Group, 001-1367, 001-1371, 154-5040 to 5044, 154-5106, 154-5112 to 5114, H24-6424, H24-6469 to 6472.

\(^{660}\) Karen Human Rights Group, 001-0348, 001-0652, 001-0693, 001-0695.

\(^{661}\) Karen Human Rights Group, 001-0574, 001-0652, 001-0693, 001-0695.

\(^{662}\) Karen Human Rights Group, 001-0574, 001-0652, 001-0693, 001-0695.

\(^{663}\) Karen Human Rights Group, 001-0185 to 0189, 001-0192 to 0197, 001-0276, 001-0451, 001-0480, 001-0488, 001-0551, 001-0607 to 0609, 001-0619 to 0620, 001-0629, 001-0632 to 0637, 001-0904, 001-1342 to 1343, 001-1853 to 1854, 001-1988, 001-1994, 027-2286 to 2288, 027-2292 to 2293, 031-2393 to 2396, 031-2399, 031-2401, 154-4938, 154-4941, 154-5106, 154-5124, 154-5134, 154-5135, H24-6499, M49-7315 to 7316, M49-7350 to 7351, M50-7361, M49-7310, M49-7315 to 7316, Images Asia, 001-0208 to 0209, 001-0216; Human Rights Watch/Asia, 065-2965; Amnesty International, 091-3694, 093-3748, 099-3896.
was also used on a regular basis for crushing stone in Kyaukkyi township for road construction. The road network in Chin State was also improved and extended over the last few years using forced labour, and in Shan State the network of roads in certain areas in the south of the State has been improved with forced labour since at least 1992, but particularly since 1996. In Tanintharyi Division, in addition to the road from Ye to Kawthaung mentioned in paragraph 420 above, there appeared to be two particular areas where road networks were being developed with forced labour: in the area of Tanintharyi township since 1994, and particularly since 1996, and in the area around Kanbauk in Yebyu township in 1995.

422. There was also information regarding road construction and improvement in Kayah State, particularly roads to relocation sites; Mon State; Sagaing Division; Rakhine State; and Ayeyarwady Division.

662 Amnesty International, 099-3896.
663 Construction and improvement of the following roads was specifically mentioned: Haka to Thantlang, Haka to Falam, Haka to Gangaw, Haka to Manupi, Matupi to Mindat and Paletwa to Kaush Daw. It appeared that forced labourers on the Haka to Manupi and Matupi to Mindat roads were paid 25 kyat of a promised 100 kyat per kyin of rock crushed for the road (see Karen Human Rights Group, 154-5140 to 5142).
664 028-2338 to 2340, 064-2962, 154-5136 to 5144, 167-8301, 167-8306 to 8307, M12-6812. The information included a number of orders from 1996 requiring civilians to provide labour for two of these road projects, the widening of the Haka to Thantlang road and work on the Haka to Gangaw road.

665 In particular, the following roads were mentioned: from Salang (in Langkho township) to Mawkmai since 1992; breaking rocks for the construction of several roads in Langkho and Mawkmai townships in 1996 and 1997, including Langkho to Wan Hat and Wan Hat to Mawkmai; breaking rocks for a road from Mongping to Mong Hsat in 1996 and 1997; repairing the road from Mongkai to Hsipaw, as well as other roads around Hsipaw, in 1996; a road from Laikha town to Panglong (in Loitern township) in 1996 and 1997; and a road from Laikha to Mongkai in 1997. Villagers who had been relocated along the Laikha to Mong Nawng road were also forced to work on the construction of that road.
666 Karen Human Rights Group, 001-0672, 001-0698; Amnesty International, 099-3895; Shan Human Rights Foundation, 144-4536 to 4537, 145-4553 to 4554, 145-4585, 147-4632, M34-6964; HRDU, M34-6961.
667 These roads included Tanintharyi town to the Thai border at Mawtaung; Boke to Kyay Nan Daing (north of Myeik (Mergui)); from Tanintharyi town north to Ta Po Hta, as well as other roads in Tanintharyi and Thayetchaung townships. See Karen Human Rights Group, 001-1242, 154-5040 to 5044, 154-5106, 154-5112 to 5114, H24-6424, H24-6424, H24-6445, H24-6447, H24-6450 to 6455, H24-6469 to 6472, H24-6475 to 6483, H24-6485, H24-6487 to 6489; Mon Information Service, 139-4437 to 4439.
668 The roads identified included Kaleinaung to Kanbauk and Ohnbinkwin, Pyinngyi to Miyaungtaung and Miyaungtaung to Eindayaza. Forced labour was also reportedly used for the construction of a bridge between Kadaik and Ohnbinkwin. See Karen Human Rights Group, 139-1120, 001-1242, 064-2962, 154-5136 to 5137. In relation to these roads, TOTAL informed the Commission that there was no specific pipeline road network in the area, but that in 1995-96, for the needs of the project, improvements had been made to the existing road network in this coastal area and had been carried out by a French company working under the supervision of TOTAL and respecting its code of conduct. This work had involved the use of modern civil works machinery and not in any event to recourse to forced labourers. See TOTAL, 165-8278 (summarized in para. 75 above).
669 There was information that forced labour was used in 1996 on roads near the Shward relocation site, on a road from Demawso to the Daw Tama Gyi relocation site (through Tee Po Klo) in Demawso township, on a road to the Mar Kraw She relocation site in Pruso township, and on a road to Daw Ku Li in Loikaw township in 1997. See Amnesty International, 099-3896; Karen Human Rights Group, 154-5083, 154-5091 to 5093.
670 There is information that people were forced to work on the widening of a section of the road from Ye to Dawei (Tavoy) near Ye in 1996; forced labour was also used on the repair of the Kyakto to Bilin road, and on local roads in Ye and Mudon townships. See Karen Human Rights Group, 001-1341; Mon Information Service, 139-4438 to 4439.
671 There is information that people were forced to work on the construction and improvement of a number of roads, including the following: Layshi to Somra in 1997; Layshi to Tamanthi, over many years; Layshi to Labe; Homalin to Tamanthi in 1997, Kalaymyo to Tamu in 1995; a 14-mile road from Monywa to Ah Myint in 1995; and road projects in Tamu township in 1995. See HRDU, 001-0163 to 0164; Images Asia, 167-8338 to 8339.
672 People were reportedly forced to work on the following road projects: Maungdaw to Kyein Chaung in 1995; providing stones for widening the road to the NaSaKa headquarters, in Maungdaw township; and other road improvement projects in Maungdaw and Buthidaung townships in 1996. See Human Rights Watch/Asia, 001-0051; Karen Human Rights Group, 001-0057 to 0058, 001-0565 to 0566; UNHCHR, 033-2345, 113-3983; Amnesty International, 089-3610; Asia Watch, 107-3840 to 3842.
673 The information indicated that in recent years people had been forced to work on a road from Shwelaung to Wakemuk and that in 1995/1996 people were also forced to construct a road from Talakwa, near Pathelom (Bassein), to Ngu Saw beach (30 km north of Chaungtha). See Karen Human Rights Group, 001-0652, 001-0695. As mentioned in para. 364, labourers were forced to clear land and build barracks for the troops supervising the work on this latter road.
423. In addition to road construction projects, the Commission received information regarding the use of forced labour on railway construction projects in various parts of Myanmar. A large volume of information covering a period from 1992 to 1997 and including copies of orders from the authorities requiring labour for the project indicated that thousands of people were forced to work on the construction of a railway from Ye in Mon State to Dawei (Tavoy) in Tanintharyi Division.

424. In Shan State, people were forced to work on a number of railway construction projects, including a railway from Shwenyaung to Namsam since 1993, a section of railway from Namhsam to Mongnai since 1992, and a section of railway from Laikha to Mongkaing in 1996.

425. Information was received concerning the use of forced labour for the construction of a railway from Aungban in Shan State to Loikaw in Kayah State, in 1992 and 1993. People were taken from, among other places, Loikaw town and relocation camps, including a relocation camp near Demawso, to build the railway.

426. Information was also received concerning the use of forced labour on a railway linking Chaung-U and Pakokku to Kalaymyo, particularly the section from Pakokku to Myine in Magway Division and the section from Gangaw in Magway Division to Kalaymyo in Sagaing Division. Many of those forced to work on the latter section were from Chin State. The information covered a period from 1993 to 1995.

(b) Oral testimony

427. Roads and related infrastructure. Almost 100 witnesses, from different ethnic groups, gave evidence that they had been forced to work or to have observed other persons forced by the authorities to work on roads or related infrastructure. These testimonies cover a significant part of the territory of Myanmar; they refer to roads forming part of a network between towns and villages, or roads linking army camps to this network or to one another, and mainly recount events occurring over recent times. The workers were mainly from Ye township in Mon State and Dawei (Tavoy), Launglon, Thayetchaung and Yebu townships in Tanintharyi Division.

Human Rights Watch/Asia, 001-0052, 065-2967 to 2968, 150-4690; Amnesty International, 001-0500 to 0501; Karen Human Rights Group, 001-0527 to 0531, 01-1032, 01-1051 to 1052, 01-1060 to 1074, 01-1241, 01-1243, 01-1341, 01-1367, 01-1373 to 1374, 01-1843, 01-1940 to 1945, 01-2116, 01-2166, 01-2170 to 2172, 029-2370; Mon Information Service, 01-1223, 01-1282 to 1234, 032-2429; Images Asia, 167-8327 to 8332.


Karen Human Rights Group, 001-0551; Karen Human Rights Group, 001-0553, 01-0561 to 0564, 01-0575 to 0576; Images Asia, 167-8327 to 8332.

There were indications that this railway was being extended from Kalaymyo to Tamu on the border with India. See Images Asia, 167-8327.

The distribution of witnesses by ethnic group to which they belonged is as follows: Burman (3); Karen (32); Chin (4); Rakhine (8); Shan (17); Karen (10); Tai (1); Rohingya (7); Moslems other than Rohingya (8).

The States and Divisions covered by the testimonies are as follows: Ayeyarwady, Bago, Chin, Kayah, Kayin, Magway, Mon, Rakhine, Sagaing, Shan and Yangon. The roads mentioned by witnesses are, in the Ayeyarwady Division, the major Ma-u-bin to Twantay and Einme to Pantanaw roads; in Bago Division, a road in Kyaukkky townships; in Chin State, the roads connecting Matuip to Palewa and the Kaladan river, and roads between Haka and Thantlang and Haka and Gangaw; in Kayah State, the road network connecting Loikaw, Bawlake, Ywathit and Mawchi; in Kayin State, the major road network connecting Papun, Bilin, Hpa-an, Shwegon, Hlaingbwe, Painkyone, Dawlan, Yebu, Nabu, Kawkareik, Myawady, Kyondo, Kyekdon and Three Pagodas Pass; in Mon State, the roads connecting Mawlamyine (Moulmein) to Yangon, and Thumphrayzayaw to Anin and Setse; in Rakhine State, the road network in the north of the State connecting Aung, Buthidaung, Kyauktaw, Maungdaw, Minsya, Rathedaung and Sittway (Akyab); in Sagaing Division, the important road between Kalaymyo and Thantlang; in Shan State, the road network connecting Taunggyi, Aungban, Hopong, Yatsauk and Shwenyaung, and the road network connecting Laikha, Loilem, Mong Hsu, Mung Kung, Panglong, Lashio, Namtu and Mong Yai.
years, if not months. One witness, who returned to Myanmar at the beginning of 1998 after an absence of six years, stated that the work demanded of the population in respect of road construction and maintenance had increased substantially.

428. As regards work organization and working conditions, testimonies from persons who had been obliged to work corroborate those of village heads, heads of village sections and a deserter from the Tatmadaw who had been involved with organizing such labour.

429. Throughout the territory of Myanmar, the authorities recruit the necessary labour for the roadworks according to a similar pattern. The military transmit a written order to the village head; this order specifies the work to be accomplished and is sometimes accompanied by threats, which are expressed by means of a bullet or a piece of charcoal attached to the order; these symbols signify that reprisals may be taken by the authorities against the defaulting person or village. With the exception of the situation prevailing in the northern part of Rakhine State, to which we shall return, the military do not generally intervene directly.

430. A specific section of road to be built or repaired is assigned to each group, section or village. The village head is responsible for organizing the necessary labour force. One person per family is generally called up, though the authorities may demand others as needed. The witnesses stated that men, women and children between the ages of 12 and 72 performed compulsory labour on roadworks. Even members of families that might be in a position to have a certain influence on the authorities are obliged to work on road construction or repairs. Large numbers of children can be found working on these sites since, as soon as they are capable of working, their parents send them to perform the work demanded; they themselves can therefore continue to provide for the family needs, by cultivating their land or engaging in remunerated employment or work.

431. Road construction work generally consists of levelling the ground, cutting trees, breaking stones, transporting earth for embankments and spreading tar. As for repairs, the workers must maintain the roads and are even forced to rebuild them completely, in certain regions, after each rainy season. Several witnesses stated that the roads built or renovated were reserved for the exclusive use of the authorities.
Working conditions are arduous, and the working day is long, varying from 8 to 12 hours. The work is sometimes accompanied by ill-treatment, including beating and kicking. Acts of torture or extreme violence, including rape, also occur. Some workers have died as a result of complications due to hunger, malaria, other infectious diseases and lack of timely medical care.

Apart from rare and exceptional occasions, the persons recruited were neither paid nor fed. When questioned on this subject, the witnesses all stated that they could not refuse to do the work, because they were afraid of the physical punishment or fines which could be imposed by the authorities. Tools are generally not provided and, if the workers have to live on the site, they must build their own makeshift shelters in which to sleep at night.

In several cases, witnesses have stated that it is possible to be exempted from work in exchange for a sum of money which varies considerably from case to case. One witness observed that the result of this practice was that the least well-off carried the greatest burden of the work, since they did not have sufficient means to be spared. Finally, the situation in the northern part of Rakhine State appears to be more severe in all respects than that prevailing in most other parts of the country. Most of the witnesses questioned on this subject, who were members of the Rohingya ethnic group, and who had left the country very recently, claimed to have been subjected to systematic discrimination by the authorities; the discrimination took the form, in so far as work on the roads is concerned, of an overwhelming workload. In fact, the work is not really organized systematically; the Rohingyas may be required to work by any authority, be it the army, the NaSaKa or the local police. The order may come via the village head or directly from any authority that needs workers for a given job. Working conditions are excessively arduous; tasks must be performed in an atmosphere where insults, abuse, ill-treatment and torture are commonplace.

From the evidence of witnesses, the Commission concludes that the authorities of Myanmar have been using forced labour for the construction and
maintenance of various railways across the country since at least 1990. Forty-one witnesses\textsuperscript{711} supplied the Commission with relevant information on railways already constructed, or under construction, in Kachin,\textsuperscript{712} Kayah,\textsuperscript{713} Mon\textsuperscript{714} and Shan States and in Bago,\textsuperscript{715} Tanintharyi and Yangon Divisions.

437. The labour for the railway construction work is recruited in the same manner as for road construction, the military using the services of village heads.\textsuperscript{716} One person per family is generally called up.\textsuperscript{717} Each family, group or village is assigned a section of the railroad.\textsuperscript{718} Men, women and children claimed to have worked on these railway construction sites or to have seen such persons forced to do so;\textsuperscript{719} it is common to meet children sent by their families to perform the work required.\textsuperscript{720}

438. Soldiers and prisoners can also be found working on these sites. The work done by them is no different from that demanded of civilians, except for the fact that the soldiers have only to work a fixed number of hours and are not necessarily obliged to complete the task assigned,\textsuperscript{721} and that the most tedious work is reserved for the prisoners.\textsuperscript{722}

439. Work on railway construction consists, initially, of preparing and levelling the ground.\textsuperscript{723} Subsequently, the workers have to crush the necessary stone,\textsuperscript{724} lay the chippings, cut wood to make sleepers\textsuperscript{725} and then lay the sleepers and rails.\textsuperscript{726} This is followed by maintenance work involving removal of weeds and scrub.\textsuperscript{727} Work starts early in the morning and finishes late in the day, sometimes after dark; in some cases the workers are not even able to take a short break at midday.\textsuperscript{728}

440. The workers are not fed,\textsuperscript{729} have to sleep at the work site if it is too far from their homes\textsuperscript{730} and usually have to provide the tools necessary for the performance of

\textsuperscript{711} The distribution of witnesses in respect of the work carried out on the railways is as follows: Burman (7); Chin (1); Karen (1); Karenni (9); Mon (14); Shan (8); and, Tavoyan (1).

\textsuperscript{712} The railway between Myitkyina (Kachin State) and Mandalay (Mandalay Division). The Witnesses' statement refers to the work that they claim was done by unpaid soldiers. See statement of Witness

\textsuperscript{713} The railway between Aungban (Shan State) and Loikaw (Kayah State). See statement of Witnesses 84, 40, 90, 91, 93, 99, 108, 110, 113, 114.

\textsuperscript{714} The railway between Ye and Dawei (Tavoy) connecting Mon State and Tanintharyi Division. See statements of Witnesses 198-203, 211, 212, 220-225, 227, 228, 232, 233, 234-236.

\textsuperscript{715} The railway linking Bago town with Yangon. See statements of Witnesses 109, 119, 122, 129, 131, 134, 135 and 210.

\textsuperscript{716} See statements of Witnesses 91, 99, 106, 109, 122, 199, 200, 202 and 210.

\textsuperscript{717} See statements of Witnesses 91, 200 and 210. Or-y Witness 199 indicated that all members of his family of working age were obliged to go to the site. One person only remained behind to attend to household chores. Finally, Witness 190 declared that even government employees had to take part in the construction of these tracks, though they received more favourable treatment since they had to go only once a week and did not have to finish the task assigned.

\textsuperscript{718} See statements of Witnesses 112, 135 and 202. Witness 113 stated that all the villages in Kayah State took part in the construction of the State railways.

\textsuperscript{719} See statements of Witnesses 89, 91, 109, 122, 131, 201, 210, 211, 212 and 220. Witness 198 stated that she had to go to her work assignments carrying her infant with her.

\textsuperscript{720} See statement of Witness 90.

\textsuperscript{721} See statement of Witness 93.

\textsuperscript{722} See statement of Witness 99 who even saw prisoners die on the work site because of the wretched working conditions.
the task. They are not paid, though some claim to have been promised compensation, which they never actually received.

441. Workers are subjected to ill-treatment when the supervising military authorities consider that the work is not progressing satisfactorily.

442. It is possible to be exempted from the work by paying a certain amount of money to the authorities or by finding a replacement.

443. Finally, one witness mentioned that the military demanded a tax, over and above the work to be carried out, because of the fact that the railway would henceforth pass near his village.

(7) Other infrastructure work

(a) Documentary material

444. Nature and conditions of work. In addition to the use of forced labour on the construction of roads, railways and associated infrastructure, the Commission also received information that people from most parts of Myanmar were forced to work on the construction and maintenance of other infrastructure projects. These projects included irrigation works, dams, canals, power-stations, a gas pipeline, airports, helipads, schools, hotels and a museum, as well as infrastructure related to events such as the student sport festival which takes place annually in a different State or Divisional capital.

445. The general nature and organization of such work was the same as that described for road and rail infrastructure.

446. Specific examples. The information provided to the Commission contained details of the use of forced labour on a large number of other infrastructure projects from most parts of the country.

447. Forced labour was used to construct dams and other work for irrigation and hydroelectric power generation. This work included dams in Bago Division and Rakhine State, dams and irrigation projects in Sagaing Division, a major dam in Monywa township. People from the Division were also forced to work on the construction of the Tant Sae dam and irrigation projects in Sagaing Division, a major dam...
project in Shan State, a dam in Tanintharyi Division and a canal in Yangon Division. Most of these projects were major, involving hundreds or even thousands of labourers.

448. There was evidence before the Commission in the form of secondary statements that forced labour was used for the construction of helipads in Yebyu township in Tanintharyi Division: helipad at Byu Gyi village, another helipad between Kadaik and Ohnbinkwin, and a third helipad between Migyaunglaung and Mayan Chaung, all in 1995. There was also evidence in the form of a secondary statement relating to a helipad being constructed in the same region in 1996. In a communication addressed to the Commission, TOTAL stated that most of the helipads situated on the pipeline route had been constructed by TOTAL or by companies working for TOTAL and applying its code of conduct, although TOTAL did not know under what conditions other helipads in the region had been constructed.

449. There was information that forced labour, including that of non-Buddhists, was used on the construction and renovation of pagodas in Chin State, Shan State, Tanintharyi Division, the construction of a monastery in Sagaing Division, as well as for work at Bayintnaung Palace at Toungoo in Bago Division, Mandalay Palace and on the construction of a Buddha Museum at Sittway in Rakhine State.

450. Information was provided regarding the use of forced labour for schools in Chin State, Kayin State and Sagaing Division, and clinics in Sagaing Division and Tanintharyi Division.
Forced labour in Myanmar

451. Forced labour was used for other projects including the Student Sport Festival in Chin and Rakhine States,757 hotels in Rakhine State,758 a toilet for a village in Kayin State,759 and a 30-mile fence in Kachin State.760

452. There was evidence before the Commission in the form of secondary statements that forced labour was used until May 1995 for ground clearance work to provide access to survey teams for the Yadana gas pipeline project in Yebyu township, Tanintharyi Division.761 In a communication addressed to the Commission TOTAL stated that it was wrong to claim that the preparatory clearing work could have been undertaken by forced labourers for the purpose of facilitating the access of the project teams. During the years 1993 and 1994, clearing work had been carried out under the supervision of TOTAL by the Compagnie générale de géophysique (CGG).762 In view of the contradiction between the facts presented, and since the Commission was denied access to Myanmar to supplement its evidence, no finding on this matter could be made.

(b) Oral testimony

453. Twenty-two witnesses gave evidence covering the period between 1993 and 1998763 concerning infrastructure works involving forced requisition of persons by public authorities carried out in Kayah, Kayin, Mon, Rakhine and Shan States and in the Ayeyarwady, Bago and Sagaing Divisions.764

454. The infrastructure works consist, inter alia, of construction of irrigation canals,765 drainage channels,766 airports,767 a hydroelectric power station,768 villages,769 museums770 or schools,771 laying of electrical cables772 or telephone lines,773 and general infrastructure works in preparation for the Student Sport Festival, including levelling

757 There was information that forced labour was used in Chin State during 1997 on infrastructure for the 8th national Student Sport Festival which, although planned for 1997, actually took place in Haka from 29 March to 8 April 1998. In preparation for the festival, people from Haka were forced to extend a football ground, build a stadium, and construct local roads. See Karen Human Rights Group, 154-5144. In Rakhine State, people were also forced to provide construction materials and carry out other work in relation to the 1993 national Student Sport Festival which was held in Sittway (Akyab). See written statement submitted by Witness 10, M07-6648.

758 There is information that forced labour was used in 1995 on the construction of the Sittway Hotel, at the beach near Sittway (Akyab), and in 1994 for construction of a hotel south of Ngapali, projects which were reportedly owned by senior members of the State Law and Order Restoration Council (SLORC). See Karen Human Rights Group, 001-0560.

759 The Commission was provided with a copy of an order from the military to the village head demanding the construction of a toilet at a village south of Kawkareik in 1995. The order stated that "drastic action" would be taken against the village if it did not build itself a toilet. See 027-ae95.

760 The information indicated that forced labour was used since December 1994 for the construction of a 30-mile fence in Mohnyin township in Kachin State. See Mirante, J/51-52.

761 Karen Human Rights Group, 001-1120, 001-1124.

762 TOTAL, 165-8278 (communication summarized in para. 75 above): "il n'est pas vrai que des travaux de nettoyage aient pu être réalisés par des travailleurs forcés dans le but de faciliter l'accès aux équipes du projet. Au cours des années 1993 et 1994, l'enlèvement de la végétation (le "clearing") [aurait] été assuré, sous [le contrôle de TOTAL], par la Compagnie générale de Géophysique (CGG)."

763 Certain events recounted refer to facts which occurred before these dates: see, in particular the statement of Witness 230 concerning the construction of an airport at Mawlamyine (Moulmein) in 1988.

764 The distribution of persons who provided this information is as follows: Burman (4); Chin (1); Karenni (3); Karen (5); Mon (3); Muslim other than Rohingya (1); Rakhine (3); Rohingya (1); and Shan (1).

765 See statements of Witnesses 14, 217, 219, 238 and 243.

766 See statements of Witnesses 234 and 235.

767 See statements of Witnesses 17, 210 and 230.

768 See statement of Witness 3.

769 See statement of Witness 74.

770 See statement of Witness 13.

771 See statements of Witnesses 190 and 192.

772 See statement of Witness 129.

773 See statement of Witness 177.
and preparation of a sports field.\textsuperscript{774} The irrigation work generally involved hundreds of persons coming from dozens of villages that were often far from the work site. As for telephone lines, a witness gave evidence that he had to cut logs for the line between Panglong and Laikha.\textsuperscript{775}

455. Work organization and working conditions are similar to those described for road and railway infrastructure.\textsuperscript{776} The order specifying the work to be performed is usually transmitted by the village head or ward authorities\textsuperscript{777} responsible for finding labour to carry out the required work. However, the military may intervene directly and round up the persons needed.\textsuperscript{778}

456. Each village or group\textsuperscript{779} is assigned a section of the project to be completed.\textsuperscript{780} To this end, one person per family is usually requisitioned\textsuperscript{781} and the work is divided up in accordance with a pre-established rota among the families of the village or group involved. Men, women and children - some of them barely ten years old\textsuperscript{782} - work on these sites.

457. The workers are neither paid\textsuperscript{783} nor fed\textsuperscript{784} and sometimes have to spend several nights on the site of their work assignment.\textsuperscript{785} Several witnesses stated that they could avoid having to perform this work if a replacement was found.\textsuperscript{786} Finally, the conditions under which the work has to be performed are arduous; the workers are frequently subjected to ill-treatment or other violations of fundamental human rights, including acts of torture.\textsuperscript{787}

\textbf{(8) General work}

\textbf{(a) Nature and condition of work}

458. Information was also provided to the Commission that people throughout the country were forced to carry out regular tasks such as cleaning and beautifying public areas, particularly when important officials were due to visit. Because the nature of the work meant that it was mostly applicable to urban areas, it was mostly urban residents who had to carry it out. Government employees in particular were coerced into doing this work during the weekends.\textsuperscript{788}

459. The ward authorities were usually responsible for organizing such work. Typically, one person from each household in the ward would have to participate for
Forced labour in Myanmar

one day per weekend to carry out these tasks. Soldiers were sometimes used to supervise this work. 789

460. Residents were also required to maintain their houses to certain specifications, or face eviction. Such specifications could include keeping the house painted, or replacing thatch roofs with a corrugated-iron roof. 790

(b) Specific examples from documentary material and oral testimony

461. The Commission obtained evidence on this topic from several parts of the country. In Myaungmya in Ayeyarwady Division, local authorities required one person from each household to work every Saturday cleaning roads and the school and hospital compounds. 791 Similarly, one person per family had to do various jobs in the city of Mandalay. 792 Forced labour was also regularly used for cleaning up the area around the lake at Hpa-an in Kayin State 793 as well as for half a day every Saturday at Loikaw in Kayah State, both around the town, 794 and at an army camp. 795 General cleaning and maintenance work also had to be done by one member of each household every Saturday in Kawthaung town in Tanintharyi Division. 796 Finally, forced labour was used for cleaning the town of Mrauk-U in Rakhine State in 1996 in preparation for a visit by a high-level government official. 797

462. In reaching these findings of fact as set out in section C, the Commission was impressed with the truthfulness of the accounts given by the witnesses from whom it heard direct testimony. The questions asked by the Commission of these witnesses probed issues with a view to establishing veracity, which included issues about any political affiliation or membership of any opposition group. In many instances the witnesses were not educated people and the Commission was struck by the fact that overall they were careful to draw the distinction between matters which they had seen or experienced, and matters of which they had only heard from others. The Commission was also struck by their candour and absence of exaggeration. For these reasons, the Commission had no hesitation in relying on their testimony.

463. In reaching its findings of fact in sections B and C, where those findings relied on documentary evidence as discussed, the Commission had regard to the relative probity of documentary material as indicated. The Commission was assisted in this task by its confidence in the oral testimony of witnesses and by the extent to which the oral testimony corroborated so many aspects of the documentary material, both as to general patterns and specific detail.

464. Having regard to the vast amount of documentary material available, the Commission took account of what it considered as the most reliable information and although many of its findings could be supported by other documentation, it has footnoted the major sources and not all sources. Again, the Commission is confident in these findings.

465. The Commission wishes to acknowledge that this inquiry and its findings would not have been possible without the assistance of a number of people. While it

789 Karen Human Rights Group, 032-2425 to 26; Human Rights Watch/Asia, H07-5797 to 99.
791 Karen Human Rights Group 001-0534.
792 See also statement of Witness 217.
793 Karen Human Rights Group, 032-2425.
794 See statement of Witness 99.
795 See statement of Witness 96.
796 See statement of Witness 237.
797 Human Rights Watch/Asia, H07-5798.
is unusual for witnesses to be acknowledged in an inquiry, in this case the persons who gave oral testimony did so in conditions of considerable physical difficulty and with a great fear of reprisal from authorities to themselves or their families should their identities become known. In one instance, witnesses, including one who was ill, travelled for some 20 days in order to provide testimony to the inquiry.

466. The Commission is also indebted to a number of individuals and non-governmental organizations who assisted with identification of pools of witnesses and who made the sometimes very complicated arrangements for the Commission to meet them. It was the dedication of these people which enabled the Commission to have such a spread of witnesses, with recent information about conditions in Myanmar.

467. Finally, on this aspect, the Commission wishes to pay tribute to staff who not only braved the sometimes difficult physical circumstances assisting the Commission members in taking the evidence in locations, but also had the task of carefully cross-referencing and sifting through the vast documentary material to identify the information referred to in this chapter. The relatively simple way in which facts are described in this chapter belies the complexity of the task, although the footnotes give some glimmer of their invaluable work.

13. FINDINGS AS TO COMPLIANCE WITH THE CONVENTION

468. Obligations under the Convention. As indicated above for States having ratified the Convention, under Article 1(1) of the Convention, the Government of Myanmar must neither exact forced or compulsory labour nor tolerate its exaction, and it must ensure the repeal of any laws and statutory or administrative instruments that provide or allow for the exaction of forced or compulsory labour, so that any such exaction, be it by private persons or public servants, is found illegal in national law.

469. In this chapter, the Commission will set out its findings as to whether the Government of Myanmar has complied with its obligations under the Convention as regards national laws, statutory and administrative instruments as well as actual practice. In doing so, the Commission will also refer to the exceptions provided in Article 2(2) of the Convention and the present status of Article 1, paragraph 2, and Article 4 et seq. of the Convention. Furthermore, in setting out its findings as to the compliance of national law and practice with the obligations under the Convention, the Commission will address the issue of enforcement of the prohibition of forced labour under Article 25 of the Convention.

---

798 See paras. 207 to 213 above.
799 See paras. 214 to 218 above.
800 See para. 205 above.
A. National laws and statutory or administrative standard-setting instruments, considered in the light of the Convention

(1) Provisions of the Village Act and the Towns Act and subsequent orders and directives dealing with the requisition of labour

(a) Applicability of the definition of forced labour

470. The Commission notes that section 11(d), read together with section 8(1)(g), (n) and (o) of the Village Act, as well as section 9(b) of the Towns Act provide for the exaction of work or services from any person residing in a village tract or in a town ward, that is, work or services for which the said person has not offered himself or herself voluntarily, and that failure to comply with a requisition made under section 11(d) of the Village Act or section 9(b) of the Towns Act is punishable with penal sanctions under section 12 of the Village Act or section 9A of the Towns Act. Thus, these Acts provide for the exaction of "forced or compulsory labour" within the definition of Article 2(1) of the Convention.

(b) Non-applicability of exceptions defined in Article 2(2) of the Convention

471. The Commission notes that the provisions of the Village Act and the Towns Act under which residents may be required to perform forced or compulsory labour on a general or individual requisition of the headman are "widely worded", as was also noted in Executive Orders made under the Village Act; indeed, residents are to assist the headman in the execution of his public duties, which in turn include the duty to supply guides, messengers, porters, etc., to any troops or police posted near or marching through a village tract and generally to assist all officers of the Government in the execution of their public duties. Thus, the labour and services that may be exacted under the Village Act and the Towns Act are as indefinite as the needs of the Government; they are limited neither to emergencies nor to minor communal services as defined in Article 2, paragraph 2(d) and (e), of the Convention, and more generally do not come under any of the exceptions listed in Article 2, paragraph 2.

(c) Expiration of the transitional period

472. In its observations on the complaint, the Government has not invoked Article 1(2) of the Convention which allowed for recourse to forced or compulsory labour during a transitional period, for public purposes only, and as an exceptional measure, subject to the conditions and guarantees provided in the Convention; neither has it done so on earlier occasions. For the reasons mentioned above, the Commission considers that use of a form of forced or compulsory labour falling within the scope of the Convention as defined in Article 2 may no longer be justified by invoking observance of the provisions of Article 1, paragraph 2, and Articles 4 to 24, although the absolute prohibitions contained in these provisions remain binding upon the States.

---

See the text in paras. 238 and 239 above.
See the text in para. 240 above.
See the text in paras. 239 and 240 above.
See para. 206 above.
See para. 243 above.
Section 9(b) of the Towns Act and section 11(d) of the Village Act, read together with section 8(1)(g), (n) and (o) of the Act.
See the criteria of the Convention in paras. 212 and 213 above.
See paras. 121 and 145 above.
See para. 218 above.
having ratified the Convention. Moreover, in the present case, the undertaking under Article 1(1) of the Convention to suppress the use of forced or compulsory labour in all its forms within the shortest possible period precludes the Government from having recourse to legislation that it had over many years declared obsolete and not applied. The Commission nonetheless notes that the wide powers to requisition labour and services laid down in the Village Act and Towns Act are incompatible not only with the obligation to suppress the use of forced or compulsory labour under Article 1, paragraph 1, read together with Article 2 of the Convention, but also with the conditions and guarantees laid down in Articles 9 to 14 and 17 to 19 of the Convention to restrict and regulate recourse to compulsory labour pending its suppression.

(d) Role of secret directives and payment of wages

473. Section 8(1)(g) of the Village Act provides for payments to headmen for the collection and supply of guides, messengers, porters, etc., but nowhere in the Village Act or Towns Act is provision made for any payment to residents called up for labour or services. The (secret) order dated 2 June 1995 on “Prohibiting unpaid labour contributions in national development projects” stresses that “in obtaining the necessary labour from the local people, they must be paid their full share”. While Article 14 of the Convention provided for the remuneration of forced or compulsory labour exacted during the transitional period, the mere payment of wages for labour obtained through the call-up of local residents does not remove such labour from the scope of the definition of forced or compulsory labour in Article 2(1) of the Convention. Payment does not change the character of labour exacted compulsorily or by force; it merely becomes paid compulsory or forced labour. This follows not only from the definition in Article 2(1) itself (which does not address the issue of remuneration) but also from the very logic of Article 14, which deals with the remuneration of labour defined as forced or compulsory. Also, the “national development projects” to which the secret order refers do not come under any of the exceptions in Article 2(2) of the Convention, so that recourse to compulsory labour for such projects, even if fully remunerated, must be suppressed under Article 1(1) of the Convention. In summary, the (recent) Order dated 2 June 1995 did not exonerate the Government from its obligations under the Convention.

474. As set out above, the (equally secret) directive (No. 82) dated 27 April 1995 “To stop obtaining labour without compensation from the local people in irrigation projects” in Yangon Division appears to go further towards suppressing recourse to forced labour than the recent order referred to in the previous paragraph, in that it mentions, in the unofficial English translation, the “hire” of paid labourers. However, the directive remains equivocal where it refers to stopping “the practice of obtaining labour from the local people without monetary compensation”, which might allow for a continuation of the practice of “obtaining” labour from the local people, albeit with compensation. In any event, both texts are marked secret and thus appear not to be available to those who are supposed to benefit from them.

475. More importantly, evidence before the Commission on actual practice, which is set out in Chapter 12 and which will be considered in section B of the present
chapter,\(^6\) shows the continued call-up of local people for labour and services (without any compensation).

(2) \textit{Legislation on citizenship and other instruments bearing on the freedom of movement}

473. The Commission notes that the sequence of legislative and administrative instruments progressively denying citizen status to the Rohingyas,\(^7\) read together with the restrictions on the freedom of movement of foreigners,\(^8\) as well as more general requirements aimed at controlling all movements of people\(^9\) do not in themselves come within the scope of the Convention. Nonetheless they have a direct bearing on the possibility for people to avoid being called up as “residents” for forced or compulsory labour, under the Village Act and the Towns Act as well as in actual practice. This particularly affects the Rohingyas population in northern Rakhine State.

(3) \textit{Legislation on compulsory military service}

477. The Commission notes that the provisions of the People’s Militia Act, as adopted in 1959, appear to be covered by the exception in Article 2(2)(a) of the Convention.\(^10\) The Commission is not aware of any subsequent modifications of the Act, nor does the Commission know whether the Act has been brought into force.\(^11\) Where soldiers have been used on civilian development projects, as claimed by the Government,\(^12\) involvement of conscripts would not have been compatible with the terms of the exception in Article 2(2)(a) of the Convention and would thus be contrary to the obligation under Article 1(1) of the Convention, whereas the use for such purposes of career soldiers having joined the armed forces on a voluntary basis, falls outside the scope of the Convention.

(4) \textit{Sanctions for illegally imposing forced or compulsory labour}

478. Section 374 of the Penal Code, quoted in paragraph 258 above, complies with the first requirement of Article 25 of the Convention, namely that “The illegal exaction of forced or compulsory labour shall be punishable as a penal offence”. Whether the penalties under section 374, which may range from a fine to imprisonment of up to one year or both, do comply with the second requirement of Article 25 of the Convention, namely that they “are really adequate”, could only be appreciated if they were “strictly enforced”, as Article 25 of the Convention furthermore requires. In the absence of any indication that section 374 of the Penal Code was ever applied,\(^13\) the Commission is bound to point out that penalties under that provision, as well as under Article 25 of the Convention, are to be imposed for the exaction of forced or compulsory labour that is found illegal. Thus, only a requisition of labour and services that is not covered by the very wide provisions of the Village Act or the Towns Act

\(^6\) See para. 479 et seq.
\(^7\) See paras. 251 to 254 above.
\(^8\) See paras. 249 and 250 above.
\(^9\) See para. 249 and its second footnote (296) above.
\(^10\) See paras. 255 and 256 above.
\(^11\) See para. 257 and its footnote above.
\(^12\) See para. 115 above and the evidence in paras. 412 and 438.
\(^13\) See para. 284 above for indications that it was not.
could, in theory, be punished at the present stage under section 374 of the Penal Code, while forced labour imposed in violation of the Convention but in conformity with the Village Act or the Towns Act might not be punishable at the national level. However, as set out in paragraph 204 above, any person who violates the prohibition of recourse to forced labour in international law is guilty of an international crime and thus bears an individual criminal responsibility. Under Principle II of the Principles of International Law Recognized in the Charter of the Nuremberg Tribunal and in the Judgment of the Tribunal, "The fact that internal law does not impose a penalty for an act which constitutes a crime under international law does not relieve the person who committed the act from responsibility under international law".

B. National practice considered in the light of the Convention

479. In this part of the chapter, the Commission will set out its findings as to compliance with the Convention of national practice, as established in Chapter 12. The Commission will consider the applicability of the definition given in Article 2(1) of the Convention and that of the exceptions listed in Article 2(2) to the various forms of labour and service described in Chapter 12, the relevance of the conditions and guarantees set out in Articles 4 to 24 of the Convention and, most importantly, the obligations of the Government under Articles 1 and 25 of the Convention with regard to national practice.

(I) Requisition of labour

480. System of call-up and variations. As indicated in Part B of Chapter 12 and confirmed by the evidence set out in Part C of Chapter 12, a general pattern is apparent in the methods used by the authorities across the country to requisition labour:

- written and sometimes oral orders from higher administrative authorities or the military are received by the village head or by ward administration officials;
- these orders either specify the number of persons to be provided, or the amount of work to be completed by residents;
- the work may be for portering, military camp work, other work in support of the military, work on agricultural, logging and other production projects undertaken by the authorities, the construction and maintenance of roads, railways and bridges, other infrastructure work or other general urban work;
- it is for the village head or the ward administration officials to make the necessary arrangements by instructing a certain number of households to provide the labour required, rounding up people, sending them as a punishment for some minor offence or holding a "lottery" to choose which of the residents have to go. In cases varying from this general pattern, persons are directly rounded up by troops, without recourse to the village head or ward administration officials.
the method used, the Commission's finding on the evidence is that, with the only exception of substitutes occasionally hired by households or individuals called up to contribute labour, those required to perform work or service have not offered themselves voluntarily for that work or service.

481. Copies of several hundred orders addressed to the village head or ward administration officials were submitted to the Commission; none of these make any reference to powers under the Village Act or the Towns Act or under any other legislation. Nevertheless, the machinery used for the requisition of the labour and services of residents, as described in Chapter 12 and referred to above, generally follows the pattern laid down in the Village Act and the Towns Act — with the notable exception of cases in which civilians are directly rounded up by troops for portering, be it in an organized or random fashion.

482. "Menace of any penalty". As indicated above, orders for the requisition of labour or services do not make reference to powers under the Village Act or the Towns Act or any other legislation. Neither do they specifically refer to the penalties laid down in section 12 of the Village Act and section 9A of the Towns Act for failure to comply with a requisition, although a few of the orders that were submitted to the Commission refer in general terms to punishment under the legislation in force. However, as indicated in Part B of Chapter 12 and confirmed by the evidence set out in Part C of Chapter 12, the written orders to provide porters and labourers which are sent to village heads by the local military or civil administration typically contain some overt or implied threat to anyone refusing to comply. Penalties and reprisals imposed in practice for failing to comply with labour demands are very harsh and include physical abuse, beatings, torture, rape and murder. Also, in order to be exempted from labour assignments given to them, people have to pay sums of money, and likewise people directly rounded up by troops for portering may obtain their release only by paying a substantial sum of money. Thus, the labour and services imposed in practice on the civilian population by formal requisition or direct round-up, as evidenced in Chapter 12, are covered by the definition given in Article 2, paragraph 1, of the Convention, which refers to "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily" — the only exception being labour or services performed by any substitutes hired by some of those called up for labour or services.

"Only a few samples are included in Appendix XI."
"See paras. 237 to 240 above.


"See Art. 2, para. 1, of the Convention.

"See para. 481.

"See paras. 239 and 240 above.

"See Appendix XI.

"See paras. 289, 292 and 295 above.


"See paras. 289, 340 and 429.

"See paras. 292, 343, 367, 418, 433, 435 and 441.

"See paras. 292, 311, 317, 349, 376, 413 and 418.

"See paras. 292, 418 and 435.

"See paras. 292, 418 and 441 and its footnote (734).

"See paras. 311, 317, 349 and 418.

"See paras. 295, 312, 373, 387, 414, 434 and 442.

"See paras. 302 and 307. Moreover, beyond the many instances where people are called up or directly rounded up for labour or services, there are cases where households, unable to comply with various tax payments imposed on them, are required to supply additional labour or services in lieu of the tax payments — see para. 295 above.

"For the notion of "penalty", see also para. 206 and its second and third footnotes (220 and 221) above.
483. *Prison labour.* Besides the requisition or round-up of residents of villages and wards, the evidence reflected in Chapter 12 also points to the use of prison labour for portering\(^{484}\) as well as public works projects.\(^{449}\) The Convention exempts from its scope "any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations."\(^{850}\) Prima facie, these conditions appear to be met where prison labour is used by the authorities.\(^{851}\) However, the findings of the Commission are that in certain cases, assignments given to prisoners shortly before they were due to be released extended beyond the expiration of their sentence.\(^{852}\) In such cases, the work or service exacted from these persons is no longer the consequence of a conviction in a court of law and becomes forced labour under the Convention,\(^{853}\) since they did not volunteer for the assignment and cannot leave it, under the menace of punishment no lesser than that held out to the general population.\(^{854}\)

*(2) Requisition of labour for various purposes, considered in the light of the exceptions in Article 2(2)(a), (b), (d) and (e) of the Convention*

484. In the following section, the Commission will examine the applicability of the exceptions listed in Article 2(2)(a), (b), (d) and (e) of the Convention to the various types of work or services, reflected in Chapter 12, for which the population is being called up or rounded up.

(a) *Portering*

485. Portering, done by civilians for the military, is neither "exact in virtue of compulsory military service laws" nor "part of the normal civic obligations of the citizens of a fully self-governing country", and thus does not come under the exceptions in Article 2(2)(a) or (b) of the Convention.

486. As regards Article 2(2)(d) of the Convention, concerning work or service exacted in cases of emergency, including war, the Commission has noted\(^{855}\) that the concept of emergency under the Convention involves a sudden, unforeseen happening that endangers the existence or well-being of the population and calls for instant countermeasures, which must be strictly limited in duration and to the extent required to meet the danger. While the conflicts between the Myanmar Government and a number of national minorities and other groups over many years may be considered as having taken the form of armed conflicts, the Government itself has stated in 1992...
to the International Labour Conference that it was "no longer conducting military campaigns". Even while it was, the requisition or round-up of civilians for portering, as reflected in the many testimonies submitted to the Commission, had not been in reaction to a case of emergency, as described above, but was merely the habitual way for the armed forces and paramilitary units to shift to the civilian population the burden of any labour they wished to be done and which otherwise would have to be performed by army personnel. None of the oral testimonies before the Commission concerning portering refers to a situation that would qualify as an emergency under Article 2(2)(d) of the Convention. Since portering for the military would neither come under "minor communal services" as defined in Article 2(2)(e), this pervasive practice is altogether outside the scope of what is admitted by Article 2(2) of the Convention, with the only exception of convicted prisoners required to do portering during the term of their sentence (Article 2(2)(c) of the Convention).

(b) Military camp work and other work in support of the military

487. The work exacted from civilians for the construction, maintenance, repair and cleaning of military camps, for cooking, collecting water or firewood, washing clothes and acting as messengers for the camps is described in paragraphs 351 to 373 above. Other tasks that civilians are forced to perform, such as acting as guides for the military, as human shields, as minesweepers and as sentries are set out in paragraphs 374 to 388. None of this work is "exact in virtue of compulsory military service laws" and none is "part of the normal civic obligations of the citizens of a fully self-governing country". Thus, the exceptions in Article 2(2)(a) and (b) are not applicable; nor is Article 2(2)(e), dealing with "minor communal services".

488. What has been stated above to explain why forced portering does not come under Article 2(2)(d) of the Convention, which concerns work or service exacted in cases of emergency, applies all the more to work exacted from civilians for the construction and servicing of military camps – work that is unrelated to any emergency in the sense of a sudden, unforeseen happening that endangers the existence or well-being of the population and calls for instant countermeasures. Similarly, most of the services exacted in the way of acting as guides, human shields, minesweepers and sentries are routinely imposed on residents and not related to any sudden, unforeseen happening that calls for instant countermeasures. Moreover, where civilians are forced to act as guides, human shields, minesweepers or sentries for the military, there may be a real danger to the existence or well-being of part of the population, but that is the kind of danger for which the exigencies of the situation would call on the military to protect the civilian population, while the forced labour exacted in Myanmar in such cases shifts the dangerous tasks from the military to the civilian population. This is contrary to the concept of "emergency" expressed in the Convention. In Myanmar, the civilian population is forced to protect the military. Thus, the work imposed on residents for military camps and in support of the military does not come under any of the exceptions in Article 2(2) of the Convention.

(c) Forced conscription

489. Findings of the Commission set out in Chapter 12 indicated that there was regular forced recruitment throughout Myanmar, including that of minors, into the

---

486 See para. 132 above.
487 Para. 486.
488 Paras. 278 and 389 to 393.
Tatmadaw and various militia groups, and that this did not occur pursuant to any compulsory military service laws, but arbitrarily.

490. As indicated above, the provisions of the People's Militia Act, as adopted in 1959, which provide for compulsory military service, appear covered by the exception in Article 2(2)(a) of the Convention, but the Commission is neither aware of any subsequent modifications of the Act and does not know whether the Act has been brought into force.

491. In view of its insufficient knowledge of the state of the relevant legislation, and in the absence of meaningful evidence gathered directly by the Commission to confirm the factual information submitted concerning forced recruitment, the Commission has not reached a finding on the compatibility or not of any military conscription with the Convention.

(d) Work on agriculture, logging and other production projects

492. According to the findings reached in Chapter 12, villagers, and to a lesser extent urban residents, are forced to work on a variety of projects undertaken by the authorities, in particular the military throughout the country. These projects include cultivation of rice, other food crops, cash crops such as rubber, fish and shrimp farms, kilns for producing bricks, logging and manufacturing activities, which are likely to enable the military either to meet their material needs or produce profit. The military mobilize the Myanmar population, forcing the people to carry out these activities for the military in difficult conditions without any share in the results. This forced labour does not correspond to any of the five exceptions from the scope of the Convention listed in Article 2, paragraph 2. In particular, it does not come under “minor communal services”, inter alia, because it is not “performed by the members of the community in the direct interest of the said community”; nor is such labour related to any emergency, i.e. “any circumstance that would endanger the existence or the well-being of the whole or part of the population”.

(e) Construction and maintenance of roads, railways and bridges

493. As the Commission details in Chapter 12, there is large scale use of forced labour across the whole population on the construction of roads and railways. With regard to the cases in which prisoners or members of the armed forces were required to work on such projects, the Commission refers to the explanations given above concerning the compatibility or not of such assignments with the Convention. As regards the ordinary civilian population which supplies the vast majority of the labour called up for the construction and maintenance of roads, railways and bridges, and leaving aside the cases in which freely employed workers were employed on such work, their call-up for such work comes under the definition of forced or compulsory
labour in the Convention\(^69\) and needs to be examined in the light of the exceptions provided for in Article 2, paragraph 2, of the Convention.\(^70\)

494. The requisition of the population for the construction and maintenance of roads, railways and bridges does not come under the exceptions concerning compulsory military service (Article 2(2)(a) of the Convention), normal civic obligations of the citizens of a fully self-governing country (Article 2(2)(b)), prison labour (Article 2(2)(c)) or emergency work required by an event endangering the existence or the well-being of the whole or part of the population (Article 2(2)(d)). Neither does the construction or maintenance of railway lines come under "minor communal services" (Article 2(2)(e) of the Convention).\(^71\) This follows from the sheer size of the projects,\(^72\) which turn upon national or regional needs, rather than communal interests, from the numbers of workers and workdays involved,\(^73\) the distance between the worksite and the workers' villages\(^74\) as well as from the absence of consultation.\(^75\)

495. Similarly, with regard to the construction and maintenance of roads and bridges, the Commission has reached the following conclusions on the evidence before it, in the light of the criteria in Article 2(2)(e) of the Convention which determine the limits of the exception for "minor communal services".\(^76\) The Commission, as set out in Chapter 12, found that forced labour was used on the construction or improvement of major roads linking towns in many parts of the country as well as the construction of extensive networks of roads between towns and villages, particularly in areas recently occupied by the military after offensives against opposition groups, or roads linking army camps to these networks or to one another, and the building of roads to sites of (forced) relocation.\(^77\) Call-up of labour for these works places a heavy burden on the population, all the more since roads often have to be repaired or completely rebuilt after every rainy season.\(^78\)

496. Thus, the findings of fact set out in Chapter 12 regarding the construction and maintenance of roads and related infrastructure show that the work is neither "minor" nor turns upon the interests of a local community, but that it is imposed either in the wider interests of national or regional development, or for the specific needs of the military. Moreover, roads built or renovated are reserved for the exclusive use of the authorities,\(^79\) and in the view of those forced to work on such projects, they would not benefit from them, in part because local forms of transport (such as bullock carts) are not permitted to use these roads, built for motor vehicles, which the vast majority

---

\(^69\) See paras. 206 and 480 to 482 above.
\(^70\) See paras. 207 to 213 above.
\(^71\) See the criteria in para. 213 above.
\(^72\) See paras. 408, 424 to 426 and 436 above.
\(^73\) See paras. 408 and 411 above.
\(^74\) See para. 413 above.
\(^75\) See para. 437 (and 429) above.
\(^76\) See para. 213 above.
\(^77\) See paras. 420 to 422 and 427 above.
\(^78\) See paras. 410, 411 and 436 above.
\(^79\) See para. 429 above.
of villagers do not own. \footnote{880} Finally, the work is imposed by the military, without consultation of the local communities in regard to the need for such services, \footnote{881} as required in Article 2(2)(e) of the Convention. The Commission concludes that by all criteria that are applicable under the Convention, the exaction of labour throughout Myanmar for the construction and maintenance of roads and bridges, as well as railway lines, does not come under any of the exceptions in Article 2, paragraph 2, of the Convention.

(f) Other infrastructure work

497. In section 7 of Chapter 12 of the present report, the Commission has set out its findings\footnote{485} concerning a range of infrastructure projects (beyond the construction of roads, railways and bridges) for which people across Myanmar were forced to contribute their labour. What has been stated above for roads, railways and associated infrastructure\footnote{883} also applies to these projects. There is no basis for linking them to the exceptions in the Convention concerning military service, normal civic obligations, prison labour or emergencies (Article 2(2)(e) to (d)). The applicability or not of the exception concerning minor communal services in Article 2(2)(e)\footnote{884} will be considered in the following paragraphs for the various types of work involved.

498. As regards the use of great numbers of forced labourers on major projects for the building and repair of dams,\footnote{885} hydroelectric power stations,\footnote{886} the digging of a canal linking two townships,\footnote{887} irrigation projects,\footnote{888} the construction of airports,\footnote{889} or work on electricity lines linking one major village to a town,\footnote{890} the size of these works or the large number of people or the geographical spread of the call-up or a combination of all these means that all these projects go far beyond the scope of "minor communal services", as defined in Article 2(2)(e) of the Convention.

499. Also, the call-up of large numbers of workers (including non-Buddhists) over four years to build a Buddha museum in the capital city of Rakhine State\footnote{891} and the use of forced labour for the excavation and restoration of a palace, a site of significant historical importance, or the cleaning of another major palace of national importance and the dredging of its moat,\footnote{892} or for the building of a 30-mile fence in Kachin State,\footnote{893} or the building of a stadium and construction of local roads for a national Student Sport Festival held each year in a different town,\footnote{894} all exceed the purview of minor communal services and turn upon the needs or interests of a community that is different from, and wider than, that to which the persons called up belong.

\footnote{880} See para. 409 above.  
\footnote{881} See para. 429 above.  
\footnote{882} See paras. 444 to 457 above.  
\footnote{883} See para. 494 above.  
\footnote{884} See para. 213 above and the findings on roads and railways in paras. 494 to 496 above.  
\footnote{885} See para. 447 above.  
\footnote{886} See paras. 447 and 454 above.  
\footnote{887} See para. 447 above.  
\footnote{888} See paras. 447 and 454.  
\footnote{889} See paras. 448 and 454.  
\footnote{889} See para. 449 and statement of Witness 129.  
\footnote{890} See para. 449 and footnote 755 above.  
\footnote{891} See para. 449 and footnotes 753 and 754 above.  
\footnote{892} See para. 451 and footnote 760 above.  
\footnote{893} See para. 451 and footnote 757 above.
Similarly, the forced transport of logs for telephone line poles to and from a river by people from different villages, the construction of helipads and hotels, the call-up of Rohingya residents to build new villages for Buddhist Rakhines, the call-up of labour, including that of non-Buddhists, for the construction and renovation of pagodas and the construction of a monastery, are all performed in the direct interests of persons, entities or wider communities that cannot be identified with the communities to which those doing the work belong.

Finally, the building of a new primary school or clinic in a village, the digging of drainage trenches in a town, or the building of a public toilet in a village, appear to be performed by members of the community in the direct interest of the community. But the call-up of persons once a week or three times a month, for one or two days, for digging drainage trenches by far exceeds the scope of “minor” communal services, which must relate primarily to maintenance work and only in exceptional cases to the building of new facilities and should not normally exceed a few days per year. Also, these criteria are not met where persons required to build a new school are simultaneously called upon to perform other forced labour. As for the building of a public toilet in a village, which would appear to come undisputably under “minor communal services”, the authoritarian manner in which the villagers were ordered to do the work follows the routine of the military authorities that does not include any consultation of the members of the community or their direct representatives in regard to the need for the services in question and thus violates the prerequisites of Article 2(2)(e) of the Convention.

(g) General work

Where urban residents are called up to carry out regular tasks such as cleaning and beautifying public areas, roads, the school and hospital compound, the area around a lake or at an army camp, the criteria set out in section (f) above also apply: while cleaning an army camp would not be performed in the direct interest of those called up to do the work, most of these other tasks might by their nature and purpose come within the purview of “minor communal services”. But the call-up of one person per household for one day per weekend for such work exceeds by far the boundaries of “minor communal services”, which should not normally involve more than a few days’ work per year, and the apparent absence of any consultation of those concerned or their direct representatives also falls short of the standards of Article 2(2)(e) of the Convention.

See statement of Witness 177, referred to in para. 454, footnote 773.
See para. 448 above.
See para. 451, footnote 758.
See statement of Witness 74, referred to in para. 454.
See para. 449, footnotes 749 to 752.
See statements by Witnesses 190 and 192, referred to in para. 454, as well as information quoted in para. 450.
See statements by Witnesses 234 and 235, referred to in para. 454.
See para. 451, footnote 759.
See statements by Witnesses 234 and 235, referred to in para. 454 above.
See para. 213 above.
See statements by Witnesses 190 and 192.
See order referred to in footnote 759 to para. 451.
See paras. 458 and 461 above.
See paras. 459 and 461 above.

A call-up for one day per week, i.e. 52 days per year, comes close to the upper limit that had been set in Art. 12(1) of the Convention for what was tolerated during a transitional period (see paras. 214 to 218 above) while being defined as forced and compulsory labour in the full sense of the Convention, and not coming under the exception in Art. 2(2)(e).
(3) **Requisition of labour, considered in the light of the prohibitions in Article 4 et seq. of the Convention**

(a) **Residual relevance of Article 4 et seq. of the Convention**

503. In its observations on the complaint, the Government has not invoked Article 1(2) of the Convention, which allowed for recourse to forced or compulsory labour during a transitional period, subject to the conditions and guarantees provided in the Convention.\(^1\) As indicated above,\(^2\) use of a form of forced or compulsory labour falling within the scope of the Convention as defined in Article 2 may no longer be justified by invoking observance of the provisions of Article 1, paragraph 2, and Articles 4 to 24, although the absolute prohibitions contained in these provisions remain binding upon the States having ratified the Convention. In this regard, the Commission noted that the wide powers to requisition labour and services laid down in the Village Act and Towns Act are incompatible not only with the obligation to suppress the use of forced or compulsory labour under Article 1, paragraph 1, read together with Article 2 of the Convention, but even with the provisions of Articles 9 to 14 and 17 to 19 of the Convention.\(^3\) The information provided to, and evidence gathered by, the Commission shows that national practice as set out in Chapter 12 likewise violates both the obligation to suppress the use of forced and compulsory labour\(^4\) and specific prohibitions contained in Article 4 et seq. of the Convention.

(b) **Violation of specific prohibitions**

(i) **Imposition of forced or compulsory labour for private benefit**

504. To the extent that the produce of, or income generated through, forced labour on projects undertaken by the military for the cultivation of rice, other food crops, or cash crops such as rubber, on shrimp farms, brick kilns and logging activities goes to individuals within or outside the military unit concerned,\(^5\) or that forced labour is used by private contractors\(^6\) or on the construction of hotels owned by private interests,\(^7\) the imposition of forced labour not only violates the obligation to suppress the use of forced or compulsory labour\(^8\) but also the specific prohibition to impose or permit the imposition of forced or compulsory labour for the benefit of private individuals, companies or associations, contained in Article 4, paragraph 1, of the Convention.

505. In their supplementary evidence submitted by a letter dated 31 October 1996, the complainants have alleged "that people living in the vicinity of the (Yadana) gas pipeline route are regularly forced to work (on the) construction of the pipeline route itself, and on related infrastructure", explaining that "Work on the pipeline route has mainly consisted of clearing the jungle by hand. Related infrastructure work has included construction of barracks in the area to house SLORC battalions moved into the region to provide security for the pipeline."\(^9\)

---

\(^1\) See para. 472 above.
\(^2\) See paras. 218 and 472 above.
\(^3\) See para. 472 above.
\(^4\) See paras. 479 to 502 above.
\(^5\) See paras. 394 and 396 above.
\(^6\) See para. 449, footnote 750 above.
\(^7\) See para. 451, footnote 758 above.
\(^8\) Art. 1, para. 1, of the Convention.
\(^9\) See Appendix I, p. 19, last para. and its footnote 92.
506. As regards the allegations regarding the ground clearance work mentioned in paragraph 505, the Commission refers to its findings concerning the facts set out in paragraph 452 above, where it indicated that, since the Commission was denied access to Myanmar to supplement its evidence, no finding on this matter could be made.

507. As regards the construction of barracks for military battalions in the region of the pipeline, the Commission considers that even if the battalions are in the region to guard the pipeline, in the absence of further information concerning the security arrangements made between the Government and the private company or companies involved in the pipeline project, forced labour used for the construction of military barracks cannot prima facie be held to be imposed for private benefit in the strict sense of Article 4 of the present Convention.

508. Construction of the Ye-Dawei (Tavoy) railway was also mentioned by the complainants in connection with the installation of the Yadana gas pipeline while such a connection was denied by TOTAL. The Commission considers that the use of forced labour for the construction of the Ye-Dawei (Tavoy) railway does not come under Article 4 of the Convention, it being understood that this railway is a state undertaking, whether or not the private companies involved in the Yadana project are among its eventual customers.

509. Finally, as indicated in the Commission’s findings concerning the facts, the Commission, having been denied access to Myanmar, was unable to make a finding as to whether TOTAL, companies working for TOTAL or the Yadana gas pipeline project were the beneficiaries of those helipads built in the region of the Yadana gas pipeline for which there is information that they were constructed with forced labour.

510. Whether or not the forced labour used on different worksites considered in paragraphs 505 to 509 above was imposed for private benefit in the sense of Article 4 of the Convention, the use of forced labour constitutes a breach of the obligation of the Government to suppress the use of forced or compulsory labour in all its forms.

(ii) Exaction of forced or compulsory labour from women, children, elderly people and disabled persons

511. In violation of the absolute prohibition in Article 11, paragraph 1, of the Convention, forced or compulsory labour is widely imposed on women, including pregnant women and nursing mothers, children below the age of 18 who may be as young as 12 or 10 years of age and who would otherwise be at school and persons above the age of 45 as well as persons otherwise unfit for work for

---

Footnotes:

919 See Appendix I, p. 20, first para. and its footnote 96.
920 See para. 54 above.
921 See paras. 423 and 436 et seq. above.
922 See the allegations in Annex I, p. 20, top para. and their rejection in para. 54 above.
923 See para. 448 above.
924 Art. 1, para. 1, of the Convention.
926 See para. 308.
928 See para. 430.
929 See paras. 342 and 456.
930 See para. 368.
931 See paras. 291, 302, 323, 416 and 430 (up to 72 years of age).
932 See paras. 302 and 323.
portering, messenger service, camp building, sweeping roads to detect mines, sentry duty, building roads and railways and other infrastructure works.

(iii) Denial of remuneration and compensation

512. While Article 14, paragraph 1, of the Convention provided for "remuneration in cash at rates not less than those prevailing for similar kinds of work", forced labourers in Myanmar are paid only in exceptional circumstances and then below market rates. Persons serving as porters are in fact never paid, except when hired as substitutes by those actually called up, and, rather than being paid, some pay to be exempted from serving. Those doing forced labour for the building or maintenance of military camps not only are not paid, neither for their work nor for any land confiscated from them, but even have to bring the necessary materials such as wood, plaster or cement, and again, some of those called up to pay in order to be exempted, or hire replacements. Persons called up to perform guard duty and villagers forced to work on agriculture, logging and other production projects are not remunerated in any way, people forced to work on roads and railways are not normally paid, only in exceptional circumstances and then below market rates, and workers called up for other infrastructure projects are not paid either. Likewise, compensation for death or injury, required by Article 15 of the Convention, appears to be minimal in the case of porters (whose families are not normally notified) and not to be given in most cases where workers are injured on road or railway building projects.

(iv) Compulsory cultivation

513. Article 19(1) of the Convention prohibits the recourse to compulsory cultivation otherwise than "as a method of precaution against famine or a deficiency of food supplies, and always under the condition that the food shall remain the property of the individuals or the community producing it". In Myanmar, villagers are not only forced by the military to grow rice and other food crops in the absence of a risk of famine, but they are also compelled to grow and harvest cash crops, and in either case...

---

514 See para. 353.
515 See para. 368 above.
516 See para. 375 above.
517 See para. 384 above.
518 See paras. 416, 430 and 437 above.
519 See para. 456 above.
520 See paras. 312, 314 and 433 above.
521 See para. 314 above.
522 See paras. 312, 338 and 348 above.
523 See para. 312 above.
524 See paras. 302 and 312 above.
525 See para. 351 above.
526 See para. 369 above.
527 See para. 373 above.
528 See para. 387.
529 See paras. 395 and 406 above.
530 See paras. 415, 433 and 440 above.
531 See para. 457 above.
532 See para. 319 above.
533 See para. 414 above.
the produce is used or sold by the military and never remains the property of the individuals or the community producing it.\footnote{4}{See paras. 394 to 407 above.}

\(\text{(4)}\) \textbf{Punishment of the illegal exaction of forced or compulsory labour}

514. Under Article 25 of the Convention, “The illegal exaction of forced or compulsory labour shall be punishable as a penal offence, and it shall be an obligation on any Member ratifying this Convention to ensure that the penalties imposed by law are really adequate and are strictly enforced”. As indicated above, it appears that section 374 of the Penal Code, which provides for the punishment of those unlawfully compelling any person to labour against the will of that person,\footnote{5}{See para. 258 above.} is not being applied in practice, and persons exacting forced labour in Myanmar are not being punished.\footnote{6}{See para. 284 above.}

In so far as some of the forced or compulsory labour exacted in violation of the Convention may be imposed in conformity with the provisions of the Village Act or the Towns Act that are themselves contrary to the Convention,\footnote{7}{See para. 470 et seq. above.} the necessary amendments to those provisions of the Village Act or Towns Act may have to be brought into force before the corresponding exaction of forced or compulsory labour becomes “unlawful” in national law and punishable under article 374 of the Penal Code.\footnote{8}{With regard to criminal responsibility in international law, see however paras. 204 and 478 above.}

However, the provisions of the Village Act and the Towns Act authorizing recourse to compulsory labour had at some stage been declared obsolete\footnote{9}{See para. 480 et seq. above.} and are in practice never invoked when imposing forced or compulsory labour.\footnote{10}{See paras. 481 above.}

Moreover, there are a number of instances of exaction of forced labour, in particular where people are directly rounded up by the military for compulsory service without a requisition of the village head or ward authorities,\footnote{11}{See paras. 122 et seq. above; see however the reversal in paras. 145 and 237 above.} which even under the very wide provisions of the Village Act and the Towns Act appear unlawful in national law and should have given rise already to prosecution under article 374 of the Penal Code. The lack of enforcement in practice of article 374 of the Penal Code violates the obligations of Myanmar under Article 25 of the Convention.
PART V

Conclusions and recommendations

14. CONCLUSIONS AND RECOMMENDATIONS

515. Before setting out its conclusions and recommendations, the Commission wishes to address two preliminary questions which relate to the lack of adequate participation by the Government of Myanmar in the proceedings and the Government’s claim that the work of the Commission, and particularly the planned visit to Myanmar, constitute interference in the internal affairs of the country. *

(1) Preliminary questions

516. After examining the information submitted by the parties, during its First Session, held in June 1997, the Commission invited the Government of Myanmar to communicate before 30 September 1997 any written statement it might wish to present, as well as the names and description of the witnesses which it wished to be heard during the hearings held from 17-20 and 25-26 November 1997. The Commission also requested the Government of Myanmar to give an assurance that it would not obstruct the attendance before the Commission of the witnesses called by the parties and that no sanction or prejudice to these witnesses and their families would be incurred as a consequence of their participation in the work of the Commission. Finally, the Government was also requested to designate the representative or representatives responsible for acting on its behalf before the Commission and for dealing with all relevant matters which might arise at the various stages of its work.

517. In a communication dated 10 November 1997, the Government of Myanmar informed the Commission that it was unable to provide within the time-limits established the names of the witnesses that it wished to be heard. Moreover, the Government did not appoint its representative to act before the Commission; nor did it provide the assurance requested by the Commission relating to the protection of witnesses and their families against reprisals.

518. The Commission’s hearings were held without the benefit of the presence of the Government of Myanmar, although it had been duly informed of the dates on which they would be held, and the information received from the complainants and from other sources was transmitted to it in due time. In this respect, the Commission concluded that the Government of Myanmar had abstained in full knowledge that it was not availing itself of its right to be present at the hearings. In these circumstances and considering the time that had elapsed since the filing of the complaint, the Commission considered that it had to proceed with its work in order to ensure that the

* See above, para. 70.
* For a detailed description of the measures taken at the First Session, see above paras. 17-27.
* For more details on the work of the Second Session, see above, paras. 55-67.
Forced labour in Myanmar

complaint was examined expeditiously, avoiding all undue delay and thereby guaranteeing a fair procedure.  

519. Following that session, the Commission considered that it would be useful for it to visit Myanmar to supplement the information in its possession and it sent a letter to this effect to the Government of Myanmar on 28 November 1997. On 12 December, the Government of Myanmar informed the Director-General of the ILO that it could not authorize a visit by the Commission of Inquiry, on the grounds that, in its opinion, such a visit would not really contribute to resolving the matter and would be an interference in the internal affairs of the country.

520. With regard to the alleged interference in the internal affairs of the country, the Commission takes the view, as was done by a previous Commission of Inquiry, that by virtue of its Constitution the ILO was established to improve conditions of labour and that it follows that the matters dealt with by the Organization no longer fall within the exclusive sphere of competence of States (domaine réservé). Therefore, the action taken by the Organization in this case, namely the institution of a Commission of Inquiry with full fact-finding and investigative powers, cannot be considered to be undue interference in internal affairs, since it falls precisely within the terms of reference that the ILO has received from its Members with a view to attaining the aims assigned to it. Moreover, the establishment of such a Commission of Inquiry by the ILO is explicitly provided for in the Constitution of the ILO and is only possible in cases in which the Convention in question has been ratified by the State against which the complaint is made. Indeed, once a State has by a free and sovereign decision, not only joined the ILO but also ratified an international labour Convention, neither the establishment of a Commission of Inquiry nor its functioning are subject to the agreement or cooperation of the State concerned.

521. The objection based on undue interference in the internal affairs of Myanmar is thus devoid of any legal validity, particularly as article 27 of the Constitution of the ILO includes the undertaking by each member State to “place at the disposal of the Commission all the information in [its] possession which bears upon the subject-matter of the complaint”. This provision clearly shows that member States, and a fortiori, the State which is the subject of the complaint, are under indeed an obligation to cooperate with the procedure and cannot, by a refusal to cooperate, prevent the functioning of the procedure.

522. The question nevertheless arises whether the non-cooperation of the Government of Myanmar has in practice had a bearing on the capacity of the Commission to establish the facts of the present case.

523. The Commission has sent voluminous documentation which it received since the beginning of the procedure to the Government for comment. It thus expected the Government of Myanmar to participate in the procedure, in particular by placing at its disposal information as to the facts and the law which would have facilitated its assessment of the situation and by giving it the possibility to visit Myanmar to meet both officials of the Government and other persons able to provide relevant information. However, in the absence of such cooperation, all information that the

---

<sup>65</sup> See above, para. 58.


<sup>67</sup> See the relevant articles reproduced above in para. 3.
Government of Myanmar has provided to the Commission has been taken into account as carefully as possible, as well as the positions that the Government has adopted up to June 1996 before other ILO bodies, in particular, the Committee of Experts on the Application of Conventions and Recommendations, the Committee on the Application of Standards of the ILC and the Committee set up to consider the representation made by the International Confederation of Free Trade Unions (ICFTU) in 1993 under article 24 of the ILO Constitution alleging the non-observance of the Convention by Myanmar. The Commission also took into account the information provided in the very substantial communications that it received and the numerous testimonies of persons with direct and recent experience of the situation in Myanmar as it relates to forced labour. In this context, the Commission considers that it had at its disposal factual information that was amply sufficient to enable it to make a precise assessment of the situation as a whole and to formulate its conclusions and make the recommendations required by the situation in relation to the allegations made in the complaint and the provisions of the Forced Labour Convention, 1930 (No. 29).

(2) Terms of reference of the Commission

524. By a letter dated 20 June 1996, 25 Workers’ delegates presented a complaint under article 26 of the Constitution against the Government of Myanmar for non-observance of the Forced Labour Convention, 1930 (No. 29), which it ratified on 4 March 1995 and which came into force one year later.

525. In March 1997, the Governing Body set up a Commission of Inquiry in order to make an objective assessment of the situation raised in the complaint. On the same occasion, it appointed its members who, chosen for their impartiality and integrity, undertook in a solemn declaration, equivalent to that made by judges of the International Court of Justice, to carry out their tasks and exercise their powers "honourably, faithfully, impartially and conscientiously".

526. Under the terms of article 28 of the Constitution of the ILO, the Commission should prepare a report embodying its findings on all questions of fact relevant to determining the issue between the parties and containing such recommendations as it may think proper concerning the steps which should be taken and the time within which they should be taken. In order to give full effect to its terms of reference, the Commission considered that its role was not to be confined to an examination of the information furnished by the parties themselves or in support of their contentions, but that the Commission should take all necessary measures to obtain as complete and objective information as possible on the matters at issue.

527. It is therefore in this spirit of independence and impartiality that the Commission states its conclusions and presents recommendations as to the steps which should be taken to remedy the situation on those points on which it does not consider it to be satisfactory.

See above, paras. 121-168.
See above, para. 8.
See above, paras. 12-16.
(3) Conclusions on the substance of the case

528. There is abundant evidence before the Commission showing the pervasive use of forced labour imposed on the civilian population throughout Myanmar by the authorities and the military for portering, the construction, maintenance and servicing of military camps, other work in support of the military, work on agriculture, logging and other production projects undertaken by the authorities or the military, sometimes for the profit of private individuals, the construction and maintenance of roads, railways and bridges, other infrastructure work and a range of other tasks, none of which comes under any of the exceptions listed in Article 2(2) of the Convention.

529. The call-up of labour is provided for in very wide terms under sections 8(1)(g)(n) and (o), 11(d) and 12 of the Village Act and sections 9(b) and 9A of the Towns Act, which are incompatible with the Convention. The procedure used in practice often follows the pattern of those provisions, in relying on the village head or ward authorities for requisitioning the labour that any military or government officer may order them to supply, but the provisions of the Village Act and the Towns Act were never actually referred to in those orders for the call-up of forced labourers that were submitted to the Commission; it thus appears that unfettered powers of military and government officers to exact forced labour from the civilian population are taken for granted, without coordination among different demands made on the same population, and people are also frequently rounded up directly by the military for forced labour, bypassing the local authorities.

530. Failure to comply with a call-up for labour is punishable under the Village Act with a fine or imprisonment for a term not exceeding one month, or both, and under the Towns Act, with a fine. In actual practice, the manifold exactions of forced labour often give rise to the extortion of money in exchange for a temporary alleviation of the burden, but also to threats to the life and security and extrajudicial punishment of those unwilling, slow or unable to comply with a demand for forced labour; such punishment or reprisals range from money demands to physical abuse, beatings, torture, rape and murder.
531. Forced labour in Myanmar is widely performed by women,\(^9\) children\(^5\) and elderly persons\(^6\) as well as persons otherwise unfit for work.\(^7\)

532. Forced labour in Myanmar is almost never remunerated\(^8\) nor compensated,\(^9\) secret directives notwithstanding,\(^10\) but on the contrary often goes hand in hand with the exaction of money,\(^11\) food\(^12\) and other supplies\(^13\) as well from the civilian population.

533. Forced labour is a heavy burden on the general population in Myanmar, preventing farmers from tending to the needs of their holdings and children from attending school; it falls most heavily on landless labourers and the poorer sections of the population,\(^14\) which depend on hiring out their labour for subsistence and generally have no means to comply with various money demands made by the authorities in lieu of, or over and above, the exaction of forced labour.\(^15\) The impossibility of making a living because of the amount of forced labour exacted is a frequent reason for fleeing the country.\(^16\)

534. The burden of forced labour also appears to be particularly great for non-Burman ethnic groups,\(^17\) especially in areas where there is a strong military presence,\(^18\) and for the Muslim minority, including the Rohingyas.\(^19\)

535. All the information and evidence before the Commission shows utter disregard by the authorities for the safety and health as well as the basic needs of the people performing forced or compulsory labour. Porters, including women, are often sent ahead in particularly dangerous situations as in suspected minefields, and many are killed or injured this way.\(^20\) Porters are rarely given medical treatment of any kind,\(^21\) injuries to shoulders, backs and feet are frequent,\(^22\) but medical treatment is minima\(^23\) or non-existent\(^24\) and some sick or injured are left behind in the jungle.\(^25\) Similarly, on road building projects, injuries are in most cases not treated, and deaths

\(^{9\text{a}}\) See paras. 292, 418 and 435 above.
\(^{9\text{b}}\) See paras. 292, 418, 441 and its footnote (734) above.
\(^{9\text{c}}\) See paras. 311, 317, 343 (footnote 437), 349 and 418 above.
\(^{9\text{e}}\) See paras. 291, 302, 314, 332, 343, 368, 375, 384, 416, 430, 437, 457 and 511 above.
\(^{9\text{f}}\) See paras. 291, 302, 323, 416, 430 and 511 above.
\(^{9\text{g}}\) See paras. 302 and 323 above.
\(^{9\text{h}}\) See paras. 312, 338, 388, 395, 406, 415, 433, 440, 457 and 512 above.
\(^{9\text{i}}\) See paras. 319, 414 and 512 above.
\(^{9\text{j}}\) See paras. 245 et seq. and 473 et seq. above.
\(^{9\text{k}}\) See, inter alia, paras. 295 and 443 above.
\(^{9\text{l}}\) See paras. 370, 372 and 404 above.
\(^{9\text{m}}\) See paras. 352 and 370 above.
\(^{9\text{n}}\) See paras. 296, 297 and 434 above.
\(^{9\text{o}}\) See paras. 295, 302, 307, 312, 373, 387, 434 and 443 above.
\(^{9\text{p}}\) See para. 297, 339 and a number of oral testimonies.
\(^{9\text{q}}\) See para. 296 above.
\(^{9\text{r}}\) See paras. 335 et seq., 362 and 366 above.
\(^{9\text{s}}\) See paras. 296, 339 and 362. See also paras. 249 and 254, concerning restrictions on the freedom of movement and their bearing on the exposure to forced labour.
\(^{9\text{t}}\) See paras. 300, 328, 330, 332 and 346 above.
\(^{9\text{u}}\) See para. 318 above.
\(^{9\text{v}}\) See para. 314 above.
\(^{9\text{w}}\) See para. 319 above.
\(^{9\text{x}}\) See para. 348 above.
\(^{9\text{y}}\) Ibid.
Forced labour in Myanmar

from sickness and work accidents are frequent on some projects.\textsuperscript{1016} Forced labourers, including those sick or injured, are frequently beaten or otherwise physically abused by soldiers, resulting in serious injuries;\textsuperscript{1017} some are killed;\textsuperscript{1018} and women performing compulsory labour are raped or otherwise sexually abused by soldiers.\textsuperscript{1019} Forced labourers are, in most cases, not supplied with food\textsuperscript{1020} – they sometimes even have to bring food, water, bamboo and wood to the military;\textsuperscript{1021} porters may receive minimal rations of rotten rice,\textsuperscript{1022} but be prevented from drinking-water.\textsuperscript{1023} No clothing or adequate footwear is provided to porters, including those rounded up without prior warning.\textsuperscript{1024} At night, porters are kept in bunkers or have to sleep in the open, without shelter or blankets provided, even in cold or wet situations, often tied together in groups.\textsuperscript{1025} Forced labourers on road and railway construction have to make their own arrangements for shelter as well as all other basic needs.\textsuperscript{1026}

536. In conclusion, the obligation under Article 1, paragraph 1, of the Convention to suppress the use of forced or compulsory labour is violated in Myanmar in national law, in particular by the Village Act and the Towns Act, as well as in actual practice in a widespread and systematic manner, with total disregard for the human dignity, safety and health and basic needs of the people of Myanmar.

537. Concurrently, the Government violates its obligation under Article 25 of the Convention to ensure that the penalties imposed by law for the illegal exaction of forced or compulsory labour are both really adequate and strictly enforced.\textsuperscript{1027} While section 374 of the Penal Code provides for the punishment of those unlawfully compelling any person to labour against the will of that person,\textsuperscript{1028} that provision does not appear to be ever applied in practice,\textsuperscript{1029} even where the methods used for rounding up people do not follow the provisions of the Village Act or the Towns Act, which are in any event never referred to in practice.\textsuperscript{1030}

538. A State which supports, instigates, accepts or tolerates forced labour on its territory commits a wrongful act and engages its responsibility for the violation of a peremptory norm in international law.\textsuperscript{1031} Whatever may be the position in national law with regard to the exaction of forced or compulsory labour and the punishment of those responsible for it, any person who violates the prohibition of recourse to forced labour under the Convention is guilty of an international crime that is also, if committed in a widespread or systematic manner, a crime against humanity.\textsuperscript{1032}

---

\textsuperscript{1016} See paras. 414 and 432 above.
\textsuperscript{1017} See paras. 317, 349, 372, 376, 385, 418, 432, 435, 441 and 457 above.
\textsuperscript{1018} See paras. 317, 346, 347, 349, 374, 418 and 432 above.
\textsuperscript{1019} See paras. 317, 343, 353, 372, 418 and 432 above.
\textsuperscript{1020} See paras. 338, 341, 370, 380, 387, 406, 414 and 433 above.
\textsuperscript{1021} See paras. 370 and 372 above.
\textsuperscript{1022} See paras. 316 and 348 above.
\textsuperscript{1023} See para. 316 above.
\textsuperscript{1024} See para. 315 above.
\textsuperscript{1025} See para. 320 above.
\textsuperscript{1026} See paras. 417, 433 and 440 above.
\textsuperscript{1027} See para. 514 above.
\textsuperscript{1028} See para. 258 above.
\textsuperscript{1029} See para. 284 above.
\textsuperscript{1030} See paras. 481 and 514 above.
\textsuperscript{1031} See para. 203 above.
\textsuperscript{1032} See paras. 204 and 478 above.
(4) Recommendations

539. In view of the Government’s flagrant and persistent failure to comply with the Convention, the Commission urges the Government to take the necessary steps to ensure:

(a) that the relevant legislative texts, in particular the Village Act and the Towns Act, be brought into line with the Forced Labour Convention, 1930 (No. 29) as already requested by the Committee of Experts on the Application of Conventions and Recommendations and promised by the Government for over 30 years, and again announced in the Government’s observations on the complaint. This should be done without further delay and completed at the very latest by 1 May 1999;

(b) that in actual practice, no more forced or compulsory labour be imposed by the authorities, in particular the military. This is all the more important since the powers to impose compulsory labour appear to be taken for granted, without any reference to the Village Act or Towns Act. Thus, besides amending the legislation, concrete action needs to be taken immediately for each and every of the many fields of forced labour examined in Chapters 12 and 13 above to stop the present practice. This must not be done by secret directives, which are against the rule of law and have been ineffective, but through public acts of the Executive promulgated and made known to all levels of the military and to the whole population. Also, action must not be limited to the issue of wage payment; it must ensure that nobody is compelled to work against his or her will. Nonetheless, the budgeting of adequate means to hire free wage labour for the public activities which are today based on forced and unpaid labour is also required;

(c) that the penalties which may be imposed under section 374 of the Penal Code for the exaction of forced or compulsory labour be strictly enforced, in conformity with Article 25 of the Convention. This requires thorough investigation, prosecution and adequate punishment of those found guilty. As pointed out in 1994 by the Governing Body committee set up to consider the representation made by the ICFTU under article 24 of the ILO Constitution, alleging non-observance by Myanmar of the Forced Labour Convention, 1930 (No. 29), the penal prosecution of those resorting to coercion appeared all the more important since the blurring of the borderline between compulsory and voluntary labour, recurrent throughout the Government’s statements to the committee, was all the more likely to occur in actual recruitment by local or military officials. The power to impose compulsory labour will not cease to be taken for granted unless those used to exercising it are actually brought to face criminal responsibility.

540. The recommendations made by the Commission require action to be taken by the Government of Myanmar without delay. The task of the Commission of Inquiry is completed by the signature of its report, but it is desirable that the International Labour Organization should be kept informed of the progress made in giving effect to the recommendations of the Commission. The Commission therefore recommends that the Government of Myanmar should indicate regularly in its reports under article 22 of the Constitution of the International Labour Organization concerning the
Forced labour in Myanmar

measures taken by it to give effect to the provisions of the Forced Labour Convention, 1930 (No. 29), the action taken during the period under review to give effect to the recommendations contained in the present report. In addition, the Government may wish to include in its reports information on the state of national law and practice with regard to compulsory military service.\textsuperscript{1038}

(5) Concluding observations

541. The Commission notes that in its resolution 52/137 adopted 12 December 1997, the General Assembly of the United Nations "urges the Government of Myanmar, in conformity with its assurances given at various times, to take all necessary steps towards the restoration of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990 and to ensure that political parties and non-governmental organizations can function freely".\textsuperscript{1039} The Commission further notes that in his report on the situation of human rights in Myanmar submitted 15 January 1998, the Special Rapporteur, Mr. Rajsoomer Lallah, recommended that "steps should also be taken to restore the independence of the judiciary and to subject the executive to the rule of law and render unjust and unjustifiable actions justiciable".\textsuperscript{1040}

542. The Commission considers that the impunity with which government officials, in particular the military, treat the civilian population as an unlimited pool of unpaid forced labourers and servants at their disposal is part of a political system built on the use of force and intimidation to deny the people of Myanmar democracy and the rule of law. The experience of the past years tends to prove that the establishment of a government freely chosen by the people and the submission of all public authorities to the rule of law are, in practice, indispensable prerequisites for the suppression of forced labour in Myanmar.

543. This report reveals a saga of untold misery and suffering, oppression and exploitation of large sections of the population inhabiting Myanmar by the Government, military and other public officers. It is a story of gross denial of human rights to which the people of Myanmar have been subjected particularly since 1988 and from which they find no escape except fleeing from the country. The Government, the military and the administration seem oblivious to the human rights of the people and are trampling upon them with impunity. Their actions gravely offend human dignity and have debasing effect on the civil society. History shows that where human rights are denied or violated in any part of the world, it is bound to have a chain effect on the other parts of the world and it is therefore of vital interest to the international community that such denial and violation of human rights must be effaced from wherever it occurs. Every man, woman and child must be able to live with human dignity and become an equal participant with others in the enjoyment of the fruits of freedom, liberty and development. The Commission hopes and trusts that in the near future the old order will change, yielding place to the new where everyone in Myanmar will have an opportunity to live with human dignity and to develop his or her full potential in a freely chosen manner and there will be no subjection or enslavement of

\textsuperscript{1034} See paras. 477 and 489 to 491 above.
anyone by others. This can happen only if there is restoration of democracy where people as a whole can wield power for their common good.


(Signed) W. Douglas, Chairperson.

P.N. Bhagwati.

R.A. Layton.

* * *

Having signed this report, the members of the Commission wish to thank Mr. Michel Hansenne, Director-General of the ILO, and his staff for the assistance generously given to the Commission in carrying out its mandate.

The Commission is particularly grateful to Mr. André Zenger, Chief of the Application of Standards Branch, who took part in all its sessions and accompanied the Commission on its visit to the region and to Mr. Max Kern, a senior official, whose great expertise in labour standards was a vital contribution to the Commission's work. The Commission also wishes to thank Ms. Anne-Marie La Rosa, whose mastery of the principles of international law is matched by unusual clarity of thought and expression, and Mr. Richard Horsey whose knowledge of the region and its languages and whose lucidity of expression were so helpful to the Commission.
APPENDICES

APPENDIX I

SUPPLEMENTARY EVIDENCE SUBMITTED BY THE COMPLAINANTS IN OCTOBER 1996

Supplementary evidence to the complaint under article 26 of the Constitution of the International Labour Organization submitted on 20 June 1996 by the Workers' delegates to the 1996 International Labour Conference against the Government of Myanmar for non-observance of ILO Convention No. 29

(31 October 1996)

CONTENTS

Table of authorities .................................................. 151

I. SUMMARY .......................................................... 155
   A. Factual findings ............................................... 155
   B. Legal conclusions ........................................... 155

II. PRIOR PROCEEDINGS AT THE ILO .................................. 157
   A. Review by the Committee of Experts and the Conference Committee .... 157
      1. The Committee of Experts .................................. 157
      2. The Conference Committee ................................. 158
   B. The Article 24 Representation ................................ 159

III. FINDINGS OF FACT ............................................... 161
   A. Forced labour for public purposes .......................... 161
      1. The Government of Myanmar uses forced labour to perform portering, combat, minesweeping and sexual services for military troops ............. 161
2. The Government of Myanmar uses forced labour on development and public works projects that are not in the direct interest of the community, and in fact harm community life ........................................ 164
   (a) Forced labour practices on development projects are widespread and affect hundreds of thousands of civilians .......... 164
   (b) Forced labour on development projects is systematic and organized ....... 165
   (c) Harsh working conditions and human rights abuses are common on development projects .................................................. 165
   (d) The practice of forced labour on public development and infrastructure projects harms the social and economic life of the people of Myanmar ... 166
   (e) The development and infrastructure projects for which the Government uses forced labour do not benefit the community supplying the forced labour .................................................. 166

3. The Government of Myanmar uses forced labour on military construction projects ........................................ 167

B. Forced labour for private benefit ........................................ 167
   1. The Government of Myanmar uses forced labour to promote private benefit in joint venture developments, including the country’s oil and natural gas reserves 167
   2. Forced labour is used for the benefit of private investors in development, public works and tourism projects .................. 168
   3. The Government of Myanmar uses forced labour for the private commercial interests of military members .................. 169

C. The law of forced labour in Myanmar ........................................ 169
   1. Myanmar law provides for forced or compulsory labour to be exacted from the people on pain of penalties .................. 169
   2. The Government of Myanmar has issued directives that legitimize the practice of forced labour on development projects .................. 171
   3. The laws authorizing forced labour in Myanmar fall outside the scope of a criminal law punishing the “unlawful” exaction of forced or compulsory labour 171

IV. CONCLUSIONS OF LAW ........................................ 172
A. The practice of forced labour in Myanmar is a breach of its international obligations under Convention No. 29 ........................................ 172
   1. Myanmar’s practice of forced labour breaches its obligations under Convention No. 29 ........................................ 172
   2. Myanmar’s failure to completely suppress forced labour for private benefit violates Convention No. 29 .................. 174
   3. Myanmar’s failure in practice to pursue and to punish those who exact forced labour breaches its obligations under Convention No. 29 .................. 174

B. Myanmar’s laws do not comply with Convention No. 29 ........................................ 174
   1. The Government of Myanmar has breached its duty under Convention No. 29 because it has failed to repeal or amend its laws that permit the exaction of forced labour .................. 174
   2. The Government of Myanmar has failed to meet its duty under Convention No. 29 because it has not fully complied with Article 25 .................. 175

C. No permissible exception under Article 2 applies ........................................ 175
   1. The forced labour practices do not constitute work or service “exacted in virtue of compulsory military service laws for work of a purely military character” under Article 2(2)(a) .................. 176
2. Forced and compulsory labour in Myanmar is not part of the normal civic obligations of the citizenry, within the meaning of Article 2(2)(b) of the Convention. ................................................................. 176
3. The labour exacted from prisoners does not meet the strict requirements of Article 2(2)(c). ......................................................................................... 176
4. No emergency within the meaning of Article 2(2)(d) exists to permit the forced and compulsory labour that is currently being performed in Myanmar. ........ 177
5. Forced or compulsory labour in Myanmar goes far beyond the concept of "minor communal service" in Article 2(2)(e) .................................................... 177

D. A transitional period does not apply in this case and, even if a transitional period applied, the Government of Myanmar has failed to demonstrate compliance with the guarantees that govern such a period ........................................... 178
   1. The ILO noted that no transitional period applies to exempt the Government of Myanmar from its obligation under Convention No. 29 to suppress forced labour in all its forms ......................................................... 178
   2. A transitional period does not apply in the case of Myanmar as a matter of fact or law ................................................................. 178
   3. Myanmar is bound by its declaration that no transitional period applies 179
   4. In any event, none of the conditions and guarantees required during the transitional period is satisfied in Myanmar ................................. 180

V. CONCLUSIONS .................................................................................. 182
# Table of authorities

## ILO documents
- Convention concerning Forced or Compulsory Labour, 1930 (No. 29).

## Conference Committee documents: Records of Proceedings

## Reports of the Committee of Experts

## General Surveys of the Committee of Experts concerning forced labour

## Governing Body reports
Forced labour in Myanmar

Other ILO documents


UN documents

Reports of the Special Rapporteur on the situation of human rights in Myanmar


Other UN documents


Laws and regulations of Myanmar


SLORC Law No. 4/93.

SLORC Law No. 1/92.


SLORC Secret Directive No. 82.

Statements of the Government to UN


**International decisions**


**Treatises**


**Fact-finding reports**

Amnesty International


*Conditions in prisons and labour camps*, AI: ASA 16/22/95 (Sep. 1995).

*Myanmar: "No place to hide": Killings, abductions against ethnic Karen villagers and refugees*, AI: ASA 16/13/95 (June 1995).


*Myanmar: The climate of fear continues – Members of ethnic minorities and political prisoners still targeted*, AI: ASA 16/06/93.


Anti-Slavery International

Ethnic groups in Burma (1994).

**Article 19**


*Paradise lost ? The suppression of environmental rights and freedom of expression in Burma* (Sep. 1994).

Australian Council for Overseas Aid

Slave labour in Burma: An examination of the SLORC's forced labour policies (May 1996).

Asia Watch


Burma Action Group

*Burma, the alternative guide* (Jan. 1996).

EarthRights International and Southeast Asian Information Network

*Total denial* (July 1996).

Human Rights Watch/Asia

*Burma: The Rohingya Muslims, ending a cycle of exodus?*, Vol. 8, No. 9 (C) (Sep. 1996).


Images Asia

International Commission of Jurists

Lawyers Committee for Human Rights

US Committee for Refugees
   *USCR site visit to Bangladesh* (20 June-1 July 1996).

United States Department of State

Other authorities

*John Doe I., etc. et. al., v. Unocal Corp. et. al.* Docket No. 96-6959 LGB (C.D. Cal.), complaint filed in US Federal Court, 3 Oct. 1996.

*The National Coalition Government of the Union of Burma and the Federation of Trade Unions of Burma v. Unocal Inc.*


Letter from Beth Stephens, Center for Constitutional Rights, dated 21 March 1995 to Mr. Roger Beach, CEO, Unocal Corporation.


I. Summary

This is presented as supplementary evidence to the complaint under article 26 of the Constitution submitted on 20 June by Workers' delegates to the 1996 International Labour Conference (footnote giving name/country) against the Government of Myanmar for non-observance of Convention No. 29 on Forced Labour (1930) which it ratified in 1955. The ILO's prior proceedings in this matter have included more than 30 years of review by the Committee of Experts, two special paragraphs by the Conference Committee, findings of non-compliance with the Convention by a committee established to examine a representation under article 24 of the ILO Constitution (“Article 24 Committee”) and the subsequent adoption of those findings by the Governing Body of the ILO.

A. FACTUAL FINDINGS

Myanmar is and has been conducting a widespread practice of exacting forced labour in the country. The practice, which affects hundreds of thousands of residents of Myanmar, involves the use of forced labour for public purposes as well as for private benefit. The labour is exacted from men, women and children of villages and towns in various parts of the country as well as from prisoners. Along with the forced labour, the military Government of Myanmar (“Government” or SLORC) is perpetrating severe physical and sexual abuses on many forced labourers including beatings, rape, executions and deliberate deprivation of necessary food, water, rest, shelter, and access to medical care.

Myanmar conducts forced labour practices for public purposes including the following: (1) portering, combat minesweeping, and sexual services for military troops; (2) construction and other heavy labour on development and infrastructure projects that do not benefit and, most often, harm the population from which forced labour is exacted; and (3) heavy work on military construction projects. Myanmar also conducts a practice of forced labour for private benefit in order to: (1) promote joint venture developments, including the country’s oil and natural gas reserves; (2) encourage private investment in infrastructure development, public works, and tourism projects; and (3) benefit the private commercial interests of members of the Myanmar military.

Two laws currently in effect in Myanmar authorize forced or compulsory labour to be exacted from the people and provide for fines and imprisonment of those who fail to comply. Those laws, the Villages Act 1908 and Towns Act 1907, fall outside the scope of a law apparently in effect that makes “unlawful” exaction of labour a criminal offence. Other recently uncovered secret military directives implicitly legitimize forced labour practices on development projects by urging that payment be made to forced labourers and that the “misery and sufferings” associated with “undesirable incidents” during forced labour be curbed.

B. LEGAL CONCLUSIONS

Myanmar has failed entirely to secure the effective observance of Convention No. 29. It deliberately engages in the practice of forced labour within the meaning of the Convention and commits gross human rights abuses in the context of that practice. It has refused to repeal laws that authorize the practice or to properly make the exaction of forced labour a penal offence. It further has refused to ensure that penalties imposed by law are really adequate and strictly enforced as required by the Convention.

The Government has sought to characterize the arrests and practice of forced labour under menace of threats, abusive practices, fines, and imprisonment as the voluntary contribution of the people of Myanmar pursuant to Buddhist cultural tradition. The evidence demonstrates not only that non-Buddhist minorities are at times subjected disproportionately to forced labour requirements, but also that the practice is conducted under threat of legal penalties and use of physical force.
Forced labour in Myanmar

The Government has represented that it will use only armed forces henceforth on, in its words, "major community development projects". That representation provides no assurances that the Government will stop the use of forced labour on other projects, including support and portering services for the military, or that forced labour on "major projects" could not resume at any time.

None of Myanmar's forced labour practices qualifies as an exception from the Convention's general prohibitions on the use of forced or compulsory labour. The practices fail to satisfy any of the following five narrow exceptions allowed under the Convention: compulsory military service; normal civic obligations; labour as punishment for duly convicted prisoners; circumstances of emergency threatening the population; and minor communal service. In addition, whether a forced labourer is paid makes no difference to the determination of whether the conduct qualifies under any of the five exceptions, despite the fact that the Government has sought to defend its practices by alleging that its forced labourers are paid.

No transitional period applies to exempt Myanmar from its obligation under Convention No. 29 to suppress forced labour in all its forms. The Committee established by the ILO to review the ICFTU's Article 24 Representation on forced portering in Myanmar determined that no transitional period applied. That finding is amply supported as a matter of fact and law. The 40 years since Myanmar ratified the Convention constitutes more than ample time to make required alterations to law and practice to conform to the Convention's requirements. Moreover, the Government itself has admitted that no transitional period applies; such admissions were made in the article 24 proceeding and recently in its observations made to the United Nations relating to reports of forced labour practices.

Finally, even if a transitional period applied in this case, the evidence demonstrates that none of the conditions and guarantees required to be met during the transitional period is satisfied in Myanmar. Forced labour is used for private benefit; forced labor is used widely and systematically as a regular part of the Government's budget; and the practice of forced labour is in no way limited to use as an exceptional measure. Further breaches of the conditions and guarantees required under the transitional provisions of the Convention include inadequate or non-existent regulation of forced labour practices; work that is not of important direct interest for the community from whom the labour is exacted and that is not of imminent necessity; work that lays too heavy a burden on the population; forced labour exacted as a tax without the safeguards required by the Convention, including allowing the forced labourers to remain at their habitual residence and respecting religion, social life, and agriculture; conscripting women, children, and men over 45 into forced labour; failing to limit forced labour duty to 60 days per year; failing to provide cash remuneration in rates of pay equal to the prevailing wage for voluntary labour and failing to observe normal working hours and a weekly day of rest; failing to apply workers' compensation laws and, in any case, meeting the responsibility of maintaining the subsistence of any person incapacitated as a result of performing forced labour; ensuring that people are not moved to different parts of the country in which their health may be affected or, where that is necessary, ensuring gradual acclimatization; for extended periods of forced labour, ensuring appropriate medical care and subsistence of the workers' families and providing for the cost of the workers' journeys to and from the workplace; and abolishing forced portering "within the shortest possible period" after ratification.

Based on the presentation of the facts and discussion of the law in this complaint, the complainants urge that the Governing Body establish a Commission of Inquiry to consider the complaint and to report on the situation in Myanmar. The complainants further recommend that, if established, the Commission of Inquiry should insist on procedures that ensure the safety of witnesses and their families. The complainants request that the Commission of Inquiry make factual findings and draw legal conclusions consistent with those in the complaint, and recommend that Myanmar take immediate remedial measures to comply with and respect the terms of Convention No. 29.
II. Prior proceedings at the ILO

Myanmar ratified the ILO Convention concerning Forced or Compulsory Labour, 1930 (No. 29) ("Convention No. 29") on 4 March 1955. Myanmar's compliance with its obligations under Convention No. 29 has been the subject of long-standing comment by the Committee of Experts on the Application of Conventions and Recommendations ("Committee of Experts") and by the International Labour Conference's Committee on the Application of Standards ("Conference Committee").

A. REVIEW BY THE COMMITTEE OF EXPERTS AND THE CONFERENCE COMMITTEE

1. The Committee of Experts

For more than 30 years, the Committee of Experts has reviewed Myanmar's compliance under Convention No. 29. In the 1960s, the Committee examined the Government's practices under the Prisons Act, No. 9, 1894, Villages Act 1908 and Towns Act 1907. In 1968, the Government indicated to the Committee that the Villages and Towns Acts were not in use and that it would consider the adoption of new laws to prohibit forced or compulsory labour. It further represented that forced labour was not used for public purposes in the country. Reviews occurred periodically thereafter with no substantial change in the country's law or practice. In 1991, the Committee of Experts received a report from the ICFTU containing detailed allegations about the practice of forced portering, to which the Government failed to respond.

In 1993, the ICFTU lodged a representation under article 24 of the ILO Constitution concerning the practice of forced portering in Myanmar ("Article 24 Representation"). Accordingly the Committee of Experts suspended its examination of this aspect of Myanmar's forced labour practices. The Committee of Experts also sought the Government's comments on forced labour practices other than portering alleged in the report of the Special Rapporteur on the situation of human rights in Myanmar appointed by the United Nations Commission on Human Rights.

In 1995, the Article 24 Committee recommended that the Villages Act 1908 and the Towns Act 1907 be amended or repealed; and that there be necessary follow-up action including strict punishment of those subsequently having recourse to forced labour. The Committee of Experts expressed the hope that the Government would take corrective action, and noted that the powers provided in the Villages Act 1908 and the Towns Act 1907 allow for the exaction of forced labour.
Because the Government of Myanmar had not submitted a report under article 22 of the ILO Constitution, the Committee of Experts addressed the Government’s response to the Article 24 Committee that there was no forced labour in Myanmar but rather a widespread cultural tradition of voluntary contributions of labour contemplated by Article 2(2)(e) of Convention No. 29. The Committee noted that the work contemplated must be minor, and that the services must be performed in the direct interest of the community and not relate to the execution of works intended to benefit a wider group”. The Committee of Experts indicated that “[t]he construction of a railroad would not appear to meet either of these criteria”. The Committee further noted that the continuing existence of the powers provided in the Villages Act 1908 and the Towns Act 1907 made it “difficult to establish that residents performing work at the request of the authorities are doing so voluntarily”.

In 1996, the Committee of Experts reiterated its previous findings concerning the Villages Act and the Towns Act and its view that they provide for forced labour within the meaning of Convention No. 29. The Committee of Experts noted with concern the Government’s response to the Conference Committee’s request in 1995 for remedial action and a detailed report. The Committee further noted that, ever since 1967, the Government had been stating that the Villages Act 1908 and the Towns Act 1907 had fallen into disuse, and that they were to be amended or repealed. The Committee remarked that: “[t]he Government’s latest report persists in blurring the distinction between compulsory and voluntary labour and contains no indication whatsoever that concrete measures have been taken to abolish the powers to impose compulsory labour either in law or in practice”. The Committee requested the Government of Myanmar to supply full particulars to the International Labour Conference at its 83rd Session in June 1996.

2. The Conference Committee

In the last five years, the Government of Myanmar has been called before the Conference Committee three times concerning its obligations under Convention No. 29. On two of those occasions, its failures to comply have been mentioned in special paragraphs of the Conference Committee’s report.

In 1992 the Conference Committee noted that the Government had not supplied its report under article 22 in time, and urged the Government to report to the ILO in the very near future. A Government representative indicated to the Committee that: (1) there was no practice of forced labour in Myanmar; (2) porters who worked for the army did so voluntarily; (3) recruitment of porters was in accordance with section 8(1)(n) of the Villages Act 1908 and section 7(1)(m) of the Towns Act 1907; (4) there were conditions governing recruitment of porters; (5) porters were not mistreated or used in military roles; (6) they were entitled, among other things, to the same medical treatment as soldiers in the event of injury; and (7) comprehensive and elaborate laws effectively prevented the practice of forced labour on the ground.

In 1995, the Conference Committee “called upon the Government to urgently repeal the offensive legal provisions under the Villages Act 1908 and the Towns Act 1907 to bring them into line with the letter and spirit of Convention No. 29, to terminate forced labour practices on the ground, to provide for and award exemplary penalties against those exacting forced labour, and to furnish a detailed report on legislative and practical measures adopted to fall into line

\footnote{1} This Article exempts from the general prohibition on forced labour work which is performed as part of “minor communal service”. See notes 163-165 infra and accompanying text.


\footnote{3} The Government’s report merely referred to Article 2(2)(b) (exemption for forced labour as part of one’s normal civic obligations – see notes 153, 154 infra and accompanying text) and 2(2)(d) (exemption for forced labour exacted in time of emergency – see notes 160-162 infra and accompanying text) and asserted that the term “forced labour” was not applicable to work performed pursuant to either the Villages Act 1908 or the Towns Act 1907, which were both outdated and subject to review in any event.


with Convention No. 29. The case was mentioned in a special paragraph of the Conference Committee’s report.\(^{13}\)

In 1996, the Conference Committee again issued a special paragraph, in which it “once again firmly required the Government formally to abolish and urgently to cancel the legal provisions and to abandon all practices that were contrary to the Convention. The Committee urged the Government to prescribe truly dissuasive sanctions against all those having recourse to forced labour”.\(^{14}\) In a separate special paragraph the Conference Committee noted “with great concern” the case of Myanmar as one of continued failure to eliminate serious deficiencies.\(^{15}\)

### B. The Article 24 Representation

By letter of 25 January 1993, the ICFTU submitted a representation under article 24 of the ILO Constitution alleging non-observance by the Government of Myanmar of Convention No. 29.\(^{16}\) The Governing Body established a committee to examine the representation, which issued its report on 7 November 1994.\(^{17}\) The recommendations of the Article 24 Committee were subsequently adopted by the Governing Body, in November 1994.\(^{18}\)

The ICFTU alleged that the Government of Myanmar had breached Convention No. 29 by institutionalizing “the use of forced labour by military commanders through the [practice of] forced recruitment and abuse of porters”.\(^{19}\) Based on credible reports the ICFTU alleged that men, women and children were routinely rounded up by police and the military to perform portering services under arduous and abusive conditions, including insufficient food, lack of medical care, minesweeping, rape and extrajudicial execution. The ICFTU further alleged that: (1) the practice of forced portering constituted forced or compulsory labour as defined in Convention No. 29; (2) no exceptions in the Convention were applicable; (3) Myanmar was not in any transitional period contemplated by Convention No. 29; (4) none of the guarantees and conditions applying to the practice of forced labour during the transitional period were being met by the Government of Myanmar; and (5) the Government of Myanmar had failed to comply with its obligation under Article 25 of Convention No. 29 to penalize those who exact forced labour from others.\(^{20}\)

The Government of Myanmar communicated with the Article 24 Committee twice.\(^{21}\) It asserted that: (1) there was no practice of forced labour or slavery but rather the population voluntarily contributes labour in pursuance of a centuries-old tradition of such voluntary contribution; (2) the military recruits and employs porters to support its campaigns against insurgent groups near the frontiers in accordance with relevant provisions of the Villages Act 1908 and the Towns Act 1907; (3) there was no truth in the varied allegations concerning the abusive nature of portering work and the conditions under which it is performed, and medical care was provided when necessary; and (4) the guarantees concerning the manner of

---


\(^{15}\) Idem, para. 169.

\(^{16}\) Representation under article 24 of the ILO Constitution against the Government of Myanmar (formerly Burma), for its violations of the Convention concerning Forced Labour, 1930 (Convention No. 29 of the International Labour Organization), ratified by Burma in 1955, submitted by the International Confederation of Free Trade Unions, on 25 January 1993 to the Director-General of the International Labour Office, on file with the ICFTU ("Article 24 Representation").


\(^{19}\) Article 24 Representation, note 16 supra, note at 6.

\(^{20}\) Article 24 Report, note 17 supra at paras. 12, 14-19.

\(^{21}\) Idem, para. 42 (communications in May, and in Oct. 1993).
performance of forced labour provided for in Articles 8-16, 18, 23 and 24 of Convention No. 29 were satisfied.\(^1\)

The Article 24 Committee made the following findings and recommendations:

(a) the Villages Act 1908 and the Towns Act 1907 provide for the exaction of forced or compulsory labour under the menace of a penalty in breach of Convention No. 29;\(^2\)

(b) the Government of Myanmar had "supplied no indications that would bring compulsory porterage within the scope of one of the exceptions provided for in Article 2, paragraph 2, of the Convention";\(^3\)

(c) the Government of Myanmar had not invoked the concept of a transitional period in its responses to the Article 24 Representation. This was consistent with the position it had taken in its reports submitted under article 22 of the ILO Constitution concerning its compliance with its obligations under Convention No. 29. In those reports the Government had consistently stated that both the Villages Act 1908 and the Towns Act 1907 were obsolete colonial era laws, and that the powers they provided were no longer exercised;\(^4\)

(d) compliance with the obligations in Article 25 of Convention No. 29 required the immediate repeal of the relevant provisions of the Villages Act 1908 and the Towns Act 1907, and also penal prosecution of those resorting to coercion of labour. The Article 24 Committee noted that "[t]his appears all the more important since the blurring of the borderline between compulsory and voluntary service labour, recurrent throughout the Government's statements to the Committee, is all the more likely to occur also in actual recruitment by local or military officials".\(^5\)

\(^1\) idem, paras. 20, 21, 25-40, and 48 respectively.
\(^2\) idem, para. 48.
\(^3\) idem, para. 49.
\(^4\) idem, para. 50. Being satisfied, on this basis, that there was no question of a transitional period in the case of Myanmar, the Article 24 Committee did not examine the question whether forced porterage was conducted in accordance with the guarantees provided in Articles 8-16, 18, 23 and 24 of Convention No. 29. idem, para. 51.
\(^5\) idem, para. 52.
III. Findings of fact

The Union of Myanmar is conducting a widespread practice of forced labour for public purposes as well as for private benefit. Among the public purposes documented in this section are: (1) portering, combat, minesweeping and sexual services for military troops; (2) development and infrastructure projects to the detriment of the general population; and (3) military construction projects. As demonstrated below, the Government of Myanmar uses forced labour for private benefit in order to: (1) promote joint venture developments, including the country’s oil and natural gas reserves; (2) encourage private investment in the tourist industry; and (3) benefit the private commercial interests of military members. As discussed in this section, the current law of Myanmar authorizes forced or compulsory labour to be exacted under the pain of penalty. That law overrides any government directive attempting to curb abusive practices relating to forced labour on development projects, and any law making exaction of forced labour a criminal offence.

A. FORCED LABOUR FOR PUBLIC PURPOSES

1. The Government of Myanmar uses forced labour to perform portering, combat, minesweeping and sexual services for military troops

Military campaigns in Myanmar are characterized by consistent, widespread and systematic use of the civilian population for portering duties. Along with portering, the forced labour duties have typically involved provision of minesweeping, combat and sexual services. One documented study has noted that “[t]he conscription of hundreds of thousands of porters (including from the Burman majority) has been reported in every ethnic minority state and every division of Burma.”

The contemporary practice of forced portering in the service of the Myanmar army (in Burmese Tatmadaw), has historical links to the time of Japanese occupation and British colonial rule. The Government of Myanmar has variously denied that the practice exists, and claimed that when portering occurs it happens according to strict conditions, according to law, and at the voluntary offering of the people involved in the work. Despite these statements, “the evidence is irrefutable that, in the absence of proper roads or transport, thousands of villagers are forced into carrying arms and supplies for all major military operations”.

Since 1988, ex-army officers have confirmed that “for most military operations in the war-zones an average of one porter is taken along for each soldier on the mission”.

The vast majority of people who have worked as porters are forced to do so through various methods documented and corroborated by independent and reliable sources.

Village headmen are frequently notified of the quota of porters they must fill, and are under legal obligation to do so. The only alternative is to pay large sums of money to the local military command, known

28 Australian Council for Overseas Aid: Slave labour in Burma: An examination of the SLORC’s forced labour policies (May 1996) (“ACFOA”), pp. 28-29; Ethnic groups, note 27 supra at 91.
29 See, e.g., comments of the Government of Myanmar to the Article 24 Committee, notes 21, 22 supra and accompanying text at paras. 20-41.
30 Ethnic groups, note 27 supra at 89.
31 ibid.
33 For a discussion of the law, see notes 105-110 infra and accompanying text.
Forced labour in Myanmar

as “porter fees”. Arrest is a common means of obtaining porters, and unless a civilian has enough money to bribe the soldier(s) to let them go, there is no alternative but to work as porters. Apart from these more formal, or organized means of pressing civilians into work as porters, people are commonly rounded up by the local police or the military from public places such as movie theatres, coffee houses, video shows and train stations. They are put into trucks and taken away to serve as porters. In some cases they are taken long distances from where they are seized, in order to discourage them from trying to run away. As noted by the UN Special Rapporteur: “[m]any of the victims of such acts ... are peasants, women, daily wage-earners and other peaceful civilians who do not have enough money to avoid mistreatment by bribing”.

Calls into service appear to be arbitrary and widespread. One man explained that he had been arrested frequently to work as a porter, preventing him from carrying out his normal work as a carrier of goods: “In one year I’m taken as porter perhaps ten times, sometimes for ten days, sometimes for two months ...”. If the SLORC is conducting a major operation, military commanders will take hundreds or thousands of people to work as porters, depending on their perceived needs. Those needs are calculated mindful of the certainty that many porters will escape as soon as they can, and need to be replaced.

Considerable evidence reveals that men, women, children and the elderly alike are taken to serve as porters, despite claims by the SLORC that there are restrictions and requirements as to which people will be allowed to work as porters and under what conditions. The army regularly takes porters indiscriminately ... when troops need a large number of porters, they take women aged 15 through 60 as well.

Prisoners are among the civilians who have been pressed into service as porters for SLORC troops. Prisoners are made to work in leg chains and are singled out for especially harsh treatment. Many prisoners who have been taken to work as porters have died at the front lines, often as a result of ill-treatment at the hands of SLORC troops.

Documented reports and individual testimony of the circumstances in which civilians are forced to labour as porters demonstrate the abusive “working” conditions. Porters held in military custody carry loads of foodstuffs, ammunition and weapons that can weigh from 30 to 60 kilograms. They labour for long hours every day, and receive insufficient food, water and rest. They rarely receive medical attention despite a wide range of illness and injury from which they suffer as a result of forced labour, including malaria. Along with disease, porters suffer wounds received during the course of battle or in minesweeping operations, and injuries from the excessive loads they are made to carry. If any of these circumstances prevents porters from being able to continue work, the SLORC troops often abandon them where they collapse from exhaustion, without any medical care or assistance at all.

Many porters suffer beatings and other forms of physical abuse at the hands of SLORC troops, often leaving them with severe injuries. The UN Special Rapporteur on Myanmar considered that some of the most serious human rights violations of which he had been informed

\[\text{Amnesty International: Myanmar: No place to hide; Killings, abductions against ethnic Karen villagers and refugees, Al: ASA 16/13/95 (June 1995) ("No place to hide"), p. 25.}\]
\[\text{See notes 21, 22 supra and accompanying text (comments of the Government of Myanmar to the Article 24 Committee).}\]
\[\text{Ethnic groups, note 27 supra at III (mothers and pregnant women have been forced to work as porters); and Images Asia: No childhood at all: A report on child soldiers in Burma (May 1996), p. 6 (children have worked as porters).}\]
\[\text{Amnesty International: Portering and forced labour: Amnesty International’s concerns, Al: ASA 16/42/96 (Sep. 1996), pp. 2, 3; Amnesty International: Conditions in prisons and labour camps, Al: ASA 16/22/95 (Sep. 1995) ("Conditions in prisons"), pp. 1, 6.}\]
\[\text{Conditions in prisons, note 38 supra at 1. 6.}\]
\[\text{See notes 50-53 infra and accompanying text.}\]
occurred in the context of forced portering.\textsuperscript{41} Abuses include beatings,\textsuperscript{44} extrajudicial and summary executions,\textsuperscript{45} and rape, including gang rape, of women who are taken for portering duties.\textsuperscript{46}

Beating by soldiers with sticks and rifle butts when a porter cannot continue is commonplace.\textsuperscript{47} Porters, who have escaped and been interviewed, have experienced and witnessed beatings. They describe being subjected to "physical abuse and inhumane treatment from the moment of capture ... [most] had been severely beaten ... when they slipped or fell from exhaustion, and all [interviewed] had witnessed the deaths of fellow porters".\textsuperscript{48} At night, men and women porters are separated from each other. Many of the women are repeatedly raped by SLORC soldiers, at times in gang fashion.\textsuperscript{49}

Porters have commonly been used in military roles, and many die as a result "interspersed as human mules between soldiers in each marching column, they are thus brought directly into the forefront of the war".\textsuperscript{50} Once they have arrived at the frontline, porters are frequently required to perform a number of military tasks. For example, although unarmed themselves, they have been placed at the head of columns to detonate mines and booby traps, and to spring ambushes. As noted by one investigative group, "[a] particularly disturbing aspect of the phenomenon ... concerns the military's practice of sometimes using civilian porters during frontline operations as 'human shields'".\textsuperscript{51}

Commonly porters are sent as minesweepers to clear paths and fields where mines have been laid.\textsuperscript{52} While the use of children as porters is objectionable \textit{per se}, it is all the more disturbing that the SLORC does not protect children against requirements to perform military duties after conscription as porters.\textsuperscript{53}


\textsuperscript{46} See, e.g., \textit{Climate of fear}, note 32 supra at 21.

\textsuperscript{47} Report of the Special Rapporteur on torture, note 41 supra.

\textsuperscript{48} \textit{Human Rights Watch/Asia: Entrenchment or reform? Human rights developments and the need for continued pressure}, Vol. 7, No. 10 (July 1995) ("Entrenchment"), p. 21. The following account by a former porter of the death of another porter, a neighbour from his village, is illustrative of the treatment meted out to porters by SLORC troops: "I heard Tun Shwe say to the soldier behind him, a private from Battalion 531, 'Sir, don't kill me, I will try to do my best to reach your destination. Now I cannot carry, cannot walk, but I will try. Don't punish me, don't kill me.' After Tun Shwe exclaimed 'I cannot carry, cannot walk' the soldier shot him dead, one bullet from a G-4 at a distance of about four metres, in his back so his insides came out. After the shooting nothing happened, no-one could say anything. The soldiers just said to the other porters 'complete your duty, go on, go on' as if he was driving cows." ("No place to hide"), note 35 supra at 29.

\textsuperscript{49} \textit{Climate of fear}, note 32 supra at 20-21 (16 and 17-year-old girls of ethnic groups taken as porters and raped.) One human rights group which interviewed a number of refugees in a camp in Thailand reported that women who had worked as porters commonly alleged that they had been raped: "Four victims, aged 17 to 42, said they had been seized in or near their homes in Kammamaung township. They said that troops had raped them during a 22-day tour of compulsory labour duties carrying artillery shells to the front for the Tatmadaw assault on Manerplaw." ("Ethnic groups"), note 27 supra at 113.

\textsuperscript{50} \textit{Ethnic groups}, note 27 supra at 89.

\textsuperscript{51} Article 19: Burma: Beyond the law, (Aug. 1996) ("Beyond the law"), p. 50. For example, as part of SLORC's offensive against the Karen National Union and the Mong Tai Army between November 1994 and June 1995, thousands of porters were reportedly taken to the frontline, and hundreds died ("Entrenchment"), note 48 supra at 21.

\textsuperscript{52} For example, an elderly Karen headman from Thaton district lost a leg after SLORC troops tied him to a rope and forced him to try and find a path through a minefield ("Ethnic groups"), note 27 supra at 29-30.

\textsuperscript{53} In a notorious case in 1991, two teenage girls from Papan High School, in the Karen State, Naw Aye Hia and Ne Law Win, were reportedly killed when they stepped on mines after being press-ganged as porters ("Ethnic groups"), note 27 supra at 117.
Forced labour in Myanmar

2. The Government of Myanmar uses forced labour on development and public works projects that are not in the direct interest of the community, and in fact harm community life.

(a) Forced labour practices on development projects are widespread and affect hundreds of thousands of civilians

The widespread use of forced labour in Myanmar for development and construction projects touches the lives of a vast number of Myanmar's people, including men, women, children and the elderly. The total number affected reaches into the hundreds of thousands on various projects. Forced labour is used in Myanmar for a wide range of projects, including infrastructure development, and tourist development projects. Typical labour duties include the construction of roads, railway lines and airfields. The military government has also forced many thousands of people to "contribute" their labour to tourist development projects as part of the preparation for and conduct of 1996 as "Visit Myanmar Year".

Prisoners from around Myanmar are also routinely required to work in construction projects. They are made to work on roadbuilding, as well as the breaking of rocks for roadbuilding. Generally prisoners are taken to labour camps near the projects on which they are to work. Conditions in the labour camps are harsh, and the work is difficult. Many prisoners die in the course of this work. There have been reports that political prisoners are among those taken to the labour camps.

See, e.g., "Burma using forced labour on tourist projects", New York Times, 17 July 1994. Examples of these projects include dredging the moat of the Golden Palace at Mandalay; persistent reports suggest that tens of thousands of civilians have been ordered by SLORC to clear the moat by hand; e.g., The Bangkok Post, 22 Jan. 1995; airport construction in Arakan State, a particularly undeveloped area that has seen the flight and return of 250,000 Rohingya Muslims in recent years; Climate of fear, note 32 supra; the local Rohingya population are regularly and reportedly disproportionately pressed into service (Beyond the Law, note 51 supra at 49) as development leads to the need for greater control by SLORC; and a road from Putao to Sumprabum in Kachin State, on which 3,000 people were made to work in late 1994, Entrenchment, note 48 supra at 15. For maps depicting different construction projects in Myanmar which are being carried on using forced labour, see ACFOA, note 28 supra, Appendices A and B.

For further discussion of forced labour and tourism, see notes 102, 103 infra and accompanying text.


"Conditions in prisons and labour camps", note 38 supra. For example, a 51-year-old monk from Mandalay reportedly died from malnutrition and malaria on 18 Nov. 1994 after working in a malarial area. He had been arrested for his participation in the 1988-89 pro-democracy movement and sentenced to five years' hard labour in the Kachin State.

See, e.g., "Burma using forced labour on tourist projects", New York Times, 17 July 1994. Examples of these projects include dredging the moat of the Golden Palace at Mandalay; persistent reports suggest that tens of thousands of civilians have been ordered by SLORC to clear the moat by hand; e.g., The Bangkok Post, 22 Jan. 1995; airport construction, which is frequently observed to be performed by forced labour; as many as 30,000 were reported to have laboured at Bassein Airport without pay (The Guardian, London, 12 July 1994); and a dam at Inlay Lake, which is related to a proposed tourist development at Moebye on the Biluchaung River, reportedly villagers and civilians have been ordered to clear the lake by hand.

For the need for greater control by SLORC; and a road from Putao to Sumprabum in Kachin State, on which 3,000 people were made to work in late 1994, Entrenchment, note 48 supra at 15. For maps depicting different construction projects in Myanmar which are being carried on using forced labour, see ACFOA, note 28 supra, Appendices A and B.

See, e.g., "Burma using forced labour on tourist projects", New York Times, 17 July 1994. Examples of these projects include dredging the moat of the Golden Palace at Mandalay; persistent reports suggest that tens of thousands of civilians have been ordered by SLORC to clear the moat by hand; e.g., The Bangkok Post, 22 Jan. 1995; airport construction, which is frequently observed to be performed by forced labour; as many as 30,000 were reported to have laboured at Bassein Airport without pay (The Guardian, London, 12 July 1994); and a dam at Inlay Lake, which is related to a proposed tourist development at Moebye on the Biluchaung River, reportedly villagers and civilians have been ordered to clear the lake by hand.

For the need for greater control by SLORC; and a road from Putao to Sumprabum in Kachin State, on which 3,000 people were made to work in late 1994, Entrenchment, note 48 supra at 15. For maps depicting different construction projects in Myanmar which are being carried on using forced labour, see ACFOA, note 28 supra, Appendices A and B.
(b) Forced labour on development projects is systematic and organized

Forced labour on development projects in Myanmar follows systematic and organized patterns, and the evidence discloses large increases in forced labour in recent times.\(^{61}\) Although some people have been transported to different parts of the country to work on forced labour projects, "usually the construction work is organized on a village or township basis. For local projects each family (or street or block) is ordered by the district LORC [Law and Order Restoration Council] to provide a specific number of labourers to complete a particular task, such as breaking a quantity of rocks or digging a section of road.\(^{62}\) As noted by one human rights group, "it is ... usually left to the headman to choose which families will work at which times, on a rotating basis. There is no option to choose not to go; the only alternatives to going are to pay heavy fines (‘porter tax’) or to flee the area.\(^{63}\) Funds to pay labourers are rarely available, and almost never reach those who do the work.\(^{64}\) In cases where villagers have neither fled nor complied with the orders, they have suffered reprisals at the hands of the local SLORC troops. Retribution has included the infliction of beatings and torture upon the village headman,\(^{65}\) and threats to kill those who do not contribute labour.

(c) Harsh working conditions and human rights abuses are common on development projects

Forced labour on construction projects is itself arduous and exhausting, consisting of manual labour to dig ditches, build embankments, and lay roads, dams and railways. The hours of work are long with little opportunity to rest, and little or no water or food are supplied. Reports suggest that people have been forced to stay overnight at the site of their work, commonly to sleep on the roads they are building, irrespective of the weather conditions.\(^{66}\) Deprivation of medical care results in disease and other health problems. Many of the forced labour camps are in areas where malaria is rife.\(^{67}\) In other cases, climatic change has a severe impact on the hill people transported from their home environments.\(^{68}\)

As with those who are forced to work as porters for the Tatmadaw, gross human rights abuses in the course of forced labour on development projects are routine.\(^{69}\) The Special Rapporteur on Myanmar has noted that the worst human rights abuses of which he was informed occurred in the course of forced labour on development projects, as well as forced portering.\(^{70}\) There have been repeated reports that people forced to work on construction projects suffer beatings, torture, disappearance and summary execution.\(^{71}\) Women and children suffer these abuses, as well as men,\(^{72}\) and some women labourers are also raped at night by soldiers.\(^{73}\)

---

\(^{61}\) United States Department of State, *Foreign economic trends report: Burma* (June 1996) ("Economic trends"), p. 88. ("The available evidence strongly suggests large increases in the [Government’s] use of uncompensated labour in regional and national construction projects, as well as in local rural development projects.")

\(^{62}\) *Ethnic groups*, note 27 supra at 86.

\(^{63}\) *Entrenchment*, note 48 supra at 15.

\(^{64}\) See, e.g., *Human Rights Watch/Asia: Burma: The Rohingxa Muslims, ending a cycle of exodus?* Vol. 8, No. 9(C) (Sep. 1996), p. 30.

\(^{65}\) See, e.g., *Beyond the law*, note 51 supra at 50; *Climate of fear*, note 32 supra at 13.

\(^{66}\) See, e.g., *Paradise lost*, note 57 supra at 20.

\(^{67}\) See, e.g., *Entrenchment*, note 68 supra at 15 (a large number of people reportedly died of malaria during forced labour on a road construction project at Patao).

\(^{68}\) In an interview published in the Bangkok Post of 18 October 1992, Lieutenant-Colonel Than Han of the Border Areas Development Programme explained that hill tribe people suffer from the climatic change when they come down to the plains: "They sweat a lot, they lose weight and they have some health problems". *Ethnic groups*, note 27 supra at 88.

\(^{69}\) The UN Special Rapporteur on extrajudicial, summary or arbitrary executions has expressed concern at "persistent reports of arbitrary and excessive use of force by members of the security forces, who seem to enjoy virtual impunity". note 45 supra.


\(^{71}\) "The old and infirm are particularly vulnerable and have been beaten when they take rests or are thought to be working too slowly." *Entrenchment*, note 48 supra at 15.

\(^{72}\) In the northwest, a visitor to Chin State reported that a woman was killed while working on the Pakoku-Kalemyo railway line after she had stopped working twice to feed her young baby. The woman had been forced to take her baby with her to the site as all her relatives were also working on the railway." idem.

\(^{73}\) A Karen Christian woman from Kyaukkyi township who fled to Thailand reported that she had been raped at knife-point by an army sergeant who had been supervising her work detail while she dug ditches. See *Ethnic groups*, note 27 supra at 113.
Forced labour in Myanmar

(d) The practice of forced labour on public development and infrastructure projects harms the social and economic life of the people of Myanmar

The practice of forced labour is destructive to the social and economic life of the people affected by it. As noted by a leading investigative group, "forcible conscription of civilians into compulsory labour duties for the military authorities ... further disrupts family life and pushes many families deeper into poverty." In a country which is already one of the world's poorest. In Arakan State, for example, many of the people are day labourers, for whom the impact of being forced to work for nothing for the SLORC is compounded by the loss of opportunity to take what little paying work is available. Family life is further destroyed as children are compelled to help fill the family's quotas for forced labour projects while their fathers continue to try to find voluntary, paid work. The children themselves are thus deprived of education and childhood life.

The forced labour services of certain family members disproportionately shifts the burdens of the family's income-generating activity, and negatively affects the rural economy and, as a result, nutrition and health. While men are away on forced labour projects, "the burden of agriculture falls on the women. With depleted numbers in the community it becomes more difficult to plant, tend and harvest crops. Crop failure, malnutrition and disease are a result". The impact of forced labour practices on the health of women and children is significant. Indeed, "the forcible conscription of women, including girls, pregnant women and the elderly, into compulsory labour duties on government construction projects or even as porters in the war zones ... has major health and humanitarian implications for the whole of Burmese society, since not only does forced labour in itself have an extremely detrimental impact on health, but it is in the course of forced labour duties that many of the worst human rights violations against women, including rape and threats to life, have been committed". The widespread practice of rape destroys the personal, familial and village lives of the women who suffer such abuses.

(e) The development and infrastructure projects for which the Government uses forced labour do not benefit the community supplying the forced labour

The benefit from the development projects to the community from which forced labour is exacted is illusory or non-existent. In many cases, whole villages are forcibly relocated in order for projects to go ahead. In most cases the roads and railways under construction are intended to benefit the SLORC rather than any community in Myanmar. Roads and railways are designed for transporting troops to areas where the SLORC seeks to exercise greater control, and to facilitate tourist development. In any case it is doubtful whether the construction of parts of major roads can be seen as beneficial to small communities; poverty is such that local people cannot afford road or rail travel.

A number of sources are available to estimate the economic or market value of forced labour. They include the Government's own economic figures, as published in its statistical Annual...
Review, as well as data from World Bank and International Monetary Fund reports. In addition, the Government of the United States has issued a detailed account of what it calls "the market value of uncompensated and largely involuntary labor employed ... in public works projects", principally construction of roads and bridges in local development projects. According to the Foreign economic trends report: Burma, issued by the US Department of State in June 1996 and based primarily on the Government's own Annual Review, during the financial year 1994-95 that market value was approximately 3.1 per cent of the gross domestic product, figured on the basis of the official exchange rate for the kyat, Burma's currency. During that period, the share of "people's contributions" in the cost of state projects was 53.9 per cent of the total value of expenditure. In addition, SLORC's economic data reveals that the money saved by its forced labour programmes is diverted to increase military and other expenditures that do not benefit the people or provide for their basic needs. In fact, available data for those years indicate that government expenditures in the military procurement rose in part as a result of the windfall in the government budget in forced labour savings in public works.

3. The Government of Myanmar uses forced labour on military construction projects

Forced labour exacted from the people of Myanmar is put to use in the construction of military facilities. Civilians reportedly have been forced to work on the construction of military and border police barracks. Other forms of labour on behalf of the military have included building and maintaining military roads, and building and servicing military camps.

B. FORCED LABOUR FOR PRIVATE BENEFIT

1. The Government of Myanmar uses forced labour to promote private benefit in joint venture developments, including the country's oil and natural gas reserves

The Government of Myanmar has sought to attract foreign investment to develop what are thought to be substantial natural gas and oil reserves in the country. Since 1992, reports from various sources consistently corroborate the Government's use of forced labour on a massive scale in parts of Myanmar where exploration of oil and gas resources, and associated works to build necessary infrastructure, are occurring. The projects for development of oil and gas reserves include the Yadana gas pipeline project offshore from Mon State, and the Sagaing division test drilling project.

The Yadana gas pipeline represents the most advanced project for the development and exploitation of Myanmar's natural gas and oil reserves, and is operated as a joint venture between TOTAL, a French oil company, Unocal, a US oil company, and MOGE (Myanmar Oil and Gas...
Forced labour in Myanmar

Enterprises), a company wholly owned by the SLORC.\(^1\) Widespread and persistent reports confirm that people living in the vicinity of the pipeline route are regularly forced to work construction of the pipeline route itself, and on related infrastructure.\(^2\) Reliable reports of human rights abuses, including torture, rape, summary and arbitrary executions, and forced relocations as a result of forced labour have been documented and recently confirmed as to 11 villages in the region.\(^3\) These reports are denied by both the Government of Myanmar,\(^4\) and by the oil companies involved in the project.\(^5\)

Construction of the 100-mile Ye-Tavoy railroad, thought to be associated with the development of the gas reserves and the installation of the pipeline, has resulted in relocation of ethnic Mon and Karen, fleeing forced labour duties.\(^6\) To this extent at least, then, the railway appears to be connected with the construction of the pipeline, and its construction is of benefit to the private oil companies participating in the joint venture.

In addition, a Korean company, Yukong Oil Company, had a test well in Htaw Tha village in the Sagaing division. People who were forced to work on the construction of a road between Manywa and Khamti reported that a police post had been set up in the area to which men, women and children labouring in the area brought supplies night and day for police guards and for workers.\(^7\)

2. Forced labour is used for the benefit of private investors in development, public works and tourism projects

As noted above, widespread use of forced labour on a significant scale supports the development of tourist infrastructure.\(^8\) In addition, the Government recently has adopted a practice of inviting local investors to participate in the construction of highways and railroads with the incentive of return on their investments through the eventual establishment of toll gates to collect fees for the use of the roads.\(^9\) The Government has announced that the privatization of infrastructure development is "part and parcel of plans to create more job opportunities for the people",\(^10\) a strategy which appears to involve the implementation of development projects "by the Government, counting on the participation of the local people in the contribution of labour...".\(^11\) In Myanmar, most of the money made in the tourist industry is made in the airline and hotel industries, owned in part by foreign companies from Hong Kong, Malaysia, Singapore...
These companies have reported benefits from the increased profits during 1996 Visit Myanmar Year, attributable in part to work of forced labourers on tourist attraction projects.†

3. The Government of Myanmar uses forced labour for the private commercial interests of military members

The commanding officers within the Tatmadaw are regularly reported to be involved in a variety of their own commercial ventures in the country, including shrimp cultivation, paddy and fishpond operations, tree-planting and timber cultivation. Following the pattern of forced labour that is evident in public projects, the military regularly forces the civilian population into service to suit their own commercial interests. For example, in Mergui-Tavoy district reports indicated that Karen people have been forced to work without pay on a large rubber plantation, and also in the construction of a dike for shrimp farming operations; it was reported that as many as 13,000 people were compelled to work on these projects.†

C. THE LAW OF FORCED LABOUR IN MYANMAR

1. Myanmar law provides for forced or compulsory labour to be exacted from the people on pain of penalties

Two laws in effect in Myanmar, the Villages Act 1908 and the Towns Act 1907, authorize forced or compulsory labour to be exacted from the people on pain of penalties. The laws authorize portering, transport and other services to be exacted for government troops, police and officers "in the execution of their public duties", and provide for fines and, in the case of the Villages Act 1908, imprisonment of up to one month, for failure to comply. The laws also authorize a class-based discrimination in the selection of "the labouring class" for such work. Unlike the English version quoted below, the Burmese explanatory version of the laws reportedly allows for no "reasonable excuse" or "reasonable cause" to exempt one from penalty.†

The English version of the relevant sections of the Villages Act 1908 provides as follows:

8(1) Every headman shall be bound to perform the following public duties, namely:
...
(g) to collect and furnish, upon receipt of payment for the same at such rates as the Deputy Commissioner may fix, guides, messengers, porters, supplies of food, carriage and means of transport for any troops or police posted in or near or marching through the village tract or for any servant of the Government travelling on duty; provided that no headman shall requisition for personal service any resident of such village tract who is not of the labouring class and accustomed to do such work as may be required;
...
(n) generally to assist all officers of the Government in the execution of their public duties; and
(o) generally to adopt such measures and do such acts as the exigency of the village may require.
...

10. If a headman or a rural policeman neglects to perform any of the public duties imposed upon him by this Act or a rule thereunder, or abuses any of the powers conferred upon him by this Act or any such rule, he shall be liable, by order of the Deputy Commissioner, to pay a fine not exceeding 50 rupees.

† see Paradise lost?, note 57 supra at 24. As of 15 July 1995, registered foreign investment in Myanmar's hotel and tourism sector rated second in worth only to the oil and gas sector; Jeremy Mark, "Western firms remain hesitant about investing in Burma in contrast to Asians' enthusiasm", Asian Wall Street Journal, week of 4 Sep. 1995, pp. 1, 8.


Cf. Villages Act 1908, s. 12 (chapeau) and Towns Act 1907, s. 9A, notes 106-110 infra and accompanying text. Complainants rely on an extremely reliable source and will provide copies of the said laws as soon as available.
11. Every person residing in a village tract shall be bound to perform any of the public duties, namely:

(d) on the requisition of the headman or of a rural policeman, to assist him in the execution of his duties prescribed in sections 7 and 8 of the Act and the rules made under the Act.

Explanation: A requisition under clause (d) may be either general or addressed to an individual.

12. If a person residing in a village tract refuse or neglects to perform any of the public duties imposed upon him by this Act or by any rule thereunder, he shall, in the absence of reasonable excuse, the burden of proving which shall lie upon him, be liable:

(i) by order of the headman, to fine not exceeding five rupees, or

(ii) by order of the village committee, on the case being referred to it by the headman, to fine not exceeding ten rupees, or to confinement for a term not exceeding 48 hours in such place as the Deputy Commissioner may appoint in this behalf, or to both, or

(iii) on conviction by a magistrate, to fine not exceeding 50 rupees, or to imprisonment for a term not exceeding one month, or to both.  

The English version of the relevant sections of the Towns Act 1907 provides as follows:

7(1) The headman of a ward shall be bound to perform the following public duties, namely:

(1) to collect and furnish, upon receipt of payment for the same in advance at such rates as the Deputy Commissioner, with the sanction of the Commissioner, may from time to time fix, guides, supplies of food, carriage, and means of transport for any troops or police posted in or near or marching through or near the town;

Provided that no headman shall be bound to collect supplies beyond the limits of the ward of which he is headman, or to furnish carriage or means of transport for more than 12 hours' journey from such town unless the Deputy Commissioner certifies in writing that it is necessary in the public interests that carriage or means of transport should be supplied for a longer period, in which case the Deputy Commissioner shall fix higher rates of payment than the rates of payment for journeys of 12 hours or less;

Provided also that no headman shall requisition for personal service any resident of such ward who is not of the labouring class and accustomed to do such work as may be required; and

(m) generally to assist all officers of the government and municipal officers in the execution of their public duties.

9. Persons residing in a ward shall be bound to perform the following public duties, namely:

(b) on a general or individual requisition of the headman to assist him in the execution of his public duties.

9A. If any person residing in a ward refuses or neglects to perform any of the public duties imposed upon him by this Act or any rule thereunder, he shall, in the absence of reasonable cause, the burden of proving which shall lie upon him, be liable, on conviction by a magistrate, to a fine which may extend to 50 rupees.

In 1995, the Government of Myanmar admitted that "the two laws were no longer in conformity with the prevailing conditions in the country, besides not being in line with the provisions of the ILO Convention of 1930 (No. 29)". The statement appeared to be an acceptance of the ILO's conclusions and recommendations for repeal of the laws upon review of the situation for some 34 years. Despite repeal of some 150 laws in the past several years, the Government of Myanmar has not yet repealed the two laws authorizing forced labour.
2. The Government of Myanmar has issued directives that legitimize the practice of forced labour on development projects

Two recent government directives acknowledge the extent of the practice of forced labour on development projects, and seek to maintain the practice under specific circumstances.101 Directive No. 125, dated 2 June 1995, purports to be an instruction from the Chairman of the SLORC, the military junta in control of the country, to all State/Division Law and Order Restoration Councils. The directive thus was intended for national distribution. Under the directive as reported by the Special Rapporteur, the SLORC prohibits unpaid labour contributions in national development projects and requires that "in obtaining the necessary labour from the local people, they must be paid their due share". In addition, the directive instructs the authorities concerned to "avoid undesirable incidents", a reference that appears in context to relate to "causing misery and suffering to the people in rural areas ...".

The other directive, No. 82, is purportedly of more narrow application, dated 27 April 1995, and sent from the SLORC Chairman to the Yangon Division Law and Order Chairmen and the Ministry of Agriculture. The directive instructs the recipients "to stop the practice of obtaining labour from the local people without monetary compensation" as applied to the construction of dams in Yangon division.

Neither directive contains language abrogating any of the terms of the Villages Act 1908 and Towns Act 1907 authorizing forced labour, and indeed the directives serve to legitimize the practice of forced labour by authorizing it to proceed with compensation and without "undesirable incidents". Neither directive contains any penalties for breaches of the directives themselves. In addition, as noted by the Special Rapporteur several months after their publication, the directives were "still not public and therefore not accessible to those to whom they would apply and to those protecting the rights of persons accused of breaking the laws".

3. The laws authorizing forced labour in Myanmar fall outside the scope of a criminal law punishing the “unlawful” exaction of forced or compulsory labour

A criminal law may be in effect in Myanmar making the “unlawful” exaction of forced or compulsory labour punishable as a criminal offence. Section 374 of the Penal Code provides:

"374. Whoever unlawfully compels any person to labour against the will of that person shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both."

The terms of the Villages Act 1908 and the Towns Act 1907 can be read as lawful authorization to compel labour and thus are outside the scope of the criminal statute.

Daily, 1 Apr. 1993, pp. 1, 6. As of March 1996, the SLORC announced that 151 laws had been repealed, 35 "old" laws and 78 "subsidiary" laws were also said to have been repealed and replaced by new laws, Memorandum of observations. note 57 supra at 18.

101 In 1996, the Government stated that it "had started the process of amending these two laws ...", Memorandum of Observations, note 57 supra at 22; this statement was further explained by a Government representative to the Conference Committee in June, who indicated that a board formed to monitor the progress of the review of the Villages Act 1908 and the Towns Act 1907 had met three times in the previous year, as a result of which the draft of a new unified law had been submitted to the Laws Scrutiny Central Body for approval, International Labour Conference, 83rd Session, Provisional Record (Geneva, 1996), p. 14/56, and see the discussion of the proceedings of the Conference Committee notes 13-15 supra and accompanying text. The content of the draft law was not revealed. Cf. the Government's statement made to the Committee of Experts in 1968, note 4 supra and accompanying text.

102 The UN Special Rapporteur in Myanmar was provided with copies of certain secret directives concerning the practice of forced labour, during the course of his visit to Myanmar in 1995, Report of the Special Rapporteur, 1996, note 32 supra add. 2, 3.

103 idem, at para. 141.

Forced labour in Myanmar

IV. Conclusions of law

A. THE PRACTICE OF FORCED LABOUR IN MYANMAR IS A BREACH OF ITS INTERNATIONAL OBLIGATIONS UNDER CONVENTION NO. 29

1. Myanmar's practice of forced labour breaches its obligations under Convention No. 29

The facts demonstrate that "work and services" are being exacted from people in Myanmar "under the menace of penalty", as prohibited by Convention No. 29. Penalty should be taken to include both penalties as a matter of law, and those effective in fact. The term should include any real threat or imposition of actual personal, physical, or financial loss, harm or hardship, whether by administrative or judicial proceeding, or by any other exercise of ostensible governmental power. Penalty is not limited to penal sanctions; it includes any loss of rights or privileges. This indicates that a broad and purposive interpretation is appropriate, so as best to achieve the Convention's object of the suppression of forced and compulsory labour in all its forms within the shortest possible period.

The practices in Myanmar described above are all conducted under the "menace of penalty" within the meaning of the Convention. By the Government's own admission, portering services are exacted pursuant to the Villages Act 1908 and the Towns Act 1907, which provide criminal penalties for failure to supply labour in accordance with their terms. In addition, work and services other than portering are exacted by force, threat of force, including work on development projects, tourist projects, sexual services and labour for private benefit. The evidence demonstrates that much of the labour is performed subject to detention, beating, torture and other physical harm. Sexual services exacted from Burmese women by way of rape are conducted by force or by threat of force. Moreover, labour performed in circumstances where the only alternatives to its performance are payment of fees, or expenditure to hire a substitute labourer, is performed under the menace of a penalty.

The facts further demonstrate that, in the incidents at issue, the persons performing the work and services did not offer themselves voluntarily. As a matter of law, labour obtained through legal compulsion cannot be taken to have been offered voluntarily. Sexual services exacted from Burmese women by way of rape that result in actual physical loss, harm and hardship are, ex hypothesi, not offered voluntarily. Nor can labour by prisoners, or children (in particular the more exploitative form of labour by children) be considered to be performed voluntarily.

Any payment received by the people who perform the work and services described is irrelevant to a determination of the question whether the work and services were offered voluntarily. Indeed, the Convention appears to contemplate that payment and compulsion can

---


115 As provided for by Article 1(1) of the Convention. Further, "penalty" should be construed together with, and in light of the other limb of the definition of "forced or compulsory labour" that the person performing the work or services did not offer themselves voluntarily, cfr. Article 2(1) of the Convention.

116 Villages Act 1908, s. 12, Towns Act 1907, s. 9A. The relevant provisions are set out in full, section III C.1 supra.

The Committee of Experts and the Conference Committee have both determined that the existence and the operation of these laws are inconsistent with Myanmar's obligations under Convention No. 29. Notes 5-15 supra and accompanying text.

117 Cf. RCE, 1996, note 11 supra at 85 (case concerning Japan: the conditions in which Korean "comfort women" were forced to provide sexual services during World War II amounted to "sexual slavery" that would have been contemplated by Convention No. 29; the women would have been entitled to wages and other benefits of employment).

118 See, e.g., "Child labour", ILO doc. GB.265/2 (Geneva. Mar. 1996), para. 32 (Convention No. 29 "enables the ILO to examine practices with regard to child labour which amount to forced labour within the meaning of the Convention"; this has been done for "some ten years").
occur simultaneously. In setting guarantees and terms for forced labour practices under the now-
lapsed transitional regime, the Convention prescribes rates and methods for strict cash
remuneration under Article 14, except where the labour is being exacted as a tax under the now-
lapsed terms of Article 10.

Contrary to the assertions of the Government of Myanmar, labour is not contributed
voluntarily by the people pursuant to Buddhist cultural tradition. The facts demonstrate that
people are compelled to work, under the menace of penalties, and that they are commonly seized
to perform work. The facts also demonstrate that Rohingya Muslims, Karen Christians and other
predominantly non-Buddhist ethnic groups are called upon to perform forced labour. The
military junta's extension of the colonial practice has eroded the social and economic fabric of
village life, thereby harming cultural tradition.

The Government of Myanmar recently stated to the Conference Committee that, having
reached cease-fires with 15 of 16 insurgent groups, only members of the armed forces would
be used henceforth on "major development projects". However, that statement fails to
demonstrate compliance with Convention No. 29. The limiting word "major" before
"community development projects" implies that forced labour will still be used on other
projects. Furthermore, the evidence demonstrates that, where military services are supplied, the
people's forced labour is still used for construction of military barracks as well as for services
such as portering, supply of food, and messengering. In addition, the Tatmadaw, which is to
retain its military duties along with the new development tasks, does not have the human
resources to provide labour on the scale that apparently is required by the SLORC for its
development projects; the record demonstrates that the supply of forced labour used thus far
exceeds 800,000 people. Finally, the Government's position provides no lasting guarantee of
compliance with Convention No. 29 and freedom from forced labour for the people of Myanmar.
The laws and directives authorizing forced labour remain in effect, and sliders may be called
back to combat or other duties at any time.

Whether or not the Villages Act 1908 or the Towns Act 1907 are expressly relied upon, the
fact of their continued operation of itself makes it difficult to be confident that any contributions
of labour are, in fact, voluntary. Indeed, the, Article 24 Committee noted in this respect that
"the blurring of the borderline between compulsory and voluntary labour [was] recurrent
throughout the Government's statements to the Committee, is all the more likely to occur in
actual recruitment by local or military officials". The texts of the secret directives issued
during 1995 admit and continue to authorize forced labour in Myanmar. The Government of
Myanmar's own published budget and economic figures reflect the significant and increasing
role of "people's contributions" in their plans for development. In the absence of any convincing
evidence that the "people's contributions" are in fact labour which is voluntarily donated, or
properly remunerated, these figures, should be taken as an admission that forced labour occurs
in Myanmar on a massive scale.

---

119 See the discussion in section IV. D.4 infra.
120 For a discussion of the effect of payment on the exceptions of Article 2(2), see note 150 infra and accompanying
text.
arrivals in Bangladesh from Arakan State report Rohingyas are disproportionately subject to forced labour and that forced
labour periods extended to several weeks each month, reducing time available to farm); Beyond the law, note 51 supra at
122 International Labour Conference, 83rd Session, Provisional Record, Report of the Committee on the Application
123 Between 800,000 (statement of the Workers' delegation to the Conference Committee, 1996, idem, at 14/57) and
2 million (estimate of Human Rights Watch/Asia: Entrenchment, note 48 supra at 14) people have been used to date.
124 RCE, 1993, note 7 supra at para. 3; RCE, 1996, note 11 supra at para. 3; see also note 9 supra and accompanying
text.
125 See notes 11, 12 supra and accompanying text.
126 See notes 85-87 supra and accompanying text.
2. Myanmar’s failure to completely suppress forced labour for private benefit violates Convention No. 29

The facts demonstrate that Myanmar has blatantly violated its immediate obligation to completely suppress forced labour for private benefit. It is exacting forced labour from the people in its joint venture development projects in the oil and gas sector, infrastructure development (railroads and highways), and the tourism industry. Further evidence reveals that members of the military practice forced labour for their own private commercial benefit, with impunity. Where the practice of forced or compulsory labour for the benefit of private associations, companies and individuals exists, it should be “completely” suppressed from the date of Convention No. 29 coming into force and it should not be permitted thereafter.

3. Myanmar’s failure in practice to pursue and to punish those who exact forced labour breaches its obligations under Convention No. 29

There is no credible evidence of any active steps by the Government of Myanmar to bring about an end to the practice of forced labour. Prosecution under the Penal Code by its terms would fail to cover forced labour conducted pursuant to the Villages Act 1908 and the Towns Act 1907. The issuance of the secret directives, rather than purporting to end the practice, further legitimizes the practice by addressing circumstances under which forced labour can be imposed. No report has become available of any attempt to pursue prosecution of any person or organization responsible for the exactation of forced labour.

B. Myanmar’s laws do not comply with Convention No. 29

1. The Government of Myanmar has breached its duty under Convention No. 29 because it has failed to repeal or amend its laws that permit the exactation of forced labour

The Government of Myanmar has admitted that the Villages Act 1908 and the Towns Act 1907 are “not ... in line with the provisions of the ILO Convention, and yet has failed to repeal or amend those laws”. There are no indications that this situation has changed since a Government’s statement to that effect was issued in a Memorandum of Observations addressed to the United Nations in March 1996.

Since 1967 the Government of Myanmar has indicated in its reports under article 22 of the ILO Constitution that those laws have fallen into disuse and are to be repealed. More lately, however, the Government has indicated that it relies on the laws as authorization at least for the practice of portering. In so doing, it purports to rely on legislation which the ILO has repeatedly...
indicated does not comply with Myanmar's obligations under Convention No. 29, and should be brought into line with Convention No. 29, as well as followed by action “to ensure that the formal repeal of the power to impose compulsory labour was followed up in actual practice and that those resorting to coercion in the recruitment of labour were punished.

2. The Government of Myanmar has failed to meet its duty under Convention No. 29 because it has not fully complied with Article 25

The Government of Myanmar has failed to adequately criminalize and enforce penalties against forced labour practices, as required by the Convention. Article 25 requires that a State party make the exaction of forced or compulsory labour punishable as a criminal offence, that “really adequate penalties” be available, and that the State party make efforts to ensure that the laws are enforced. The Committee of Experts has made clear that compliance with Article 25 of Convention No. 29 requires that laws must be publicized, as part of a systematic approach, which has clear goals, a well-defined strategy, and takes place within a comprehensive legal framework. Enforcement of the laws contemplated by Article 25 must cover all sectors of economic production and industrial activity.

The secret directives issued by SLORC during 1995 concerning the use of compulsory labour do not amount to compliance with its Article 25 obligation. On their face the secret directives do not criminalize the exaction of portering or any other form of forced or compulsory labour, nor do they purport to repeal either the Villages Act 1908 or the Towns Act 1907. The secret directives merely seek to legitimize the practice of forced or compulsory labour by directing the terms under which it can be imposed. None of those terms satisfy an exception found in the Convention, Article 2. Directive No. 82 only covers irrigation and apparently only applies in the Yangon division. Finally, the secret directives fail to specify any penalty for non-compliance with their terms and, in any event, purport to be secret; so that they are unlikely to be known to the people they are apparently intended to protect.

Section 347 of the Penal Code, which appears to be repealed, does not amount to compliance with Article 25 of Convention No. 29 because it expressly limits the offence that it creates to the unlawful exaction of forced labour. Accordingly, action taken under the Villages Act 1908 and the Towns Act 1907 and, arguably, under the recent secret directives or other such orders, would fall outside the scope of the section.

C. NO PERMISSIBLE EXCEPTION UNDER ARTICLE 2 APPLIES

None of the forced labour practices in Myanmar qualifies as an exception from the Convention's general prohibition on the use of forced or compulsory labour under Article 2.

---

141 See the discussion in section III supra.
144 RCE, 1993, note 7 supra at 93 (case concerning Brazil: The Government must take “systematic action commensurate with the dimensions and gravity of the problem ...”).
146 Idem, at 112, case concerning Liberia (the Government should facilitate strict observance of the prohibition on forced labour by ensuring adequate labour inspection, particularly in those sectors thought to be affected by the problem).
147 See notes 111, 112 supra and accompanying text.
148 See notes 150-165 infra and accompanying text.
149 See note 112 supra and accompanying text.
Forced labour in Myanmar

That Article sets forth five narrow exceptions, discussed in turn below: (a) compulsory military service; (b) normal civic obligations; (c) labour as punishment for duly convicted prisoners; (d) circumstances of emergency threatening the population; and (e) minor communal service. In addition, the Government has sought to exempt its practices because its forced labourers are, or are entitled to be, paid. However, under Article 2(2) whether a forced labourer is paid makes no difference to the determination of whether the conduct qualifies under one of the exceptions.  

1. The forced labour practices do not constitute work or service “exacted in virtue of compulsory military service laws for work of a purely military character” under Article 2(2)(a)

The exception found in Article 2(2)(a) for “work of a purely military character” is not met by Myanmar’s practice of forced labour. The Government of Myanmar has consistently asserted that recruitment into the military is on a purely voluntary basis. Accordingly, it seems unlikely that there are “compulsory military service laws” within the meaning of this article of Convention No. 29, and thus “any work or service ... of a purely military character” by non-volunteers falls outside the exception. Civilians forced to work as porters who perform military tasks pursuant to the Villages Act 1908 and the Towns Act 1907, or under threat or use of force are ipso facto non-volunteers.

2. Forced and compulsory labour in Myanmar is not part of the normal civic obligations of the citizenry, within the meaning of Article 2(2)(b) of the Convention

Forced labour in Myanmar is not contemplated by the exception found in Article 2(2)(b) for “normal civic obligations”. That exception contemplates such matters as compulsory jury service, the duty to assist a person in danger, and the duty to assist in the enforcement of law and order. The nature and scope of forced and compulsory labour in Myanmar are in no way analogous to these exceptions, due to the personal effort, danger, harm and inconvenience the practice of forced labour in Myanmar requires.

3. The labour exacted from prisoners does not meet the strict requirements of Article 2(2)(c)

The forced labour of prisoners in Myanmar does not qualify under the narrow requirements of Article 2(2)(c). That Article requires that work exacted from prisoners as part of their punishment cannot be made available to private individuals except at the prisoner’s free choice. The Article further requires that the work be exacted “as a consequence of a conviction in a court of law” and “aims at ensuring that penal labour will not be imposed unless the guarantees laid down in the general principles of law recognized by the community of nations are observed, such as the presumption of innocence, equality before the law, regularity and impartiality of proceedings, independence and impartiality of courts, guarantees necessary for defence, clear definition of the offence and non-retroactivity of penal law.”

---

In exempting certain types of labour that would otherwise be “forced or compulsory” under the Convention, Article 2(2) is silent on the question of payment. The silence reflects the irrelevance of the question of payment to the determination of whether a certain type of conduct is exempt from the Convention. See also the discussion on the relationship between payment and compulsion at notes 119, 120 supra and accompanying text.

See, e.g., Memorandum of Observations, note 57 supra at 10-11.

See notes 32-34 supra and accompanying text (methods of apprehension for portering and other forced labour practices).

1979 General Survey, note 114 supra at para. 34.

See generally section III supra (lengthy work assignments, heavy construction and portering duties, participation in military activities and minesweeping, forced sexual services, fatal or serious diseases and injuries).

Prisoners may choose to work for private individuals, so long as the working relationship between a prisoner and the private beneficiary is analogous to that of a freely entered employment relationship. 1979 General Survey, note 114 supra at para. 97.

See generally section III supra (lengthy work assignments, heavy construction and portering duties, participation in military activities and minesweeping, forced sexual services, fatal or serious diseases and injuries).

See generally section III supra (lengthy work assignments, heavy construction and portering duties, participation in military activities and minesweeping, forced sexual services, fatal or serious diseases and injuries).

Prisoners may choose to work for private individuals, so long as the working relationship between a prisoner and the private beneficiary is analogous to that of a freely entered employment relationship. 1979 General Survey, note 114 supra at para. 97.

Documented reports demonstrate that the process of criminal convictions in Myanmar falls far short of process standards, both in military tribunals and in “civilian” courts established under SLORC administration.\(^\text{157}\) In many cases, convictions are entered after summary trials or trials that fail to meet internationally recognized minimum standards of due process, including failure to observe the presumption of innocence, the defendant’s right to counsel and other guarantees necessary for an adequate defence.\(^\text{158}\) In some cases, conviction is entered without trial.\(^\text{159}\) Persons convicted either by military tribunals, or by civilian courts cannot be considered to have been “convicted in a court of law” within the meaning of Article 2(2)(c), and any exaction of forced labour from them does not meet the requirements of that exception.

Furthermore, there is no evidence that any prisoner working in a labour camp in Myanmar is offered the choice whether to work, irrespective of the entity for which the work is being performed. Moreover, work on infrastructure projects related to private investment, such as the Yadana pipeline, does not qualify as an exception under these circumstances.

4. No emergency within the meaning of Article 2(2)(d) exists to permit the forced and compulsory labour that is currently being performed in Myanmar

The circumstances under which forced labour is practised in Myanmar fail to meet the type of exception contemplated by Article 2(2)(d). In that Article the concept of emergency requires “a sudden, unforeseen happening calling for instant countermeasures”\(^\text{160}\) “that endangers the existence or the well-being of the whole or part of the population”. No emergency exists or has existed in Myanmar that qualifies under Article 2(2)(d). The nature of the armed insurgencies were not “sudden” or “unforeseen” but rather the result of a protracted civil war of more than 40 years. The insurgencies of themselves did not result from endangerment of the population itself, but rather threatened the political control of the junta in the areas of conflict.\(^\text{161}\)

Even if it were considered that the nature of the armed conflicts in outlying areas came within the meaning of Article 2(2)(d), the forced and compulsory labour that is being and has been performed in Myanmar is not exacted in accordance with the conditions required by that Article. The Article requires that the labour be “limited to what is strictly required” by the circumstances and to the duration of the emergency.\(^\text{162}\) To the contrary, the widespread and systematic forced or compulsory labour in Myanmar is out of proportion to the insurgencies, and has lasted for decades. Moreover, forced labour in Myanmar goes far beyond what is strictly required by the exigencies of the situation. For example, infrastructure and tourist development bear no relation to any state of emergency caused by the armed insurgencies, and sexual services exacted by way of rape bear no relation to justified response to war.

5. Forced or compulsory labour in Myanmar goes far beyond the concept of “minor communal service” in Article 2(2)(e)

Forced and compulsory labour in Myanmar does not meet the requirements of Article 2(2)(e). As the Article provides, minor communal services must be “truly minor”, such as maintenance work, or the construction of schools; performed for the benefit of the direct community of people who perform the work, not some wider group; and performed following...
consultation of the community or its representatives concerning the work to be performed.\textsuperscript{163} In Myanmar, in contrast, the work is commonly extensive and significant in scope, not minor. It involves construction of roads, embankments and dams, and continues for days and sometimes weeks at a time. Forced labour is commonly performed for groups other than the citizenry, such as the military, or private interests. Where the labour is performed for general public benefit, as in infrastructure development, the benefits to the local community are diffuse and speculative at best, because the effect inures to communities far beyond those by whom the work is performed.\textsuperscript{164} Indeed, the Committee of Experts refused under certain circumstances to accept that construction of projects of such scale and significance as railways meets the requirements of this Article.\textsuperscript{165} Members of the community and their representatives are not consulted concerning the work to be performed. On the contrary, the evidence shows that where community representatives are involved, village headmen are ordered to present community members for work, and that commonly people are literally forced to work, being captured and seized from their community and made to labour.

D. A TRANSITIONAL PERIOD DOES NOT APPLY IN THIS CASE AND, EVEN IF A TRANSITIONAL PERIOD APPLIED, THE GOVERNMENT OF MYANMAR HAS FAILED TO DEMONSTRATE COMPLIANCE WITH THE GUARANTEES THAT GOVERN SUCH A PERIOD

1. The ILO noted that no transitional period applies to exempt the Government of Myanmar from its obligation under Convention No. 29 to suppress forced labour in all its forms

The Article 24 Committee determined that there was no question of a transitional period in this case.\textsuperscript{166} While the Commission of Inquiry will be at liberty to make its own findings of fact and law \textit{de novo}, the conclusions of the Article 24 Committee should be given considerable weight, and followed.\textsuperscript{167}

2. A transitional period does not apply in the case of Myanmar as a matter of fact or law

The 40 years since Myanmar ratified Convention No. 29 in 1955\textsuperscript{168} constitutes more than ample time to make any required alterations to its laws and practices during any necessary period of transition. The brevity of the transitional period contemplated by the Convention is indicated by the requirements that certain forms of forced labour be immediately suppressed, the strict conditions and limitations which apply to any forced labour exacted during the transitional period; and the provision in Convention No. 29 itself\textsuperscript{169} for two reviews of its operation, after five and ten years from its coming into force, with a view to the suppression of forced labour in all its forms, and without a further transitional period.

The concept of the transitional period, and the guarantees provided for concerning the conditions for the continued use of forced and compulsory labour during that period\textsuperscript{170} "were

\textsuperscript{163} 1979 General Survey, note 114 \textit{supra} at para. 37.

\textsuperscript{164} RCE, 1988, note 143 \textit{supra} at 95 (case concerning Tanzania: minor communal service does not include forced labour, pursuant to law, to implement schemes for agricultural and pastoral development, for construction of works or buildings for the social welfare of residents, or in establishment of any industry or construction of any public utility).

\textsuperscript{165} idem.

\textsuperscript{166} Article 24 Report, note 17 \textit{supra} paras. 50, 51. Convention No. 29 provides that States parties may continue to use forced or compulsory labour after their ratification, "during the transitional period, for public purposes only and as an exceptional measure, subject to the conditions and guarantees" subsequently provided, Article 1(2). The guarantees include the provisions in Articles 7-19 and 22-24 of Convention No. 29, 1979 General Survey, note 114 \textit{supra} at para. 7.

\textsuperscript{167} The proceedings of the supervisory bodies of the ILO are properly regarded as a source of international labour law, to which weight should be given. See generally Valticos: \textit{International Labour Law} (1979), pp. 61, 62.

\textsuperscript{168} See note 1 \textit{supra} and accompanying text.

\textsuperscript{169} Article 1(3).

\textsuperscript{170} See note 114 \textit{supra} and accompanying text.
Report of the Commission of Inquiry

aimed essentially at certain colonial practices". By 1968 "relatively few of the countries bound by the Convention [were] still in a position to avail themselves of the transitional arrangements..." and by 1979 the transitional provisions were "hardly ever invoked ... as a justification for retaining forced or compulsory labour." The Villages Act 1908 and the Towns Act 1907 are colonial laws never abolished after independence in Burma. The jurisprudence and General Surveys of the Committee of Experts support the conclusion that the laws do not conform to the understanding and interpretation of Convention No. 29 by the majority of States parties to it.

3. **Myanmar is bound by its declaration that no transitional period applies**

The Government of Myanmar took the position before the Article 24 Committee that the transitional period did not apply. That position can be considered as a declaration that gives rise to an obligation binding on it. In the *Nuclear tests cases*, the International Court of Justice held that a declaration concerning a legal or actual situation, made by way of a unilateral act of a State, may give rise to obligations which are binding on that State, and owed by it to the international community *erga omnes*, without the need for any acceptance of the act by any other State. Whether or not an act has this effect depends upon the circumstances in which it occurs, and the intention of the maker of the statement. In the case before the International Court of Justice, the unilateral declaration by France that it would not conduct any more atmospheric tests, made in the vicinity of the International Court of Justice, and in litigious circumstances, gave rise to an obligation binding it to abide by that declaration: "It was bound to assume that other States might take note of these statements and rely on their being effective." In assessing the intention of the State making the declaration, a restrictive interpretation is called for where the content of the declaration would limit the State’s future freedom of action. Further, it is more likely that a State intended to be bound by the declaration in circumstances where it could not bind itself by the ordinary means of formal agreement.

In this case it can be argued that the Government of Myanmar is bound by its unilateral acts of confirmation of compliance with Convention No. 29, of which other States took note. The Government did not invoke the transitional period as justification for the practice of forced portering, the subject of the representation by the ICFTU under article 24 of the ILO Constitution. Accordingly the Article 24 Committee determined that there is no longer any question of a transitional period for Myanmar. This is in accordance with the position taken by the Government of Myanmar in its reports to the Committee of Experts under article 22 of the ILO Constitution concerning its compliance with its obligations under Convention No. 29 since 1967. These actions by the Government of Myanmar were unilateral acts, having the effect of limiting its future freedom under Convention No. 29, and concerned a matter not amenable to formal agreement with any other State or group of States. Accordingly Myanmar, having made a declaration to the international community, through the avenue of the Article 24 Committee, may now be held to the content of that declaration by the international community through the ILO.

---

171 1979 General Survey, note 114 supra at para. 7.
172 1968 General Survey, note 114 supra at para. 22 (the nature of the undertaking is to suppress forced labour and, after the Convention comes into effect for the country, neither to introduce new forms of forced labour, nor to reintroduce forms which had been abolished).
173 1979 General Survey, note 114 supra at para. 7
174 See note 25 supra and accompanying text.
175 Or even any act of acknowledgment, *Nuclear tests cases* (Australia v. France) (New Zealand v. France), Judgement of 20 Dec. 1976, ICJ Reports.
176 Idem, pp. 269-70, paras. 50-51, and pp. 474-5, paras. 52-53.
177 Idem, p. 267, para. 44. and pp. 472-3, para. 47.
179 More relevantly, there is no question of a transitional period in this case, Article 24 Report, note 17 supra at paras. 50, 51.
180 Idem.
4. In any event, none of the conditions and guarantees required during the transitional period is satisfied in Myanmar

The facts in this case demonstrate that, even if there were a transitional period in effect, the forced labour practices of Myanmar do not meet the conditions and guarantees required by the Convention. Article 1(2) requires that, during the transitional period, recourse may be had to compulsory labour for public purposes only, as an exceptional measure, and subject to the conditions and guarantees subsequently provided. The practice of forced labour in Myanmar breaches key components of Article 1(2): evidence demonstrates that forced labour is used for the benefit of private associations, individuals and companies; forced labour is used widely and systematically, and is in fact a budgeted part of the Government's development programme; the use of forced labour is not limited in any way to use as an exceptional measure. Furthermore, none of the conditions and guarantees subsequently set forth is met.

Articles 8, 23 and 24. As a military administration, SLORC and its local counterpart authorities do not meet the required description of a highest "civil" authority. To the extent that any regulations have been promulgated concerning the use of forced labour, those available publicly, such as the Villages Act, the Towns Act and uncovered "secret" directives, fail to provide for complaints to be submitted by persons from whom forced labour is exacted and for complaints to be considered. Furthermore, there is no evidence of any attempt to enforce standards regulating the conditions under which forced labour is exacted.

Article 9. No available evidence suggests that any authority, civil or otherwise, has made or is directed to make the determinations contemplated by the preambular parts of the Article prior to imposition of forced labour. In fact, the evidence demonstrates that forced labour is imposed under opposite circumstances. The work performed is not for the "important direct interest for the community called upon to do [the] work". Rather the forced labour exacted from people is for broad public benefit (roads, railways); for purely personal gratification (sexual services); for private company interests (gas exploration and exploitation ventures, tourist projects); and for the military for its own counter-insurgency or private commercial purposes. None of the forms of labour exacted from the people of Myanmar is of imminent necessity.

There is no evidence of the SLORC or the Tatmadaw, as the case may be, ever having sought voluntary labour for any of the forms of forced labour, and there is little or no evidence of payment. The work and services exacted lay an unjustly heavy burden on the people of Myanmar from whom they are exacted. Fees are exacted from the poor to avoid forced labour; farmers and fishermen are forced to leave their occupations for long periods of time, disrupting planting and harvesting cycles; and family life is disrupted while members go away to perform work. Children are deprived of their education and childhood. In cases of rape, the physical and psychological damage, as well as social harm, are excruciating.

[Notes and citations follow]
Article 10. Because the alternative to providing forced labour is payment of fees, it can be argued that people's labour is being exacted from them as a tax, in breach of Article 10(2). Because the determinations required by Articles 10(2)(a)-(c) are identical to Articles 9(a)-(c), the arguments made concerning those Articles are incorporated here. Many of the workers are forced to travel long distances to labour camps, to go portering. No respect for the exigencies of religion, social life or agriculture is observed.

Article 11. The evidence demonstrates that Article 11(1) is breached regularly. Many children, women and elderly work on forced labour projects and as porters. The evidence indicates that there is no prior physical assessment; no exemptions; and no consideration to the maintenance of the number of able-bodied adult males in any community, or to conjugal or family ties.

Article 12. The evidence suggests that, rather than any attempt to regulate the length of time that persons are required to perform forced labour, the opposite occurs. According to reliable reports, people in some areas are required to perform forced labour two weeks in every month. Many people are repeatedly required to serve as forced labourers, even where they have paid porter fees and met other demands. There is certainly no certification of service given out, or any attempt made to see that the burden of forced labour is shared around.

Articles 13 and 14. The evidence demonstrates that Articles 13 and 14 are breached regularly in the practice of forced labour in Myanmar. The hours of work required of those performing forced labour are excessive, there is little or no payment, and there are no or insufficient rest periods and breaks.

Article 15. While the Government of Myanmar has stated from time to time that the workers' compensation laws are applicable to "people's contribution" labour, reliable and independently corroborated accounts, together with forensic and other physical evidence, attests that people are left to die from injuries suffered at work, unattended when disease occurs, and routinely subject to beatings, summary execution and rape.

Article 16. Contrary to Article 16, little or no respect is paid to using forced labour in the same location as that from which the people come, let alone attention to gradual habituation to new areas.

Article 17. As discussed supra, there is no evidence of prior medical assessment or provision of appropriate medical care during work assignments; in most cases workers travel...
Forced labour in Myanmar

at their own expense and are left to suffer the consequences of any injuries they suffer wherever they are working; no efforts are made to ensure the subsistence of other members of workers' families.

Article 18. The practice of forced portering in Myanmar is one of the most notorious breaches of its obligations under Convention No. 29. Portering is not conducted in accordance with any regard for the health and well-being of the people who perform the work, or of the communities from which the porters are taken, nor are any of the safeguards required by Article 18 routinely observed.

V. CONCLUSIONS

Based on the above statement of facts and discussion of law, the complainants consider that:

1. Ample evidence demonstrates that forced labour in Myanmar is a widespread practice, provided for by law, and carried on without any prospect of prevention or punishment of those who exact forced labour from the citizens of Myanmar. The Government of Myanmar is therefore in flagrant breach of the Convention on Forced Labour, 1930 (ILO Convention No. 29).

2. Previous, repeated findings of the different organs of the ILO supervisory mechanisms have not brought progress in observance of the Convention. The question of the Government of Myanmar's non-compliance with its obligations under Convention No. 29 has been exhaustively considered by the Committee of Experts, the Conference Committee, and the Committee established to examine the Representation under article 24 of the ILO Constitution. Despite the views expressed by those bodies, the Government of Myanmar continues to blur the distinction between forced and voluntary labour, and persistently fails to eliminate the serious discrepancies identified in its law and practice.

3. In view of the above, complainants consider that the establishment of a Commission of Inquiry is appropriate and merited.

4. The complainants consider that the security of witnesses testifying before the Commission of Inquiry is of paramount importance. It should be ensured that any witnesses, whether testifying on their own initiative or upon request of any party, are protected from and held safe against any harm, reprisal or discrimination on the basis of their statements to the Commission of Inquiry. The same safeguards should be required for witnesses' families and next of kin.

5. The complainants would hope that, in any hearing or on-site visits, the Commission of Inquiry would be granted unhindered and private access to witnesses, would allow for anonymity of witnesses where necessary, and would be in a position to guarantee privacy and confidentiality of all hearings of and communications with witnesses. For any activities of the Commission of Inquiry within Myanmar itself, safeguards should include obtaining and monitoring commitments by the Government of Myanmar to ensure that credible assurances are given by high and local commander levels that no retaliatory measures will be taken against witnesses.

6. The complainants request that the Commission of Inquiry give due attention to the need for the Government to take immediate remedial measures and hence:

(i) immediately repeal or amend the Villages Act 1908 and the Towns Act 1907;

---

workers' journeys to and from the workplace (including any return by reason of illness or injury) are borne by the authorities, and that workers are given the opportunity to stay as voluntary labourers following their period of compulsory labour.

Article 18 mandates that forced labour for the transport of persons and goods is to be "abolished within the shortest possible period". Where it is used during the transitional period, care is to be taken for the health of the workers performing the work; regulations should limit the duration and nature of the work they are required to perform; and care should be taken to maintain the community from which the workers come.

See generally notes 27-53 supra and accompanying text.
(ii) immediately enact penal provisions against all practices involving forced labour in contravention of Convention No. 29;

(iii) proceed diligently with penal investigations and prosecutions in accordance with internationally recognized standards against anyone, including military members, who resort to forced labour contrary to Convention No. 29, including any criminal offences revealed during the course of the ILO inquiry;

(iv) provide adequate compensation to villages and families that have suffered loss of life, health, property and earnings during the course of the exaction of forced labour from them;

(v) enact laws or regulations to provide that complaints by any person alleging subjection to forced labour practices be permitted, examined and considered by the authorities.
APPENDIX II

Observation of the Myanmar Government on the initial complaint and supplementary evidence made by 25 Worker delegates to the 83rd Session of the International Labour Conference under article 26 of the ILO Constitution

PART I. INTRODUCTION

1. A group of 25 Worker delegates to the 83rd Session of the International Labour Conference, held in June 1996, filed a complaint against the Government of the Union of Myanmar under article 26 of the ILO Constitution for non-observance of the provisions of the Forced Labour Convention, 1930 (No. 29), reserving the right to supply additional information and supplementary evidence in this regard.

2. The Government of the Union of Myanmar accordingly made a prompt reply in October 1996 to the ILO Director-General on the concrete measures taken by the Myanmar Government to abolish recourse to forced labour as a gesture of response to the above-mentioned complaint.

3. However, the Worker delegates once again submitted the supplementary evidence on 31 October 1996 to the Director-General in support of their initial complaint to be brought to the attention of the forthcoming session of the Governing Body to be held in March 1997.

4. Consequently, the information was transmitted to the Myanmar Government by the Director of the International Labour Standards Department on behalf of the Director-General of the International Labour Office to enable the Myanmar authorities to make necessary observations on the allegations of the complainants.

5. The Myanmar Government, accordingly wishes to provide a detailed reply and information relevant to the findings and allegations of the Worker delegates.

The Government's initiatives for the emergence of a peaceful, modern and developed nation

6. Before responding to the allegations, the Myanmar authorities wish to point out the sincere endeavours being made by the Government for the perpetuation of the national integrity and sovereignty and for safeguarding the long-term national interests.

7. Myanmar has witnessed in so short a time grisly reverses to the political, economic and social life of the nation just before the present government came to shoulder the responsibility of the State in 1988. It cannot be denied that the State Law and Order Restoration Council Government saved the nation which was on the brink of disintegration.

8. Since then, systematic and prudent steps have been taken to steer the nation to obviate undesirable and harmful consequences. The Government has successfully achieved its goal in the restoration of law and order throughout the country.

9. It may be pointed out that it is the present Government which opened up the country politically and economically. A market-oriented economy has been adopted in place of a centrally planned socialist system. And concrete steps are being taken to implement a multi-party democracy system. Thanks to the efforts of the Government, the market-economic system has now started to flourish in Myanmar and consequently it has induced increasing foreign investments.

10. Realizing the need for a new enduring state constitution which will ensure the emergence of a truly democratic multi-party system, the State Law and Order Restoration Council formed a National Convention Convening Commission. A National Convention is being held to lay down basic principles for the drafting of a new state constitution with the consensus of the participating delegates representing all walks of life, different union nationalities and different ethnic minority groups.
11. With the emergence of the new state constitution, the political and administrative pattern will take a new shape and form within the framework of the multi-party democracy system in the near future. In other words, the present Government is, in actual sense, laying down firm foundations for a new democratic government which will govern Myanmar under the new state constitution.

12. Infelicitously, the sincere steps taken by the Government for the maintenance of law and order have been portrayed in some circles as acts of repression. The development endeavours for all-round development of the nation have also been looked at cynically. It is to be borne in mind that it is the present Government that has opened up the country economically and in a large measure politically.

13. Moreover, it is an undeniable fact that the relentless efforts of the Government have resulted in peace and stability that prevails throughout the length and breadth of the country. National reconsolidation has been restored as a result of negotiations, mutual trust and understanding among the national brethren. These are the significant achievements in our efforts at establishing peace and national unity which will lead to the drafting of a new state constitution.

14. During the tenure of the present Government, the leaders have been taking every necessary measure to build up Myanmar as a peaceful, modern and developed nation. To achieve that goal, clear-cut political, economic and social objectives have been laid down which are to be observed by all walks of life.

The four political objectives are:
- stability of the State, community peace and tranquillity, prevalence of law and order;
- national reconsolidation;
- emergence of a new enduring state constitution;
- building of a new modern developed nation in accord with the new state constitution.

The four economic objectives are:
- development of agriculture as the base and all-round development of other sectors of the economy as well;
- proper evolution of the market-oriented economic system;
- development of the economy inviting participation in terms of technical know-how and investments from sources inside the country and abroad;
- the initiative to shape the national economy must be kept in the hands of the State and the national peoples.

The four social objectives are:
- uplift of the morale and morality of the entire nation;
- uplift of the national prestige and integrity and preservation and safeguarding of cultural heritage and national character;
- uplift of dynamism of patriotic spirit;
- uplift of health, fitness and education standards of the entire nation.

Building infrastructures throughout the nation

15. In order to effectively undertake the tasks of ensuring stability of the State, prevalence of law and order as well as peace and tranquillity of the State and forging national reconsolidation, transportation within the country must be smooth, speedy and secure. This will also facilitate and expedite trading and public transport. It is indeed one of the crucial components in the nation building endeavours.

16. To fulfill this need, railroads and motor roads are being built throughout the country. These development works are aimed not only at regional development but also for all-round development of the nation. The economic and social life of the communities can be improved only when there prevails efficient transportation services.

17. As of today, it has linked 12 states and divisions by means of railroads. Altogether 544.79 miles of railroads have been built during the period of State Law and Order Restoration
Forced labour in Myanmar

Council Government. Thanks to these new railroads, the economic, education, health and social conditions of residential people of these areas which have lagged behind in development for several decades are now enjoying unprecedented improvements. These transportation and communication links emerged through the collective efforts of the State, the people and the members of the Myanmar armed forced (Tatmadawmen). People living in the states and divisions are now enjoying the fruits of these collective efforts. There is enough evidence that these rail lines serve the interest of the local populace. There are regions like Zeebya in Pakokku township where travelling other than on foot is impossible during the five-month period of rainy season which can now be travelled by train all the year round. Likewise, most of the sections between Kalemyo and Gangaw which remain isolated during the rainy season because of flood and soggy mud are now accessible by train all year round. Besides, the people can now enjoy the advantage of spending less for travel by train as the fare is much lower than that of bus fare.

18. These are the vivid examples that active participation of people is very important for a nation in the making. From construction of roads, irrigation facilities, schools, hospitals, market places, parks and others to building of new towns and all spheres of construction, the working people and members of the Myanmar armed forces have toiled with vigour and enthusiasm not only for the benefit of a community in a strict sense but for the benefit of the nation as a whole.

A nation has its own significant characteristics

19. Every nation has its own characteristics of special significance and ethos. Traditions and mores of one country may be totally different from another country. Each country has its own historical background and different conditions. These dissimilarities largely stem from history, geography, climate and environment, etc. It is natural that these characteristics play a dominant role in influencing the making of policies and adoption of national goals to be achieved. It is therefore necessary to have an understanding and cognition of the background history, culture and traditions as well as the objective conditions and the attitude of the people of the country concerned. The case relating to Myanmar is no exception. Indeed, the foregoing observations are especially applicable to Myanmar.

PART II. REFUTAL TO THE ALLEGATIONS

20. Having set forth the background and facts of the situation prevailing in Myanmar, the authorities now wish to address the allegations made by the Worker delegates and in doing so, the Myanmar authorities wish to place this refutation under three main headings: Public purposes (or) Public sector; Private benefit (or) Private sector; and the law.

A. Public purposes (or) Public sector

(a) Portering

Since regaining political independence in 1948, Myanmar has seen the emergence of insurrection comprising different political views ranging from Communists to other different ethnic minority groups.

Since then, successive Myanmar governments have had to deal with these insurgent groups. At one time, there were 16 such armed groups waging terror against the civilian population as well as the Central Government. Fortunately, at present, 15 of 16 such armed groups have returned to the legal fold and are taking part in the economic and social development of the country as a whole as well as in their respective regions.

Therefore, it is true that under certain circumstances the Myanmar armed forces had to employ porters for transportation of supplies and equipment over difficult terrain in remote places and mountains near the frontier areas where military campaigns against the armed groups were launched. However, it is not true that the porters employed were treated harshly and inhumanely by the Myanmar armed forces.
- It should be emphasized here that the recruitment of these porters were based on certain criteria among which were:
  (a) that they must be unemployed casual labour;
  (b) that they must be physically fit to work as porters;
  (c) that reasonable amount of wages must be fixed and agreed to before recruiting.
- Also, it must be emphasized here that these porters were never required to accompany the troops in actual scene of the battle or neither are they exposed to danger.
- In the unfortunate even of loss of limb unconnected with any armed conflict, they or their family are equitably compensated in accordance with the prevailing law.
- The authorities wish to point out that there was no recruitment of women, children and elderly people as porters at any time.
- The Myanmar armed forces (Tatmadawmen) emerged on the basis of nationalism and patriotism and it is composed of the sons of the union nationals. It is a truly national army governed by the Defence Services Act of 1959 and is administered under a strict Military Code of Conduct. Accordingly, these servicemen are highly disciplined and do not resort to onerous or oppressive actions against the people.
- Any isolated aberration is met with severe punishment meted out by a Military Court. As mentioned in the foregoing, the use of porters has significantly diminished as a result of less military operations against the armed groups.
- With regard to the allegations of the use of porters, the Myanmar authorities have already refuted the allegations made by ICFTU in November 1993 based on article no. 24 of the ILO Constitution.
- Although there have been criticisms made by the Worker delegates in connection with military porterage and forced labour practices in Myanmar, there are also some views and remarks made by some personages in these regards. The excerpts from the press conference given by US Presidential Envoys Ambassador Mr. William Brown and Senior Official of the National Security Council of the White House Mr. Stanley Roth on 15 June 1996 at the Foreign Correspondents’ Club of Thailand is appended (see Annex I).

(b) Construction of development and infrastructure projects by the Government
- Among the development of infrastructure projects undertaken by the SLORC Government are Aungban-Loikaw Railroad construction, Ye-Dawei Railroad, Pathein Airstrip Extension, construction of dams and embankments, etc. In all these above projects, there was no forced labour involved.
- For the construction of the projects and other projects not mentioned above, the use of labour was purely voluntary, and it was remunerated equitably. No coercion whatsoever was involved in recruiting them. Recruitment of this labour was done according to the local recruitment procedures of employment exchanges established by the Department of Labour. There are altogether 78 township level Labour Offices all over the country operating under the Employment and Training Act and Employment Restriction Act.
- With a view to substantiating the above facts, field surveys were sent to the respective areas to verify that the recruitment of labour was done in accordance with the procedure. Detailed statements and photographs of some local people interviewed are annexed (see Annexes IIa-IIg).
- The Government of the Union of Myanmar has taken concrete action regarding the use of civilian labour in infrastructure building and development projects. A further and unprecedented step has been taken in using members of the armed forces (Tatmadawmen) in these projects. There will be no more recruitment and deployment of local populace in any development projects. Tatmadawmen are now taking part in these works to serve for the interests and general well-being of the people in addition to the primary responsibility of defending the country. One concrete example is the recent participation of Tatmadawmen in the railroads construction and other public works in the Mandalay, Magway and
Tanintharyi divisions. Photographs of Tatmadawmen at the respective worksides are annexed (see Annex III).

- It may be pointed out here that some prisoners who were convicted of criminal offences such as murder, rape, etc. (common criminals) are sometimes employed in road construction.

(c) Hotel industries in Myanmar

- With a view to promoting the tourist industry the Government has invited foreign investors to build hotels in Myanmar. In response to this invitation investors from Singapore, Thailand, Malaysia, Japan and Hong Kong, etc., have come to Myanmar putting 100 per cent investment in the construction of hotels in Yangon, Mandalay, Bagan, etc. The system adopted is known as BOT (Build, Operate and Transfer).

- These foreign companies which own 100 per cent investment have their own contractors who in turn appoint local subcontractors. It is these local subcontractors who recruit local workers who are skilled, semi-skilled or unskilled labourers. The competition or demand for local workers can be said to be very keen. In other words inducement in the form of high salary or wages is offered by the foreign companies. As such, the question of forced labour does not arise. In addition to that local labour law and procedures see to it that equitable wages and proper conditions of work are observed by the companies. In most cases these subcontractors go through the labour exchanges run by the Department of Labour.

- Although it is the Ministry of Hotel and Tourism which is responsible for the promotion of building hotels in Myanmar, the Ministry plays no part in the employment of the construction workers.

- With regard to the allegation that forced labour was used in the construction of “barracks”, it may be stated that accommodations for border policing units in Rakhine State were constructed by private building contractors employing voluntary paid labour (see Annexes IVa-IVb).

B. Private benefit (or) Private sector

Construction of Yadanar natural gas pipeline

- It has been alleged that forced labour is being used for the construction of projects for the development of oil and gas reserves. In particular the Yadanar Gas Pipeline Project has been pointed out as one of these projects. This project is a joint venture between the United States Oil Company (UNOCAL), a French Oil Company (TOTAL) and the Myanmar Oil and Gas Enterprises (MOGE). The allegation that forced labour is being used is totally unfounded.

- Mr. Roger Beach, Chairman and Chief Executive Officer (CEO) of UNOCAL said in an interview conducted by CNN's Patricia Chew that the allegations are “absolutely not true”. He went on to say that “We have absolutely no forced labour on this project in Myanmar” and that “there have not been any villages moved since the inception of the project in 1992” and that he was very proud to be a part of UNOCAL and UNOCAL a part of this project.

- Mr. Beach went on to say that it has provided school buildings, health clinics, renovation of hospitals; implemented agricultural and prawn projects, shrimp farms and others to improve the economic life of the region concerned. He said that the project has established communication committees representing the Kayin, Mon and Bama in the villages and that these committees provide facilities for people who wish to work on the project. The full text of this interview is appended (see Annex V).

- In addition to the above, Mr. John Imle, President of UNOCAL said in an interview by Casey White of CNN on 15 January 1997 that among others as far as he knew there was no violation of human rights or abuses with regard to the implementation of the Yadanar Natural Gas Pipeline Project.

- In response to the interviewer's questions that this project would benefit only the SLORC Government, Mr. Imle replied that government revenue from the project will only become
positive in the year 2000, 2001, 2002 or 2003. He added that the company has monitored very carefully the conduct of our own contractors and the government in that area. And the allegations of human rights abuses with regard to our project are absolutely unfounded. We monitored that very very carefully. A copy of the manuscript of the interview is appended (see Annex VI).

Moreover, the Myanmar authorities conducted field observations to some of those areas described in the supplementary evidence. Statements of some workers at the Ye-Dawei railroad construction sites and some employees of the Yadanar Natural Gas Pipeline Project are also appended (see Annexes VIIa-VIIi).

C. The law

- Myanmar authorities wish to report on the action taken by them relating to the Towns Act of 1907 and Village Act of 1908.

- With a view to bringing in line with the current positive changes in the country, the authorities concerned have taken action on the entire national legislation of Myanmar which encompasses a total of more than 900 laws. These laws have been reviewed and redrafted. Among these old laws are the said Towns Act and Village Act which were enacted when Myanmar was under colonial rule.

- It goes without saying that these new laws would be in consonance with the new executive, legislative and judicial systems which will be brought about under a new state constitution.

- The National Convention whose task is to lay down basic principles to be enshrined in the new state constitution has already adopted 104 basic principles. Among these principles is the principle that “The State shall enact necessary laws to protect the rights of the workers”.

- The authorities are keenly aware of the criticisms made by some delegates at the Conference over the powers available under Towns and Village Acts. Therefore, in the redrafted version which is being prepared the clauses which attracted so much of the delegates attention have been deleted.

PART III. CONCLUSION

21. The Myanmar authorities wish to reiterate that they are aware of the criticisms made by some Worker delegates relating to the use of labour in Myanmar for national development projects. In fairness, they wish to point out that a considerable portion of the criticisms relating to Myanmar are unfortunately based on biased and specious allegations made by expatriates living outside Myanmar. These expatriates are people who wish to denigrate the Myanmar authorities for their own ends. The Myanmar authorities had made an effort to answer, in all sincerity, the questions addressed to them. A sincere, frank and respectful submission has been made in this observation to be placed before the members of the Governing Body. The Myanmar authorities sincerely hope that the members of the Governing Body, including the signatories to the letter addressed to the Director-General of the ILO will, in their wisdom, understand and accept the explanations or refutations made in this observation.

22. The Myanmar authorities earnestly hope that a decision will be made by the members of the Governing Body that there is no need to form a commission of inquiry relating to Myanmar. On their part, the Myanmar authorities give their pledge to continue and further their cooperation to uphold the letter and spirit of the ILO Constitution with the invaluable assistance of the International Labour Office.
APPENDIX III

Rules for the hearing of witnesses

1. The Commission will hear witnesses proposed by the parties, subject to its right to decline to hear any witness. Where it adopts this course it will state its reasons for so doing. The Commission may call such other witnesses as it considers appropriate.

2. The Commission shall hear all witnesses in closed session. However, it may decide otherwise at the joint request of the parties. All information and evidence presented to the Commission in closed session shall be treated as confidential by all persons who are permitted by the Commission to be present during such session.

3. The Government of Myanmar and the complainants will be requested to designate a representative to act on their behalf before the Commission. These representatives shall be present throughout the hearings and shall be responsible for the presentation of their witnesses. The representatives of the parties shall notify the Commission 48 hours in advance of the language in which the evidence will be given, in order that interpretation may, if needed, be arranged by the Commission.

4. A witness may not be present except when giving evidence.

5. The Commission reserves the right to consult the representatives in the course of, or upon the completion of, the hearings in respect of any matter on which it considers their cooperation to be necessary.

6. The opportunity for the parties and the witnesses to give evidence and to make statements is provided to enable the Commission to obtain factual information on the case before it. The Commission shall give them all reasonable latitude to furnish such information, but it will not accept any information or statements which are not relevant to the issues referred to it.

7. The Commission, upon application by a witness or his/her representative, reserves the right to permit a witness to give evidence or make a statement to the Commission without the need to disclose name, address or information which could identify the witness. Such identifying information of a witness must, however, be provided to the Commission which will treat such information as confidential.

8. In order to carry out its functions effectively, the Commission requires and the Government of Myanmar will assure that it will not obstruct the attendance and giving of evidence of witnesses, and that no sanction or prejudice to witnesses or their families will occur as a consequence of their appearing or giving evidence.

9. The Commission will request each witness to make the following initial declaration:

   "I solemnly declare upon my honour and conscience that I will speak the truth, the whole truth and nothing but the truth."

10. Subject to Rule 6, each witness will be given an opportunity to make a statement before being questioned. If a witness reads a statement, six copies of the text shall be supplied to the Commission.

11. (a) All questioning of witnesses will be subject to control by the Commission.

   (b) The Commission or any member of the Commission may put question to witnesses at any stage.

   (c) Subject to clause (a) above, the representatives present at the hearings may put to the witnesses questions which are relevant to the terms of reference of the Commission. The order in which questions are to be put will be determined by the Commission.

12. The Commission reserves the right to recall witnesses.
APPENDIX IV

List of documents received by the Commission following its First Session

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Submitted by</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Forced labour in Burma (1995-96)</td>
<td>Burma Peace Foundation</td>
<td>0001</td>
</tr>
<tr>
<td>2</td>
<td>Reply to the Commission (5 July 1997)</td>
<td>Government of Singapore</td>
<td>2037</td>
</tr>
<tr>
<td>3</td>
<td>Images Asia: &quot;No childhood at all&quot; (November-December 1995)</td>
<td>Friends World Committee for Consultation</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Reply to the Commission (19 July 1997)</td>
<td>Yukong Limited</td>
<td>2039</td>
</tr>
<tr>
<td>5</td>
<td>Testimony: European Commission GSP hearings on forced labour in Burma (2 October 1996)</td>
<td>Project Maje</td>
<td>2040</td>
</tr>
<tr>
<td>6</td>
<td>Dacoits Inc. (June 1996)</td>
<td>Project Maje</td>
<td>2041</td>
</tr>
<tr>
<td>7</td>
<td>Forced-labour logging in Burma (Rainforest relief, June 1997)</td>
<td>Project Maje</td>
<td>2042</td>
</tr>
<tr>
<td>8</td>
<td>Forced labour on infrastructure development projects in Burma's Tenasserim Division (Mon Information Service, March 1997)</td>
<td>Project Maje</td>
<td>2052</td>
</tr>
<tr>
<td>9</td>
<td>ABSDF Report (8 February 1997)</td>
<td>Project Maje</td>
<td>2064</td>
</tr>
<tr>
<td>10</td>
<td>RSO Newsletter (15 January 1995)</td>
<td>Project Maje</td>
<td>2065</td>
</tr>
<tr>
<td>13</td>
<td>Burma News (Spring 1997)</td>
<td>Burma Action Group</td>
<td>2099</td>
</tr>
<tr>
<td>14</td>
<td>Burma News (Summer 1997)</td>
<td>Burma Action Group</td>
<td>2107</td>
</tr>
<tr>
<td>15</td>
<td>KHRC No. 95-01 “SLORC orders to villages: Set 95-A” (5 January 1995)</td>
<td>Karen Human Rights Group</td>
<td>2115</td>
</tr>
<tr>
<td>16</td>
<td>KHRC No. 95-13 “Summary of types of forced portering” (11 April 1995)</td>
<td>Karen Human Rights Group</td>
<td>2146</td>
</tr>
<tr>
<td>17</td>
<td>KHRC No. 95-14 “SLORC orders to villages: Set 95-B” (1 May 1995)</td>
<td>Karen Human Rights Group</td>
<td>2152</td>
</tr>
<tr>
<td>18</td>
<td>KHRC No. 95-15 “SLORC orders to villages: Set 95-C” (2 May 1995)</td>
<td>Karen Human Rights Group</td>
<td>2164</td>
</tr>
<tr>
<td>19</td>
<td>KHRC No. 95-17 “SLORC orders to villages: Set 95-D” (22 May 1995)</td>
<td>Karen Human Rights Group</td>
<td>2232</td>
</tr>
<tr>
<td>20</td>
<td>KHRC No. 95-22 “SLORC orders to villages: Set 95-E” (2 July 1995)</td>
<td>Karen Human Rights Group</td>
<td>2233</td>
</tr>
<tr>
<td>21</td>
<td>The situation of children in Burma (1 May 1996)</td>
<td>Karen Human Rights Group</td>
<td>2271</td>
</tr>
<tr>
<td>22</td>
<td>KHRC No. 96-08 “SLORC orders to villages: Set 96-A” (20 February 1996)</td>
<td>Karen Human Rights Group</td>
<td>2272</td>
</tr>
<tr>
<td>Page</td>
<td>Submitted by</td>
<td>Description</td>
<td></td>
</tr>
<tr>
<td>------</td>
<td>--------------</td>
<td>-------------</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>KHRG No. 96-09 “SLORC orders to villages: Set 96-B” (23 February 1996)</td>
<td>Karen Human Rights Group</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>KHRG No. 96-22 “SLORC orders to villages: Set 96-C” (27 May 1996)</td>
<td>Karen Human Rights Group</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>KHRG No. 96-29 “SLORC orders to villages: Set 96-D” (29 July 1996)</td>
<td>Karen Human Rights Group</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>KHRG No. 96-30 “SLORC orders to villages: Set 96-E” (31 July 1996)</td>
<td>Karen Human Rights Group</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>KHRG No. 96-35 “SLORC orders to villages: Set 96-F” (10 December 1996)</td>
<td>Karen Human Rights Group</td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>KHRG No. 97-04 “SLORC orders to villages: Set 97-A” (16 March 1997)</td>
<td>Karen Human Rights Group</td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>KHRG No. 97-06 “Relocations in the gas pipeline area” (20 April 1997)</td>
<td>Karen Human Rights Group</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>KHRG No. 97-C1 “Commentary” (28 July 1997)</td>
<td>Karen Human Rights Group</td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>KHRG No. 97-08 “Abuses and relocations in Pa’an district” (1 August 1997)</td>
<td>Karen Human Rights Group</td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>Reply to the Commission (6 August 1997)</td>
<td>UNHCR</td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>Reply to the Commission (24 July 1997)</td>
<td>Government of Canada</td>
<td></td>
</tr>
<tr>
<td>35</td>
<td>Additional information submitted on behalf of complainants (11 August 1997)</td>
<td>ICFTU</td>
<td></td>
</tr>
<tr>
<td>36</td>
<td>Burma: SLORC’s private slave camp (and executive summary) (June 1995)</td>
<td>ICFTU</td>
<td></td>
</tr>
<tr>
<td>37</td>
<td>Commission europ_enne SPG/4/96 (6 May 1996)</td>
<td>ICFTU</td>
<td></td>
</tr>
<tr>
<td>38</td>
<td>Rapport présenté au Comité des préférences généralisées</td>
<td>ICFTU</td>
<td></td>
</tr>
<tr>
<td>39</td>
<td>Proposal for a Council Regulation (European Council, 8 December 1996)</td>
<td>ICFTU</td>
<td></td>
</tr>
<tr>
<td>40</td>
<td>EC Economic and Social Committee “Opinion” (26 February 1997)</td>
<td>ICFTU</td>
<td></td>
</tr>
<tr>
<td>41</td>
<td>European Parliament Report (10 March 1997)</td>
<td>ICFTU</td>
<td></td>
</tr>
<tr>
<td>42</td>
<td>Forced labour on the Ye-Tavoy railway (MIS, December 1996)</td>
<td>ICFTU</td>
<td></td>
</tr>
<tr>
<td>43</td>
<td>The situation of the people living in the gas pipeline project region (Mon Information Service, March 1997)</td>
<td>ICFTU</td>
<td></td>
</tr>
<tr>
<td>44</td>
<td>Nowhere to go (Images Asia, April 1997)</td>
<td>ICFTU</td>
<td></td>
</tr>
<tr>
<td>45</td>
<td>Forced labour in Burma: An international trade union briefing</td>
<td>ICFTU</td>
<td></td>
</tr>
<tr>
<td>46</td>
<td>ICFTU letter to complainants (14 July 1997)</td>
<td>ICFTU</td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Description</td>
<td>Submitted by</td>
<td>Page</td>
</tr>
<tr>
<td>-----</td>
<td>------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>47</td>
<td>Submission to the ILO Commission of Inquiry</td>
<td>Australian Council for Overseas Aid</td>
<td>2668</td>
</tr>
<tr>
<td></td>
<td>(see documents 101-104 for attachments, which arrived later under separate cover)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>48</td>
<td>Reply to the Commission (11 August 1997)</td>
<td>TOTAL</td>
<td>2674</td>
</tr>
<tr>
<td>49</td>
<td>English translation of document 48</td>
<td>TOTAL</td>
<td>2681</td>
</tr>
<tr>
<td>50</td>
<td>Letter from TOTAL to International Federation of Human Rights</td>
<td>TOTAL</td>
<td>2686</td>
</tr>
<tr>
<td></td>
<td>(26 November 1996)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>51</td>
<td>MGTC compensatory procedures</td>
<td>TOTAL</td>
<td>2695</td>
</tr>
<tr>
<td>52</td>
<td>Code of conduct</td>
<td>TOTAL</td>
<td>2703</td>
</tr>
<tr>
<td>53</td>
<td>Le Projet Yadana</td>
<td>TOTAL</td>
<td>2706</td>
</tr>
<tr>
<td>54</td>
<td>The Yadana Gas Development Project (English version of document 53)</td>
<td>TOTAL</td>
<td>2745</td>
</tr>
<tr>
<td>55</td>
<td>Projet Yadana. Voyages de presse</td>
<td>TOTAL</td>
<td>2784</td>
</tr>
<tr>
<td>56</td>
<td>Reply to the commission (31 July 1997)</td>
<td>Government of Sri Lanka</td>
<td>2840</td>
</tr>
<tr>
<td>57</td>
<td>Letter from US Department of State to the ILO Director-General (16 July 1997)</td>
<td>Government of United States</td>
<td>2841</td>
</tr>
<tr>
<td>58</td>
<td>Federal register notice of Department of Labour (DOL) hearings on forced labour in Burma</td>
<td>Government of United States</td>
<td>2844</td>
</tr>
<tr>
<td>59</td>
<td>Transcript of DOL hearings</td>
<td>Government of United States</td>
<td>2845</td>
</tr>
<tr>
<td>60</td>
<td>Written opening statement of Andrew J. Samet (DOL)</td>
<td>Government of United States</td>
<td>2945</td>
</tr>
<tr>
<td>61</td>
<td>Written testimony of Bo Hla-Tint (NCGUB)</td>
<td>Government of United States</td>
<td>2946</td>
</tr>
<tr>
<td>62</td>
<td>Written testimony of Win Naing (FTUB)</td>
<td>Government of United States</td>
<td>2950</td>
</tr>
<tr>
<td>63</td>
<td>Written testimony of Phil Fishman (American Federation of Labor-Congress of Industrial Organizations)</td>
<td>Government of United States</td>
<td>2955</td>
</tr>
<tr>
<td>64</td>
<td>Written testimony of Amnesty International</td>
<td>Government of United States</td>
<td>2957</td>
</tr>
<tr>
<td>65</td>
<td>Written testimony of Mike Jendrzejczyk (Human Rights Watch)</td>
<td>Government of United States</td>
<td>2964</td>
</tr>
<tr>
<td>66</td>
<td>Written testimony of the International Labor Rights Fund</td>
<td>Government of United States</td>
<td>2982</td>
</tr>
<tr>
<td>67</td>
<td>Written testimony of EarthRights International</td>
<td>Government of United States</td>
<td>3015</td>
</tr>
<tr>
<td>68</td>
<td>Documents in litigation against Unocal</td>
<td>Government of United States</td>
<td>3059</td>
</tr>
<tr>
<td>69</td>
<td>Written submission of Dana Dean Doering, Child and Adolescent Mental Health Specialist</td>
<td>Government of United States</td>
<td>3241</td>
</tr>
<tr>
<td>70</td>
<td>Submission for the hearing record submitted by Unocal</td>
<td>Government of United States</td>
<td>3263</td>
</tr>
<tr>
<td>72</td>
<td>Forced labor in Chinland (Chin National Council)</td>
<td>Government of United States</td>
<td>3315</td>
</tr>
<tr>
<td>73</td>
<td>Forced labour (NCGUB)</td>
<td>Government of United States</td>
<td>3327</td>
</tr>
</tbody>
</table>
### Forced labour in Myanmar

<table>
<thead>
<tr>
<th>Page</th>
<th>Submitted by</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>74</td>
<td>Child labor (NCGUB)</td>
<td>Government of United States 3361</td>
</tr>
<tr>
<td>75</td>
<td>No childhood at all (Images Asia)</td>
<td>Government of United States 3371</td>
</tr>
<tr>
<td>76</td>
<td>TOTAL denial (Earth Rights International &amp; Southeast Asian Information Network, July 1996)</td>
<td>Government of United States 3372</td>
</tr>
<tr>
<td>77</td>
<td>Report the facts (Karen National Union, Mergui-Tavoy District)</td>
<td>Government of United States 3482</td>
</tr>
<tr>
<td>78</td>
<td>French TOTAL Co's and American Unocal Corp's Disastrous Gas Pipeline Project  (Mon Information Service)</td>
<td>Government of United States 3483</td>
</tr>
<tr>
<td>79</td>
<td>Conditions in the gas pipeline area (KHRG)</td>
<td>Government of United States 3484</td>
</tr>
<tr>
<td>80</td>
<td>Forced labour in Mon areas (KHRG)</td>
<td>Government of United States 3485</td>
</tr>
<tr>
<td>81</td>
<td>Effects of the Gas Pipeline Project (KHRG)</td>
<td>Government of United States 3486</td>
</tr>
<tr>
<td>82</td>
<td>The situation of children in Burma (KHRG)</td>
<td>Government of United States 3487</td>
</tr>
<tr>
<td>83</td>
<td>Endless nightmares in the black area (Mon Information Service)</td>
<td>Government of United States 3488</td>
</tr>
<tr>
<td>84</td>
<td>(Video) Excerpts from “No childhood at all” (Images Asia)</td>
<td>Government of United States</td>
</tr>
<tr>
<td>85</td>
<td>Reply to the Commission (13 August 1997)</td>
<td>Amnesty International 3489</td>
</tr>
<tr>
<td>86</td>
<td>Extrajudicial execution and torture of members of ethnic minorities (May 1988)</td>
<td>Amnesty International 3494</td>
</tr>
<tr>
<td>87</td>
<td>Allegations of ill-treatment and unlawful killings of suspected political opponents and porters ... (September 1988)</td>
<td>Amnesty International 3574</td>
</tr>
<tr>
<td>89</td>
<td>Human rights violations against Muslims in the Rakhine (Arakan) State (May 1992)</td>
<td>Amnesty International 3598</td>
</tr>
<tr>
<td>90</td>
<td>“No law at all” (October 1992)</td>
<td>Amnesty International 3628</td>
</tr>
<tr>
<td>91</td>
<td>The climate of fear continues (October 1993)</td>
<td>Amnesty International 3674</td>
</tr>
<tr>
<td>92</td>
<td>Human rights developments (July-December 1993)</td>
<td>Amnesty International 3704</td>
</tr>
<tr>
<td>93</td>
<td>Human rights still denied (November 1994)</td>
<td>Amnesty International 3726</td>
</tr>
<tr>
<td>94</td>
<td>“No place to hide” (June 1995)</td>
<td>Amnesty International 3756</td>
</tr>
<tr>
<td>95</td>
<td>Conditions in prisons and labour camps (September 1995)</td>
<td>Amnesty International 3800</td>
</tr>
<tr>
<td>96</td>
<td>Human rights after seven years of military rule (October 1995)</td>
<td>Amnesty International 3812</td>
</tr>
<tr>
<td>97</td>
<td>Kayin (Karen) State: The killings continue (April 1996)</td>
<td>Amnesty International 3848</td>
</tr>
<tr>
<td>98</td>
<td>Beautiful country, brutalised people (1996)</td>
<td>Amnesty International 3870</td>
</tr>
<tr>
<td>99</td>
<td>Ethnic minority rights under attack (July 1997)</td>
<td>Amnesty International 3878</td>
</tr>
<tr>
<td>Page</td>
<td>Submitted by</td>
<td>Description</td>
</tr>
<tr>
<td>------</td>
<td>--------------</td>
<td>-------------</td>
</tr>
<tr>
<td>100</td>
<td>Amnesty International</td>
<td>Burmese Muslim asylum seekers fleeing to Bangladesh could face forced labour and other hardships if returned (July 1997)</td>
</tr>
<tr>
<td>101</td>
<td>Australian Council for Overseas Aid</td>
<td>Excerpt from US Embassy “Country commercial guide – Burma” (July 1996)</td>
</tr>
<tr>
<td>102</td>
<td>Australian Council for Overseas Aid</td>
<td>Holidays in Burma? (1996)</td>
</tr>
<tr>
<td>103</td>
<td>Australian Council for Overseas Aid</td>
<td>Slave labour in Burma (May 1996)</td>
</tr>
<tr>
<td>104</td>
<td>Australian Council for Overseas Aid</td>
<td>11 b&amp;w transparencies, allegedly showing forced labour</td>
</tr>
<tr>
<td>105</td>
<td>Government of New Zealand</td>
<td>Reply to the Commission (15 August 1997)</td>
</tr>
<tr>
<td>106</td>
<td>Burma Centrum Nederland</td>
<td>Presentation of the Burma Centrum Nederland to the Commission</td>
</tr>
<tr>
<td>107</td>
<td>Burma Centrum Nederland</td>
<td>Extracts from “Rape, forced labour and religious persecution in Northern Arakan” (Human Rights Watch, May 1992)</td>
</tr>
<tr>
<td>108</td>
<td>Burma Centrum Nederland</td>
<td>“UN helps return Burmese to forced labour” (The Gazette, Montreal, 29 December 1994)</td>
</tr>
<tr>
<td>109</td>
<td>Burma Centrum Nederland</td>
<td>MSF's concerns on the repatriation of Rohingya refugees from Bangladesh to Burma (May 1995)</td>
</tr>
<tr>
<td>110</td>
<td>Burma Centrum Nederland</td>
<td>UNHCR information bulletin (June 1995)</td>
</tr>
<tr>
<td>111</td>
<td>Burma Centrum Nederland</td>
<td>The situation in northwestern Burma (KHRG No. 96-06)</td>
</tr>
<tr>
<td>112</td>
<td>Burma Centrum Nederland</td>
<td>Extracts from “Repatriation of Burmese refugees from Thailand and Bangladesh” (Australian Council for Overseas Aid, March 1996)</td>
</tr>
<tr>
<td>113</td>
<td>Burma Centrum Nederland</td>
<td>UNHCR mission report, Myanmar (27 February-28 March 1996)</td>
</tr>
<tr>
<td>114</td>
<td>Burma Centrum Nederland</td>
<td>Article published in “The Mustard Seed” (Zunetta Liddell, May 1996)</td>
</tr>
<tr>
<td>115</td>
<td>Burma Centrum Nederland</td>
<td>Burma Central Nederland News (May 1996)</td>
</tr>
<tr>
<td>116</td>
<td>Burma Centrum Nederland</td>
<td>New Burmese refugees pose dilemma for UN agency ... (Reuters, June 1996)</td>
</tr>
<tr>
<td>117</td>
<td>Burma Centrum Nederland</td>
<td>Extract from “Voluntary repatriation and reintegration : Bangladesh/Myanmar” (UNHCR, September 1996)</td>
</tr>
<tr>
<td>118</td>
<td>Burma Centrum Nederland</td>
<td>Extract from “The Rohingya Muslims: Ending a cycle of exodus?” (Human Rights Watch, September 1996)</td>
</tr>
<tr>
<td>No</td>
<td>Description</td>
<td>Source</td>
</tr>
<tr>
<td>-----</td>
<td>------------------------------------------------------------------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>120</td>
<td>Update on the Rohingya situation in Bangladesh and Burma</td>
<td>Human Rights Watch, October 1996</td>
</tr>
<tr>
<td>121</td>
<td>Burmese Muslims allege torture and forced labour in Myanmar</td>
<td>United States Information Agency, July 1997</td>
</tr>
<tr>
<td>122</td>
<td>Burmese refugees</td>
<td>Voice of America, July 1997</td>
</tr>
<tr>
<td>123</td>
<td>Burmese Muslim asylum-seekers fleeing to Bangladesh</td>
<td>Amnesty, July 1997</td>
</tr>
<tr>
<td>124</td>
<td>Forced labour in Arakan (Rakhine) State</td>
<td>August 1997</td>
</tr>
<tr>
<td>125</td>
<td>Nowhere to go</td>
<td>Images Asia</td>
</tr>
<tr>
<td>126</td>
<td>The situation for Muslims in Burma</td>
<td>Images Asia</td>
</tr>
<tr>
<td>127</td>
<td>No childhood at all (revised ed., June 1997)</td>
<td>Images Asia</td>
</tr>
<tr>
<td>128</td>
<td>Migrating with hope (July 1997)</td>
<td>Images Asia</td>
</tr>
<tr>
<td>129</td>
<td>Transcript of Daw Aung San Suu Kyi’s address to the EU GSP hearings</td>
<td>Images Asia</td>
</tr>
<tr>
<td>130</td>
<td>Miscellaneous copies of SLORC orders obtained by Images Asia (1992-97)</td>
<td>Images Asia</td>
</tr>
<tr>
<td>131</td>
<td>(Video) No childhood at all</td>
<td>Images Asia</td>
</tr>
<tr>
<td>132</td>
<td>(Video) Caught in the crossfire</td>
<td>Images Asia</td>
</tr>
<tr>
<td>133</td>
<td>(Video) Daw Aung San Suu Kyi’s video address to the EU GSP hearings</td>
<td>Images Asia</td>
</tr>
<tr>
<td>134</td>
<td>Forced labour</td>
<td>Chin Human Rights Organisation</td>
</tr>
<tr>
<td>135</td>
<td>Refugee Case No. 1</td>
<td>Chin Human Rights Organisation</td>
</tr>
<tr>
<td>136</td>
<td>The Chin refugee conditions in India</td>
<td>Chin Refugee Committee, April 1997</td>
</tr>
<tr>
<td>137</td>
<td>Forced relocation and human rights abuses in Karenni State, Burma</td>
<td>ABSDF, May 1997</td>
</tr>
<tr>
<td>138</td>
<td>Forced labour on infrastructure development projects in Burma’s Tenasserim division</td>
<td>Mon Information Service, March 1997</td>
</tr>
<tr>
<td>139</td>
<td>Life in the country</td>
<td>Mon Information Service, July 1997</td>
</tr>
<tr>
<td>140</td>
<td>Forced portering after NMSP-SLORC ceasefire agreement</td>
<td>Human Rights Foundation of Monland, September 1996</td>
</tr>
<tr>
<td>141</td>
<td>Human rights abuses related to TOTAL Co. and UNOCAL’s Gas Pipeline Project</td>
<td>Human Rights Foundation of Monland, November 1996</td>
</tr>
<tr>
<td>Page</td>
<td>Submitted by</td>
<td>Description</td>
</tr>
<tr>
<td>------</td>
<td>--------------</td>
<td>-------------</td>
</tr>
<tr>
<td>142</td>
<td>Images Asia</td>
<td>The forced relocation in the southern part of Burma and accompanying human rights abuses (Human Rights Foundation of Monland, December 1996)</td>
</tr>
<tr>
<td>143</td>
<td>Images Asia</td>
<td>Interviews with Shan refugees (Shan Human Rights Foundation, July 1996)</td>
</tr>
<tr>
<td>144</td>
<td>Images Asia</td>
<td>Interviews with Shan refugees (Shan Human Rights Foundation, August 1996)</td>
</tr>
<tr>
<td>145</td>
<td>Images Asia</td>
<td>Monthly reports, (Shan Human Rights Foundation, January-May and July 1997)</td>
</tr>
<tr>
<td>146</td>
<td>Images Asia</td>
<td>Shan refugee updates, (Shan Human Rights Foundation, May and July 1997)</td>
</tr>
<tr>
<td>147</td>
<td>Images Asia</td>
<td>Uprooting the Shan (Shan Human Rights Foundation, December 1996)</td>
</tr>
<tr>
<td>148</td>
<td>Images Asia</td>
<td>Lahu, Wa and Palaung Human Rights Committee Report on Forced Labour (June 1997)</td>
</tr>
<tr>
<td>149</td>
<td>Human Rights Watch/Asia</td>
<td>Written testimony of Mike Jendrzejczyk (Human Rights Watch)</td>
</tr>
<tr>
<td>150</td>
<td>Human Rights Watch/Asia</td>
<td>No safety in Burma, no sanctuary in Thailand (July 1997)</td>
</tr>
<tr>
<td>151</td>
<td>Human Rights Watch/Asia</td>
<td>Transcripts of five interviews conducted in June 1997</td>
</tr>
<tr>
<td>152</td>
<td>Government of Malaysia</td>
<td>Reply to the Commission (18 August 1997)</td>
</tr>
<tr>
<td>153</td>
<td>Anti-Slavery International</td>
<td>Ethnic groups in Burma (1994)</td>
</tr>
<tr>
<td>155</td>
<td>Burma Peace Foundation</td>
<td>Photocopy picture descriptions: Set 94-B (KHRG, September 1994)</td>
</tr>
<tr>
<td>156</td>
<td>Burma Peace Foundation</td>
<td>Photo description list: Set 95-A (KHRG, May 1995)</td>
</tr>
<tr>
<td>157</td>
<td>Burma Peace Foundation</td>
<td>Photo description list: Set 96-A (KHRG, February 1996)</td>
</tr>
<tr>
<td>158</td>
<td>Burma Peace Foundation</td>
<td>Miscellaneous photos with description (KHRG)</td>
</tr>
<tr>
<td>159</td>
<td>Government of India</td>
<td>Reply to the Commission (27 August 1997)</td>
</tr>
<tr>
<td>160</td>
<td>International Federation of Human Rights</td>
<td>La Birmanie, TOTAL et les droits de l'Homme: dissection d'un chantier (English version contained in document 154, pp. 4962-4997)</td>
</tr>
<tr>
<td>161</td>
<td>Burma Issues</td>
<td>Reply to the Commission (28 August 1997)</td>
</tr>
<tr>
<td>162</td>
<td>EarthRights International</td>
<td>Forced labour in Burma: The Yadana Gas Pipeline Project</td>
</tr>
<tr>
<td>163</td>
<td>EarthRights International</td>
<td>Forced labor in Burma: The Ye-Tavoy railway</td>
</tr>
</tbody>
</table>

197
## APPENDIX V

List of documents received by the Commission following its Second Session

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Submitted by</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>164</td>
<td>Human Rights Yearbook 1996, Burma (Human Rights Documentation Unit of NCGUB, July 1997)</td>
<td>Submitted following the hearings by the ICFTU</td>
<td>7606</td>
</tr>
<tr>
<td>165</td>
<td>Communication from TOTAL (23 December 1997)</td>
<td>TOTAL</td>
<td>8277</td>
</tr>
<tr>
<td>166</td>
<td>Communication from TOTAL (4 March 1998), with report on pipeline area by Commission for Justice and Peace</td>
<td>TOTAL</td>
<td>8280</td>
</tr>
<tr>
<td>167</td>
<td>All quiet on the western front? (February 1998)</td>
<td>Images Asia</td>
<td>8288</td>
</tr>
<tr>
<td>169</td>
<td>KHRG No. 98-02 “SLORC orders to villages: Set 98-A” (1 March 1998)</td>
<td>Karen Human Rights Group</td>
<td>8404</td>
</tr>
<tr>
<td>171</td>
<td>KHRG No. 98-C1 “Commentary” (19 April 1998)</td>
<td>Karen Human Rights Group</td>
<td>850</td>
</tr>
<tr>
<td>172</td>
<td>Human rights in rural Burma (30 April 1998)</td>
<td>Karen Human Rights Group</td>
<td>8530</td>
</tr>
<tr>
<td>173</td>
<td>School for rape (February 1998)</td>
<td>EarthRights International</td>
<td>8536</td>
</tr>
<tr>
<td>174</td>
<td>KHRG No. 98-03 “Killing the Shan” (23 May 1998)</td>
<td>Karen Human Rights Group</td>
<td>8598</td>
</tr>
<tr>
<td>176</td>
<td>Documents and video tapes</td>
<td>Permanent Mission of Myanmar</td>
<td>8706</td>
</tr>
<tr>
<td>Number</td>
<td>Description</td>
<td>Submitted by</td>
<td>Page</td>
</tr>
<tr>
<td>--------</td>
<td>-----------------------------------------------------------------------------</td>
<td>---------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>H1</td>
<td>The announcement of State Peace and Development Council’s notifications (and other related documents) (15 November 1997)</td>
<td>Edith Mirante (Project Maje)</td>
<td>5652</td>
</tr>
<tr>
<td>H2</td>
<td>A Chin compendium (Project Maje, September 1997)</td>
<td>Edith Mirante (Project Maje)</td>
<td>5665</td>
</tr>
<tr>
<td>H3</td>
<td>Extrajudicial execution, torture and political imprisonment of members of the Shan and other ethnic minorities (Amnesty International, August 1988)</td>
<td>Donna Guest (Amnesty International)</td>
<td>5699</td>
</tr>
<tr>
<td>H4</td>
<td>Human rights violations against ethnic minorities (Amnesty International, August 1996)</td>
<td>Donna Guest (Amnesty International)</td>
<td>5729</td>
</tr>
<tr>
<td>H6</td>
<td>SLORC orders (1997) (originals seen by Commission, and photocopies and translations certified as correct)</td>
<td>Min Lwin</td>
<td>5767</td>
</tr>
<tr>
<td>H7</td>
<td>Submission to the ILO Commission of Inquiry (Human Rights Watch/Asia, November 1997)</td>
<td>Zunetta Liddell (Human Rights Watch/Asia)</td>
<td>5795</td>
</tr>
<tr>
<td>H8</td>
<td>No safety in Burma, no sanctuary in Thailand (Human Rights Watch/Asia, July 1997)</td>
<td>Zunetta Liddell (Human Rights Watch/Asia)</td>
<td>5811</td>
</tr>
<tr>
<td>H9</td>
<td>Burma Acts VI and III of 1907</td>
<td>Zunetta Liddell (Human Rights Watch/Asia)</td>
<td>5841</td>
</tr>
<tr>
<td>H10</td>
<td>The Burma Village Act 1907 and Executive Orders</td>
<td>Zunetta Liddell (Human Rights Watch/Asia)</td>
<td>5855</td>
</tr>
<tr>
<td>H11</td>
<td>All quiet on the western front? (Images Asia, November 1997)</td>
<td>Representative of Images Asia</td>
<td>5876</td>
</tr>
<tr>
<td>H12</td>
<td>Maps to accompany H11 (Images Asia, November 1997)</td>
<td>Representative of Images Asia</td>
<td>5926</td>
</tr>
<tr>
<td>H14</td>
<td>Forced labour acknowledged by the regime in Burma (November 1997)</td>
<td>Douglas Steele</td>
<td>6084</td>
</tr>
<tr>
<td>H15</td>
<td>Video, with independent translation of the relevant part, and written extract from Dutch television archives identifying the video material (5 June 1996)</td>
<td>Representative of Burma Centrum Nederland</td>
<td>6187</td>
</tr>
<tr>
<td>Reference</td>
<td>Description</td>
<td>Submitted by</td>
<td>Page</td>
</tr>
<tr>
<td>-----------</td>
<td>-------------</td>
<td>--------------</td>
<td>------</td>
</tr>
<tr>
<td>H16</td>
<td>Map of Myanmar indicating pipeline route and alternative</td>
<td>Douglas Steele</td>
<td>6189</td>
</tr>
<tr>
<td>H17</td>
<td>IGN map of pipeline area</td>
<td>Douglas Steele</td>
<td>6190</td>
</tr>
<tr>
<td>H18</td>
<td>Joint operations map of Ye-Tavoy area</td>
<td>Douglas Steele</td>
<td>6191</td>
</tr>
<tr>
<td>H19</td>
<td>Payment of money to villagers hired by the army, with effect from 2/12/95 to 17/1/96</td>
<td>Douglas Steele</td>
<td>6192</td>
</tr>
<tr>
<td>H20</td>
<td>Testimony of Terry Collingsworth, with appendices (November 1997)</td>
<td>Terry Collingsworth (International Labor Rights Fund)</td>
<td>6193</td>
</tr>
<tr>
<td>H21</td>
<td>KHRG No. 97-10 “SLORC orders to villages: Set 97-B” (KHRG, 14 September 1997)</td>
<td>Kevin Heppner (Karen Human Rights Group)</td>
<td>6349</td>
</tr>
<tr>
<td>H22</td>
<td>KHRG No. 97-C2 “Commentary” (KHRG, 20 September 1997)</td>
<td>Kevin Heppner (Karen Human Rights Group)</td>
<td>6373</td>
</tr>
<tr>
<td>H23</td>
<td>KHRG No. 97-11 “Clampdown in southern Dooplaya” (KHRG, 18 September 1997)</td>
<td>Kevin Heppner (Karen Human Rights Group)</td>
<td>6383</td>
</tr>
<tr>
<td>H24</td>
<td>KHRG No. 97-09 “Free-fire zones in southern Tenasserim”, with annex (KHRG, 20 August 1997)</td>
<td>Kevin Heppner (Karen Human Rights Group)</td>
<td>6409</td>
</tr>
<tr>
<td>H25</td>
<td>SLORC orders to villages: Set 94-D (KHRG, 24 August 1994)</td>
<td>Kevin Heppner (Karen Human Rights Group)</td>
<td>6493</td>
</tr>
<tr>
<td>H26</td>
<td>Letter from TOTAL Exploration Production to International Federation of Human Rights (26 November 1996)</td>
<td>Christine Habbard</td>
<td>6517</td>
</tr>
<tr>
<td>H27</td>
<td>Letter from International Federation of Human Rights to TOTAL Exploration Production (24 December 1996)</td>
<td>Christine Habbard</td>
<td>6526</td>
</tr>
<tr>
<td>H28</td>
<td>Letter from TOTAL to International Federation of Human Rights (28 July 1997)</td>
<td>Christine Habbard</td>
<td>6529</td>
</tr>
<tr>
<td>H29</td>
<td>Extracts from International Federation of Human Rights newsletter “La Lettre” (May-June 1997)</td>
<td>Christine Habbard</td>
<td>6532</td>
</tr>
<tr>
<td>H30</td>
<td>Annex A to “Yadana Project”: Population characteristics and village questionnaires (TOTAL)</td>
<td>Christine Habbard</td>
<td>6536</td>
</tr>
<tr>
<td>H31</td>
<td>Extract from “Telerama” (5 March 1997)</td>
<td>Christine Habbard</td>
<td>6571</td>
</tr>
<tr>
<td>H32</td>
<td>Extract from “DS” (December 1997-January 1998)</td>
<td>Christine Habbard</td>
<td>6577</td>
</tr>
</tbody>
</table>
APPENDIX VII

Summaries of testimony

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Chin</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age/sex</td>
<td>Born on 20 April 1960, male</td>
</tr>
<tr>
<td>Family situation</td>
<td>Oldest of a family of four</td>
</tr>
<tr>
<td>Education</td>
<td>8th Standard</td>
</tr>
<tr>
<td>Occupation</td>
<td>Farmer and subsequently truck driver (transportation of goods)</td>
</tr>
<tr>
<td>From</td>
<td>Haka, Chin State (lived in Kalaymyo town, Sagaing Division for the 15 years up to his arrest)</td>
</tr>
</tbody>
</table>

The witness was arrested in Mung Zwa on 18 April 1994 and accused of possessing and transporting illegal political publications. He was tried (at the court of the Division) and sentenced to 12 years’ imprisonment. He could not have recourse to the counsel of his own choosing, but was assigned a lawyer by the State. After his arrest he was transferred to a military camp, the name of which he did not know. He was subsequently sent to a prison labour camp, from which he managed to escape in October 1997. After his escape, he had to flee Myanmar through Mandalay, Kalaymyo, Tiddim and Champhai. Since then, he has not seen his family, which he presumed was still in Haka. During his imprisonment (1994-97), he had to break stones the construction of roads for two years from March 1995. Working conditions were extremely arduous: little food (one cup of rice), no shelter for sleeping. The workday generally began at around 7 a.m. and finished at around 10 p.m., without any break and often in very high temperatures. He worked with more than 700 prisoners. They were all chained at the waist and feet. The prisoners were regularly subjected to ill-treatment by the guards, who beat and kicked them and hit them with their weapons. The chains and dehydration made most of the prisoners sick. No medical treatment or medicines were given to the prisoners if they fell ill. Only prisoners who could no longer get up were excused from work. The bad conditions in the prison labour camp have resulted in the death of more than 200 prisoners. Several of his friends were beaten by the guards, who constantly boasted of being able to do what they wanted with the prisoners. He himself was beaten without knowing the reason for this physical punishment. The witness insisted that the prisoners were denied all their rights. At the time of his arrest, he was a member of the National League for Democracy (NLD) and supported Aung San Suu Kyi. Several prisoners were members of the National League for Democracy.

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Chin</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age/sex</td>
<td>19, male</td>
</tr>
<tr>
<td>Family situation</td>
<td>Six (very elderly parents)</td>
</tr>
<tr>
<td>Education</td>
<td>5th Standard</td>
</tr>
<tr>
<td>Occupation</td>
<td>Family of farmers</td>
</tr>
<tr>
<td>From</td>
<td>Thantlang town, Chin State</td>
</tr>
</tbody>
</table>

The witness came to India on 11 April 1997. His parents told him to leave Myanmar on account of the situation: forced conscription, forced labour and portering for the military. He was in sporadic contact with his family, which has remained in Myanmar; they have confirmed that the situation has not changed and that it was quite intolerable, given the military dictatorship running the country. It was impossible for the members of his family to do their own work. He
had to work for the military since the age of 14 (1993). As a general rule, the work assignments were notified in writing, although the military could directly requisition the workers they needed. **Portering.** He had to perform portering duties for the military on six occasions. The military came directly to the village and ordered the persons present to carry their equipment. They also appropriated everything available, including food, bamboo, medicines, animals. Whenever the military came to a village in this way, the young people generally attempted to take flight but they were pursued into the jungle by the soldiers. To his knowledge, nobody carried out this work voluntarily. **Road work.** On two occasions, he had to work on the construction of the road between Haka and Thantlang. This road was approximately 60 miles from his village. The whole of his village received orders to send one person per family to work. Each assignment lasted 12 days, with three days of travel to the site and three days for the return. The work site was supervised by soldiers. The day commenced at 6 a.m. and ended at approximately 4 p.m. There was no shelter for sleeping purposes and the workers had to sleep close to the road or in the jungle. The workers had to bring all of their food and ask the women present to prepare it. They were allowed to eat at the end of the work day at about 10 p.m. The workers were often maltreated by the soldiers. Anyone attempting to escape was threatened with execution or incarceration. He received no pay. It was always possible to bribe the soldiers in order to be exempted. **Military camp work.** On three occasions in 1993, 1995 and 1997, he had to work for a military camp situated close to his village. Each time, he stayed one day. His 16-year-old sister also had to perform guard duty for the military camp as well as digging work.

In his eyes, the most unpleasant memories were associated with the porterage and road construction work. He is a member of the Chin National League for Democracy (CNLD).

**Ethnicity:** Chin
**Age/sex:** Born on 15 April 1972, male
**Family situation:** Two sisters. Father deceased (former civil servant)
**Education:** 7th Standard
**Occupation:** Truck driver
**From:** Kalaymyo town, Sagaing Division

The witness, together with four other persons, was arrested by the military on 23 January 1994 and accused of having illegally transported drugs requiring a medical prescription. He was sentenced to ten years' imprisonment by a civil court before which he had an opportunity to present his defence. He lodged an appeal and was released on 21 September 1995. During his detention, he was transferred to various prisons in which he had to perform work in extremely difficult conditions. After his release, the witness had the impression that he was under surveillance by the internal police of Myanmar (CID). He found the situation unbearable and left for Mizoram, arriving in September 1997. He left Myanmar on account of the general situation there. The people have no rights. He has no contact with his family. He does not belong to any political group. He is nevertheless interested in the literature produced by opposition groups. As a matter of course, his entire village, including all of the members of his family, has had to work for the military. The orders issued by the military were passed down by the village head. It was always possible for those with some money to bribe the soldiers. The witness did not personally perform any forced labour. Since 1988, however, his sisters have had to perform certain work on a rotation basis (four weeks) at the Kalaymyo hydro-electric power station, as well as on the Thantlang road. In 1988, his younger sister was 12 years old and the elder 24. He has no information on what kind of work they had to perform. He does, however, know that they were not able to rest and that they were neither fed nor paid.
Report of the Commission of Inquiry

Ethnicity: Chin
Age/sex: Born on 28 February 1968, male
Family situation: Mother alive; one of a family of seven children; older brother is a lawyer; the others are farmers
Education: 4th Standard
Occupation: Farmer
From: Thantlang town, Chin State

The witness was arrested on 5 June 1996, after the authorities suspected him of being a member of the Chin National Front (CNF). During the interrogation following his arrest, he was tortured. When he was released, he left Myanmar and went to India, arriving in mid-1996. All the members of his family have left Myanmar for Mizoram, including his lawyer brother, since they had become suspect in the eyes of the authorities following his departure. In general, his family did not have to perform any work for the military authorities since his father was a magistrate. However, exceptionally, on two occasions, he himself had to work for the military. The first time was between 4 and 15 January 1995. He had to participate in the building of the road between Haka and Thantlang. At that time, all his village was required to work on this project, including the members of privileged families such as those of judges. These families, which grouped together some 15 persons, were assigned to work on a specific stretch of the road which they had to finish within a specific period of time. Persons who were not able to finish the work were threatened with losing their jobs or forced to pay a fine (2,000 kyat). The work, which consisted principally of levelling the ground for the road, was arduous. They had to sleep near the road or in the homes of friends. The second time was in November 1995 when he was required to perform porterage work for the military authorities. Along with 13 other persons, he was apprehended by the military authorities when he was in Gu Kya, a small village near Thantlang. He had to go from Gu Kya to Thantlang. He had to walk without rest for a distance of approximately 12 miles.

Age/sex: Born in 1973, male
Family situation: Member of a family of seven children; parents still alive
Education: 6th Standard
Occupation: Soldier since 1993
From: Falam town, Chin State

The witness joined the army in 1993 at the end of his school apprenticeship since he had no other way of earning his living. The headquarters of his battalion was in Kachin State. He was the only person of Chin origin in his company. However, there were 16 soldiers of Chin origin in his battalion. His superiors were Burmese from Mandalay (in the company) or Yangon (in the battalion). He left the army because of the poor conditions: low pay, very poor food, very low morale among the troops. With regard to forced labour, he remembered that when he was still very young, his entire village always had to work for the military authorities who had a camp nearby. The call up for labour came from the military authorities but was transmitted by the village head. He himself had to cut wood and perform sentry duty. He carried out this work on a rotational basis with his brother. He did not want to do this work and was not paid for it. When he first joined the army he worked for one month as a guard in the prison camp at Namati, Kachin State. He had to supervise prisoners assigned to stone breaking for road construction. The working conditions were extremely arduous. The prisoners were regularly subject to severe physical ill-treatment. The prisoners were soldiers or civilians who had previously been sentenced by military courts (court martials) or civil courts (criminal proceedings). Their ages varied and they included children and the elderly. To the best of his
knowledge, there were no political prisoners. He was subsequently sent to the front line on two occasions. The front line was mainly in the north of Shan State. Almost 4,000 soldiers were at the front line. The porters who were required by the military authorities were recruited from each village. His company, which was made up of between 30 and 40 men, had the services of between 17 and 18 porters. Men, women and children (8-9 years old) could be requisitioned to carry out this work. Several women worked as porters, since the men managed to escape leaving them as the only source of available labour. When fighting broke out, the porters were sent out ahead of the troops to detect any anti-personnel mines planted by the Shan rebels. Several porters were killed in these circumstances. The persons requisitioned were subjected to cruel treatment. If they did not walk fast enough, they were pushed and jostled. They had to porter from one village to another (rotation by village). He had himself beaten porters in accordance with orders received from his superiors. He had not seen any cases of sexual abuse but had heard of them. Complaints had been made, but no serious measures taken. When he was not at the front line, he was assigned to various military camps or remained at the headquarters of his battalion, where he could go about his own business. In the military camps, he had seen persons forced to work on the building of these camps. His experience covered four camps: (1) Namati, Kachin State - prisoners’ camp (already discussed above); (2) Nan Ya, Kachin State. The camp was already built when he was assigned there; (3) Paunghsai and Mong Ko, Shan State. In these camps, people (civilian and military) had to participate in their construction. The villagers were informed by the village head of the work to be carried out. The orders were given orally in the case of villages near the camp and in writing for the more distant villages. The work lasted for two or three weeks. It consisted of constructing the buildings, cutting wood and carrying out sentry duty. Working conditions were extremely arduous. The workers had no food and had to work without a break. They were regularly subjected to maltreatment, kicked and beaten. Even as a soldier he had sometimes had to work without being paid. Between 1994 and 1996, he worked without pay on four stretches of the railway between Mogaung and Mandalay, all in Kachin State: (1) Nan Ya (where he worked for three months); (2) Mogaung (where he worked for two months); (3) Myitkyina (capital of Kachin State) (where he worked for one-and-a-half months); (4) Sarhmaw (where he worked for three months). Between 250 and 300 unpaid soldiers worked with him, in addition to the prisoners. As far as he knew, there were no civilians. His worst memory was the situation at the front line, which was a drug trafficking area. Finally, the witness spoke of the cultivation of opium in Shan State and the fact that the army had ordered the population of this State to grow it. The drug was subsequently sold to Chinese interests. The witness came to India in 1996.

---

**Ethnicity:** Rakhine  
**Age/sex:** Born in 1951, male  
**Family situation:** Eight  
**Occupation:** Hill cultivation of tobacco  
**From:** Sai Pai Pra, Paletwa township,1 Arakan Yomav (village had 60 houses)

The witness left Myanmar in 1994 because of the conditions prevailing there, in particular the work which had to be done for the military. His whole family came with him to India. With regard to forced labour, he had to work as a porter for the military and work on the building of a road. Portering. He had to do portering for the army so often that he could not remember how many times. All his assignments were carried out in the Rakhine State. The first time was in 1982. He was taken by the army to Pi Chaung (on the border with Bangladesh). Sixty other villagers were with him. There were thirty soldiers. The portering lasted seven days. The porters also had to build the camps where the troops were stationed. The work consisted mainly of

1 According to the authorities, the territory in which the village is situated is part of Chin State.
putting up bamboo spikes, digging trenches, fetching water, etc. The work was not voluntary and was not paid. Everybody of an age to do portering work was liable to be requisitioned. Where there were no men, women had to do it. Only the adults in his family did this work. The porters were cruelly treated by the soldiers. There was no food and the soldiers amused themselves by telling them to eat sand. If the porters fell behind, they were beaten (in particular, those suffering from polio). He suffered fever and hunger. On his other experiences of portering, he estimated that he was requisitioned for work by the army at least three times a month until he left. The assignments lasted between one and seven days. Each family had to provide one person to perform this work. In addition, four persons from his village had to be permanently available for the urgent needs of the military and for work at the army camp. When he was away, his family had to feed themselves with what they could find from the jungle. In his village, a girl had been sexually assaulted by drunken soldiers, who had offered drink to her father beforehand. Despite the complaint lodged with the superior officer, no serious action had been taken. Finally, his worst memories related to night journeys which he had to make as a porter. He had to make difficult climbs up hills and mountains in total darkness without directions. It was always possible to bribe the soldiers. In his case, he did not have the necessary money and had to perform the work. Road building. In 1992, he had to work twice on the building of the road between Matupi and Chaung Lawa. The work began at 6 a.m. and ended at 5 p.m. The first assignment lasted seven days, whereas the second was spread over four days. Each family had to provide one person to carry out this work. The order to work was transmitted by the village head, and did not come from the same soldiers who exacted the portering.

Ethnicity/religion: Rakhine, Buddhist
Age/sex: Born in 1966 (31 years old), male
Family situation: Married with two children
Education: 2nd Standard
Occupation: Hill cultivation
From: Taryn, Paletwa township; Arakan Yoma (village had more than 100 families)

The witness had to do work for the military up to his departure in 1995. His wife and children looked after his land while he was away. During these periods, they had to live on what they could find in the jungle. He did portering, and worked on the building of a military camp and a road. He left Myanmar with his wife and children. Portering. He was requisitioned to act as a porter more times than he could remember each year. He estimated that it was three or four times a month. The period when he had to do most portering work was in 1988. The soldiers requisitioned villagers for portering and transmitted their orders through the village head. Each family in the village had to provide one person to perform this work. Each assignment lasted between three and five days. He had to carry food and ammunition for the military. The loads were heavy. He was not given any breaks. He had to bring his own food, but he did not always have time to prepare it. The shelters for sleeping in had to be built on site, in the jungle. He also had to do sentry duty when the soldiers were sleeping. Men, women and children might be requisitioned. The treatment inflicted on them was cruel: beatings with bamboo canes were commonplace. If the porter was incapable of keeping up, he was beaten and abandoned in the jungle. He had heard that some people had died as a result of this maltreatment. It was possible to refuse only in the case of serious illness. However, the soldiers did accept bribes. The members of the army took everything: animals (chickens, pigs), food, etc. He had to work as a porter until his departure for India in 1995. Military camp. The military had a camp in his village. He had therefore had to work there countless times before he left. Among other things, he had to

2 According to the authorities, the territory in which the village is situated is part of Chin State.
build huts and camp beds for the soldiers, cut and gather bamboo, put up fences and dig trenches. The assignments were of varied length, but could last as long as a month. **Road building.** In 1991, he had to work on the road twice between Kaladan River and Matup. The first assignment lasted for seven days, while the second lasted for four. Half the families in the village had to do this work. Other villages were also requisitioned. Two to three hundred persons worked at the same time as him. The workers were subjected to cruel treatment: blows from bamboo canes and punches were frequent. He was personally beaten on two occasions because he could not swim. His worst memories were linked to portering and to the fact that it was very difficult to move about in the rainy season without adequate footwear.

| Ethnicity/religion: | Rakhine, Buddhist |
| Age/sex:          | 22, male          |
| Family situation: | Nine (him, parents, one older brother and five older sisters) |
| Education:        | None              |
| Occupation:       | Farmer (paddy fields, and chillies in winter) |
| From:             | Thazegone, Minbya township, Rakhine State (village had 90 families) |

The witness had to work for the military from the age of 14 (1990). The first time he had to work for the army, he was required to grow produce for them. Subsequently, he had to work as a porter, on road-building and he also performed other work for the military. It was impossible to refuse to do the work. He was not paid. **Agricultural work.** This consisted of tending paddy fields and growing chilli peppers for the military who had appropriated agricultural land one hour's journey from his village. Ten persons from his village had to go. During the rainy season, he had to work on this land until very late into the night. **Portering.** He first had to work as a porter for the military at the age of 16. Subsequently, he had to do it once or twice a year. He had to carry food. His brother-in-law had been hung from a tree by his hands for one hour because he was absent from a portering assignment for which the military had requisitioned him. He was unable to walk for one to two weeks. **Road building.** He had to work on the building of three roads since the age of 15: Minbya-Ann (100 miles), Minbya-Myebon (60 miles) and Minbya-Sunye (local road). He had to do this work during the dry season once or twice a year. His whole village was requisitioned to do this work. It was divided into two groups, which worked in a pre-established weekly rota. Each family had to provide one person. Personally, he shared the work with his older brother. It took him two days' walking to get to his place of work. The work was difficult and consisted mainly of digging earth. He had to bring his own tools. Three to four hundred people worked with him on the roads. Soldiers supervised the work. These roads were mainly for the use of the military. He worked on these roads for the last time just before leaving in 1996. The workers were regularly subjected to ill-treatment. If they were late, they were beaten by the soldiers. The soldiers sometimes chained them up and used shackles on their legs. The soldiers would also force them to stay out in the burning sun for three or four hours. In general, the soldiers dealt harshly with the workers. He saw people seriously injured, suffering among other things from deep cuts as a result of being beaten with wooden sticks. He was not injured personally. But he did suffer hunger, fever and pains in the legs. **Other work.** On several occasions he had to gather wood (nipa palm, bamboo) for the fires needed to make bricks and for roofs (leaves). He also worked on the building of embankments for a river. He had also witnessed villagers having to work without payment on shrimp farms. The army had taken possession of certain shrimp farms. The shrimps were raised for export. Any civilian who tried to take these shrimps for their own use was beaten. In his view, the most difficult work he had to perform, because of his youth, was the cutting of leaves and bamboo. He would like to improve his education.
Ethnicity/religion: Rakhine, Buddhist
Age/sex: 25, male
Family situation: Parents alive, but elderly; he has two older brothers and two older sisters
Education: 4th Standard
Occupation: Hill cultivation; family paddy farm (surface area: two sacks of rice seed)
From: Kyaukke, Paletwa township, Arakan Yoma

The witness had to leave Myanmar (in 1995) because he was afraid of portering and did not have the strength required to do the work. He and his brother had to do work for the military. However, his sisters had not done any. He had to do portering and had to work for a military camp. Portering. He had to do portering for the military three times a year since the age of 14 (1986). He had to transport food and go from one village to another. The assignment generally lasted one day. The porters were not fed, and if they did not bring their own rice, they had to try to satisfy their hunger with what they could find in the jungle. He was injured in the leg during one assignment and was unable to do portering for three years. The soldiers then asked him to put up fencing for the military camp (see below: Military camp). His brother, who was now 20, also had to do portering for the military on countless occasions. He estimated that his brother had to act as a porter for the military on average three times a month. They both began working as porters at about the same time. He said his brother had been maltreated by the soldiers. Military camp. He had to work for the military camp three times. He mainly had to put up fencing, dig trenches and build huts. His brother also had to work on the construction of military huts, on average three times a month. The work was carried out for the same camp. Generally, the work consisted of putting up fencing, digging trenches and building huts. Apart from these kinds of work, four persons from his village had to be kept on call for the army’s urgent needs. Finally, his family, which had animals (chickens, pigs), was forced to keep them for the military, who took them from time to time without payment.

Ethnicity: Rakhine
Age/sex: Born in 1951 (46), male
Occupation: Farmer
From: Ra Pauk Chaung, Ponnagyun township, Rakhine State (there was a military camp close to his village at Ponnagyun)

The witness had to perform work for the military from the age of 14 (1964). Portering. On one occasion he had to transport goods for the army (rice and other rations) from one village to another. Road building. This began in 1995, with each village being assigned a section of the road to build. The road in question was that between Sittway (Akyab) and Kyauktaw, some 100 miles in length. This road was built during the dry season, but was damaged each rainy season. It was still impossible to use it today as it has never been completed. The military specified the work that had to be done to the Township Council. At that time, he was the clerk to the Township Council. As such, he had to supervise the work and take part in it personally. However, he lost his job in 1988. The workers had to bring their tools. They were not paid. They also had to bring their own food. When they could not go to work, particularly for reasons of illness, they were obliged to find a replacement. Verbal abuse from the soldiers was commonplace. Military camp. He worked there for a year. Other members of his family (elder

---

1 According to the authorities, the territory in which the village is situated is part of Chin State.
Forced labour in Myanmar

brother, brother-in-law) worked for a long period once a year. The villages were grouped into
tens, with each village having to work at the camp on a particular day. The work consisted of
gathering bundles and building embankments. Apart from these different jobs, persons had to
remain permanently on call for the army’s urgent needs. Student Sports Festival, Sittway (Akyab)
(14-17 December 1997). He had to work for two to three months like the rest of his village on
the preparation for this festival. His township was particularly affected by this festival since it
took place in this area. The work consisted of cutting bamboo and wood and transporting the
canes and logs to the festival site. In his view, the SLORC military regime was the most brutal
military dictatorship the country has ever known. It was impossible for the citizens to sell their
produce freely.

Ethnicity: Chin
Age/sex: 49, male
Family situation: Married with seven children
Education: Master’s degree in physics
Occupation: Teacher (of physics) when he was in Myanmar; participated in the opposition movement against the Government
From: Matupi town, Chin State (lived in Yangon before leaving Myanmar)

The witness was the ex-Chairman of the Delhi Burmese Christian Fellowship, ex-Secretary
General of the Chin National Council, Secretary General of the Overseas Chin Theological
Association. In 1969, when he was completing his second year of university in Yangon, he took
part in the student movement against the military Government. Following his involvement, he
was expelled from the university for two years. He subsequently returned to the university to
complete his degree (BSc) in 1972. He continued his studies to MSc level. In 1974, he took part
in the events related to U Thant’s funeral. He was arrested, held in custody and sentenced to
seven years’ imprisonment. He was not allowed the counsel of his own choosing and the judicial
procedure was summary. Together with a cell-mate, he set up a student organization to combat
the military junta, which had as its main platform the overthrow of the junta. He was released
on 20 July 1980 and returned to Matupi. He taught there until 1985. He subsequently returned
to Yangon in 1985-86. He returned to Matupi in 1986 and was transferred to the school at
Sabaungte village. He was later transferred to Matupi again in 1988. In March 1988, his former
cell-mate contacted him to tell him that the student movement against the government had re-
formed in Yangon. He then went to Yangon. He was one of the leaders who organized the
movement for a national strike which was called on 8 August 1988. The situation then became
very tense. The military were convinced that the strike movement had been started by senior
students. They made death threats against them. At that point, he organized the escape of these
students to Thailand. He personally left the country on 11 November 1988 with two other people.
One of these returned to Myanmar and was probably now in prison; the other was in India. After
leaving Myanmar, he went to Mizoram to a refugee camp (no longer in existence) for two
months. On 2 February 1989, he arrived at Aizawl, the capital of Mizoram. There he founded
underground in the jungle along the Bangladesh-India-Myanmar border. Finally, he settled in
Delhi in 1992 for health reasons. With more specific regard to forced labour, he personally
performed forced labour in Matupi on several occasions in 1982 and 1984 when he was a teacher.
In 1982, the inhabitants of the village were forced on several occasions during the year to work
on the building of a road between Matupi and Paletwa. He personally had to pay 2,500 kyat to
employ the services of a substitute (on several occasions). The Chief of the People’s Council,
U Thang Gwo, supervised the work. In 1984 he worked on the building of a road to the hydro-
electric power-station two miles outside his village. He also worked on two occasions between
1982 and 1985 on the extension of the Matupi road. His sisters also worked on this. When he
was teaching at the Sabaungte school, he had to take part in road-building for a week. He had to sleep in the jungle. It was the township authorities which ordered the work to be done. He could not refuse. All this time, he saw the inhabitants of the villages where he was living being forced to work for the military. He did not see any change after 1988 in the way the military resorted to civilian labour to carry out different types of work.

Ethnicity: Chin  
Age/sex: 33 or 34, male  
Family situation: Married  
Education: Economics  
Occupation: Student, Institute of Economic Sciences  
From: Lungler, Thantlang township, Chin State (lived in Yangon before he left Myanmar on 10 October 1988)

(The witness had personal written notes.)

He was the former vice-president of the Chin Student Union. Member of the Chin Human Rights Committee of the Chin National Council. Editor of the Phuntungtu newspaper. He was involved in the student movement from his first year at university in 1984-85. He took part in the student demonstration of 6 September 1987, following the cancellation by the authorities in May of that year of certain bank notes (25 and 75 kyat). The universities remained closed until 26 October 1987. He also took part in the demonstration in March 1988. The universities were closed once again. At that point, he returned to Haka. In June 1988, the universities were reopened. He took part in the student demonstrations. He returned to Haka where he founded the Haka Student Union. He was involved as an organizer in the demonstrations which took place in Haka and Yangon. On 25 October 1988, the Chin Student Movement was created at Falam. He was then at Haka. He went to Falam a little later. He went there once again at the time when the military authorities were demanding that the sign-board of the union be taken down. After meeting with a refusal to do so, the authorities took it down themselves early the next morning. After this, he had to go into hiding. He left the country in his last university year. He feared arrest after five of his friends were arrested at Haka on 5 October 1988. He left Myanmar and went to India on 10 October 1989 to the Champhai refugee camp. He subsequently returned to Myanmar, to the region near the Thai border. On his experience of forced labour. Work for the military had to be performed in all parts of Chin State, but the Haka-Thantlang region was particularly affected because of the student festival to be held there. There was a military camp in his village. Since childhood he has therefore seen people being forced to work for the military, performing various types of work at the camp. He also saw Portering. In his village, work for the military was mainly carried out between 1988 and 1995. The 150 families in his village each had to provide one person to perform this work. Road building.  
(1) Between Haka and Thantlang, the work spread over two weeks. (2) Between Haka and Gangaw, the work began in 1986. He provided photos, taken in 1997, which showed the conditions under which the work on this road is carried out (document M10). He said they were sent to him by a college teacher. The notes beside the photos were written by him, following indications provided by the teacher who took them. He did not personally carry out work for the military because he was not in his village. University students were not generally requisitioned for this kind of work. However, college students and public officials could be. He said his cousin performed work for the military. This relative also left Myanmar for Mizoram in order to escape forced labour. Women must also perform work for the military. The work was not paid. He submitted various documents (documents M10 to M18). Several of these related to Mizoram.
Forced labour in Myanmar

Age/sex: 63, male
Family situation: Married for 26 years with seven children
Occupation: Minister of Social Welfare, National Coalition Government of the Union of Burma (in exile). (Elected MP in 1990, former Minister of Labour of NCGUB.)
From: Sittway (Akyab) town, Rakhine State

In 1993-94, in preparation for the Students' Sport Festival in Sittway (Akyab), a lot of forced labour was imposed on the general population. For building a playing field, the 31 wards in Sittway township and 26 other townships had to take turns over six months for one day per week from 6 a.m. to 1 p.m., bringing their own food. The order had been given by the regional military commander in writing to the Township LORC and passed down to the Ward LORC chairman. No one was paid. Those who did not want to work had to pay 150 kyats to the LORC chairman, even if they were sick. A large signboard had been put up at every intersection stating that those who evaded the work would be arrested. Witness's own 15 year old son, the only child not attending school and free to do the forced labour, was hit with a plastic pipe when he returned late for his work shift from a lunch-time swim. A lot of forced labour was going on building and widening roads. Witness personally saw in Sittway (in December 1993) every day 3,000 to 4,000 people who worked on the road for six to seven months before the Student Sports Festival. His family constantly paid the Ward LORC to hire others to work in their place. Even old women and young girls were beaten if they did not work properly. When sick, they had to bring their own medicine. Large trees by the side of all the roads in the township were felled by prisoners and cut up, and the wood had to be put on trucks to be used as firewood by the army. Each tree had to be carried by four men, women carried only stones. People who did not show up for work were deprived of their identity cards and ration cards. For the Student Sport Festival also, apart from building roads and bridges, all the small huts alongside the road to the festival had to be destroyed, and the big houses renovated with tin roofs and repainted. The owners had to repair the pavement themselves, build a ditch alongside the road (or pay the municipal council to do it) and pay for the brick lining. Boat owners had to transport stones and wood for building a three-mile long road bridge, over 180 miles away, from Kyaukphyu to Sittway. Also, each township had to supply each day for about one-and-a-half months 1,000 eggs, 100 chickens, goats and pigs to a Government storehouse, purportedly for the Student Sport Festival, but the army took half. In Sittway (Akyab) they built simultaneously a Buddha museum and an archeological museum in 1993/94, and in the municipal area everybody had to bring stones, etc. Every Saturday, for either building, 500 people had to carry bricks, stones, concrete and sand. They were unpaid and brought their own food. For the whole of the Rakhine State, roads and bridges were built with forced labour, witness saw this himself in Kyaukphyu, Rathedaung and other places. In Rathedaung township in 1993-94 all people had to build army barracks for 13 to 14 months. Every day 300 to 500 people. The order had been given from the military commander to the Township LORC, to the Ward LORC. Trees had to be cut down from a hilltop and the ground levelled. Then each family had to give 100 bamboo poles, each house five wooden posts and 100 nipa palm thatch sheets. They had to build the fence, dig toilets for the camp. For the soldiers' families to get food, the village people had to plant a vegetable garden and build a fence around it. Farmers had to prepare a rice field, plant the paddy, harvest, winnow, and bring the rice to a warehouse they even had to build themselves for the army. Men and women of all ages had to work. When a bit slow, the soldiers would beat them. He witnessed it. In the rice fields, women planted the rice, men ploughed. Young women also had to carry water uphill to the commander's house and wash his clothes.

As regards discrimination against families of politicians, when seven members of parliament in exile (including witness himself) signed a petition for the release of Aung San Suu Kyi, his eldest daughter and her husband lost their jobs as 2nd in charge and Township Manager of Government Fisheries, and his son's licence for running a ferry, for which he had paid 720,000 kyat (per year) was cancelled, the money gone. His wife and son were arrested for a few days, and his family was now under house arrest: his wife and son had to report twice daily to the police and report all their movements with reason, date and duration to the Township LORC.
The witness left Myanmar in 1993. He had not personally performed work for the military. He was a student. He had, however, witnessed several incidents. **Road building.** He saw villagers working on the roads when he was going to the market at Kyauktaw. The work consisted of digging out embankments for the road. The ditch dug had sloping sides, so that the width of the ditch was around four feet at the bottom and around eight feet at road level. It was around four-and-a-half feet deep. One person from each group of ten houses had to work on this road. Each village taking part in the construction had around 200 to 300 houses. Each house had to provide one person. No member of his close family had worked on this road, but more distant relatives had, however, been called up for work. Men, women and children were called on to work. If the man was absent for whatever reason, he had to be replaced so that the one-person-per-house rule was kept to. For some villages, the work was carried out nearby, but for others it could be a day's walk away. In the case of the former, workers could go home; in the latter, they had to build shelters to sleep in. The workers had to bring their own food. Road-building work was done in the cold season, which was also the period of the rice harvest. It was impossible to refuse (for fear of reprisals by the armed soldiers). It was nevertheless possible for those with money to bribe the soldiers or pay a substitute. But even if the army was given money, there was no guarantee that those who paid would never be requisitioned since the money was generally kept by the soldier to whom it was given. The military were everywhere. The work was ordered by the regional command for the Rakhine State. The order was transmitted to the central command of the township. The village heads were then contacted to organize the work. The army supervised and ensured discipline. The soldiers checked everyone. In addition to the building work which they had to perform, they had also to meet all the needs of the military: food, water, etc. He did not witness any violent treatment, however, the soldiers used abusive language when they addressed the workers. The roads were poorly built. They were often built on rice-paddies and cattle tracks. They were therefore always in a damaged state. To his knowledge, it had never been possible to use them. **Military camp work.** The military camp of Taung Taung U was near Kyauktaw. The work was carried out in 1992/93. He was told that the persons working on the roads also had to go to the camp to carry out various types of work. Generally, the villagers had to keep animals for the use of the army, which appropriated them when patrols were made. The older men had to cut bamboo stems to make ropes from them for army use. The older women had to go and fetch water for the camp, which was located on a mountain top and had no water supply. **Canal work.** The canal was between the rivers Tu Myauk (a tributary of Kaladan river) and Yo Shaung. The work was carried out in 1992/93. The Yo Shaung had to be widened. The canal was 15 feet deep and 40 feet wide. Each village had a portion to dig. The work was done in ten days. It was possible to do it quickly because of the large number of villages which took part. He remembered the names of 17 villages which had been called upon: Bo Me Yo, Barawa Yo, Kwa Sone, Palaung Shaung, Aung Zaya, Bone Za, Kin Swin Shaung, Kauk Kyaik, Pale Shaung, Ouk Ta Bra, Na Prauk Se, Ohn Pati, Tin Braun, Wa Tawn, Kan Sauk, Ma Rwet Taung, Tu Myauk. There were others. The first village had around 300 families.
Forced labour in Myanmar

Ethnicity: Rakhine
Age/sex: 34, male
Family situation: Single
Occupation: Representative of the committee of the Mizoram refugee camp
From: Sittway (Akyab) town, Rakhine State

The witness recounted two recent events related to portering which had occurred in the Rakhine State. (1) On 16 November 1996, Shwe Thin, commander of Battalion No. 376, went to Kyak Ku Zu, Kyauktaw township with two other soldiers. It was around 4 p.m. He wanted to recruit porters. The village has 150 houses and each had to provide one porter. Shwe Thin organized a meeting to this end and set a time by which the necessary porters were to be recruited, threatening to exterminate the village's inhabitants if the order was not carried out in the time laid down. He came back an hour later and began shooting. Five persons were killed immediately. U Sein Hla Maung, village head, aged 45; U Tha Sin, group leader, aged 38; U Sein Thwin Aung, group leader, aged 42; U Twee Sein Aung, group leader, aged 50; Maung Ng, son of U Sein Hla Maung, aged seven. Ten other people were injured. Shwe Thin continued, entered a residence and killed its rich owner and those present: U Way Phu Aung, a rich man, aged 60; Daw Sein Ma She, his wife, aged 58; Ko Thein Twin Aung, their son-in-law, aged 37; Maung Than Htay, son of U Way Phu Aung, aged ten; U Thein Twin, aged 38; Maung Lay Win, a tradesman, aged 38; and U Tha Htway Phyu, a visitor from another village, aged 45. The daughter of U Way Phu Aung was injured, together with her two-year-old son and ten other persons. Some have died since. In the end, no porters were recruited. He knew the person who told him this story well. (2) In the second week of December 1996 around 8.30 p.m. at Sittway (Akyab), a high-ranking military man ordered a bicycle-rickshaw driver to take him to a distant place (seven miles away). The driver refused and was killed there and then. His wife was pregnant. He knew the person well who told him this story.

Ethnicity/religion: Rakhine, Buddhist
Age/sex: 32, male
Occupation: Buddhist monk
From: Kyaukphyu town, Rakhine State

The witness was an official in the Indian section of the All Burma Monks Union/Arakan, an organization founded in Bangladesh in 1992, the Indian section of which was created in Delhi in May 1995. He related some events, of which he had personal knowledge, which related to forced labour. (1) In October 1991, in the village of Ngaloun Kyone, in the south of Kyaukphyu district, the inhabitants had to provide wood for the military (Battalion No. 34). Each house had to provide 200 18-inch pieces of wood. He personally saw inhabitants cutting the wood. They had to go into the forest. The work lasted a month. The workers were not paid. It was always possible to pay bribes (baskets of rice, tobacco, leaves, fermented fish paste, dried chillies, fish). The wood was used for building military huts near the border with Bangladesh. (2) In the village of Ngaloun Su, a 43-year-old man was ill. He asked a soldier if he could be exempted from the work (woodcutting). The soldier refused and ordered him to perform the work. The man refused and was beaten so badly by the soldier with a metal stick that his hip was broken. His screams produced a gathering of people. One person who said that the injured man should be sent to hospital was also hit. In the end, a doctor came and concluded that the man was in need of serious treatment. The soldier told him to attend to him. (3) In the village of Go Du, 1991, a soldier forced an old woman of 71 to go and gather wood in the jungle. She told him she was too old. The soldier insisted on having wood. The woman obeyed the order and died carrying it out. (4) In the village of Wa Bone Kyi, he twice saw villagers cutting wood for the purpose
of building military huts. The first time, the villagers each had to provide 200 pieces of wood, while the second time the quota set was 700. A villager had told him that the village was unlucky because these inhabitants were always having to work for the army. (5) At Sittway (Akyab), during the first week of April a soldier was standing with a metal ring (fur inches in diameter) near a jetty in the middle of the town. There were also pieces of wood of different sizes. Only the pieces of wood which had precisely the dimensions of the ring were kept. Those which were either too large or too small in diameter were rejected. These were the pieces of wood obtained from the forced labour mentioned above (see point 4). (6) In 1986, Kyaukpyu. Prison labour. Prisoners were in chains, as the authorities feared they might escape. The witness regarded this as cruel treatment even if it applied to prisoners. These prisoners were assigned to cutting wood. (7) In Mandalay in 1988 a road was to be built. A line was marked out to indicate the places through which the road should pass. All the house fronts which encroached over the line had to be “cut back” by the house owners without compensation.

Ethnicity: Burman
Age/sex: 36, male
Family situation: Married
Occupation: President of the All Burma Student League
From: Yangon

The witness was the president of the All Burma Student League. He had held numerous interviews with the villagers of upper Myanmar. He recounted three events connected with forced labour. (1) The building of the Pakokku-Kalaymyo-Htoma road in Magway and Sagaing Divisions. The work was unpaid. This was the first case he dealt with last year. (2) In December 1997, the construction using forced labour of a new airport in the village (now a town) of Htoma, near Kalaymyo. (3) Infrastructure that the authorities were building near to the Indian border on the Myanmar side, in particular, a road between Tamu and Kalaymyo. The workers were forced to work on this.

Ethnicity: Rohingya
Age/sex: 48, male
Family situation: Married with six daughters and two sons
Occupation: Farmer with 16 khani (6 acres) of land
From: Chit Chapandaw, Maungdaw township, Rakhine State (village had 25,000 to 30,000 inhabitants, it was situated close to a NaSaKa camp; population mainly Rohingyas)

The witness left Myanmar because (1) the Government had seized his land; and (2) he had been subjected to forced labour. He left Myanmar in early January 1998. It had become increasingly difficult for a Rohingya to travel freely in Myanmar (he could not, for example, go to Yangon). So far as the expropriation of his land was concerned, the NaSaKa seized his land five years ago to distribute it to the other inhabitants who were Rakines. He said he received no compensation. Having been deprived of his land, he was taken on as a day labourer in the same village.

With regard to forced labour, his village was close to a NaSaKa camp. Orders to carry out work were given orally. They came from members of the NaSaKa who transmitted them through
Forced labour in Myanmar

the village head. They informed the village head of their needs and he had to assemble the necessary labour. All the Rohingya men had to perform work for the NaSaKa. He did not see Rakhines doing this type of work. Three years ago (when he was 45), he had to (i) transport wood for construction; (ii) help with agricultural work; and (iii) work as a porter. Transporting wood. He had to do this more times than he could count. It was difficult to say how many times: when members of the NaSaKa needed him, they called for him. All men (women were not requisitioned for forced labour) had to do this work. Two men were required to transport wood. The total number of workers depended on the needs of the NaSaKa, but could be as many as 200. A whole day was needed for a single tree (it took three hours to cut down a tree). The forest was quite a long way from his village. It was always possible to give bribes to be exempted. Agricultural work. He had to help more times than he could count in growing rice on land held by Rakhines. This work was required in the two annual growing seasons and had to be performed three days a week during harvests, which lasted for two months. He was not paid. He was not given food. He had to bring his rice. The same persons were required to do this work as for the transporting of wood. There were no children. Portering. He had also worked as a porter for the NaSaKa and had to take food from one place to another more times than he could remember. He began at the age of 43 (five years ago) at a distance of three to six kilometres from his home. The assignments generally lasted a day. The same persons were required to do this work as for transporting wood.Lastly, he had to stand guard for the NaSaKa to intercept persons coming from the sea. He had to do sentry duty 12 nights a month. The same persons were required to do his work as for transporting wood. Treatment. He was threatened badly by members of the NaSaKa. He was beaten at least 25 times and had his hair cut off for falling asleep on the job. Two people were killed last year in his village by the NaSaKa. His view was that the NaSaKa used people as if they were beasts of burden. Taxes. The NaSaKa informed the village head of the amount of taxes and he had to see to it they were collected. People had ten days to pay. These were monthly taxes. The amount had increased over the years and fluctuated considerably depending on the building work undertaken by the NaSaKa. He had to pay these taxes since childhood. Only the Rohingyas had to pay these taxes. If people did not have enough money, they had to sell their property to pay the taxes.

Ethnicity: Rohingya
Age/sex: 28, male
Family situation: Married with wife and two children; parents
Occupation: Farmer
From: Chit Chapandaw, Maungdaw township, Rakhine State (village had 25,000 to 30,000 inhabitants)

The witness left Myanmar at the beginning of January 1998. When he was requisitioned for work, the order came from the NaSaKa who used the village head as an intermediary. The village head sent a messenger to inform the persons selected of the work they had to carry out. NaSaKa camp. He first had to perform work for a NaSaKa camp at the age of 18. The work involved cutting wood and building the camp. He had to perform carpentry work. On each occasion, the assignment lasted between ten and 15 days. He had been forced to carry out this work every year since then, as the buildings had to be renovated. He also had to repair the fences. He worked at the camp for the last time one-and-a-half months before his departure. Portering. He had to work as a porter from the age of 12. Men and children were requisitioned for this work when the NaSaKa had to transport materials or munitions from one camp to another. He estimated he worked as a porter on average two or three times a month. Not all the portering work was for the same camps. The duration of the assignment depended on the length of the journey, but was generally for two days to cover between 16 and 20 kilometres. He last did portering work around 25 days ago. Shrimp farming. Since the age of 12, he had to work on a shrimp-farming project belonging to the NaSaKa. He had to work there twice a month each
year during the two growing seasons. He had to perform this work every year. Since 1991, he has also had to help the Rakhines during the two annual growing periods. *Sentry duty.* Lastly, he had to stand guard from time to time. When this occurred, the work lasted 24 hours, uninterrupted. *Treatment.* The workers were beaten if they did not work according to orders received and at a satisfactory pace. He was beaten five or six times himself, the reason given in each case was for being slow. *Taxes.* The amount of taxes varied considerably. When an official of the NaSaKa visited the camp, the villagers had to pay. The amount of taxes varied depending on the number of visits.

---

**Ethnicity:**  
**Age/sex:**  
**Family situation:**  
**Occupation:**  
**From:**

Rohingya  
45, female  
Widowed with two sons (one of whom is deceased), four grandchildren and one daughter-in-law  
Farmer  
Kulung, Maungdaw township, Rakhine State  
(village had 1,300 families)

The witness left Myanmar at the end of December 1997. Her son was first requisitioned for forced labour at the age of 12. He had to perform forced labour until his death at the age of 30. He had to clean camps, build houses, and transport wood and sacks of rice. Her son had to work on average 14 days per month (in rotation). The schedule was not fixed, however, since the men were requisitioned as required by the NaSaKa. The other men in the village were subject to the same treatment. Members of the NaSaKa personally threatened her when she objected to them taking the fruit from a tree which was on her land. She heard that members of the NaSaKa had sexually assaulted women when the families objected to them taking their possessions.

---

**Ethnicity:**  
**Age/sex:**  
**Family situation:**  
**Occupation:**  
**From:**

Rohingya  
50, male  
Married with wife, one son, two daughters and one son-in-law  
Farmer (7 khani [2.6 acres] of land) and fisherman  
Chit Chapandaw, Maungdaw township, Rakhine State  
(village had 25,000 to 30,000 inhabitants)

The witness left Myanmar at the beginning of January 1998. He was forced to work for the military in Myanmar. *Land cultivation.* He had to do this for the Rakhines. Rice and peanuts were the crops involved. The growing season spread over three months. He could not do anything else during that period. Also, in the dry season, he had to clear the land and put up fencing. He was not paid. *Portering.* He had to do this twice a week (by rotation). The rest of the time he could work on his own land. *Sentry duty.* This was night work. On numerous occasions he witnessed acts of violence by NaSaKa members. There was a torture cell at the NaSaKa camp. The NaSaKa used stocks. These were used as a punishment for the workers who were ill or refused to work. He had personally been used more than once to pull a plough like a buffalo. On one occasion, 100 other people received the same punishment for being slow. The day lasted six hours. Finally, as regards taxes, twenty five per cent of his produce had to be given to the NaSaKa. He received no compensation for this.
Forced labour in Myanmar

### Witness 1

- **Ethnicity:** Rohingya
- **Age/sex:** 66, male
- **Family situation:** Married with three sons and one daughter
- **Occupation:** Farmer with 7 khani [2.6 acres] of land
- **From:** Mehru, Maungdaw township, Rakhine State

The witness left Myanmar at the end of 1997. There was a NaSaKa camp near his village in Rakhine. The camp was built by the men from his village. He said the NaSaKa had requisitioned him for work. His (eldest) son had given him the money to pay for a substitute. Each time, his son had to pay 50 kyat. He lost count of the number of times he had to pay. He estimated that he might have paid this sum on average five to seven times per month. The son had to use his savings or sell his possessions (chickens, chillies) to be able to give his father this money. His son (the eldest one, the others being too young) did work for the NaSaKa, particularly transporting wood from the forest to the camp. His son has had to bring wood to the camp at least ten times a month over the last twenty years. The son was beaten with a stick by NaSaKa members on three occasions because he was slow. He also had to pay taxes on numerous occasions. They had to draw on their savings to pay. If they did not have the money, they had to sell their possessions (livestock, chickens). The amount of the taxes varied. The witness told of his despair. He had no work, no country and no future.

### Witnesses 23 to 28

- **Ethnicity:** All Rohingya
- **Age/sex:** 65, male (witness 23); 30, male (witness 24); 58, male (witness 25); 35, male (witness 26); female (witness 27); and 24, male (witness 28)
- **From:** Various villages in Maungdaw township, Rakhine State

(Witnesses 23 to 28 were interviewed together.)

The witnesses left Myanmar between one and two months ago. They had to do work for the NaSaKa on several occasions. Some of them had to work on average ten times per month (for instance, growing rice: witness 24). In early January 1998, witness 25 saw his son beaten because he fell asleep while on forced sentry duty for the NaSaKa. His son’s leg was broken, he did not receive medical treatment. Witness 23 was used three times to pull a plough like a buffalo, as a punishment.

### Witness 29

- **Ethnicity:** Rohingya
- **Age/sex:** 45, male
- **Family situation:** Married with one son and three daughters
- **Occupation:** Farmer with nine khani [3.4 acres] of his own land
- **From:** Lamarpasa, Rathedaung township, Rakhine State (military camp one km from his village)

The witness left Myanmar at the beginning of 1998 because of the forced labour, which prevented him from providing for his family’s needs. The order usually came from the military, who passed it through the village head. All males over the age of 12 had to perform forced labour. It was not paid. He generally had to take his own food. He could not refuse. Each family had to provide one man. It was possible to pay a substitute or make bribes. In his case, he did
not have the necessary money. He was maltreated on several occasions. He was given no medication or medical treatment. **Construction of embankments.** He had to do this approximately twice a week, every two months. Some 500 people worked with him. The work was overseen by a Rakhine. It was performed at a Government shrimp farm. He was neither paid nor compensated in any way whatever. He was physically maltreated. He was beaten on at least six occasions with a wooden stick when he took a rest. He did this kind of work four months before his departure. **Agriculture.** He had to bring his own plough. He had to do this one month a year for six years. A sector was assigned to ten families. The work generally began around 6.30 a.m. and ended at nightfall. He was allowed one hour's rest at lunchtime. He was not paid. He did not receive any rice in compensation. He was subjected to physical ill-treatment. **Portering.** He had to do portering two months a year for six-and-a-half years. The assignments lasted between one and four days each time. Around 120 other porters were requisitioned to work at the same time. He had to bring his own food. There were no shelters to sleep in. He had to carry goods and munitions for the military from one camp to another. He did not see any armed conflicts. The loads weighed around 40 kg. He was subjected to maltreatment, generally inflicted because he had not understood the orders (language problem). He was beaten at least twenty times (beaten with a stick and kicked). He reported back pains which are presumably the result of these beatings. **Woodcutting.** He had to cut the wood required for the building of soldiers' housing or to be sent to other districts. He had to do this work one week per month for six-and-a-half years. He could be away for more than a week on this work. He slept in the fields. On each occasion he worked with at least twenty other men. He did not have to pay taxes.

**Ethnicity:** Rohingya  
**Age/sex:** 30, male  
**Family situation:** Married with wife, mother, two brothers and four sisters  
**Occupation:** Owner of a small grocer's shop  
**From:** Nasil Para, Sittway (Akyab) township, Rakhine State  
(village had 4,000 to 5,000 inhabitants; the village was relocated some four years ago with other Rohingya villages. It was originally sited close to a main road. It was moved near to the sea.)

The witness left Myanmar at the beginning of 1998. He had to work for the military. He was not paid. No one could look after his business while he was away. All the Rohingyas had to do forced labour. His brothers and father also had to do forced labour. There was no woodcutting or transporting of wood in his area, since there was no forest. All the work was done for the military. He was physically ill-treated. Five days before his departure for Bangladesh, he was beaten because he had been unable to carry the load allotted to him. He suffered from back pains as a result of this beating. It was possible to pay bribes: 1,000 kyat would buy a week's rest. He did not personally have the resources to pay for a substitute. The orders came from the military, but were transmitted through the village head. The soldiers sometimes came directly to people's houses. One kind of forced labour he had to do was carrying stones. He had to do this three months a year for 15 years. Every working day involved ten trips with stones. The last time he had to do this was a fortnight before he left. The tools were provided by the military. The stones were mainly used in road-building. They had to be crushed. The road on which he worked was a seven kilometre road in the district of Sittway (Akyab). He also had to work building bridges. He also worked on the construction of military camps. Each family had to pay 50 kyat if a new military group came to the region. In addition, on one occasion he was taken as a porter to Shan State.
Forced labour in Myanmar

Ethnicity: Rohingya
Age/sex: 45, male
Family situation: Married with four daughters, four sons and two grandchildren
Occupation: Rice farmer with 12 khani (4.5 acres) of land
From: Kulung, Maungdaw township, Rakhine State (village had 300 families; several had left the village)

The witness arrived in Bangladesh with his family at the beginning of 1998. Orders for labour generally came from the military, but were transmitted through the village head. If the village head did not provide the necessary labour, the military came directly to the houses. When he was away, no one could tend his land. For that reason, he wanted his sons to do the work for the military. However, the army preferred him to his sons, as they were less strong (being around 15 years old). All the men in his village had to do work for the military. His brother was murdered after having denounced (in rudimentary English) the practices of the NaSaKa to the UNHCR. He was hanged.

Building military camps. For six to seven years, he had to work on camp construction for around ten days a month. He had to make the wood and bamboo structures. One hundred and fifty persons were requisitioned for this work on each occasion. He also had to build houses for the Rakhines. He did this work five days before leaving for Bangladesh. He was paid. He was sometimes subjected to maltreatment. A man from his village had been killed five days before his departure for Bangladesh for having refused to do the work demanded of him. The family of the deceased had also left the village. Portering. He did portering for the military on more than a hundred occasions over three years. Between Kulung and Akyorata (24 km). The assignments generally lasted for a day. He had to do it four times a month. Between 100 and 150 persons were requisitioned each time. They all came from his village. He was paid 15 kyat (a negligible sum) by the NaSaKa for each assignment. If he fell behind, he could be beaten. The last time he had to act as a porter was the day before he left for Bangladesh. Clearing grass. He had to do this five times a month for six to seven years. He was not paid. He also had to pay 100 kyat per month to the NaSaKa in taxes.

Ethnicity: Rohingya
Age/sex: 25, male
Family situation: Single; two brothers (one deceased) and three sisters (father died in July 1991)
Occupation: Farmer (rice paddies and vegetables) – 16 khani [6 acres]
From: Lawadok Pranshi, Buthidaung township, Rakhine State (village had 1,700 families)

The witness left Myanmar in the course of January 1998 because he could no longer tolerate the abuses of the authorities. The NaSaKa took his land from him in 1995, leaving his family only the ground on which their house stood. His father was killed by the NaSaKa after contacting UNHCR because one of his sons had not come home after an assignment. Work for military camps. He had to do various different types of work for the battalion 21 camp: clearing the forest and carrying rations between the main road and the camp (one kilometre). He had to do this from 1995 onwards. As he no longer had any land, he worked for the military in the evening and was a day labourer by day. He occasionally received two kilos of rice and one kilo of dal. He had suffered ill-treatment. As the military camp was adjacent to his house, the soldiers came to fetch him directly or used a loudspeaker to call him when he was needed. He has been beaten because the pace of his work was not satisfactory. Some 2,000 people had been requisitioned to build one military camp. Portering for military operations. In April 1991 he worked as a
porter for military operations in the hills against opposition forces. He had to carry the baggage. He had to do this on two occasions. Each time, 400 people had worked with him. He was not paid, but he was fed. The porters were frequently ill-treated. He said 50 died on one of these assignments, and 25 on the other. Some porters who could not keep up with the pace of the march were pushed off the hillsides. The soldiers frequently assaulted girls at night. Rape was commonplace over the last two years or so. The girls were rounded up and offered to the soldiers. He personally saw this happening. His own sister had been assaulted less than a month before. He was present. He resisted, but was beaten and forcibly taken to another room.

Ethnicity: Rohingya
Age/sex: 35, male
Family situation: Married with one daughter and two sons
Occupation: Farmer with nine khani [3.4 acres] of paddy fields (this was an area where there is only one rice crop per year).
From: Lamarpara, Rathedaung township, Rakhine State (very remote coastal village)

The witness left Myanmar at the beginning of January 1998 because he was no longer able to provide for his family. This was his first time in Bangladesh. The Government had seized half his land in 1996 and the rest in 1997, leaving him only one khani. The NaSaKa set up camp in his village in 1996/97. Before that period he had not been subjected to forced labour (very remote village). He worked on embankments for shrimp breeding ponds. He had to do this 15 days a month for seven months. Ninety to 150 people worked alongside him on this. He received two kilos of rice. He could not refuse. He knew men in his village who had been tortured because they had refused to do work. They were kept in a dark room. That episode had occurred about a year ago. He could not pay to be replaced or bribe the soldiers. He last did this work 12 days before he left. With regard to portering, he had to go with the army in April 1997. This was an operation against the RSO. The army deployed the porters in the front line in such a way that the RSO would hit them first if they opened fire. He had to carry equipment, food and munitions. He had to stay 41 days in the deep forest with the military. There were 90 other porters with him. Apparently, no one died that he knows of. He was not paid. To feed himself, he received a daily ration. He was beaten on three occasions with a wooden stick. Taxes. He had to pay taxes to the NaSaKa amounting to 150 to 200 kyat a month. The NaSaKa or the village head came directly to his house to collect the payment.

Ethnicity: Rohingya
Age/sex: 50, female
Family situation: Widowed with three daughters and one grandson
Occupation: Husband was a small trader (grocer)
From: Chin Taung, Buthidaung township, Rakhine State

The witness left Myanmar at the end of 1997. Her husband died four years ago. She sold the shop. She worked in her village as a day labourer for neighbours. She had seen people forced to work on road-building (earth moving) and the construction of military camps. Her husband had worked on the construction of a road between her village and Buthidaung four and a half years ago. She last saw forced labour two months before she came to Bangladesh. This was on road repairs and the building of a military camp. In the former case, 50 people were moving earth. A Rakhine was overseeing the work. She saw soldiers physically maltreating villagers.
Forced labour in Myanmar

She had to pay taxes amounting to 30 kyat to the military just before leaving. She did not know the reason for this payment. These taxes were collected by the village head.

Ethnicity: Rohingya
Age/sex: 30, female (witness 35); 45, female (witness 36)
Family situation: Witness 35 widowed with one son; witness 36 married with two sons and one daughter
From: Chit Chapandori, Maungdaw township, Rakhine State (there was a NaSaKa camp in the village)

(The two witnesses gave evidence together.)

The witnesses arrived at the end of 1997. They had seen forced labour being performed for the NaSaKa. The NaSaKa members came to the house of a neighbour of witness 36 just before she left for Bangladesh. Twelve to 20 persons were requisitioned on this occasion to carry baggage. The same had occurred several times before. The assignment could vary and might last between half-a-day and a day, about four times a month. Villagers were also requisitioned to clean the NaSaKa military camp.

Ethnicity: Rohingya
Age/sex: 35, male
Family situation: Married with three sons and two daughters
Occupation: Farmer (paddy fields) – ten khani (3.8 acres)
From: Dumsofara, Rathedaung township, Rakhine State (there was a NaSaKa camp in the village)

The witness left Myanmar at the end of 1997. He has had to perform various kinds of work such as: construction of military camps; digging work for breeding ponds; woodcutting and road-building. He had to do digging work for ponds less than one month before his departure. With regard to woodcutting, some 50 to 60 people had worked with him. He had to transport the wood that had been cut and work on the building of camps. He had to do this work 15 days a month, six months a year, for around five years. He worked on the building of the road between his village and Chilkali. The road was for the exclusive use of the NaSaKa. For five to six years, 14 to 15 days a month were taken up by forced labour which had to be done for the NaSaKa. He had been beaten for refusing to work. He left Myanmar because of the forced labour and scarcity of employment.
Ethnicity: Rohingya
Age/sex: 40, male
Family situation: Married with three sons and three daughters
Occupation: Farmer (rice paddies)
From: Dumsofara, Rathedaung township, Rakhine State (NaSaKa camp in the village)

The witness left Myanmar in early 1998 because life had become intolerable there on account of the abuses of the military. He had to perform the same kinds of forced labour as witness 37. For five to six years, 14 to 15 days a month were taken up with the forced labour which had to be done for the NaSaKa. Furthermore, even if the assignment was for a given number of days, the men had to wait for their replacements to arrive before they could leave the work. As a result, they always stayed longer than the expected number of days. The orders came from the NaSaKa, who used the village head to transmit them. It was possible to gain exemption by paying the sum of 200 kyat to the NaSaKa on each occasion. He had paid this sum on four occasions. He could not refuse to work. He was beaten by the soldiers for arriving late at the place of work and for refusing to work. He was occasionally paid by the NaSaKa, in which case he received ten kyat.

Ethnicity: Rohingya
Age/sex: 30, male (witness 39); 45, male (witness 40)
Family situation: Married with two sons and one daughter (witness 39); married with two sons and two daughters (witness 40)
Occupation: Day labourer (witness 39); Farmer (witness 40)
From: Barachara, Rathedaung township, Rakhine State (NaSaKa camp nearby)

Witnesses left Myanmar at the beginning of 1998. Witness 40 had to leave because the Government seized all his lands. He had no means of providing for his family anymore. They had to perform various forms of forced labour such as sentry duty, woodcutting and carrying rations. This work was unpaid. For over four years, witness 39 lost an average of 13 days a month carrying out work for the military. Between 40 and 50 people worked at the same time as he did. Witness 39 last had to do forced labour on the day before his departure. As far as portering was concerned, the assignments usually lasted one day. On one occasion, witness 39 had to go into the deep forest for a seven-day period; he had to accompany the troops on an operation against the rebels. He did not see any fighting. However, two rebels were arrested in Rakhine State. Both witnesses said that if asked, they could not refuse to work. Witness 39 was beaten about one-and-a-half years ago for attempting to run away from the work site to which he had been assigned. He was kept in a darkened room and beaten with a wooden stick.
Forced labour in Myanmar

Ethnicity: Rohingya  41
Age/sex: 35, male
Family situation: Married with three sons and four daughters
Occupation: Farmer with seven khani (2.6 acres; vegetables and rice, which meant he could benefit from two harvests)
From: Rajal, Rathedaung township, Rakhine State (most of the inhabitants of the village were Rakhines. All the Rohingyas left the village at the end of 1997. There was a military camp nearby – 15 km from his home, just outside the village – and a NaSaKa camp, closer than the military camp)

The witness had to leave Myanmar at the end of 1997 because, for the last five years, the military had been seizing 50 per cent of his harvests annually (50 per cent of 2,800 kilos of rice). Even by leasing neighbouring land, he was no longer able to meet his family’s needs. He took part in the construction of the NaSaKa camp and carried out certain work there afterwards: cutting the grass, maintenance. Three months before his arrival, he worked on the renovation of the NaSaKa camp which had begun two years before. He worked as a day labourer for the NaSaKa camp on average four days a week for five months over a five-year period. Ten to 12 people worked with him. The work involved carrying bamboo sticks, attending to the camp’s drainage system and putting up protective spikes. Any reluctance to do the work could lead to beatings. He was beaten on several occasions by the NaSaKa. On one occasion, the inhabitants complained to UNHCR representatives, who made an enquiry. In reprisal, he and some other villagers were severely beaten with wooden sticks. He was usually not paid. No food was provided either. His sons were too young to be requisitioned for forced labour. However, all Rohingyas had to do work for the military. Not the Rakhines.

Ethnicity: Rohingya  42
Age/sex: 20, female
Family situation: Married with one son and one daughter
Occupation: Owner of a cart
From: Koalong, Sittway (Akyab) township, Rakhine State

There were more than 1,000 families in the witness’s village. The entire village disappeared four years ago. The military pushed the inhabitants out towards Maungdaw. The families were scattered so as to prevent any communication between them. She had gone back eleven months later to the region where her village had originally been, until the military had again forced them to leave. The witness suffered a great deal of abuse from the military both in the region of Akyab and of Maungdaw. All Rohingya men had to do forced labour. The work consisted mainly in working for the camps: cleaning sanitary installations, carrying equipment and goods, repairing houses. Each family had to provide a member. The work was not paid. Any refusal could lead to a beating.
Ethnicity: Rohingya
Age/sex: 38, male
Family situation: Married with three daughters and one son
Occupation: Small trader – commerce – livestock
From: Gediporaung, Rathedaung township, Rakhine State

The witness left Myanmar at the end of 1997. He was fishing in a river and some NaSaKa members asked him to take them across. Once they had crossed the river, they took him to the camp and beat him on the pretext that he did not have the right to fish in that river. He was imprisoned but managed to escape. His family joined him later. He had to act as a porter for the army in a military operation against the Karenni one year before he left for Bangladesh. He stayed six months with the army on the Thai border. Around 3,500 porters had been recruited for 7,000 soldiers. He was caught up in five to six armed conflicts with the Karenni. In these cases, the soldiers ordered the porters to lie on the ground. When a soldier was killed, the porters recovered his weapon, which they then handed back to the soldiers. He was not paid. He was not always fed. There were no shelters to sleep in. Apart from this, he had done other forced labour. The NaSaKa, the army, the police and the customs authorities had camps near his village. As a consequence, he was constantly requisitioned throughout the year by one or other of them. For the NaSaKa, the work involved was related to the camp: putting up defensive spikes, cutting grass. He worked on average 15 days a month for 10 to 12 years. Torture was frequent. Each camp had its torture cell. Orders to provide labour were given by the village head. He also had to pay taxes more times than he could recall. On one occasion he had refused and was beaten.

Ethnicity: Rohingya
Age/sex: 60, female
Family situation: Married with two sons, two daughters-in-law and four grandchildren
Occupation: Farmer – 21 khani (7.9 acres)
From: Eindaung, Maungdaw township, Rakhine State (the village had 500 families)

The witness left Myanmar at the beginning of 1998 because she could no longer bear the torture performed by the military and police authorities. She estimated that no less than 100 families had left Myanmar to come to Bangladesh. The military had seized a large part of her land (14 out of 21 khani), not leaving them enough land to provide for themselves. All adult males had to do portering. They had to carry goods from one camp to another for the military. Four days a month. Never paid. With regard to camp work, they had to work for the soldiers’ families: washing their clothes, fetching water, cutting the grass. Her son and grandson were killed by the NaSaKa because they were suspected of being informers for international bodies, particularly UNHCR. She never got her son’s body back. The orders were generally given by the village head. The soldiers sometimes came directly to the houses to requisition men. Torture was commonplace. These practices commenced with the arrival of the military seven years ago. Any refusal could be punished by a beating. The military used a red-hot iron for torture (or burned the chin with a cigarette-lighter). If a family did not provide what the NaSaKa requested, then the women were threatened.
The witness left Myanmar in early 1997 because life had been made intolerable there. Three years before, his village had been relocated to Maungdaw. The Government had made insufficient land available for the 1,200 families in his village. It had become impossible to survive. He had to carry out forced labour at Kawalaung and Maungdaw. In the former case, there was no NaSaKa camp. Only the military and the police were present. His lands were seized by the authorities to redistribute them to the Rakhines. He had to help them cultivate them. He also had to work on road-building for six years. At Maungdaw, he had to work on road-building and in military camps (cleaning, grass-cutting, installation of drains). He did this work on average four times a week. The orders came from soldiers, who sent them through the village head according to their needs. There was no real schedule. Beatings were frequent. Rest periods were not tolerated. He had personally been beaten three or four times by the NaSaKa. He saw several people being beaten. Some had died. He had to pay taxes to NaSaKa. The amount varied. A typical sum was 1,000 kyat. He had to work as a daily labourer to obtain the money to pay these taxes. Refusal to pay could lead to torture. There was a torture cell in the NaSaKa camp. Stocks were used. Victims' legs were chained up and their arms were immobilized. The person could not move.

The Government had seized 50 per cent of their land. This process began six years ago. The family had to leave Myanmar at the end of 1997 as they were no longer capable of producing sufficient rice to feed themselves or pay taxes to the government on the remaining land. Forced labour was commonplace. The Rohingyas had to build houses, carry baggage, provide wood and help the Rakhines. They also had to do sentry duty along the border. On average three days a week over the last six years had been lost on this work. The number of days could sometimes be as high as ten to twelve a month. Orders were given by the village head. Any refusal could result in a beating. Her husband had been beaten by the NaSaKa (hit with sticks about the knees and elbows; he was subsequently unable to work). The reason for this was that he was absent because he had been requisitioned to work on another site. She saw other men who had been beaten by the NaSaKa (blows to the head, hair cut off). Young women who were attractive to the military were taken to the camp. She had personally been taken to the camp and spent four nights there. She had not been sexually abused. She had nevertheless been beaten because, being ill, she had refused to go and work in the fields. After paying a bribe to the NaSaKa, she was able to return home. Over the last six years (i.e. since the building of the new camp), she had to pay a sum of around 50 kyat per month to the NaSaKa. If the villagers were not able to pay, they were arrested and held in the camp – this had happened on numerous occasions in her village.
Ethnicity: Rohingya  
Age/sex: 40, male  
Family situation: Married with three sons and one daughter  
Occupation: Farmer – 8 khani [3 acres]  
From: Hiderya, Maungdaw township, Rakhine State (a village of around 50 families)

The witness had to leave Myanmar at the end of 1997 with 50 other families as he was no longer able to provide for his family's needs, the Government having seized his land a year before. He then had to work as a day labourer. He was also forced to work in military camps and cut wood. He might work for a month without interruption. This assignment could be repeated on average four times a year. He was not paid. The orders were given by the village head. People who refused to work were taken to a torture room in the military camp. They were generally beaten. He was personally tortured 20 days before his arrival in Bangladesh. His arms and legs had been fixed to a piece of wood. He had been kept in this position for two days. For the last six years he had to pay 200 kyat to the NaSaKa on a regular basis. The amount might vary. Any refusal could be punished by a beating or torture.

Ethnicity: Rohingya  
Age/sex: 22, female  
Family situation: Married with one son and one daughter  
Occupation: Fishing  
From: Borosola, Maungdaw township, Rakhine State (the village had a population of 3,000)

The witness left Myanmar on account of the forced labour and abuses perpetrated by the authorities. She was accompanied by 20 other families, all from her village. Fifty to 60 families from his village arrived two months before. She had to perform forced labour: building and repairs at a military camp; building Rakhine houses; portering; and woodcutting. She had to do this for the last six years, 15 days a month. She was not paid. She did not receive any food. Orders were transmitted by the village head. Any refusal could lead to a beating by NaSaKa. Her husband had been beaten several times by the NaSaKa for refusing to obey orders. He had been seriously injured in the back. She knew several other people who had been beaten. She had apparently also been threatened by the NaSaKa when she refused to give them her chicken. She had to pay taxes to the NaSaKa, 100 kyat a month for six years. The sum had increased over the years (at the beginning, it was around 50 kyat). She also had to hand over some of her possessions (chickens or other things).

Ethnicity: Rohingya  
Age/sex: 25, male  
Family situation: Married with two daughters  
Occupation: Trading  
From: Fatur Kila, Sittway (Akyab) township, Rakhine State

The witness left Myanmar in 1997 with 100 other families from his village. There were previously 1,200 families in his village. All these families had left over recent years. He said
Forced labour in Myanmar

the Government had transferred them to Maungdaw. He had been transferred back to his village eight months later with around 275 other families to help in construction work for the military. He then went to Buthidaung (the hills). He stayed there for five days. He said he had performed forced labour for the military after his transfer to Maungdaw. Among other things, he had to carry water, make the necessary repairs to the camp, cut wooden poles for building and repairs, and act as a porter from one camp to another. He had to work for the camp ten to 15 times a month. He had to do the same kind of work the same number of times a month (ten to 15) when he went back to his village. The work was for the NaSaKa and the police. At Buthidaung he had to perform work for the NaSaKa. This was mainly woodcutting. He last had to do this kind of work four days before his arrival in Bangladesh. He had a small income in Maungdaw from selling wood. He was beaten on two occasions when portering for not being able to carry the load allotted to him (a table). He had pains in his back which were a result of the loads he had to carry.

Ethnicity: Rohingya
Age/sex: 22, male
Family situation: Mother, father, three older brothers (and their wives and children)
Occupation: Student (farmer)
From: Taungpyo, Maungdaw township, Rakhine State (village had 800 families)

The witness couldn’t take the swearing and beating by the NaSaKa any more, so he left Myanmar in 1992. He was taken for portering by the NaSaKa once when he was about 13. He was returning from school at about 4 p.m. and the NaSaKa took him at gunpoint. He told them he was a student, but they punched him and told him that they didn’t believe him. He had to carry weapons and food over a distance of 12 miles. The NaSaKa beat the porters and did not give them enough food (only one spoonful, and only rice or curry, never both). There were 200 or 300 other porters. Other members of his family also had to do forced labour (father and older brothers). Once they had to dig bunkers at the NaSaKa camp. They were also forced to do cultivation for the NaSaKa. One person from each family had to do this, for one day at a time. They usually had to do 12 days of forced labour per month. If villagers worked slowly, when they were tired, the NaSaKa said “fucking Indians” and beat them. They were beaten with bamboo sticks, which caused cuts on the skin like a knife. Once his little finger was broken when he was beaten. All the village had to do the same kind of forced labour; villagers also had to give provisions such as chickens, goats, coconuts and chillies to the NaSaKa camp. After he came to Bangladesh other families from his village also came; they are in the camps. Only one or two went back.

Ethnicity: Rohingya
Age/sex: 25, Male
Family situation: Twenty people, including mother, father, brothers, sisters and their families (he is youngest of his brothers and sisters)
Occupation: Cultivating land and fishing
From: Taungpyo, Maungdaw township, Rakhine State

The witness left Myanmar in 1992. The NaSaKa forced them to work, including building roads and cleaning their camp. The NaSaKa used to make work for them sometimes, by making the camp dirty just so they had to clean it. When the NaSaKa went on patrol they took Rohingya
students with them as porters (but not Rakhine students). He had to go many times, sometimes for one day, sometimes for up to 3-4 days. The NaSaKa used to take students as porters, because when they went on patrol the villagers were working in the fields and could not be found in the village, so it was easier to find students. The NaSaKa were usually in groups of 25-35, and they would take a similar number of students. The students were given food, and if they obeyed orders they were not mistreated, but if they argued or were unable to do what they were ordered, the soldiers would abuse them. He was never beaten, but he saw others beaten. If the Rohingyas performed prayer or other religious duties, the NaSaKa didn’t like it and tried to prevent it. He also had to go to the forest and cut trees for timber. He had to do this many times when he was a student. His younger and older brothers also had to do forced labour, but this was not talked about in his household, as he came from an upper-class family. He knew that other people from his village had to do other kinds of forced labour, but he never witnessed it himself. The NaSaKa didn’t bother about written orders or informing the village head, they just grabbed whoever they needed directly. He knew of people who died while carrying out forced labour. One person who was 16 or 17 could not carry the big log he was ordered to, fell down and so was kicked to death by the NaSaKa. He saw the body himself. Forced labour was a very big burden for the people because it meant that they were unable to earn a living. They also had to pay taxes to the NaSaKa--25 tin (bushels) per acre of land (with only one rice crop per year). They also received random orders from NaSaKa camps to give cash or food. These taxes ere only exacted from Muslims, not Rakhines. After 8th Standard he moved to Maungdaw (he was 18 or 19) and stayed with his brother there. He managed to avoid forced labour while in Maungdaw, by running away when troops came around rounding up people for forced labour. When he was in Maungdaw, an allegation was made against prominent Muslim students (including him) that they were RSO, but he was not in fact an RSO member. This was the reason he fled to Bangladesh.

Ethnicity: Rohingya
Age/sex: 21, male
Occupation: Shopkeeper
From: Taungpyo, Maungdaw township, Rakhine State

The witness left Myanmar in 1990. He was a shopkeeper with quite a big shop and good trade. His shop was in the market, and the NaSaKa used to come and buy goods at the market, then forced him to carry these goods to their camp, so he lost business because he had to close his shop when he did this. He was targeted for this portering because as a shopkeeper he had to remain in the market, whereas other people would run away when the NaSaKa came to the market to avoid being taken as porters: the NaSaKa did not allow him to try and find a replacement that he could hire to go in his place. He usually had to carry the goods to the NaSaKa camp at about 4 pm, and if the camp was near he could return the same day. Sometimes he was prevented from leaving after he had carried the goods to the camp, and was forced to stay at the camp, for up to 4 days. Once he tried to ask the NaSaKa to find someone else to be a porter, because he had a shop, but one of them threw a knife at him, which cut his knee. Other times he was beaten, and was bruised, but received no permanent injuries. He also had experience of being taken as a porter while travelling on the road.
Ethnicity: Rohingya
Age/sex: 20, male
Family situation: Nine (including parents, younger sister, younger brother, wife and children)
Occupation: Casual labourer, collecting firewood/bamboo for sale, as well as cultivating his 8 khani [3 acres] of land
From: Chin Taung, Buthidaung township, Rakhine State (village had 8,000 families)

The witness left Myanmar at the end of 1997 with all nine members of his family and along with many others from his village. Five hundred other families from his village have come to Bangladesh in the last two years. In Chin Taung the people were not able to do their own work, because of forced labour. Sometimes they had to do 12 to 14 days forced labour at a time, and they had to take their own food; sometimes they did not have enough food for the whole period and went hungry. Sometimes they only had five days break before being called for forced labour again. He had to do an average of 15 to 18 days of forced labour per month, so he had no time left to earn a living. Sometimes the NaSaKa would steal the food that the villagers brought with them, sometimes in order to eat it, but sometimes they would just throw it away to make problems for the people. He was beaten many times, sometimes without any particular reason; once he was punched several times in the chest by a soldier wearing a ring. They also had to pay a tax of 50 kyat and 20 chickens per fortnight, but they were usually unable to pay the cash. When this happened, they were punished by having their head, arms and legs put in stocks. This never happened to him, but it happened twice to his brother, for about eight hours at a time. Only Rohingyas had to pay tax and do forced labour. He wanted to move to Olafe village (because of excessive taxation and forced labour in Chin Taung), but this needed permission from the Village-tract LORC Chairman, which required 500 kyat. He did not have this money, so he moved without obtaining permission. After eight nights at Olafe he was arrested and then beaten by the Village-tract LORC Chairman for not obtaining the required permission, and forced to pay 1,000 kyat. Five days before he fled to Bangladesh, he had to stay 17 nights for forced labour carrying rice bags for the military. When he returned to his house he had no food, so he sold his cow for 6,000 kyat (1,000 kyat of which was taken by the NaSaKa in tax) and left.

Ethnicity: Rohingya
Age/sex: 27, female
Family situation: Seven (husband and five children)
Occupation: Family cultivated their own land
From: Khandong, Buthidaung township, Rakhine State (village had 900 families)

The witness left Myanmar at the beginning of 1997 with her family (she had left before in 1992 but went back). Fifteen days before she fled, a SLORC minister arrived in the village by helicopter and announced that a pagoda was to be built in the village. After this other SLORC officials arrived and announced that 60 families were to be forcibly relocated to make way for this pagoda, and that they had to move within 15 days. Another, larger area (300 families) also had to relocate within three months. This larger area was for Rakhine people to settle – since there was a pagoda, the officials wanted it to be a Buddhist village. The people in her village had to do forced labour. Groups of 20 to 40 people were taken away for periods ranging from seven days to three months. They had to construct roads, clear jungle, level ground. There was forced labour every month; her 12 year old son also had to do it. This had been going on since before the first time she fled to Bangladesh. The only thing that had changed after she returned...
to Myanmar was that there was then also portering for the patrolling NaSaKa, as well as the other kinds of forced labour. They had to do seven days of forced labour at a time, with seven days' rest in between, but the forced labour period was often more than seven days, and could be up to one month. Only Rohingyas had to do forced labour. When she returned to Myanmar in 1995, there was similar taxation and forced labour, but the duration of forced labour had increased from about three days at a time to up to 14 days at a time. The tax which had to be paid was a proportion of the rice crop; tax also had to be paid for renovating a house and for the birth of livestock or sale of livestock (700 to 1,000 kyat); one time her brother-in-law's house burned down and he had to pay tax to the NaSaKa to rebuild. She knew one person who was killed while doing forced labour. The person went for seven days of forced labour, and was killed because he was working slowly. The person was asked to clean the yard, and was slow to comply and tried to refuse, so he was beaten with a stick above the ear, and died. He was 30. The body was not returned. She also knew of another villager whose hip was fractured. She also heard that eight people were killed in another village, but since Muslims were not permitted to travel (particularly women), people in her village did not see this, but they did find one body in a canal. She criticized the UNHCR for saying that the situation had improved; when they went back they could not stay even 15 days before they had to do forced labour again. They found that the situation had not improved.

Ethnicity: Bengali
Age/sex: 30, male
Occupation: Journalist for Ajker Kagoj newspaper, since 1990

The witness was a local Bangladeshi who travelled frequently to Myanmar (though not as a journalist, since foreign journalists are not allowed to enter). He said that currently the Myanmar authorities were accusing the RSO of using the Bangladesh side of the border as a base from which to launch cross-border attacks on the NaSaKa. He thought this accusation was true. The NaSaKa were rounding up villagers to guard the border at night to prevent the RSO from crossing. He had witnessed this himself in villages in Myanmar. Villagers in Myanmar were also forced to give 40 kg of rice per hectare of land in tax, regardless of what crop (if any) they actually cultivated on the land. He had gathered a lot of information on oppression and forced labour, and in his opinion the situation had not improved since the last influx in 1991/92; it may even have become worse. He had seen the Rohingyas being treated like animals by the authorities. He has seen Rohingyas doing forced labour, as porters for the NaSaKa; he often saw this when he went to Myanmar. As more and more people became internal or external refugees, this increased the forced labour load for those who remained, which was one reason why the situation might be getting worse. Also, young Rohingyas were now being accused of being RSO, so they had to flee. He had also seen evidence of maltreatment of Rohingyas, in the form of bruises and cuts. He thought that the number of Rohingyas who had come to Bangladesh since 1978 was not less than 1.5 million, with at least 25,000 in the last year. He considered that there might soon be another major influx. One indication was a recent upsurge in RSO activity over the last one to two months. In the past this had resulted in retaliation by the NaSaKa on the civilian Rohingya population, causing them to flee. This happened before the 1991-2 influx. He knew of UNHCR projects in Bawli Bazar and Shahad Bazar in the north of Maungdaw township, where the people working on the projects were supposed to be paid, but in fact the UNHCR paid the NaSaKa, who implemented the project, but they did not pay the Rohingyas.
Ethnicity: Rohingya
Age/sex: 19, female
Occupation: Family cultivated land, vegetables, betel
From: Dub Ru Chaung, Buthidaung township, Rakhine State
(village had 300 families)

The witness was a refugee before, in 1991/92. She was repatriated and returned to her village, but there was no reduction in forced labour. She returned to Myanmar again in early 1998. The forced labour could last up to one month or six weeks at a time, so there was no way to make a living. They had to clear jungle, cut poles for construction, clean latrines, and work in NaSaKa paddy fields. Every family had to do this, but only Rohingyas. After repatriation her husband used to go to the forest to collect wood to sell. One time he was doing this when he was supposed to do forced labour, so he was beaten by the NaSaKa and his leg was injured and cut. He became angry after this and started complaining about the country and saying he wanted to leave. This came to the attention of Military Intelligence, who falsely accused him of being a smuggler, so he had to flee. Labourers were taken from the road or market; sometimes orders were given to the village head; sometimes people were taken directly from their houses. Sometimes girls were taken from the street to the army camp. She knew four girls from her village who were raped in this way (this happened after her repatriation). Rice and money had to be paid as tax, but only Rohingyas had to pay this tax.

Ethnicity: Rakhine, Buddhist
Sex: Male
Occupation: Retired Lieutenant Colonel
From: Not applicable

Witness spent his career in the military forces on the Bangladesh side, fought in three wars (Second World War, 1947 Indo-Pakistan conflict, 1971 Bangladesh independence war). He had never been to Burma because people there felt he was one of them and should have served in their armed forces, rather than Bangladesh’s. He had no particular information about the current situation in Myanmar. Since the Bangladeshi side of the river was now silted, most people fished on the Myanmar side, fishermen came over to sell their fish in Bangladesh. Border control was not very strict.

Ethnicity: Rohingya
Age/sex: 27, male
Family situation: Married with two children; has three brothers and two sisters
Education: 2nd Standard
Occupation: Day labourer
From: Sabbi Taung, Buthidaung township, Rakhine State

The witness left Buthidaung township for Bangladesh in July 1992, was repatriated in 1996 and came back to Bangladesh in early 1997. After his repatriation in 1996, he had to do various types of forced labour for the military in Buthidaung township: making fences for military quarters, building barracks, digging soil, collecting firewood. He was not paid and even had to
bring his own food. He had to go three or four times a month, sometimes for a week at a time, sometimes four or five days. The Sabbi Taung village head would get the written order from the military then tell the villagers to go; if the village head failed to send the villagers, he would have to go himself. Sabbi Taung had about 350 families; the village head would ask one person per family to perform forced labour. In the absence of a husband, in principle, a woman had to go, but she could send another person paid by her. In practice, he has seen women do forced labour. As for children, the military would not take a real minor (below ten) because he could not work. Naikangtaung was the main camp. Forced labourers were collected there from various villages and distributed to where needed. He had to go on foot for about ten miles from Sabbi Taung to Naikangtaung and, as needed, from there also on foot for six to seven miles to Sindi Prang or Poimali. He had to stay the nights where he worked and bring his food rations with him. After he was repatriated in 1996, the UNHCR had given some food (rice) rations for working on a pond for drinking water for Sabbi Taung village. The village head, at UNHCR’s behest asked for labour (volunteers). If someone did not want to go, he would not go. He himself had worked like a contractor, 40 persons working on the pond for 15 days would be given a number of sacks of rice and divide this among themselves. He worked there for a 20-day period, but had to leave the pond work during the same period when instructed by the authorities to do forced labour. He thus had to go twice, once for four days, once for five. This happened 15 days after he was repatriated. He also had to do porter service for soldiers on patrol. Once, before his 1992 exile, for two months in a row. After his repatriation, he had to go twice for ten days each. Before his 1992 exile, he was injured (showed his scars below the knee) when carrying heavy baggage along and falling. Wound from falling (not beating) took a long time to heal. He received no treatment. In 1996 (between repatriation and second flight), besides working for military camps the witness did not have to work for road building, but before he first left in 1992, he had to work for the planned road from Buthidaung to Sittway (Akyab). He had seen forced labourers being beaten by soldiers: if they could not carry out orders in time, did not understand the language of an order, took too much time for their meal, or were incapable of carrying the soldiers’ belongings (the soldiers did not care about the weight). Also, if anyone did not respond to the village head’s call up for forced labour, his name would be given to the military, who would arrest him and seriously beat him up. After his repatriation, he had seen people from his village beaten by the soldiers in about 20 cases. There were instances where people were shot dead but he had not witnessed any, though he had seen, before 1992, a 30 to 35 year old man from his village, whose name he did not remember, being beaten up so seriously that he later died. He had not witnessed any cases of sexual abuse of women from his village. In other villages, when the soldiers went to look for labourers and all the males fled, they took women to the camp. He heard this from eyewitnesses from Poimali village before 1992.

Ethnicity: Rohingya
Age/sex: 45, male
Family situation: Married with four children. Has two brothers and two sisters
Occupation: Selling his labour
From: Perella, Buthidaung township, Rakhine State

The witness came to Bangladesh for the first time in 1992 and was repatriated the same year. He came to Bangladesh again in early 1998, leaving his family behind in Myanmar because life had become very difficult, with too much forced labour and too many donations. He had to do forced labour many times for all three (two military and one police) camps near his village: clearing the ground, digging soil, collecting firewood, carrying water. He also had to give toll ("donation") money collected by the village head for the military intelligence. He had to go exactly once every month, for a week or sometimes ten days of forced labour. The village head’s jurisdiction extended over seven villages with about 350 families. In Perella village there were
about 35 families, and the village head called up by rotation ten persons at a time from his village about three times a month (the same for every other village), then distributed them to the camps. In addition, when the military were moving from one place to another, they could catch someone and take him as a porter. On 5 January 1998, he and his brother were going shopping in Sabbi Taung and his brother was caught on the way and had to carry the soldiers' belongings; he did not know where to or for how long. In 1997, he worked for a UNHCR road-building project. When called by the local village head, he volunteered to go for 16 days and got in return 21 kg of rice. But while working for the road, it was his turn to go for forced labour so he sent a substitute, to whom he paid 150 kyat. Once, late in 1997, he refused to go for forced labour. When called by the village head, he told him “If I go, my children will die”. So his name was given to the military. He was arrested on the same night, at midnight the military came to his house, took him to the Jadi Taung police camp, beat him up and held him until 3 p.m. the next day. He was released after his mother had sold her ornaments and given 2,000 kyat to the camp-in-charge. He had seen some other cases like that. He was never paid for forced labour and had to bring his own food. Once, over a year ago, he got sick with a bad stomach pain and was about to die, during forced labour in Buthidaung-Naikangtaung camp, the biggest, central military camp, where he had to go once every two or three months, on foot, 14 miles from his village. He always stayed at the camp when doing forced labour. When sick, he was not given any medicine. His friends in the camp carried him to a nearby civilian hospital, where he was given no medication, and had to go back to the camp. In the camp, he was allowed to rest, guarding the belongings of others. There were very few military people who were good, but this was a good one.

Seven to eight months ago in Poimali (Taraing camp), he witnessed a person being shot dead. In the camp there was a Mazi (leader) for every 80 labourers, and a head count by the military three times a day. In the evening, two persons from his group had disappeared. A soldier asked the Mazi to go a little bit further and shot him dead (name of victim: Hassan from Poimali village; 40 to 45 years old). In another incident three years ago, a man from Jadi Taung, Abdu Salam, had to collect bamboo for the military and was beaten to death. The witness was with him, they carried him back. There was an instruction for 100 pieces of bamboo per day to be cut per labourer. Abdu Salam could not complete 100, so when asked by a soldier he talked back because he knew the Burmese language, and for that reason was beaten to death. If a woman heading a household without adult male members was called up to supply labour, she could send a substitute labourer or a child. A widow with no children and who had no money would be asked to go to the village head's house. It depended on the village head, sometimes she had to work for the village head with his wives. With regard to children, boys would be taken from the age of ten upwards, sometimes it depended on size. Finally, he saw a 30-year-old woman from a nearby village raped at Poimali military camp seven to eight months ago. The village head gave the list of those refusing to do forced labour to the military: they went to seek these people. If they did not find the men, they took the women for three to four nights to the camp. So the woman was taken because they could not find the man. The women could not be seen in the camp; they were kept in a room.
<table>
<thead>
<tr>
<th>Ethnicity:</th>
<th>Rohingya</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age/sex:</td>
<td>30, male</td>
</tr>
<tr>
<td>Family situation:</td>
<td>Married with four children; has four brothers and four sisters</td>
</tr>
<tr>
<td>Education:</td>
<td>2nd Standard</td>
</tr>
<tr>
<td>Occupation:</td>
<td>Businessman, ran a shop in Maungdaw town. (Came to Teknaf in Bangladesh on a transit permit every week for two to three days to buy things, then went back to sell them in Maungdaw.)</td>
</tr>
<tr>
<td>From:</td>
<td>Su Za, Maungdaw township, Rakhine State (a village very close to Maungdaw town)</td>
</tr>
</tbody>
</table>

The witness was doing business when obliged to do forced labour, so he sent another person to whom he paid 200 kyat, two or three times per month. So he paid 400 kyat per month if it was two times and 600 kyat if it was three times. The order for forced labour came from the local authorities. The forced labour was for a NaSaKa camp, to build houses and dig soil. If there was nothing to do in the camp, the witness still had to send a labourer. He did not always send the same labourer. His understanding was that each time the forced labour was for one day only. When questioned why he had to do less forced labour than witnesses interviewed earlier the same day, he said it was because he was from a town (Su Za being virtually a suburb of Maungdaw). He wished to add that in town especially, the police stopped him often to take money out of his pocket without any reason; whatever they found in his pocket if they saw he was from a village, coming to town, “They behaved like robbers”.

<table>
<thead>
<tr>
<th>Ethnicity:</th>
<th>Rohingya</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age/sex:</td>
<td>45, female</td>
</tr>
<tr>
<td>Family situation:</td>
<td>Married with nine children</td>
</tr>
<tr>
<td>Occupation:</td>
<td>Housewife</td>
</tr>
<tr>
<td>From:</td>
<td>Gariroa village near Fatur Kila, Sittway (Akyab) township, Rakhine State</td>
</tr>
</tbody>
</table>

The witness stayed at her village until the whole population was relocated to different places over two years ago. She then stayed with her family for over six months in Dumsofara village, Rathedaung township until they came to Bangladesh one-and-a-half years ago (mid-1996). Before her relocation (over two years ago), the witness had to perform forced labour herself, carrying bricks for walkways in Tunku Shai military camp. The military gave the order to the village head, who did not ask her personally to go, but one person per family, so, if her husband was busy, she had to go (her husband made a living from two ox carts with four oxen). She had to go sometimes two or three times a month, sometimes once a month, sometimes for seven days in a row, sometimes for two or three. They did not know in advance for how long, the village head only collected the labour, then the military decided. She had to stay overnight at the camp. When her husband was there, he went. If someone was called and arrived late at the camp, the person was beaten by the soldiers. She had not seen this herself. Other women who had to perform forced labour at the camp were sexually molested and raped by the soldiers, including her husband’s sister, in the camp, when she was taken as a porter six or seven months before the village was relocated. She did not know the name or rank of the soldier who raped her sister-in-law.

Relocation. In the Fatur Kila area, Muslims were a minority. Five Muslim villages, including Gariroa, were relocated “by Government order” over two years ago. Gariroa village was near
the town and the whole Rohingya population was just removed, not for road building or some similar reason, and dispersed to several villages of Maungdaw and Rathedaung townships. Her family and a few others to Dumsofara in Rathedaung township. One day at 3 p.m. their house was marked, and the next morning they had to move, leaving their house behind; they were unable to organize their things. They had to leave their two ox carts and four oxen behind, the basis of their livelihood. The “authorities” came with guns and sticks, they were beaten because they were late moving, and were sent to Buthidaung by boat. From there to Dumsofara by truck and on foot. They were promised land in the new place but were not given any. They were not able to build a house, just a small hut smaller than the (small) hut they were currently in, and lived “almost as beggars”. In the new place as in the old, they were not allowed to move to other villages, to stop them from going back to their old village. In any case, after the election of 1989/90, a new law prohibited people from moving, not only Rohingyas.

After relocation. In the new village, Dumsofara, none of the relocated Rohingyas from Garoora were asked to do forced labour in the six months or more that the witness stayed there, while the original population of Dumsofara had to do forced labour. Most of the population was engaged in fishing, so they had to fish for the military authorities who came almost every day after fishing to see what they caught, and took all the good fish. In addition, they had to collect firewood and bamboo for the military, and work in their houses.

Ethnicity: Rohingya
Age/sex: 35, male
Family situation: Married with two sons and three daughters
Occupation: Farmer
From: Lambabil, Buthidaung township, Rakhine State.
(Two military camps and a military intelligence camp were near the village)

The witness left Myanmar in 1991 because of the torture to which he had been subjected and the forced labour he had to carry out. He could no longer provide for his family’s needs or farm his land. He had to carry out forced labour from the age of 12. There was not really an organized system. The order came from the camp, using the village head as intermediary, who sent a messenger to find the required labour. He had to do labour on average five to seven times a month. The work lasted an average of three to four days. There was not always somewhere to sleep. He had to bring his own food. He was not paid. It was impossible to refuse. The punishment for refusal was arrest. His wife looked after the farm during his absence. Each family had to provide one member to work. He was then the only one in his immediate family who could do this work. It was possible to pay a substitute (but he never did because he did not have enough income). It was not possible to bribe soldiers to avoid work. He had to put up fencing or bamboo in the camps (for vegetable gardens and animals that the soldiers kept there) and collect wood. He also had to do portering for the soldiers, carrying their food and munitions. He never saw any fighting. He acted as porter about twenty times. The assignments lasted from one to five days. Even if the order specified a given number of days, he often had to stay longer until other porters came to replace him. The soldiers confiscated food in the villages they had to pass through and he could eat the leftovers. He was beaten several times when he was unable to carry the loads. He believed that the situation in Myanmar has not changed (someone who arrived from there recently confirmed this to him). Finally, while in Myanmar, he had to pay a rice tax proportionate to the family income, which was used to feed the soldiers. The tax could not be avoided.
### Ethnicity:
- Rohingya

### Age/sex:
- 63 to 65
  - 25 to 30, female (witness 63); 25 to 30, female (witness 64);
  - 20 to 25, female (witness 65)

### Family situation:
- Married with five children (witness 63);
- married with two children (witness 64);
- married with five children (witness 65)

### Occupation:
- Husband was a farmer (witness 63);
- day labourer (witness 64);
- farmer (witness 65)

### From:
- Saab Bazar, Maungdaw township, Rakhine State
- Inn Saung, Buthidaung township, Rakhine State

The witnesses came to Bangladesh in early 1997 because of the forced labour which deprived them of the means of providing for their own needs. Their only choice was to leave Myanmar. The situation had grown worse in that respect. Only men were subject to forced labour, about eight to ten months a year. They had to collect wood, bamboo canes, build houses and act as porters between two villages or two camps. Witness 63’s husband was requisitioned to work as a porter for over a month just before he left for Bangladesh. He decided to leave when the authorities requisitioned him again for portering work. The work was not paid and there was no possibility to refuse, as any refusal could lead to torture and beatings by the military. It was always possible to send a substitute, since the rule of one male member per family still existed, it didn’t matter who went. The men carrying out the work were subjected to ill treatment, beatings with weapons or fists and kickings were common. In cases where the authorities could not find the husband, they threatened to take the wives or simply seized the family’s property and possessions. Witness 63 knew women who had been taken by the authorities. In her village, the village head had been told to provide the military with women. As he was also a Rohingya, he refused, and told the military to do it themselves. Her husband told her that women had been taken. Also, in Myanmar, donations were demanded from the Rohingyas by the Rakhines to finance all kinds of activity (social activities, religious activities, picnics). The Rohingyas had to help finance buildings. The amount depended on the time and the circumstances. So, in addition to doing unpaid labour, men had to work to earn the money needed to pay these compulsory taxes.

---

### Ethnicity:
- Rohingya

### Age/sex:
- 66
  - 25, female

### Family situation:
- Married with husband and four children

### Occupation:
- Farmer and small trader

### From:
- Kachibil, Maungdaw township, Rakhine State. (The village had about 200 families; there was a NaSaKa camp in the village and a military camp two miles away)

The witness left Myanmar in early 1997 with her family. They left Myanmar because they could not stand the situation anymore. They came with another family from her village. More than 40 families from the village had left that year. With regard to forced labour, her husband had to work for the military and for the NaSaKa: gathering wood and fetching water, making rope, house-building. Portering. The husband was away five to ten times a month to work. There was no way of providing for her needs while her husband was away. He did not receive any help from the neighbours. Her husband was beaten on many occasions. At least thirty times. He had even been seriously injured on one occasion. If he was unable to carry the loads he was given, then he was requisitioned to work as a porter, beatings, punches and kicks were frequent. The order to carry out forced labour came from the NaSaKa or the military, who transmitted it
through the village head. They also had to pay considerable amounts as donations. The amounts varied depending on the circumstances, i.e. the activities of the military, the NaSaKa or the Rakhines. About 2,000 kyat. The witness considered that only the rich could stay in Myanmar because they could pay their donations and hire substitutes to carry out the forced labour.

Ethnicity: Rohingya
Age/sex: 25, female
Family situation: Married
Occupation: Farmer
From: Nerebil, Maungdaw township, Rakhine State

The witness had come the first time with the flow of refugees in 1992. She went back to Myanmar and left again in late 1997. She had personally been repatriated about six months before (repatriation of July 1997). Her husband was in prison in Bangladesh. After using up the allowance received from UNHCR, she had to come back to Bangladesh because she had no means of providing for her family in Myanmar. She had not personally had to do forced labour. The family had to pay the military several times to prevent her father-in-law being forced to work. This happened at least on six or seven occasions. The amounts varied: 200 to 300 kyat per time. She confirmed that there was still forced labour in Myanmar and that all those close to her had been forced to work.

Ethnicity: Rohingya
Age/sex: 70, male
Family situation: Married with two sons
Occupation: Trader - sold vegetables in the market
From: Naisapuru, Maungdaw township, Rakhine State

The witness left Myanmar six or seven months earlier (in mid-1997) because he found that the situation had become intolerable because of the forced labour and taxes to be paid to the authorities. If there were no forced labour and taxes, Myanmar would be a place where people would want to live. The flow of refugees from Myanmar to Bangladesh would eventually be reversed. His two sons had to do forced labour: road building, collecting wood and portering for the military. He was unable to give details. He indicated that even the elderly were requisitioned for forced labour.
Ethnicity: Rohingya
Age/sex: 35, male
Family situation: Married with two children
Occupation: Day labourer
From: Poimali, Buthidaung township, Rakhine State
(village had 4,000 families; there was a large NaSaKa camp in the village)

The witness had to leave Myanmar in early 1997 and came to Bangladesh with two families from his village. Several other families had left Myanmar since he left. He left because life had become intolerable for a family with little income. Forced labour and the obligation to pay taxes prevented the men in those families from providing for their needs. He personally had to carry out forced labour: collecting wood, road building. He had to do it on average three or four times a month. He had to be away from his home for one or two days. He was not paid. He could not refuse because he was threatened with torture. As he had never refused, he had never personally been tortured, but he knew several people who had been beaten. The order to do forced labour came from the military who used the services of the village head to transmit the order. He also had to pay considerable amounts in taxes, which varied depending on the circumstances and the needs of the military.

Ethnicity: Rohingya
Age/sex: 25, female
Family situation: Married with two children
Occupation: Farmer
From: Thaimongkhali, Buthidaung township, Rakhine State
(there was a NaSaKa camp in the village)

The witness left Myanmar in mid-1997. Her husband was requisitioned by the NaSaKa for forced labour about two months before she left for Bangladesh. He never came back. The authorities came to her, when her husband was away, to requisition him again. They suspected her of hiding him. She was no longer able to stand the pressure on her and decided to leave Myanmar to come to Bangladesh. Her husband had been requisitioned many times for forced labour: collecting wood, looking after soldiers’ livestock, bringing water, carrying soldiers’ equipment and rations. Her husband was requisitioned five or six times a month. Before he disappeared, her husband had been requisitioned to work for a month. He was requisitioned as a porter to accompany a NaSaKa patrol. The men who had to carry out forced labour were subject to ill treatment. Her husband had been beaten with a rifle on one occasion when he had no longer been able to carry his load. When the husbands were away, the women were often subjected to sexual abuse. She had personally been sexually abused. The order to carry out labour came from the military, who used the services of the village head. The latter asked a messenger to inform the men of the work they had to do. It was also compulsory to pay the taxes demanded from time to time by the military. The amount and the frequency depended on the circumstances and the needs of the military.
Forced labour in Myanmar

Ethnicity: Rohingya 71
Age/sex: 70, male
Family situation: Twelve members (he and his wife and ten children)
Occupation: Farmer
From: Gong Gri, Buthidaung township, Rakhine State (before influx there were 40 families in the village, now four)

The witness indicated that soldiers came to a village near his (named Poimali) and picked up three students for portering, but they never returned. He feared the same may happen to his sons, and this is why he came to Bangladesh. He arrived in 1991, with 20 other families from his village; he knows of another ten families who came subsequently (some of these have since returned). Every house in his village had to provide at least one forced labourer, for up to 15 days at a time. If there was more than one male who was old enough, then they could take turns. The army took them as porters on patrol in the hill areas. There were two military camps near his village, one north, one south. Then it was the military, now it has been renamed NaSaKa. The villagers had to build these camps (the site would be selected by the military, then the order would be given via the village head to build the camp). The first army camps were built in the area in 1962-65; there has been portering since 1975. At first it was once every three or four months, but later (when he left) it had increased so it was almost every day. Other forced labour included working at the military camp (doing fencing and cleaning). The villagers also had to provide chickens to the military camp every month for food. He had three sons, who had to go for forced labour in turns. During forced labour, if anyone made a mistake in carrying out orders, they would be beaten (with hand or other nearby object). He has seen people return from forced labour wounded or sick (one person had a dislocated ankle); he has heard of people who died during forced labour, but has not seen it. There was no cash given for forced labour, but food was given (not good food, but edible, and only for the labourer, not family). They had to give rice as a tax. Everyone had to give this tax, but Muslims had to give twice as much as others. Also, monthly "donations" had to be give for maintenance of the army camp (about 100 kyat per month, but it was variable). Rakhines did not have to pay his money, or go for forced labour. People who couldn't pay the tax would be detained and beaten, and their land would be confiscated and given to Rakhine people. One month before he came to Bangladesh (in the dry season) Rohingya villagers went to the jungle to collect bamboo, as they always did. Forty-five people went for 15 days to the jungle, and on their return passed near to an army camp. They were seen by the camp and forced to distribute all the bamboo and wood they had collected to Rakhine families. People who have come to Bangladesh after previously being repatriated claim that some UNHCR projects required bricks, and this responsibility was given to the NaSaKa. The NaSaKa opened a kiln, then forced people to collect wood from the forest as fuel, without payment, even though funds for this had been given to NaSaKa by the UNHCR. People who had fled again after being repatriated say they could not stay a second in peace after being repatriated. That is why they fled again.

Ethnicity: Rohingya 72
Age/sex: 38, male
Family situation: Seven (he and his wife and five children)
Occupation: His parents had a farm, he was a trader and shopkeeper
From: Kyein Chaung, Maungdaw township, Rakhine State (village had 800 families)

In 1991, the witness was waiting (with others) by the road one night for a rice shipment to arrive. An officer and four soldiers came and rudely asked them what they were doing, since
they were out after curfew. They said they were waiting for a rice shipment, and that the soldiers should understand that they still had to do their work in spite of the curfew. Soldiers took him as a porter, tying his wrists with a rope, which they said was to prevent him from escaping. As they moved, three more porters were also captured, and tied up similarly. Then they came to a house with a light on, and the soldiers called out, asking if there were any men in the house. A woman's voice replied that there were not, but a soldier went in to check, and then tried to rape the woman. He did not know if the rape was carried out, because then the husband returned and tried to stop the soldier. The soldier hit the man three times on the head with a stick. The soldier threatened the porters who had witnessed what happened not to tell anyone. At this point the soldiers untied the witness, and told him not to run away, or they would destroy his shop. They then went to another house, but the man had run away, so they took two chickens. The next house they went to there was an old woman and two teenage girls, who were asleep in sarongs. The soldiers ripped off their sarongs, and he thought they would have raped them, but there were too many people around. In that house there was a chest containing clothes. The soldiers found 750 kyat in the chest, and took it together with an umbrella, sarong and some blankets. The next house they went to the soldiers raped a woman. In another house they beat a man with a stick. In the next house, they hit the younger sister of the village head, so she ran to another house, and they followed her and hit the old woman in that house. They collected porters that night until 2 a.m., then returned to their camp. On the way back to the camp, a soldier told him that if he bought him a bottle of alcohol, he could be released. He bought a bottle for 250 kyat, and was released. The next morning a lot of people around his shop were talking and asking what had happened the previous night, saying they had heard rumours. He waited to see what would happen, and four police arrived asking if he had made trouble with the soldiers, and saying that they thought the soldiers would come and get him. That was when he left and came to Bangladesh. He also had other experience with forced labour. Soldiers used to come to his shop, and demand that he carry provisions to their camp. He first did forced labour when he was 15 (the first thing was portering for soldiers on patrol). Portering would usually last for two to three days at a time, and he sometimes had to go as often as once a week, but it depended. The other villagers also had to do forced labour-carrying things, and building and maintaining army camps. (He said that the first army camps were built in the area a long time ago, when the BSPP government came to power.) There was also other kinds of forced labour: everything imaginable, such as digging drainage ditches, building roads, sweeping roads for mines, and all kinds of work associated with maintaining army camps. Forced labour started to increase after 1988. Now people have to go for 15 days or one month at a time, whereas before 1988 it was one day per week. For the last two years, there have been at least 100 people at a time doing forced labour in his village. His father and brother are still there and he sometimes has contact with them, so he still gets information about the situation in his village. During forced labour, the soldiers swore at the villagers and beat them if they were slow, and sometimes they also took money from them. He was beaten one time when he was a porter. His load was too heavy, and he told the soldier he could not carry it as he was not a manual labourer and was not used to such heavy loads; the soldier got a stick and beat him. People in his village also had to pay taxes: whenever the army came to the village the people had to give them food, oil, spices and chillies. It was not systematic; sometimes twice a month, sometimes four times, whenever the army came through. He left for Bangladesh because he couldn't stand the situation any more. He left on his own, but all together about 700 families left his village at that time; some were still there, and others went back. Of those who went back, many have fled again, but they did not come to the camp where he was. Some were still coming out (50 families have come recently, gradually, not all at the same time). The recent arrivals gave him information about the current situation. The situation now was not worse than before, but not much better. If anyone complains to the UNHCR, the NaSaKa take revenge on them. People still had to work for 15 days a month for the NaSaKa. The also worked about 15 days a month for the UNHCR, for which they received rice, oil and beans; when they worked for the NaSaKa, they only received a stick (i.e. a beating). The NaSaKa were not involved in food payment on UNHCR projects; the UNHCR had a representative who was himself a Muslim, and he gave them the food directly. He had not heard of the NaSaKa taking the food.
Forced labour in Myanmar

Ethnicity: Rohingya
Family situation: Ten (him, wife, six children, daughter-in-law, grandson)
Occupation: Village head
From: Village in Maungdaw township, Rakhine State (village had 600 households at the time of his leaving) [village name withheld at the request of the witness]

The witness left Myanmar in 1990. He was involved with the democracy movement, and after Aung San Suu Kyi was arrested things started to get difficult for him and he had to flee. There has been forced labour in his village since 1962, but it increased greatly after the SLORC came to power in 1988. Now it is the NaSaKa which demands forced labour; before the NaSaKa was set up, it was the army. He had to provide 200 labourers from his village at a time to work at the NaSaKa camps near the village. He had to rotate the 200 people, and they would not be released until 200 replacements arrived. There were no written orders. Army/NaSaKa camps had to be built by the villagers. They had to build the entire camp, and then maintain and repair it once it was built. Repairs had to be carried out mainly at the end of each rainy season. There were three camps near his village (at one, two, and four miles distance from the village, respectively). One of the camps was a small camp, and the village had to provide 50 people permanently to work there, day and night. They had to provide their own food. At one of the larger camps there was a shrimp farm, where there were 400 people at one time from 22 different villages doing forced labour. The profits of the shrimp farm would be kept by the military. All work related to the shrimp farm had to be carried out by the villagers. For example, the villagers would be ordered to collect a given quantity of young shrimps from rivers to populate the shrimp farm. They would then be required to provide a certain quantity of cow manure to the shrimp farm on a regular basis. If the villagers failed to provide the required quantity then he, as the village head, would be put in stocks. This happened to him several times, on one occasion for a period of five days. Sometimes he was arrested and put in stocks as an incentive for the villagers to carry out orders. The villagers had to do all kinds of forced labour for the military/NaSaKa. It was impossible to list all the different forms; anything that needed to be done would be done using the villagers as forced labour, such as collecting timber, collecting firewood, digging trenches. He could not estimate the number of days per month a villager would normally spend doing forced labour, but five days per week with only two days to work for yourself would not be unusual. The NaSaKa did not follow any laws; "whatever came out of their mouths was the law". If a military officer came from Yangon, the villagers would have to provide food for the camp which was hosting him. The NaSaKa beat the villagers. Many people were beaten to death during forced labour. Even old people were forced to do labour, and were punished for not working quickly by being thrown in the shrimp pond. This was even done in winter, when it was very cold. Many old people died in this way. When the authorities wanted to build a secondary school the village had to provide 70,000 kyat for this. Whatever the military put their stamp on, the villagers had to obey. There was also extortion in the form of various taxes. A proportion of the rice crop had to be given to the government, and another proportion to the NaSaKa, and another proportion to the local Rakhines, and another proportion to the Buddhist monastery (even though the villagers were Muslim), "How would you feel if you paid 100 kyat to one soldier, then another soldier came up, and asked for 200 kyat, and so on? That is why people left." There were not many Rakhine people in his area, but those that were there did not have to pay taxes or do forced labour. In his village the Rohingyas were not forced to do work for the Rakhines. The NaSaKa would come to the village head and find out who the rich people were in the village. They would then arrest these people, and accuse them of being rebel collaborators. They or their families would then have to pay 10,000 kyat or 50,000 kyat or whatever the NaSaKa thought they could get for their release. After they had gone around doing this in all the villages, they came to him, because he was fairly rich. He had inherited money from his father and had been able to build a two-storey house. They arrested his eldest son. They tortured his son for seven days. His son was forced to go across sharp stones on his knees, and had thorns put in the soles of his feet. He was also tortured with electricity. They did not know why he was arrested; no reason was given. He was released after seven days.
after the family paid 50,000 kyat. Then his son was arrested again, this time for 40 days, on the charge of being involved in politics. This was not true. He was scared that his son would be sent to prison in Yangon, and would die. He had to pay money again to get his son released. The total he ended up paying for his son was 400,000 kyat. He had to sell everything he owned to raise this money. He was advised by friends that he should not continue to stay in the village, or he would face more problems, so he decided to flee to Bangladesh. This was during the rainy season. He told no one, not even his mother. He left the village in the middle of the night with his wife, six children, grandson and daughter-in-law. He had some information about the current situation in his village. He had heard that it was a little better since the UNHCR established a presence than at the time when he left, but there was still portering, forced labour and high taxation. The amount of forced labour had decreased, but there were now less people in the villages to do it, so the actual amount that a particular villager had to do had not decreased much. There had been a decrease in portering, however. There were currently about 500 households left in his village.

**Ethnicity:** Rohingya  
**Sex:** Male  
**Occupation:** Student  
**From:** Village in Maungdaw township, Rakhine State

The witness, from the same village as witness 73 and present during the testimony of that witness, added: “Buddhist people have temples, and we Rohingyas have mosques. But our mosques have been locked up by the authorities so we cannot pray. Graveyards are holy places for any religion, but in our village, an army camp was built on top of the graveyard. They even opened an alcohol shop there. They specially pick out the Muslims for persecution. They deliberately do things insulting to our religion. They rape the women. Our religious leaders are important to our life. They explain the meaning of religious texts to us, but the authorities choose especially these people to do forced labour. I had to do forced labour while I was a school student. We were beaten while we were doing the forced labour. Students from eighth, ninth and tenth Standards had to do Portering. People also had to do forced labour building new villages for Buddhist Rakhines. Muslims have no value and no freedom in Rakhine State.”

**Ethnicity:** Rohingya  
**Age/sex:** 32, male  
**Family situation:** Married with one child  
**Occupation:** Soldier  
**From:** Buthidaung town, Rakhine State

The witness was present during the testimonies of witnesses 73 and 74, and added the following: he left Myanmar in 1994. He was a Rohingya, but looked like a Rakhine. Muslims were not allowed in the army, but they did not realise he was a Muslim. He demonstrated in the 1988 uprising with other soldiers. At that time the army discovered he was Muslim. Their reaction was: “Oh no, we had a Muslim in our midst all this time and didn’t know”. He saw the extent of anti-Muslim feeling in the army when he was a soldier. Most soldiers, including the high-ranking officers, were of the opinion that the best thing was for all the Muslims to leave Myanmar, since it was not their country. They wanted all the Muslims to pack up and leave, and the policy was directed to that end.
Forced labour in Myanmar

Ethnicity: Rohingya
Age/sex: 51, male
Family situation: 12 (him, wife and ten children)
Occupation: Bicycle mechanic (owned a bicycle repair shop)
From: Buthidaung town, Rakhine State

The witness left Myanmar in 1992. The Government oppressed the Rohingyas in many ways. They were not allowed to travel and were discriminated against as Muslims (for example, they were not allowed to have Muslim schools or do business freely). Soldiers would take Muslims from the town to clean up their army camp. This had been going on for decades. The soldiers always said that they were not from Burma. There was one army barracks in the town, but several battalions in the township. They came in 1990. The camps and barracks were all built with forced labour from the local people. The situation was worse for people living in villages. The soldiers would force people to move to make space for an army camp, and then those same people would be forced to build that army camp. Once the army camp was built, the people would be forced to move away, but they would not be given any new place to go to. They were told: “You are Indians. Go back to where you came from.” The soldiers would even take their money, saying “This is Burmese money. You are an Indian, so you have no need of this money.” Whenever the soldiers moved, they took local people to carry their things. They only took Muslims. They just grabbed whoever they needed, often 100 or 200 people at a time. There was no fixed period that someone would have to do this work. They just had to continue for as long as the soldiers wanted them, sometimes for as long as one or two months. Many people died during Portering. They gave the porters no money, and they even would have to bring their own food. When all the men ran away to avoid being taken as porters, the soldiers would rape the women. This happened very often. Some girls were taken away to the army camp and raped there; often they became pregnant as a result. Sometimes the soldiers would kill the girls who became pregnant. In one case, he knew of a girl who was taken to an army camp and raped. She became pregnant, and was kept at the army camp until she had the baby, but she died during childbirth. There was also forced labour that the people in Buthidaung town, including him, were forced to do by the soldiers. They had to clean up the town, and construct roads. There was usually no systematic way that this was organized; the soldiers would just grab people. There was also religious discrimination. The Muslims had no freedom of religion. They could not have Muslim schools. They were prevented from wearing Muslim clothing. They were told: “You can’t dress like that. This is not your country. If you want to dress like that, go to your own country.” The Muslims also had to pay taxes and extortion which the Rakhine inhabitants did not. Any time the soldiers wanted money, they would just demand it. The people gave them money, but it just got worse, because the people were very poor, and they were always being asked for more money. He was often taken from his bicycle repair shop for forced labour and Portering. Rakhine people did not have to do forced labour.

Ethnicity:  
Age/sex: 44, male
Family situation: Eight (him, wife and six children)
Occupation: Teacher
From: Village near Buthidaung town, Rakhine State  
[village name withheld at the request of the witness]

The witness left Myanmar in 1992 with his family and his elder brother. In 1990 the villagers had to build an army camp. They had to provide their own food, and were beaten by the soldiers while doing this work. Also in 1990, some villagers’ land was confiscated and given to Rakhine
families. They had to continue to work on the land for the Rakhine families. They were forced to do this by the army, and were not paid. His land was not taken.

Ethnicity: Rohingya  
Age/sex: 45, male  
Family situation: Ten (him, wife and eight children)  
Occupation: Township clerk; his family did farming  
From: Buthidaung town, Rakhine State

The witness left Myanmar in 1991. He had his land confiscated and an army camp was built on it. He and other people were forced to build this camp. He also did Portering. While he was away portering one time, his wife was raped by soldiers. This happened on the 21 February 1991. That was when he decided to come to Bangladesh. He was a township clerk, and had to arrange for people to do forced labour. He also had to do forced labour himself. If he could not do forced labour, he had to pay a substitute 30 to 50 kyat per day. When he did not have money he would have to go himself.

Ethnicity: Rohingya  
Age/sex: 36, male  
Family situation: Five (him, wife and three children)  
Occupation: Businessman  
From: Sittway (Akyab) town, Rakhine State

The witness came to Bangladesh in 1992 because of excessive taxation and forced labour. He could not continue to run his business and do forced labour. He was a trader, a middle-man for trade from Yangon. As of 1990 it was impossible for him to travel any more, and the traders he worked with from Yangon, who were also Muslim, could not travel to him. Some of the Muslims in Sittway had their houses confiscated. They also had to do forced labour. There were about 12,000 soldiers in the area. Locals had to carry supplies to the camps of these soldiers. This started after 1988. He only did forced labour once, in 1988. He was taken as a porter for 15 days in the jungle. The Muslims also had to pay very high taxes, which the Rakhines did not have to pay. As a businessman he usually managed to avoid forced labour, and the worst of the taxes.

Ethnicity: Rohingya  
Age/sex: 30, male  
Family situation: Married with two children  
Occupation: Fisherman  
From: Mongni Para, Maungdaw township, Rakhine State (village had about 3,000 families)

The witness left Myanmar in early 1997 with his family. More than 400 families have left his village. He had to do forced labour for the military in the mountains. He had to collect wood,
act as porter and stand guard, since the village was near the border with Bangladesh. He had to work on average at least once a week. He had to do forced labour from the age of 15. He continued until his departure from Myanmar. He had to bring his own food. He was not paid. It was not possible to refuse because any reluctance could result in a beating. He had never refused but he knew people who had and who had been badly beaten. All the families in the village had to provide one man to perform the work. The order to carry out the work came from the military, who transmitted it through the village head. He had to pay money for the construction of schools and all kinds of activities (social, religious or sporting) of the military or Rakhines. If it was not possible to pay, they then had to do additional work in the camps. They had to pay these taxes at least three times a month.

Ethnicity: Rohingya
Age/sex: 60, male
Family situation: Widower with two sons
Occupation: Farmer
From: Khoirmorapara, Buthidaung township, Rakhine State (village had about 300 families; military camp and military intelligence camp nearby)

After the death of the witness’s wife, he often had to be away to carry out forced labour. Then there was no one to look after his sons. He left with his children in early 1997. More than 100 families have left his village to his knowledge. With regard to forced labour, he had to do more or less everything in the military camp: prepare food, wash clothes, collect wood. The assignment could last up to three days or as much as seven days. He had to work on average ten to 12 times a month. The day generally began at dawn and ended at 7 or 9 p.m. He was not paid. He had to bring his own food. It was impossible to refuse because those who did were systematically arrested. He had never himself refused. It was possible to pay a substitute to carry out the designated work. He did forced labour for the first time at the age of 30. He continued until his departure. The order came from the military, who transmitted it through the village head. The men recruited for the work were subjected to ill treatment. He himself had been beaten when he fell asleep at work. Seventeen people from his village had been killed just before he left. His village had been subjected to reprisals by the military because members of the RSO were supposed to have taken refuge there. He had to pay an average of 40 kyat a week in taxes. That was the amount payable by the poorest. If there was a decision to build a camp, it was built by forced labour and financed by the payment of taxes. That was how the camp near his village was built. The taxes were also used to pay for the various activities of the military.

Ethnicity: Rohingya
Age/sex: 40, male
Occupation: Farmer
From: Fatecha, Buthidaung township, Rakhine State (village had 52 families)

The witness came the first time in 1991/92 with several families from his village. Ten stayed and several later went back to Myanmar. He himself went back in 1994 and returned to Bangladesh late in 1996. With regard to forced labour, the situation had worsened between his two periods in Bangladesh. Previously, he had to do six to eight days a month. Before leaving the second time, the number of days had been raised to around ten to 15 days a month. He did
forced labour for the first time at the age of ten or 12. He had continued until his departure. He had been requisitioned to build a military camp, collect wood and bamboo poles. He had to bring his own food. He was not paid. He sometimes had to stay a week at the site of his assignment. There was not always shelter to sleep. He slept in the huts he was building. He could not refuse because any refusal could lead to a beating and a fine (about 2,000 kyat). The day began about 6 a.m. and ended at sunset. The order came from the military, who transmitted it through the village head. The men who had to do forced labour were subjected to ill treatment, and were regularly beaten. He himself had been beaten and had even lost a tooth on one occasion. Taxes increased after his return. Before, they were about ten to 15 kyat a month. After his return, they were about 200 kyat a month. Any excuse was sufficient to extract money from them (sporting, religious or social activities). They had ten days to find the money to pay the taxes, without exception.

Ethnicity:        Rohingya  
Sex:              Male  
Family situation: Married with two children  
Occupation:       Small trader  
From:            Tatupur, Buthidaung township, Rakhine State  
(village had about 500 families; there was a NaSaKa camp in the village)

The witness had to leave Myanmar because he was accused of belonging to the RSO. He left in early 1997 with his family. Fifty eight families left with him. In 1993, he had to pay 130,000 kyat to the SLORC and the NaSaKa to prevent his family being killed because he was suspected of belonging to the RSO. His uncle, who was returning from Saudi Arabia, was murdered for the same reason. He had to sell his land to pay. He had to leave when the situation became intolerable. As he came from a family with a certain amount of property, he did not have to do forced labour. He could pay substitutes. He had to pay an average of 400 kyat three or four times a month. He had to pay substitutes for the first time when he was a child. The order came from the army which transmitted it through the village head. All the men in his village were subject to forced labour, with each family having to provide one member. The treatment to which they were subjected varied. If, for example, a group of people had been ordered to provide a certain quantity of bamboo and did not achieve the specified quota, the whole group was punished. For the wealthiest, the fine was mostly a sum of money. The others were sent to Bangladesh. With regard to taxes, he had to pay money for all the activities organized by the military (games, pagodas, religious activities). He had to pay an average of 400 to 500 kyat a month.

Ethnicity:        Rohingya  
Age/sex:         30, male  
Family situation: Married with four children  
Occupation:       Small trader  
From:            Kachibil, Maungdaw township, Rakhine State (village had about 180 families; there was a NaSaKa camp nearby)

The witness left Myanmar in the course of 1997. He escaped from the NaSaKa camp where he had been held prisoner for seven months because he had only paid 800 kyat out of the 1,200 exacted by the military. He was later joined in Bangladesh by his family. About ten
families accompanied his own when they left. He had come to Bangladesh the first time with
the influx of refugees in 1991. He was repatriated in 1994. He thought that the situation grew
worse in the time between his two stays in Bangladesh. Previously, forced labour was mainly
for the police. Now, men had to work for the NaSaKa. The conditions were more difficult and
dangerous. Bribes were also higher. During the day, he had to work in the camp: general
cleaning, washing soldiers’ clothes, collecting wood, building paths and tracks inside the camp.
At night, he had to do sentry duty for the soldiers. The orders came from the military, who
transmitted them through the village head. He had to work about three times a week. He had to
do it the first time when he was a child. He had to bring his own food. He was not paid. He
could not refuse. When he was repatriated, he was even arrested, and the authorities asked him
to pay them the money received from the UNHCR.

Ethnicity: Rohingya
Age/sex: 40, male
Family situation: Two (him and wife)
Occupation: Farmer
From: Fansi, Buthidaung township, Rakhine State

The witness came to Bangladesh in 1991/92 because of various forms of oppression which
meant that his family could no longer make a living. There had been forced labour in the area
for the military since the time he was born. There were two army camps at Sindaung, and people
from his village were made to do forced labour there. He went once himself, and three other
times he paid money to hire a replacement. There were many other kinds of forced labour. He
used to have to spend about half his time doing forced labour. He would have to work for a
week, then have one week to do his own work, then he would have to do forced labour for
another week, and so on. There were many different kinds of work: portering, collecting
bamboo, levelling and clearing ground for the construction of camps, constructing buildings,
clearing jungle to make land for cultivation and so on. He was abused and beaten while doing
this work. One time he was slow while portering, and the soldiers were in a hurry. He was beaten
and still has pain in his wrist now from the beating. The other time he particularly remembers
was also while Portering. His load was very heavy, and he stumbled forward, and some of his
load fell, so he was beaten. When he was away doing forced labour, his younger brothers would
take care of the farm work, and when they were away, he would do it.

Ethnicity: Rohingya
Age/sex: 46, male
Family situation: Nine (him, wife and seven children)
Occupation: Trader
From: Buthidaung town, Rakhine State

The witness left Myanmar in March 1992. He was a trader. He traded in timber and rice,
and then he bought a license to buy and sell cattle. He did not have freedom of movement, and
so had to pay money to get travel passes whenever he wanted to travel more than eight
kilometres. He also paid about 30,000 kyat per year as a trade tax. He saw many people taken
for forced labour. He also knew of women who were harassed when their husbands were away
doing forced labour. Because his job meant he travelled a lot, he gained a lot of experience about
the situation in different areas. Because people regarded him as an influential Muslim, they
would tell him about their situation and problems, because they thought he had some influence.
with the authorities. In this way he learned a lot about the situation in the areas he travelled to. In his regular dealings with the authorities, he would pass on information about the situation in different areas. Whenever he got a pass to travel somewhere, he would have to report back to the authorities when he returned, and at this time they would ask him where he went and what he had done. It was at this time that he passed on some of the information he had been given by the villagers. The authorities became annoyed because he always knew very well what the situation was in different areas, and they began to suspect him. They thought he was involved in politics and was doing work for the NLD. He was warned by friends in the local administration that he would face some problems, and so he decided to leave. He never did forced labour himself, but he often saw other people doing forced labour when he travelled. Two or three times he also saw people being rounded up for forced labour.

Ethnicity: Rohingya
Age/sex: 68, male
Family situation: Ten (him, wife and eight children)
Occupation: Carpenter
From: Monikul hamlet, Lawadok Pranshi village, Buthidaung township, Rakhine State

The witness left Myanmar in 1992. He was born and grew up in Minbya, but moved to Buthidaung township after Second World War. He never did forced labour himself, but one person from his household was required to do forced labour on a regular basis. His three sons would do this, by rotation. This has been going on since 1962. His sons would usually be away for two or three days, doing different kinds of forced labour. He came to Bangladesh because he was a supporter of the NLD, and after the 1990 elections NLD supporters were being arrested. He was worried that he would be targeted because he had filed a complaint with the authorities regarding harassment of women, so he left. He previously came to Bangladesh in 1970, but was repatriated. He does not want to be forced to return again.

Ethnicity: Rohingya
Sex: Male
Occupation: Village head
From: Village in Buthidaung township, Rakhine State [village name withheld at the request of the witness]

The main reasons why the witness fled to Bangladesh in 1992 were forced labour, taxation, and treatment by the authorities. After the elections in 1990, the SLORC did not accept the results, and began arresting students and community leaders. At this time, some people started to flee. Forced labour and oppression started to increase. Women who were left alone in villages were harassed. Property and land were also confiscated from the Muslims. As more and more Muslims fled, the situation began to break down. The authorities imposed strict travel restrictions on Muslims. Farms, shrimp ponds and other assets were confiscated from Muslims and given to Rakhines. His whole village had to do two days of forced labour each week, every week of the year. Treatment by the soldiers was very bad; many villagers were beaten.
Ethnicity: Karenni
Age/sex: 28, male
Family situation: Married with one son
Occupation: Teacher from 1988 to 1990 (primary school) in his village, then joined the KNPP
From: Paloaung, Loikaw township, Kayah State (village had some 40 families; army camp in village since 1990)

The witness left Myanmar on 12 May 1997 with 12 other people from his village. Several other families came later. He had to work in an army camp when he was 21/22 years old (six years earlier) for two years. He had to work all year round, two to three times per month. He worked on security and electrical installations. The orders to work there generally came from the village head. The military came on a number of occasions directly to the houses to find the necessary labour. Each family had to provide one member to work. Men and women had to work in the camp (up to the age of 60). Women, about ten of them, had to cut bamboo and split wood. The hours could vary. Sometimes he did not work there all day (only two to three hours). Sometimes, the job was for a whole day. He had to bring his own food. He was not paid. He could not refuse. He was not himself beaten, but saw others beaten. It was possible to pay for a substitute (50 kyat a day). However he did not have enough money to do that. He also worked on the railway between Aungban and Loikaw, in 1992, during the Christmas period. His work was on the section near Loikaw. The work site was two days travel away. He travelled the first part by car (a taxi that he paid for) and the second by boat. The work involved laying earth along the planned route. The work was supervised by the army. Some 6,000 to 7,000 people worked on it. Men, women, children (ten to 11 years) and elderly people, without distinction. More than 200 people were working on his section. He had to bring his own tools. He worked from morning (6 to 7 a.m.) to night (7 p.m.) He had to bring his own food, which he ate during the lunch break. He slept in villages along the route. He was not paid. He could pay for a substitute or pay bribes to be exempt. If he did not pay, the order stated that people who failed to obey had to be punished. He had not himself been beaten. He did not witness ill treatment administered to other workers. He also had to pay for the fuel for the lorries. He did not see any trains on the railway before he left. Finally, he had to pay porter fees two or three times. The amount could vary (about 100 kyat). He paid the fees to the village head.

Ethnicity: Karenni
Age/sex: 46, male
Family situation: Married with two daughters
Occupation: Soldier in the Burmese army from 1972-1983
From: Loikaw town, Kayah State

The witness had to leave Myanmar alone in 1992 because he was afraid of being arrested for being involved in the events of 1988. Prior to 1992, he tried to gather information on human rights violations in Myanmar. With regard to forced labour, he had to work on the railway between Aungban and Loikaw on three occasions. The work site was one hour’s march away. He could return home in the evening. He had to bring food and tools. He had to carry out digging and earth moving. Men, women, children (nine to ten years old) and elderly people (over 60) were working with him. More than 150 people in total. A normal working day started at 6 a.m. and finished at 4 p.m. The first time that he had to work there was in December 1990, when the project was just starting. For three months, he had to work three times a week on average, 12 days a month. He had to work on the railway a second time from January to June 1991. The same number of days per month. The third time was from March to May 1992. The same number of
days per month. He was not paid. It was impossible to refuse. Workers were afraid of the soldiers' weapons. No one looked after his land in his absence. He had not been ill treated and had not seen other workers ill treated. He did not know if the railway was operating. He thought that only the army would benefit from it. He did not personally do any portering, but he had friends who did. They were subjected to ill treatment and beatings were frequent for any reason. In 1991, a man came back from a portering job near the border and could no longer walk. He also had to pay porters fees. The amount could vary from 70 to 100 kyat. He paid the fees to the village head who handed them over to the military.

Ethnicity: Karenni
Age/sex: 23, male
Family situation: Single; family of seven (members of his family stayed in Myanmar, Kayah State)
From: Demawso town, Kayah State

The witness left Myanmar in January 1993. Orders for forced labour were given by the village head. Each family had to provide one person to carry out the work. When he was 15, he was arrested by the military who required him for portering work. His teacher intervened, arguing that his pupils (twenty of whom had been arrested) were too young to be porters. They were released. He also had to work on the construction of the military camp for battalion No. 427: the construction of the camp began in March 1991, and was completed in January 1992. He worked there for four days in January 1992. He was 16 then. He had to build huts for the military. About 300 people were working there with him, including 50 to 60 children of his age. He did not see women or elderly people on the working site. He could not rest. He had to bring his own food. The day began at 7 a.m. and ended at 3 p.m. He could go home at the end of the day. He was not paid. It was impossible to refuse, except by paying 25 kyat to the village head. He did not see any one ill treated. His elder brother also had to work in another military camp during the same period. In addition, he worked on the railway between Aungban and Loikaw on two occasions. The first in February 1991 for one week. The second in June 1991. The work site was about two hours journey by car. The working day began at 6 a.m. and ended at 5 p.m. Three hundred people worked there with him, including about thirty women, forty children his own age and about forty older people (over 50 years old). He worked on the section at the border of Kayah State and Shan State. He had to level the ground. For that, he had to bring his own tools. He had to sleep beside the track, in the open. Food was not provided. He was not paid. Finally, with regard to taxation, for three years, he had to pay porters fees. About 50 kyat a month. He also had to pay taxes for the railway: on one occasion about 300 kyat. He paid the fees to the village head.

Ethnicity: Karenni
Age/sex: 55, female
Family situation: Widowed (her husband died on 18 November 1995) with one daughter and four sons
Occupation: Farmer
From: Mawchi town, Kayah State

The witness left Myanmar in March 1995. The military took everything she had. In particular, her village was totally burnt down by the military. She was afraid of the military. They took everything: men, crops, animals. They never paid compensation. She suffered from
insomnia. She was forced to work about seven to nine years ago in Mawchi. The work mainly consisted of cleaning the military huts and grounds, carrying food to the soldiers, cutting wood, sharpening defensive bamboo spikes. She saw several people forced to work. She and the others were subjected to ill treatment. Her husband had been a porter on countless occasions. He was not paid, and he was not provided with any food or water. He had to go to the Thai border area.

<table>
<thead>
<tr>
<th>Ethnicity:</th>
<th>Burman</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age/sex:</td>
<td>23, male</td>
</tr>
<tr>
<td>Family situation:</td>
<td>Four (himself, two brothers and one sister; parents dead)</td>
</tr>
<tr>
<td>Education:</td>
<td>7th Standard</td>
</tr>
<tr>
<td>Occupation:</td>
<td>Family were farmers, he joined army</td>
</tr>
<tr>
<td>From:</td>
<td>Tantabin, Nyaunglebin township, Bago Division (village had 100 families)</td>
</tr>
</tbody>
</table>

The witness left school in 1990, joined the army, and became a sergeant. When he was living in the village (around 1985, before joining the army) he remembers villagers being taken as porters, sometimes arranged by the army through the village head, sometimes soldiers came into the village and took people. Ten to 20 people used to go for portering at one time. At that time the village had to provide porters when there were military operations in the area, about once every two to three months, but every house had to pay a monthly porter fee of 40 to 50 kyat. This continued up until the time that he left to join the army. He joined the army in Toungoo, then after one week was sent for basic training for six months in Mingaladon (suburb of Yangon). Then he was stationed with battalion 102 at Ngwedaung in Demawso township in Kayah State. This was when he first saw portering (as a soldier); he saw portering many times while he was a soldier. The porters had to carry loads for the soldiers, and some had to act as local guides for the soldiers. The army got porters in different ways: sometimes a whole village would have to come and work at the army camp; sometimes villagers would be taken through the village head, and sometimes (at the front line) soldiers would take villagers they met to porter for them, or go into villages and grab people. The oldest they took were around 40, and the youngest 13. When the soldiers went on patrol, there would usually be around 30 soldiers and 20 to 30 porters. Sometimes his battalion would take porters for a few months, and occasionally up to a year. Sometimes it was difficult to find an opportunity to release a porter, especially when the troops were moving around at the front line. When on patrol, they would go from village to village or army camp to army camp, sleeping each night at a new place. Porters would be released only when the soldiers had managed to collect new porters. Soldiers would always treat porters badly and swear at them. If they were slow, porters would be beaten and kicked by the soldiers. He saw porters with serious injuries from mine blasts (this was at the front line), porters with malaria, porters with injuries inflicted by the soldiers, and a lot of porters killed by soldiers. When porters tried to escape, they were shot. He has seen porters killed on a minimum of ten occasions; most of these times four to five people were killed, sometimes one or two people were killed at a time. Usually a group of porters would run away and they would be shot. Porters were also injured (on the shoulders) because of the very heavy loads they had to carry; this happened all the time and they were not given any treatment. He went to the front line many times. The porters at the front line had to carry water and shells, and dig bunkers. Sometimes when there was fighting, the soldiers would put the porters in front of them, and if they suspected there were mines in an area, sometimes the porters would have to walk in front of the soldiers. His unit did not collect porter fees, but they would usually take food by force from villages. When they entered a village, the soldiers would first interrogate the villagers asking them what contact they had with rebels. They would arrest people they suspected, and would demand food and alcohol from the village. He has not seen women used as porters, and his platoon never did harm to women, but he has seen women used for forced labour. He has seen villagers forced to build army camps in Demawso, Huay Paung Laung, Hti Hta and Pruso. At least 50 people at a
time were forced to build these camps, then four or five people to maintain them. The construction would take around two weeks. Women and children under 13 were not usually used for this work. Orders for building army camps would be given to village heads by the battalion commander, who would call the village heads to the battalion camp. In one case he witnessed at the front line in the latter part of 1992, a large operation involving seven battalions in Kayah State used 3,000 porters over eight months (including government servants, students and prisoners). None of the porters was released over this period. Many porters were beaten, died or were killed. About 500 porters died in this way, two-thirds from disease. Each porter was fed half a condensed milk tin of rice per day, with only salt and fish paste. Porters had to sleep on the ground, and were not given blankets. He was present for the whole eight months. He also saw forced labour many times when he was a soldier. The most difficult was cutting large trees to build army camps. He witnessed this when he was based in Demawso. Orders for forced labour would normally be written orders given from the battalion commander to village heads, who would then arrange villagers to do the work. Sometimes the orders would be given orally. Orders were often accompanied by threats of violence if they were not carried out. He also did labour on the Aungban-Loikaw railway when he was a soldier. He saw many villagers who were forced to do this work—about 1,000 people, but his battalion was not involved in the collection of workers for this project. He and other soldiers from his battalion worked for one month on the railway (doing the labouring, not just guarding), then went back to their battalion. When he was working on the railway, the soldiers and the villagers had to do the same kind of work (clearing and levelling ground), but at different places on the work site. What was different was the way the work was organized: the soldiers had to work for a certain number of hours per day, whereas the villagers were given an assignment to complete a given amount of work, and so it was more difficult for the villagers as they had to finish the work before they could return to their villages. From time to time he would go back to his village, and the villagers all had to do forced labour. People had to go once a week to the army camp three miles from the village, and also had to go as porters for up to four or six months at a time. The villagers had been forced to build this army camp. The life of a soldier was very difficult. The ordinary soldiers were treated very badly by the higher ranks. He deserted because he could not stand the situation any more. The worst thing for him was when at one point in June 1995 the soldiers had no rice for two weeks, and had to survive on jungle leaves (this was at the front line). The rice had been stolen by corrupt people somewhere up the supply line. He always received his wages, but almost every month a proportion was taken as a fine for not carrying out an order properly or some other disagreement. He had wanted to desert since about two years after joining the army; soldiers have to sign on for ten years when they join. If deserters were caught, they would be put in prison. If they took their gun with them when they deserted, they would be killed. Despite this many people were always deserting. He left Myanmar in March 1996.

Ethnicity: Burman
Age/sex: 24, male
Family situation: Six (parents, himself and three younger siblings)
Education: Monastery education only
Occupation: Soldier
From: Tan Daw Gyi township, Magway Division

The witness left Myanmar in March 1996. Before that, he joined the army in 1987 (battalion 72), and was in the army for nine years (he was a private), until deserting with witness 95 in March 1996. He joined the army in Taungdwingyi (signed on for ten years), and stayed there for one month before being sent for training for six months. He then joined Battalion 72 in Kayah State, which was based in Lawpita. The battalion was divided into five companies, and each would rotate at the front line: each company would spend six months at the front line, then rest for a short time, then go again (not always to the same place). He saw portering in Lawpita;
Forced labour in Myanmar

his battalion used porters to carry supplies and ammunition to the front line. Porters for the front line troops were taken from nearby and also distant villages. For each group of 30 to 40 soldiers there were about 40 porters. The soldiers used to go into villages and grab people for Portering. They took mostly people aged 17 to 40. When they were patrolling, the soldiers would grab porters for a day, then release them the next day if they were able to get more porters at that time. If porters could not carry their load, they would be kicked or beaten; if beaten with a stick, this would often result in injuries such as cuts and bruises. During important times (such as operations), sick porters who could not continue would be shot. The soldiers used to take food from villages for the porters to eat – one condensed milk tin of rice per day, plus curry (not bad food, since it was the same as the villagers ate). When the soldiers went into a village to grab porters, the villagers had no choice but to come: it was an order. If porters tried to run away during portering they were shot. Porters often were injured or died in crossfire during fighting. The soldiers did not put porters in front of them during fighting, or use them as human minesweepers (the unit had a mine expert who could remove suspected mines). He deserted because he couldn’t stand the treatment by superiors, especially because they took a part of his salary, and he was unable to support his wife.

Ethnicity: Burman
Age/sex: 20, male
Family situation: Parents, himself, and seven siblings
Occupation: Soldier (private)
From: Lat Paing Taung, Tharawady township, Bago Division

The witness joined the army in 1991. Deserted with witness 94 in March 1996 and left Myanmar. He joined the army in Hmawbyi (Yangon Division), and stayed there for six months, before doing six months’ training. He then joined battalion 72 based at Lawpita in Kayah State. He agreed with witness 94’s description of the treatment of porters, and the fact that they were not used as human minesweepers. Villagers were forced to do cultivation for the army at his army camp (growing vegetables in the army compound). For this kind of work, one person from each household in the village was required to come to the army camp (the village near the camp had about 500 households). They would not have to come all the time, but would only have to work in large numbers at busy times such as planting and harvesting. Men, women and children all did this work. The soldiers treated the villagers rudely, and swore at them, but he never saw a villager beaten while doing this work. He fled because of a problem with his commanding officer. That officer used to accuse villagers of having contact with rebels, and lock them up. He used this as a means of extorting money from them. While they were locked up they would be beaten and hit with rifles. He had a disagreement with the officer about this and so had to desert. He has heard about soldiers abusing women, but has never seen it himself.

Ethnicity/religion: Karenni, Buddhist
Age/sex: Born 13 November 1959, male
Family situation: Married with three children; nine siblings
Education: 9th Standard
Occupation: Merchant in Loikaw
From: Loikaw town, Kayah State

The witness was convicted of a drug-related offence in April 1996 in Loikaw and sentenced to nine years’ imprisonment. As a prisoner, he had to do portering for one month from 12 May
1996, going back and forth between Loikaw and Huay Paung Laung, carrying ammunition and weapons. Thereafter, he worked as a labourer in Loikaw in an army camp, digging a fish pond, crushing stones, making bricks. On 12 August 1997, he again did portering (“every time they need labour, they take prisoners to use them as porters”) and on 30 August 1997 he fled from portering to Thailand. During portering, and on army camp duty, the prisoners and villagers doing forced labour were always kept separate. As a porter, he never saw soldiers grab a civilian to do portage. When the soldiers arrived at any village, all the inhabitants had fled, and the soldiers burned down the houses, barns and stores and shot and ate the animals (pigs, chickens). Before his conviction in April 1996, he and his family rarely did forced labour and never did portering because any time the army wanted labourers, they asked the section leader in Loikaw, who had to provide five or ten labourers per section. He or his family members were never chosen, because he paid. There were 13 sections in Loikaw and 200 families in his section, so if they asked for five porters and no one wanted to go, the “porters’ fees” of 50,000 kyat were divided by the 200 families, all those who did not send a labourer had to pay some 250 kyat. There was no regular amount, it was usually 200 to 300 kyat, and rising. The last time he paid 200 kyat. His porter fees were for his household, those brothers and sisters living separately paid separately. He did not know for how long the porters had to go, he only knew that he had to pay porter fees at least once a month. He witnessed directly other forms of forced labour. For instance, the railway construction between Loikaw and Aungban, begun in 1992/93 and still ongoing, was undertaken with forced labour. By order from the army to the section leaders, each section had to finish a given stretch of the railway within a deadline. His section had to do four to five miles, and one person per family had to go for five months. This was near Loikaw, in 1992 or 1993. They went in the morning, came back in the evening, and sometimes took three to four days rest. No family dared to disobey the order, all went. At the working site, they had to sign an attendance sheet. If people did not go, after four or five days the section leader called them and warned them, then fined them. Also, because the army was in a hurry to finish the railway, they did not allow people to take a long rest, even if tired. So if they rested too long, they beat and kicked workers and forced them back to work. He saw people badly injured but not killed. In addition, every Saturday one person per family in the section had to go for one half-day to the army compound to clean it, signing an attendance sheet there. He usually paid 50 kyat to the section leader to find a replacement for him. Sometimes he saw villagers mistreated by the soldiers when working in the compound (but not during weekly cleaning duties). Furthermore, at least two or three times a month he was called up for a whole day for “emergency” work which could be cleaning and repainting buildings when a high army officer visited Loikaw, or building a new pagoda for a special occasion (he was Buddhist, but all religions had to go, including Muslims, Christians). The order came from the section leader in the army. He had to go, there was no choice. If he refused, he was fined 50 kyat by the section leader. Sometimes, when he was not free, he found someone to replace him for 50 kyat, otherwise he went. Sometimes he saw people mistreated during “emergency” work, but not during pagoda construction.

Ethnicity/religion: Burman, Buddhist
Age/sex: Born 1960, male
Family situation: Married with two children, five brothers and sisters
Education: 2nd Standard
Occupation: Farmer (independent)
From: Chaung Hna Su, Ouk-hpo township, Bago Division
        (imprisoned since April 1994 in Loikaw, escaped in August 1997 from portering while a prisoner)

The witness, when working as a farmer, was imprisoned in Tharawady jail (Bago Division) in April 1990 and sentenced to five years imprisonment, but released in December 1993. While
serving his prison term, he worked in June 1990 on the Yangon-Mandalay highway, and in 1991 on an electricity station construction in Loikaw. He was released in December 1993. He had no money to go back to his village and family, so he got together with some friends from the electricity project site, who owned a farm in 6 Mile (Daw Khu Si) village, Demawso township, he stayed at their farm and helped them. In April 1994, some army corporals came and told him to cut electricity/phone wires, which he did out of fear. He was then charged with stealing the cable and sentenced to ten years' imprisonment in Loikaw (the corporals were sentenced to three years). He escaped during portering in August 1997. In 1996, all prisoners were taken by boat to clear out and widen Pilu river at Moeybye dam for four days, but the security guards forced them to finish the work in two days. Only prisoners, no villagers. During his assignment as a porter, he was always separated from the villagers. In August 1997, before escaping and leaving Myanmar, he saw a fellow prisoner porter, named Kyaw Win Lwin who could not stand the weight of his load anymore try to escape, and be beaten to death by the soldiers who found him. He has witnessed villagers doing forced labour. While in 6 Mile (Daw Khu Si) village from January to April 1994, he only heard that upon orders from officers to the village head, villagers went and worked for the army, but he never asked about the work. In 1996, he saw villagers doing forced labour in Loikaw, at the TaKaSa army compound ("army common headquarters") for husbandry, digging fishing ponds, pits. He did not know how long for.

<table>
<thead>
<tr>
<th>Ethnicity:</th>
<th>Karen</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age/sex:</td>
<td>27, male</td>
</tr>
<tr>
<td>Family situation:</td>
<td>Single. Six brothers and sisters</td>
</tr>
<tr>
<td>Education:</td>
<td>4th Standard</td>
</tr>
<tr>
<td>Occupation:</td>
<td>Lead mine worker</td>
</tr>
<tr>
<td>From:</td>
<td>Plo Ba, Mawchi township, Kayah State (relocated in 1996 to Lo Kha Lu, near Mawchi)</td>
</tr>
</tbody>
</table>

The witness left Myanmar early in 1998. Relocation. Upon an order given by an army officer to the village head, in June 1996 all Plo Ba village moved to a relocation site called Lo Kha Lu, also in Mawchi township, at a half-day's walking distance. Plo Ba village was all Karen, about 50 families. At the same time 12 all-Karen villages were relocated to Lo Kha Lu, where over 150 families now lived. Witness did not know the reason for relocation. No one was allowed to stay in Plo Ba village, they had to destroy their houses themselves. One or two families refused to go and were moved to a different place, all were prohibited from going back. At Lo Kha Lu they had three weeks to build a new village themselves, having carried everything they could themselves from the old village. Lo Kha Lu was at the bottom of a hill, an army post on top of the hill. He worked at the lead mine in Mawchi from 1994 until his relocation and continued thereafter. After relocation to Lo Kha Lu (June 1996), witness worked as a porter three times: once upon an order received through the village head (for three weeks in August 1996 and for one month only two weeks later). About 150 people had to go each time, including women and boys of about 13 years old; they were not told beforehand for how long, were neither promised nor paid anything, fed one hankaw (soldier's rice carrier, equivalent to four condensed milk tins) of rice for three days and some fish paste and were not allowed to take vegetables from the forest. The third time, in November 1997, he was seized directly by soldiers in Lo Kha Lu village, together with around 100 other people, and forced to carry rice to Buko. He fell sick after a week and could not carry the load anymore; he was given no medicine, but hit with a rifle in his chest, beaten and left on the way; he walked back for two days coughing blood and still has a pain in the chest and cannot work (shows a small scar; he also shows an accidental gunshot scar sustained in 1995 when staying with his female cousin at her request when she was visited at night time by soldiers.) He also saw that when 100 people were seized as porters in November 1997 in Lo Kha Lu, some refused and were hit and kicked, punched in the face by the soldiers, he saw their swollen faces, bleeding. He saw nothing happen to women. In the
old village (Plo Ba), before 1996, people had to do portering, including his family, but for short-distance, for instance carrying food rations for one day, once or twice a month. Starting December 1997, many villagers were ordered through their head to work on improving the old road from Mawchi to Toungoo. His family was allotted one mile to fill up holes with stones and widen the road by half a metre on either side. They had to bring all the equipment and food from home. Since their allotted stretch was close to their village, he went and did the whole work with his elder sister in ten days, walking every morning and evening two hours from and to the village. They were not paid anything. In addition, from his village, 15 people at a time were required at all times at the camp, plus people from other villages, altogether about 60 people at a time. Since relocation (as well as before, in Plo Ba), his family had to send a worker about three times per month for four days to the camp. He worked there for the last time in November 1997, upon the village head’s instruction (before he was seized as a porter). For two days he dug a bunker; the next two days he started making a fence, which someone else had to finish after him. Furthermore, every Saturday, upon an order from an army officer through the village head, one person per family had to work a half-day to clear the bush around the village and do sanitation. Finally, at least twice a month for half a day, he had to do “emergency” work like carrying food rations or fetch water for the army. Overall, in the last few months of 1997, he had to work five days a week for the army and had only two days a week to work for his family. (Moreover, his sister also had to do forced labour on the road.) In his family, there was only one elder sister and their mother besides him; the other brothers and sisters had left. The father had died. The sister worked in the garden, but the mother could not work because of a stomach problem. At the mine, he received 150 kyat a day for pushing a trolley, but when he did forced labour, he was not paid. He was never paid for forced labour neither at the road building work nor elsewhere.

Ethnicity: Karenni (Padaung)
Age/sex: 67, male
Family situation: Eight (him, wife, four sons and three daughters)
Occupation: Tractor driver (previously in government service)
From: Loikaw town, Kayah State

The witness left Myanmar on 30 April 1997. He had to do forced labour and portering. He had to pay money if he could not go. The forced labour he had to do included digging ground and breaking rocks; he had to provide his own tools. Each family was given a quota of labour to complete. The worst time was in 1992 to 1994 when the Loikaw-Aungban railway was being constructed. At this time someone from each family had to go for the whole week, hundreds of people. They had to take their own food and tools, and even had to make their own arrangements for transport to the worksite. Anyone who was not able to go had to pay money. He did this work himself, and his two eldest sons also did it (sometimes in turn, sometimes at the same time). The had to work for up to 10 days at a time to complete the assignment which was given to them, which was very tiring. They were not able to earn a living at this time, and sometimes had to sell property to make ends meet. Since the work site was very far away, they had to sleep there. The orders came from the Ward LORC, who were ordered by the Township LORC. He was never beaten while doing this work (because he was older, and other villagers would help him to fulfil his quota), but other civilians were hit and kicked and some received injuries. They were hit by the soldiers if they were working too slowly or talking too much. There were also prisoners doing the work (in shackles), and they would be violently beaten. He saw many prisoners with serious injuries from beatings, and also many prisoners who had died (usually from being hit with spades by the soldiers guarding them). One evening, he saw six prisoners killed in this way within two hours. He has also done portering twice, the first time in 1974, the second time in 1978. On the second occasion he was a porter for three months in a major military operation; four of his relatives died portering in this operation. The treatment was very bad and
Forced labour in Myanmar

the porters did not receive enough food and water. One of his sons was also taken as a porter recently, but they paid 1,000 kyat to have him released. Since 1987 or 1988 people in his area have been forced to do work at army camps (digging trenches and bunkers, building fences), and cleaning pagodas. He never did this work himself, but he saw others do it. People were forced to stand guard around electricity pylons to prevent rebels from sabotaging them. People also had to carry firewood and water to an army camp on top of a hill, because the soldiers were too lazy to go down the hill to the stream to wash. The people also had to do forced labour in rice fields belonging to the soldiers. In Demawso and Loikaw he knows people who had their farm land confiscated by the army and who were then forced to work on the land without pay. They would be told by the army how much harvest they wanted, and if the villagers did not manage to produce enough from the army land, they would have to make up the shortfall themselves. This is very common. Half of his own land was confiscated (three acres of peanut plantations) in 1995; he was also previously forced to work in the army’s rice fields, but it was not so much in the towns, whereas in the villages people had to do much more work for the army. Villagers also had to build and maintain all army camps, and provide for the needs of the soldiers; if a senior officer came to the camp, the villagers would have to provide food to entertain him. There was a hill called Sin Taung (Elephant Hill) near Demawso. The Christians had put a cross on top of the hill, and as an act of provocation, the army forced the Buddhist villagers to build a pagoda next to it. The villagers had to do everything for the army. Owners of bullock carts, horse carts, tractors, boats, etc., have to be on permanent standby at the army camp (by rotation) in case the soldiers needed them. In one case he knows of, a bullock cart driver was sent to a village four miles away to buy one packet of cigarettes for an officer. Another time, an officer called a bullock cart to come and take a love letter to girl in another village. This kind of thing was common. When the Student Sport Festival was held in Loikaw, people were forced to “donate” all the materials such as bricks and wood and were then forced to build all the necessary infrastructure.

He was a member of the NLD. The authorities forced him to resign in January 1996, but despite this, one night soldiers came to his home to arrest him. At that time he was not there, and so he escaped arrest and decided to flee. His family is still in Myanmar (except for three sons who had already fled six years ago). The situation is very oppressive; the authorities take any opportunity to oppress the people. The people, even government servants, are forced to work half a day almost every Saturday doing jobs in Loikaw. He himself has been arrested three times. The first time, in 1964, he spent six months in Taunggyi prison. The second time, in 1983, he was sentenced to six months, but only spent 15 days in Loikaw prison, and was released after paying 10,000 kyat. The third time was in May 1995. He was kept in a tiny cell, usually for solitary confinement, with nine people for 45 days. The cell was almost totally dark, with the only light from a five watt bulb. They were given two bottles of dirty water each day for drinking. Some of the others had been there for four months, and all of them had been tortured. He was released when the authorities could find no evidence against him. Finally, one of his neighbours, a Karen, was returning from Toungoo with 10,000 kyat and some gold when he was taken as a porter. They put him on a military truck, then accused him of being a rebel, and shot him. The soldiers stole all his possessions. He was told this by two eye-witnesses.
Ethnicity: Karenni
Age/sex: 36, male
Family situation: Married with one son and one daughter
Occupation: Farmer
From: Si Ko Leh, Shadaw township, Kayah State (whole village relocated by force to Shadaw on 7 June 1996)

(The witness gave his testimony in the presence of witnesses 101, 102, 103 and 104.)

The witness had to do forced labour before and after his relocation. He left Myanmar in February 1997 after escaping from prison. Before relocation he was a porter on one occasion in 1990, during the dry season, just after New Year. He was 27 then. He received the order from the village head. He had to carry rice rations in a mountainous region near Shadaw for three days. The distance covered was a total of 22 miles. He went to a military camp in the mountains (average size, one company). There were about 34 porters, including five people from his village, for 60 soldiers. There were no women, but children (13 to 15 years) and one old person (60). The day began at 4 a.m. and ended at 4 p.m. The porters had to start before dawn and were not allowed to use electric torches. They were allowed a few minutes rest. The first night he slept in the forest and the following two nights he slept in villages. He did not see any fighting. He was not personally ill treated, but he saw other people beaten or struck with sticks, rifles or kicked because they could not carry the load they had been given. It was possible to pay a substitute. The amount necessary was around 300 to 400 kyat. The whole village was relocated on 7 June 1996. Apart from a little rice, he could not take anything with him. He went to a site near a military camp at Shadaw. He had to build a shelter for his family as there was nothing on the site. He did not see anyone ill-treated. The authorities suspected him of belonging to the rebels. He was arrested a few days after his arrival. He was kept in prison for six months. He was tortured, mainly through his hands being tied to the ceiling and his feet bound for long periods of time. During the month when he was not in prison, he had to do various types of work for the military. All the families were subject to forced labour. They could not do anything else. After relocation, he had to build fencing and cut wood. He had to work on four occasions, once a week during the month when he was not in prison. The village head gave him his work assignment. The day normally started at 6 a.m. and finished at 4 p.m. About 30 to 60 people were working with him, including five to ten women who had to do the same work. He was not paid. It was not possible to refuse. In the event of refusal, the authorities deprived them of the small amount of rice which was distributed.

Ethnicity: Karenni
Age/sex: 23, male
Family situation: Married with no children
Occupation: Farmer
From: Daw Taku, Shadaw township, Kayah State (village forcibly relocated to Shadaw in June 1996)

(The witness gave his testimony in the presence of witnesses 100, 102, 103 and 104.)

The witness had to work for the army before and after his relocation. He left Myanmar in October 1997. Before relocation, he had to do portering on four occasions. The village head transmitted the order to work. The first time, he was 15 years old. On that occasion, he had to work during the rainy season near the river Salween. The portering lasted 20 days. There were 40 porters, three from his village, for 250 soldiers. There were no women, but young men of 15 to 16 years. The oldest might have been 50. He had to carry cooking pots. He did not see any fighting. He was once kicked because he was not going fast enough. Same routine and
Forced labour in Myanmar

treatment the other times he was a porter, aged 15, 16 and 17. The assignments lasted: three
days (the second); six days (the third); and 15 days (the fourth). After relocation he also had to
do forced labour, the same type of work as witness 100. The work just never ended. He had to
work two or three times a month. He was allowed to go home in his free time to fetch food.
There were two battalions of 500 men each at Shadaw (LIB 350 and LIB 428).

Ethnicity: Karenni  
Age/sex: 33, male  
Family situation: Widowed with one son (his wife died at Shadaw a few days
after giving birth, due to lack of necessary medical care)  
Occupation: Farmer  
From: Daw Kraw Aw, Shadaw township, Kayah State
(village had 103 families about 1,000 people; the village
was forcibly relocated to Shadaw in May 1996)

(The witness gave his testimony in the presence of witnesses 100, 101, 103 and 104.)

The witness’s village was burned by the army so that the inhabitants could not go back. He
carried out forced labour before and after relocation. He left Myanmar in August 1996. Before
relocation, he was a porter on one occasion in 1993 during the rainy season. The assignment
lasted two days. There were 30 porters for 70 soldiers, including two children (13 years old)
and four people over 60. All the porters were men. The day began at 9 a.m. and ended at 4 p.m.
He had to carry ammunition and rice rations for the army from his village to another village.
He received very little food and had to sleep in the forest. He was not paid. He was not personally
subjected to ill treatment. However his friend was beaten with a stick because, exhausted, he
dropped the load he had been given. After relocation, he had to do forced labour for the military.
The village head transmitted the work order to him. Same nature as witness 100. The work
demanded by the military just never ended. During the one-and-a-half months he stayed at the
relocation site, he had to work for the military three times. The military provided food
intermittently. The rations were in any case inadequate. He was not allowed to go home. He
was not paid. He could not refuse. It was always possible to pay a substitute or bribe someone
to be exempted. He did not do so and did not know how much would have to be paid. The
military had seized all his animals (buffalos, one cow, four pigs, ten chickens). He went back
to his village for a few days before coming to Thailand.

Ethnicity: Karenni  
Age/sex: 30, male  
Family situation: Married with three sons  
Occupation: Farmer  
From: Daw Klaw Leh Du, Shadaw township, Kayah State
(village had 37 families and was two miles from the relocation site
at Shadaw; it was forcibly relocated there in June 1996)

(The witness gave his testimony in the presence of witnesses 100, 101, 102 and 104.)

The witness’s village was relocated to Shadaw in June 1996. In August 1997, he left Shadaw
to live in the Soh Paw hills six miles away. There he farmed rice and vegetables, but was forced
to move by the army, so came to Thailand at the end of 1997. He had to do forced labour before
and after his relocation. Before relocation, he had to work on road building (carrying rocks) and
had to carry out various types of work for the military: cutting bamboo, building shelters for relocated people, cleaning the camps. As the relocation site was near his village, he helped in the preparatory work. He did that work for three years, ten times a month, six times a year. He saw men, women, children (ten years) and older people (over 50 years) working. After relocation, he had to do the same work as witness 100. In addition, he had to build shelters for people who had been relocated and help repair the road to Loikaw. He had to work three times a month, a total of 12 times in the year. The remaining time, he worked as a day labourer on farms near the camp (the owners were Karenni and Shan). He was paid in kyat and rice. He was arrested once because he refused to work. He spent a night and two days in prison. He was beaten. He saw many other people beaten (30 to 50 people). Soldiers appropriated all his animals without compensation, arguing that the animals were wild and so they could take them.

Ethnicity: Karenni
Age/sex: 70, male
Family situation: Married with two daughters and five sons
Occupation: Farmer
From: Daw Ta Ma, Shadaw township, Kayah State (village had 50 houses and a population of 1,000; it was forcibly relocated to Shadaw in June 1996)

(Witness gave his testimony in the presence of witnesses 100, 101, 102 and 103.)

The witness left Myanmar in October/November 1996. He had to do the same type of work as witness 100 at the Shadaw relocation site. The month he stayed at the relocation site, he worked about three times for the military. Three to four hundred people were doing the same work as him. He did not see any women or children working. He was able to go back to his village several times to fetch food. On one occasion he was arrested by a soldier who threatened him. They tied his hands behind his back. He had to stay like that for a day and a night. Then he escaped. He saw many other people subjected to ill treatment.

Ethnicity: Karenni
Age/sex: 22, male
Family situation: Married (in Thailand) with one daughter
Occupation: Farmer
From: Daw Ta Ma, Shadaw township, Kayah State (village had 15 families and a population of 200)

The witness left Myanmar in June 1996, when his village was ordered to relocate to Shadaw. Before relocation of his village, he was a porter twice in 1991 and 1992. He could not forget the experience (which clearly traumatized him). The first time, the assignment lasted 14 days while the second was extended to two-and-a-half months. In his group there were 20 and 50 porters respectively for 300 and 2,000 soldiers (he could not remember the exact number of porters each time). Women had to do portering on the first day of the second occasion that he was recruited. He himself had to carry cooking utensils and ammunition. The second time, he was used as a human shield for the army in a battle. He was not paid. He was beaten twice because, too exhausted, he could not keep up with the column. After relocation, he left Myanmar because he did not want to go to the relocation site to which his village had been ordered to move. He had heard that people were subjected to ill treatment and that you could only do what
Forced labour in Myanmar

the army ordered you to. However, he could not stay in his village. He knew that if anyone refused to move, the whole village would have been executed as a reprisal. A written order was transmitted to the village head to that effect. He saw it and read it. The document was signed by a staff officer of the Loikaw command. The document also stated the place of relocation, the fact that all the villages in the Shadaw area were to be transferred to the relocation site and the deadline (7 June 1996). He saw people who had been arrested by the army because they were hiding in the jungle in order to avoid being relocated. A man who escaped after being arrested by the army told him that he had been beaten and struck while his hands were tied behind him, because he did not want to go to the relocation site.

Ethnicity: Karenni
Age/sex: 35, male
Family situation: Married with three sons and three daughters
Occupation: Farmer
From: Daw Kraw Aw, Shadaw township, Kayah State (village had 105 families and a population of over 500; village was forcibly relocated to Shadaw in June 1996)

The witness left Myanmar in June 1996. Before the relocation of his village, he had been a porter, and had worked on the roads and the railway. He was a porter four times. The first time ten years ago (aged 12) and the last time about five years ago. He had to carry food and munitions, during the dry season (three times) and the rainy season (once). Only men were porters. However, he saw children of about ten years old accompanying the group and having to carry various things. The assignments lasted two, three and seven days. He had to sleep in the forest. The military only intermittently provided one meal a day. The ration was totally inadequate. He did not see any fighting. He was not personally beaten, but saw his friend beaten because he could not keep up with the group. He worked on the road between Shadaw and the river Salween (about ten miles). He worked there for a day about eight years ago (1992). The village head informed him of the work to be done. More than 1,000 people from various villages worked with him, including women (about twenty), children (about ten aged seven) and older people (about thirty aged over 60). The day began at 7 a.m. and ended at 3 p.m. He had to clear the route. He had to bring his own food. He was not paid. He was not subjected to ill treatment. He did not see any ill treatment, either. He had to carry logs six years ago, for the railway near Shadaw. He did not know which railway. The village head informed him of the work that had to be done. About fifty other people had to do the same. He was never paid, even though he was promised that he would be compensated. After relocation he left his village because he did not want to go to the relocation site. The village head showed him the order from the military stating that the whole village was to be transferred to the Shadaw site by 7 June 1996. He saw the document three days before the deadline. As he could not read, the village head told him what it said. He did not want to move to the relocation site because he was afraid that he would not be able to provide for his family’s needs. In addition, he had been told that people who were relocated were forced to work for the military without pay.
Age/sex: 41, male  
Ethnicity: Karenni  
Family situation: Married with three daughters and three sons  
Occupation: Farmer  
From: Daw Kraw Aw, Shadaw township, Kayah State (village had 105 families and a population of over 500; it was forcibly relocated to Shadaw in June 1996)

The witness left Myanmar in June 1996, after a few days at the Shadaw relocation site. Before the relocation of his village, he was a porter for the army three times. The first time when he was 15. The last time, two years before his departure. That was during the rainy season. Only men were porters, including children (about eight years old) and older people (over 70 years). On leaving his village, he had to go to Shan State. There were more than 80 porters for 500 soldiers. He was not able, however, to see all the porters. He had to carry munitions. The days began at 6 a.m. and ended at 5 p.m. He was allowed only one meal a day, a handful of rice. He had to sleep in the forest. He was not paid. He was beaten and kicked because he was too weak to carry the load he had been given. He also had to work for a military camp at Shadaw three years ago, seven or eight times. The village head told him about the work to be done. He mainly had to do road repairs, work on bunkers, cut bamboo and carry rocks. About 500 to 600 people were working with him each time, including women (about 20) and children (about 20 as young as seven years of age). They did the same work. The day began at 6 a.m. and ended at 5 p.m. He was not paid. He could not refuse and could not pay for a substitute. He was beaten several times because the soldiers thought he was not working properly. He also saw several other people beaten. However, he did not know why they were beaten. The village head told him that he must leave with the rest of the village. He did not personally see the relocation order. He left the relocation site after a few days because he did not even have a shelter where his family could stay. He had not been able to bring anything with him. The few days he stayed at the relocation site he was not forced to do any work.

Ethnicity: Karenni  
Age/sex: 40, male  
Family situation: Married with two daughters and one son  
Occupation: Farmer  
From: Daw Klaw Leh Du, Shadaw township, Kayah State (village had 35 families and a population of over 200; forcibly relocated with all his family to Shadaw in July 1996)

The witness left Myanmar in July 1996. Before his village was relocated, he was a porter for the army on innumerable occasions. The first time was ten years ago. The second three years ago. The assignments lasted from one to ten days. He had to sleep in the forest. The village head transmitted the orders of the military to him. Only the men were porters, including children aged about 15 and older people (over 60). The number of porters depended on the number of soldiers. For 100 soldiers, 40 porters were required. For 200 soldiers, 80 porters were required. He had to carry munitions. The day began at 6 a.m. and ended at 6 p.m. He was only allowed one meal a day. The ration was always inadequate. He was not paid. He saw one battle seven years ago near his village against the KNP. During the battle, the porters had to stay with the soldiers. No porter was killed. He had not personally been subjected to ill treatment. However, other porters had been beaten. He had seen one porter who had tried to escape being caught by the soldiers. He was tied to a tree and had to stay like that all night after being beaten and kicked. He had been moved to the relocation site in July 1996. The village head had told him of the
Forced labour in Myanmar

relocation order and the deadline. Anyone who stayed in the village would be shot on sight. He stayed at the relocation site for about thirty days. He was forced to work about five days during that time. The village head told him what work he had to do. He mainly had to cut wood and bamboo and build fences. He had to work for whole days at a time. Between 20 and 60 people, including women, children (eight years of age) and older people (over 70 years of age) were working at the same time as him doing the same jobs. He was not paid. He could pay a substitute to do the work in his place. He did not do so because he did not have the money. If workers did not find a substitute or did not pay a bribe, they were generally punished by being imprisoned for three days and then forced to work. He was not beaten personally but he saw two people who were beaten because their work did not satisfy the soldiers. The rest of the time, he had no work. He was able to go back home twice to fetch food.

Ethnicity: Shan
Age/sex: 34, male
Family situation: Nine (him, mother, two sisters, wife and four children)
Education: 6th Standard
Occupation: Collected and sold firewood, etc.
From: Shwenyaung, Taunggyi township, Shan State (Shwenyaung had about 6,000 households, 400 in his ward)

The villagers in his Shwenyaung had to do a lot of forced labour and Portering. If someone did not go for portering when ordered, they would be arrested and forced to pay a fine of 3,000 kyat. If they did not have this much money, as was often the case, property to that value would be taken. If an important person visited, the people would be forced to clean up the village. The first forced labour he did was constructing a railway line from Shwenyaung to Yatsauk (Lawksawk) in 1992/3. This work started in 1991, but the preliminary clearing work, etc., was done by rural villagers, and only when larger numbers of workers were required did the army start to use urban dwellers such as people from Shwenyaung. The order was given to the Ward LORC (YaWaTa) by the army, and the Ward LORC (YaWaTa) ordered one person from each household to work without fail. Those households who could not send anyone had to pay 150 kyat. He saw hundreds of people working on the railway line. Shwenyaung was split into groups, and one person from each household in the group would have to do forced labour one day per week, with people from different groups working on different days, by rotation. The workers would have to take their own food, and would not be able to return from the work site until late at night. This work went on for a year, but he only did it himself for two months, after which he paid money so he wouldn't have to go, as it was affecting his income. He was only able to afford to pay this money for a month, after which he neither did forced labour, nor paid money. He was in constant trouble because of this, and was called to see the authorities several times, but managed to avoid arrest. The authorities threatened that if someone didn't do forced labour, or pay their fine, they would be arrested and locked up. He saw both women and men doing the work, ranging in age from 13/14 to 60/70. The workers were not beaten, but one person was forced to go from each household, regardless of the situation, so this is why women, children and old people had to go (about half the workers were women). The work he had to do was building an embankment, digging and levelling the ground, and breaking rocks. The workers were collected and taken to the worksite in trucks, but they had to find their own way home, late at night. If workers were sick, they did not receive any treatment. If they did not complete their work assignment in time, they would have to come back the next day. He didn't see anyone beaten when doing forced labour, but he himself was beaten during Portering. The next type of forced labour he did was also constructing a railway, this time from Shwenyaung to Namhsam. This was in 1995 or 1996. The work was the same as before, and was arranged in the same way. He did this work himself for the first two weeks, then sent his 13-year-old son for the following two weeks. After that he paid 150 kyat per time to avoid going. He paid this money for three
months, then could not afford to any more. Then he neither paid nor worked, and was constantly in trouble. The railway line still was not finished. The next forced labouring he did was Portering. He started on 17 November 1997. The order again came from army to the Ward LORC (YaWaTa). The order required 40 porters from Shwenyaung, and the residents had to come to the LORC office and draw lots. Five porters were required from his ward (he was one of those chosen). It was possible for those chosen to be porters to pay 3,000 kyat to be exempted; officials would then use some of this money to hire a substitute. He did not have money so he had to go. The lottery to choose porters took place at 8 a.m., and those who were chosen were detained in a military-owned movie house; this was where all the porters were collected from the different wards, a total of about 60 people. He had to send his wife to bring some personal items from their house. They were not informed of the period that they would be away. At 1 a.m. or 2 a.m. they were moved from the movie house and taken by truck to a military camp in Loika, and kept in the lock-up there. They spent one night in the lock-up and were then sent by truck at about 7 a.m. to the Shadaw area. They spent one night there, then at 6 a.m. the next morning they were taken to the Salween river. They crossed the river with motor boats. Once on the other side of the Salween, the porters were given their loads (rice, ammunition, and other supplies); he had to carry rice. At this time two porters threw down their loads and ran away. The soldiers shot at them, but did not hit them. The soldiers and porters walked for the rest of the day, then slept in the open beside a stream that night. They continued walking the next morning and arrived at Meh Te in Kayah State (a village which has been relocated and burned). At this point one porter was unable to continue as he was delirious from a sore leg and shoulder pain. Three or four soldiers began kicking him and beating him with rifle butts, until his face was badly injured and blood was coming out of his mouth. A soldier with two stripes then pointed his gun at the porter and was about to shoot him when the commanding officer intervened. The porter was forced to continue, but was given a military backpack to carry instead of his load. That night at around 8 p.m. they arrived at Kyauk Tat Kwe army camp (battalion 261). The porters then had to cook (for the army as well as for themselves, but separately). The porters were given one condensed milk tin of rice to cook between two people. They were not given any curry or salt or anything with the rice. That night it rained. The porters had to sleep on the ground under the house where the soldiers stayed. They left at 6 a.m. the next morning. On the way, some of the porters who were about 60 were beaten by the soldiers because they could not keep up. At 6 p.m. they arrived at the top of 3222 Hill (named after the elevation), and slept the night. The next day they left again at 6 a.m., and went to Sin Taung ("Elephant Hill"). They had to walk the whole day to get there, and they stayed one night. The next day at 6 a.m. they went to Tin Shu Hill, and arrived at about 1 p.m. On the way, one man was tired and could not continue. The soldiers beat and kicked him, and burned him with cigarettes. Then he was tied up and thrown by the side of the path (he later heard that someone had been sent to get him, but he does not know for sure whether this happened). At Tin Shu Hill they stayed two nights (rested for one day). Then they set off back to 3222 Hill, carrying a soldier who had a bullet wound. On the way back they stopped at Daw Taket (a supply base) and picked up some rice to take back to Tin Shu Hill. They stopped for the night at about 10 p.m. at a village known as Thit Set ("Saw Mill"). The next morning they left at 6 a.m. and went to Tin Shu Hill, via Sin Taung. They stayed one night at Tin Taung (where one porter managed to run away). The next day they got back to Tin Shu Hill and rested there for a few days. After this rest they set off with heavy loads for another hill (he does not remember the name). On the way he began suffering from malaria, and was beaten with a rifle butt by a soldier because he could not keep up. They did not reach their destination that night, and had to sleep the night next to a river. He was very sick, and was given two tablets, but they did nothing, and he thinks they were just painkillers. He thought that he would probably die if he had to continue, so that night at 2 a.m. he went to go to the toilet, and ran away. They came looking for him with flashlights, but he hid behind trees when the flashlight beams came near him. He walked for three days to get to the border. His family has no idea what has happened to him.
Forced labour in Myanmar

Ethnicity: Karenni
Age/sex: 33, male
Family situation: Him, wife and four children
Education: 4th Standard
Occupation: Worked as a Government servant for the township (doing various work)
From: Duro, Pruso township, Kayah State

The witness worked in Loikaw for the government until 1986. He was unable to support himself and left to work in the mines at Mawchi digging lead. He was unable to support himself here either, because whenever the workers had a day off they were likely to be taken away for portering by soldiers, so then they would miss work for the period they were portering and lose income. Because of this he went back to Loikaw. At this time the authorities only controlled the area around Loikaw, but the rest of the area was controlled by the Karenni opposition, and he found it easier to earn money in the Karenni-controlled area, regularly bringing money back to his family. Because he moved between Loikaw and the opposition controlled areas, he was accused (falsely) of working with the opposition and was arrested in 1992. He was released from prison in March 1997, and then was on probation and had to register weekly with the authorities. He was unable to support himself, and also missed a registration because of illness, and so fled. He arrived in Thailand one day before the interview. When he was working for the authorities at a hospital in Loikaw (while working as a government employee before 1986) he had to do work one day a week on his day off doing forced labour. All government employees had to do this, and were paid six-and-a-half kyat for the day (in 1980), but would have to pay a fine of 60 kyat if they did not go. He had to do this one-day-a-week work for several years. His wife, who was also a government employee, had to do this work as well. The situation for government employees was better, because they had to work once a week, but were not forced to complete a given amount of work. If the villagers or townspeople did not finish their work, they would have to continue working until they did. When villagers arrived to do forced labour, they had to report to the army and sign their names against the name of their village; if they didn't finish their work assignment, they would be beaten and could not return to their villages until they had finished. The treatment by the soldiers was also more harsh for the villagers. He was beaten himself while doing forced labour. There was a gunshot, and the soldiers thought one of the villagers had shot at them. The rounded up the villagers and started beating them; they mistook him for a villager, and so he was beaten as well. He was released when he said he was a Government employee. He did not know what happened to the villagers after this. Later, he had to work on the construction of the Aungban-Loikaw railway. The other townspeople also had to do this work. They were given the order by the Ward LORC, with each household or group of houses having to do a given assignment of work (for rural communities, each village was given a certain work assignment). He saw thousands of people at a time doing work. As well as building the railway, he also had to do other work, such as building a motor road, and clearing ground for the Student Sport Festival – every year it was something different. When he worked at the hospital in Loikaw he saw patients who told him they had received their injuries from being beaten by soldiers while doing forced labour.
Ethnicity: Karenni
Age/sex: 26, male
Family situation: Parents, 14 children (of which he is the youngest)
Education: 6th Standard
Occupation: Farmer
From: Tee The Klo, Demawso township, Kayah State (village had 100 households)

The witness left Myanmar at the end of 1997. He first did forced labour in August 1996. Previously the area had not been under Government control, which is why he had not done forced labour before. When the army came in, anyone who did not do what they ordered was accused of being a rebel and was shot. The village was given three days in August 1996 to relocate to the centre of another village two miles away called Tee Po Klo. Whatever belongings could not be carried to the relocation site in this time had to be abandoned. At the relocation site the villagers had to stay with friends or family until they could build their own shelter. They were forced to build a fence around the relocation site; there were only two exits, and these were guarded. The villagers were allowed to leave the relocation site during the day to do cultivation, but had to come back at night, and could not take food out with them when they left (in case they gave it to rebels). In order to leave the relocation site for the day they had to buy a pass for ten to 15 kyat per day. At the relocation site he and the other villagers had to do forced labour such as work at the army camp, clearing ground, forced cultivation, cutting trees in the jungle. Whenever the army needed people they would just be taken from the relocation site. The army conducted investigations to find out which of the villagers were rebels. His name came up and soldiers from battalion 429 came to arrest him. They blindfolded him and tied his hands to a rope tied around his neck; they also tied his feet together. They took him away with 11 other people and tortured him in various ways. Five of the group died during torture. The torture included having a plastic bag put over their head, chilli powder up the nose, hot water was poured into their nostrils, being hit and beaten, and being cut with knives. The torture lasted for three days and two nights; they were interrogated during the torture. The seven remaining were sent to Loikaw prison, where they were kept in a small dark cell, and they were interrogated again by military intelligence. During the interrogation he would be asked if he was a rebel, then punched when he said “no”. They finally decided he was not a rebel, and moved him to the lock-up at the camp of battalion 530 in Loikaw. The situation there was very bad, with not enough food or water, and bad treatment. His family did not know where he was. He thought that if he continued to stay there he would die, and if he tried to escape he would probably die in the attempt, so he decided he had nothing to lose and would try to escape. He punched the soldier who brought him his food, and ran away with one other person. He was shot at but was not hit, and after six days made it to Thailand; the other person was rearrested. He had to be admitted to hospital with internal injuries because of being kicked during torture. He also has a problem with his leg.
Forced labour in Myanmar

Ethnicity: Karenni
Age/sex: 25, male
Family situation: Twelve (mother, father, himself, 11 younger siblings)
Education: 8th Standard
Occupation: Farmer
From: Demawso town, Kayah State

The witness came to Thailand in June 1993 because he could not continue to do forced labour and portering; his family is still in Myanmar (he fled directly after his final portering trip). He had done portering eight times, the first time in May 1990 (he was the only member of his family who did portering). He was scared that he would have to work for up to six months, so on six of the eight occasions he ran away (the other two times he was released). The first time he was forced to work in a saw-mill, but he ran away after a week. The second time he had to porter for two months in Pwe Pu Laung, after which time he ran away. The third and fourth times he ran away after one month of Portering. The fifth time he was a porter for one month, to Hu Hta, and after three weeks ran away. The sixth time was also portering to Hti Hta, and he ran away after one month. The seventh time was close to the Thai border in Kayah State with LIB 18, and he was released after two months. The eighth time was again near the Thai border, near BP9 (Thai Border Patrol Police checkpoint 9): he was released after two months. When portering, he usually carried artillery shells, but also sometimes water, rice, and other ammunition. He portered at the front line, on military operations, and between (non front line) army camps. Sometimes the porters were ordered by the army from the village/ward head, and sometimes the soldiers captured porters directly, especially at markets or movie theatres. The work was the same regardless of which method was used. For him, the most common method was via the village head. Normally, one person from a small village, or one person from each section in a larger village would have to go for portering at a time; who went would be determined by the village head, and if the person he chose was unable to go, they would have to pay 3,000 to 4,000 kyat. If the soldiers found they did not have enough porters after this, they would come and take them directly. The times he went portering, there were usually about 50 porters (sometimes from as far away as Shan State). Porters were punched and kicked by the soldiers, and hit with rifle butts when they could not do the work. This never happened to him because he was able to do the work. Some porters were as young as 13, and some were old. Women were not normally taken as porters, but one time when he was portering near Shadaw, he saw four women taken as porters, because the soldiers could not find enough men. They were forced to carry four 84 mm artillery shells each (about 16 viss, or 25 kg). After one day they were released. The food for porters was not sufficient, consisting of a small amount of rice. Porters were not given water, but had to grab some whenever they passed a stream. Porters had to sleep on the ground with no blankets. The worst experience he had while portering was while carrying artillery shells on his last portering trip. A battle broke out with Karenni rebels, including mortar fire; some porters were killed. The worst treatment he saw of porters was when a porter became sick with diarrhoea and lost strength. The porter was not treated and was forced to continue and died. In another case, a porter ran away, and the soldiers grabbed another porter who seemed about to follow him, then shot him in front of the other porters as a warning for them not to try to run away. He had also done forced labour, as had other members of his family; aside from portering, at least once a month some member of his family had to do some form of forced labour. When he was in Demawso he and others were forced to collect bamboo, bamboo shoots and other things, starting in 1990. He often had to do this once a week. Forced labour included work on the Aungban-Loikaw railway. They had to build an embankment across rice fields, 16 feet wide at the top, 18 feet wide at the base, and eight feet high. This work was from 1992 to 1993, with each family being given a certain quota to complete (about ten feet of embankment to the above specifications, which would take a family between one week and one month). The railway was completed now. No-one was paid for this work; people who could not go were required to pay 1,200 kyat. The orders to do this work came from the SLORC, via the VLORC. A meeting would be called to explain to the village heads what had to be done, and
the village head would then instruct his villagers accordingly. He had to work on the railway three times (for three weeks, five days and three days respectively). The soldiers at the work-site didn't treat him badly, but he saw them beat other workers and threaten them at gunpoint if they were not working to the soldiers' satisfaction. After the embankment was built, it had to be covered with rock chippings, then the sleepers and railway track would be laid. There were also prison labourers doing this work, and he heard that the treatment they received from the soldiers was much worse. The amount of various forms of forced labour increased to about once a week per household, in addition to Portering. It became impossible to do this much forced labour and still earn a living.

Ethnicity: Karenni
Age/sex: 48, male
Family situation: Ten (him, wife, four daughters and four sons)
Occupation: Village head, and Chairman of a grouping between the VLORC and TLORC levels; before this he had a position within the BSPP (Burma Socialist Program Party), and before this he was a leader of the youth wing.
From: Tong Pet village-tract, Shadaw township, Kayah State

The witness did forced labour for the SLORC many times: portering, cutting bamboo, working at the army camp... all sorts of things. Even though as a village head he was responsible for arranging for his villagers to do forced labour, he also had to do the labour on behalf of his own household. The first type of forced labour he did was portering for the military, carrying rice from Po Kyaw to Shadaw, a distance of about 15 miles. This was about ten years ago (though he had previously been a porter in 1971/72). Since then he has done portering a total of about ten times. Because he was the village head he would only have to go on short portering trip of around three days; the longest trip he went on was ten days. When he was portering he had to carry rice, ammunition and other supplies. The treatment of porters by the soldiers was bad; the soldiers were rude and sometimes beat porters. He was never beaten himself, but one time some of his villagers ran away during portering, so because he was the village head he was arrested. He was beaten which resulted in some damage to his chest; he was only released when the escaped porters were replaced. His chest wound was made worse by having to carry heavy loads while portering, sometimes up to 60 kg. He still has some trouble with his chest. He has seen other porters with serious injuries from beatings, such as broken noses and blood coming from the mouth. Porters would be beaten if they could not keep up, or if the soldiers thought they were going to run away. He saw some porters killed by the soldiers when they were unable to continue. The bodies were then left by the side of the path. In the case of his village (which was quite large, about 100 houses), orders for porters were sent from the military to the village head (in writing), and the village head had to arrange which villagers went. Because these orders came so often, the villagers could not take it and would often run away. It was thus sometimes difficult to find people to go, so sometimes he had to go himself. One time he went himself and had to carry supplies to Shadaw. When he arrived he was released, but then arrested again by some other soldiers. He was released only when a local VLORC Chairman, who was his friend, complained to the military. The written orders did not contain threats, but verbal threats that the village would be burned down and the village head arrested if an order was not carried out were often made. Porters would only be released when replacements arrived, usually after about ten days, but often as long as two months or more when it was difficult to find replacements. Porters were not paid, but as village head he would arrange for a collection of a little money from the villagers to give to the families of porters so that they could survive. Women were not normally taken as porters, but occasionally, when the soldiers could not get enough men, they would take women, even nursing mothers. Villagers also had to do forced labour at the army camp (he did not do this work himself, but had to arrange for villagers to go). They had to build fences, dig
trenches, etc. There has been an army camp in the Shadaw area for many years, and this work has been going on for a long time. The order for this would come from the TLORC, and if workers did not arrive, the army would come directly to the village and grab people. The villagers were also required to provide thatch and other building materials. Sometimes as many as 20 people at a time were required, with the requirement to provide labour rotating among the villages in the area. Women were also required to do this work. He does not know of any case of physical abuse of women during forced labour/portering, but verbal abuse was common. Other forced labour his village had to do included cutting bamboo and making thatch for use renovating the army camp (one to two times a year). The army camp was ten miles away, so when villagers had to work there they had to sleep one or two nights at the army camp. All the villagers also had to do forced labour on the Aungan-Loikaw railway. Each village was given an assignment to construct a given length of embankment. Most of the villages in the whole of Kayah State were involved. His village first had to go in 1992. Once in 1991 or 1992, 100 people from his village (one from each house) had to go to work for a few days building a road from Shadaw to the Salween River. He came to Thailand with his family after his village was given seven days to relocate to Shadaw on 1 June 1996; about 100 families came at the same time, from various villages. After the order came, he discussed it with the village, but they did not want to relocate. He wrote a letter to the authorities in Shadaw explaining the reasons why the villagers did not want to be relocated, viz. health problems, lack of shelter at the relocation site, the lack of education for relocated villagers, food shortages at the relocation site, and the difficulty for old people of making the trip. These arguments were not accepted, and the authorities said that the village would be burned, so some villagers relocated to Shadaw, but many others fled. The villagers had to walk 12 miles to the relocation site, so they were unable to take all their possessions. The village was then burned and the animals and remaining possessions were stolen by the army. “Not even one dog was left”.

**Ethnicity:** Karenni

**Age/sex:** 46, male

**Family situation:** Nine (him, wife, four sons and three daughters)

**Occupation:** Farmer

**From:** To Ka Oh, Shadaw township, Kayah State (village had 100 families)

The witness left Myanmar in June 1996. He had done many kinds of forced labour, including portering, cutting bamboo, cutting wood for railway construction, carrying rice for the soldiers guarding workers on road construction. The most difficult work was portering: “people don’t dare to do this work”. He did portering five or six times, usually for three to six days at a time. The longest time was for 11 days. The first time was in 1972 and the last time in 1987. He had to carry ammunition, food and other supplies. The loads were very heavy, up to 30 viss (49 kg), and caused wounds for the porters. If a porter could not carry his load he would be kicked, beaten or punched; one time he slipped over while portering and could not get up because the load was so heavy, and he was kicked by the soldiers in the lower back and beaten badly. On the last occasion he did portering there was a battle; the porters were very scared and some ran away. He also had to cut bamboo for the military to construct a camp. He had to cut 100 bamboo poles in one day, which was very hard. Many other people also had to do this work. He also had to cut large trees for railway sleepers in about 1992, together with about 100 other villagers. It was difficult for him to estimate how much time he spent doing forced labour, but it was usually one or two times a month for several days at a time. Orders for forced labour came from the army to the village head.
The witness's village was part of large-scale relocations. The entire village was ordered to relocate. Order came from an army officer on 16 April 1996. Fifteen families, about 50 to 60 people (mostly children) affected. He tried to stay and ignore the order. Second order came saying the villagers had to move, and that if they stayed the village would be burned down. Other villages in the area were also being relocated at the same time: about seven (100 families in total) all Shan villages in Kayah State. His village was relocated to Ywathit near an army post on the hill above the paddy field where they were sent. Half-day travel by foot away from their village. They were given one week to move and had to leave most of their possessions behind, including water buffaloes and chickens, since there was no motor road to the new site. Other villages moved with them were Wan Loi, Wan Pla, Ko Su Pa, Ho Hta, Wan Pha Ku and Leh Way. They could only take one pot of rice with them. Went back one time after one week: time period elapsed without authorization to try to find buffalo, but could not find them. They were given much less land in the new place: ten to 20 times less than cultivated before. Told to build new houses themselves. Not given building materials, just a very small amount of rice, equal to one soldier's rice pot a week per person. Had to live with villagers already there until they built their own houses. Military units in area of original and relocated village: Battalion numbers 54, 72 and 102 before 1994. Division 55 and LIB 429 after 1994. As village head he had a lot of experience with forced labour. The work his villagers were ordered to do was mainly work at the army camp, including maintenance work and Portering. This was done on a rotating basis: five people each week every week, one per family, from ten days to one month in length. Orders came in written form and were received by him. No one dared to refuse to go when told to do so. If someone was sick someone else had to go in their place. The village collected 30 to 40 kyat per day to cover the cost of 210 to 280 kyat per person per day. This was paid to an administrative officer, not the military. He did forced labour himself before he became village head in 1994, but not after. Forced labour was also required for work on the road to the mouth of the Pai River from the village, one week per family; work was also done with forced labourers from other villages in the area. This was in 1994, before portering and army camp work was required on a regular basis beginning in 1995. Other types of forced labour were not required because the village was small there were only a limited number of available families and workers. With regard to the way people were requested, the first order that came was simple, telling a certain number to report for work. But if the villagers were late or did not come then the second order came and would be more threatening. It came with a bullet and a chilli. These were traditional warnings meaning death and making things hot for the village. He had to keep the order at all times, and send back the bullet and chilli to show he had received them and understood the message. Orders came from LIB 429 and/or 55 Division. He saw abuses when he was a porter (pre-1994). Labourers were forced to go on foot with very heavy loads, and to keep up the steady, fast pace. Once a porter could not keep up and a soldier took his rice sack and hit him hard on the back of the neck, forcing him to the ground. He was badly injured and died. That was in 1992 during the big offensive in Mye Leh, near the river Pai. Villagers who returned reported never getting enough food and only a small ration of rice per day. If a villager fled during a forced labour assignment the village head had to go to the army to bribe them or pay a fine. Usually, they paid in chickens. Once he had to send women as porters as men were not available. Once they told the soldiers there were not enough people to send and meet the quota. The soldiers came to the village, called everyone out: men, women and children, even babies, and took everyone to the camp for forced labour for four days. The men cut bamboo, the women cooked and cleaned the compound. They were told "this was the first punishment. If you disobey again we will punish you this way again." He heard about but did not witness
Forced labour in Myanmar

mistreatment of others during forced labour. Rapes were reported when the soldiers were on patrol or entered a village. He was paid only once for forced labour when repairing an old traffic road. He received 25 kyat a day for seven days.

Ethnicity/religion: Shan, Buddhist
Age/sex: 55, male
Family situation: Married with eight children
Education: 2nd Standard
Occupation: Farmer
From: Pa Ku Da village, Bawlake township, Kayah State
(village on the bank of the Salween close to Ywathit; forcibly relocated to Ywathit in 1996)

The witness came from the same village as witness 115. He took some food provisions when relocated but had to leave behind 300 baskets of rice and ten water buffalo. Took chickens and pigs, but had to eat them for food at the new location. Took some tools. It was five days' walk to the relocation site. The army promised to help and said they would cut logs at their sawmill for free, but villagers had to pay them to haul the logs to the mill and to transport the wood back, so this could not be done as it cost 70 kyat a day to rent a bullock cart. They were given neither food nor money at the relocation site. He left before completing his new house.

With regard to forced labour, the army sent an order for five people to make a fence on the army post for two days of work on a rotating basis. Even the old men (60 to 70 years old) had to go if no other people were available. Workers were given one day of rest and then had to return if assigned work not finished. No food or money was given. He was also asked to send two, three, four or five people as porters on patrol. Guide porter heads the march and was subject to stepping on land mines. There were also porters from Wan Loi village (close to Pa Ku Dah). Three porters were killed from mines during portering: two as porters, one as guide. This happened in 1975. The families of the first porter killed received nothing. The families of the other two shared 10,000 kyat paid by the army as compensation. For all these forms of work, they were not paid anything nor given food. After 1995, three people were required to serve as porters every week on a rotating basis. Five others were assigned to perform other tasks: building fences, digging bunkers, building camp facilities. This involved work three to four times a month per family for at least two days. If the porters complained about the excessive weight they were beaten, even old people. Two roads used forced labour. One from Bawlake to Ywathit and the other from the village to the mouth of the Pai river. This was in 1995. It involved five days work, two days off, then five days work again for a total of ten days of work per family. Paid three kyat and 50 pya (he received a total of 33 kyat and 50 pya for the work). No choice, had to go.

Ethnicity: Karenni
Age/sex: 27, male
Family situation: Married with three children; had eight siblings
Occupation: Farmer
From: Daw Ku Say, Shadaw township, Kayah State

The witness left Myanmar in July 1996. Before this, he had to porter for the army. Soldiers came to his village and called him as a porter and beat the porters. He and brothers left because of fear of staying in the village. Came with whole family (wife, children and siblings). They
were being called and taken as porters one or two times a month or more, usually for two or three days each time, but sometimes people would be taken for one or two months at a time. They were requisitioned either through written orders to the village head or arrested directly by the military. If the village head questioned anything he was told to “... go away or we will seize even more people for portering”. It was not done in a systematic way. Sometimes twice a month, sometimes once in two months. It got to the point where the villagers tried to flee when they heard soldiers were coming. The soldiers would shoot at those they saw trying to flee. They beat and tortured some villagers too. That was in 1995. As a porter he was taken to the north-eastern part of Kayah State. Sometimes fighting would break out. He carried ammunition for 16 days the first time, in 1991, for one month in 1993 and a third time, also in 1993. He was told it would be for a short time. They went down the Salween river. He feared for his life, so escaped and returned to his village. He was also made to work for the army cutting bamboo and making fences at the army camp, four hours walk away. Orders came in writing for this too. Shadaw army camp was the site. Worked one day. Other work done on rotation basis too: five days per person per family per month, sometimes once in two months, sometimes twice a month. For all these forms of work he was neither paid nor fed. No medical care or treatment was given if sick or injured. Workers were beaten when tired or if they took a rest. Once the army came to the village looking for porters. All the men were away working in the fields, so they took all the women in the village to work in the camp for one day and they were beaten there. They did not report sexual abuse. Talked only about being beaten. The last order that came that caused him to flee Myanmar was for the village to relocate. It came just before he left in June 1996. They were relocated because the army was afraid they would supply the insurgents.

Ethnicity: Karenni
Age/sex: 21, male
Family situation: Was single when left Myanmar (now married); four siblings
Education: 1st Standard
Occupation: Farmer
From: Daw So Kya, Shadaw township, Kayah State (village forcibly relocated to Shadaw in June 1996)

Order came in June 1996 to relocate to Shadaw. He left there one month after the relocation to flee to Thailand with parents. There were 89 families in Daw So Kya that were relocated. Order was to relocate in one week or be shot. The new site was five hours walk away. Could only take what could be carried. Buffalo were left behind. Given only a tiny piece of land of five metres square, only enough to build a house but not enough to farm. No materials for building were provided. Given a small amount of rice as a ration. With no land and no job there was no way to survive. That was why they fled across the border. Every villager had to do forced labour, even women and children. He portered himself four times, three times before he was 18. First and second times were when he was 11, when he was used as a guide to lead the troops. The third time troops came in and seized people. They tied and beat the village head and took him (he was 12 years old at the time) and used him as a guide again. The fourth time, he was working in his field plowing with his father. Troops came and seized them both to carry ammunition. He was 17 or 18 at that time. He portered for five days. A fight broke out with the insurgents near Daw Ei Lah village. One woman porter tried to run from the fighting that broke out with others and her baby on her back was shot and killed. Those who could not carry their loads were beaten. No food was given so people were weak, and then they were beaten and kicked. Sometimes they would torture the workers by hanging them by the legs with a stick under their knees. Women and children over 12 or 13 were also used as porters, as well as old men. The porters were neither paid nor fed; they had to beg food from houses in villages along the way. They were given only a small amount of dry bread when they got to the Pon river.
Orders were also issued for forced labourers to cut bamboo and do other work in the military camp. Five to ten at a time were called from the village to do this from the 89 families on a rotating basis. They had to build bunkers and cut logs for camp buildings.

Ethnicity: Shan
Age/sex: 36, male
Family situation: Married with one daughter
Occupation: Farmer
From: Banlak, Taunggyi township, Shan State (grew up in a village near Namhsam town)

The witness left Myanmar in mid-1997. He was called up by the army for portering, road and railway construction, and work for a military camp. It was the village head who transmitted the order from the military. In general, the rule was one person per family. However, it often happened that when the designated member was far away, the military requisitioned an additional member of the family. When he was away on the work assigned to him, his brother looked after his land. He personally had to do forced labour for the military on average twice a month, every month for 15 years (portering, railway, roads combined). The first time he had to porter for the military was 15 years ago. The last time was six months ago. The assignments could last from five days to a month. He had to carry rice and ammunitions. Fifteen porters were required for 20 soldiers. Forty to 50 porters for 60 to 70 soldiers. Men and women could be called up, including children aged 15 and 16 and people over 60 years. He had to march all day. He was not regularly fed. The rations were always inadequate. He had to sleep in the jungle. He was not paid. It was impossible to refuse or pay a substitute. Twice he saw people killed because they refused to do the work. It was always possible to pay a bribe: 5,000 kyat each time. He once tried to pay not to go but the village head refused his money. He therefore had to work. He was subjected to ill treatment, being beaten twice. He saw other porters struck and beaten to death. He also saw porters shot by the military. In cases where the women could no longer carry the loads assigned to them, they were subjected to sexual abuse (rape). He had personally seen that on four or five occasions. He also worked on road construction for the first time 13 years ago. The last time about six months ago. He worked on many roads, notably Shwenyaung-Yatsauk (Lawksaw) and Shwenyaung-Namhsam. He had to make embankments and level the road. The roads were used exclusively by the military. About 2,000 people worked on the road at the same time as him, including men, women, children and older people. The day began at 8 a.m. and ended at 5 p.m. with an hour's rest at midday. He had to bring his own food. He was not paid. Any refusal could lead to arrest and a fine of 1,000 kyat and the obligation to work. It was not possible to hire a substitute. The soldiers supervised the work. He saw many people subjected to ill treatment because their work did not satisfy the military. When he was on railway construction, he had to build embankments, level the ground and lay the track. He saw the track on which he had worked when it was finished: Yatsauk (Lawksaw) to Patu and Namhsam to Shwenyaung. The railways were used both by the military and civilians. The whole of Taunggyi had to participate. Three thousand people worked on the railways at the same time as him, including men, women, children and older people. The situation was the same as for work on the roads as regards hours of work, food, pay, possibility of refusing, the consequences of refusal and ill treatment inflicted by the military. He also worked five times for a military camp in Namhsam, from the age of 13 (1975) to 19 (1981). Each assignment lasted about ten days. He had to sleep in the military camp. Sixty to 70 people worked with him each time, including men, women and older people (over 60 years). There were no children. He had to bring his own food and had to provide water to the military. The day began at 8 a.m. and ended at 5 p.m. He was not paid. It was impossible to refuse or pay a substitute. He was not personally subjected to ill treatment, but twice he saw people beaten by the military. With regard to taxation,
part of his harvest had to be given to the military. If the farmers could not pay the tax, they were put in prison.

Ethnicity: Shan  
Age/sex: 25, female  
Family situation: Married with one daughter  
Occupation: Farmer  
From: Wan Mai Hong Nai, Nam Mong village-tract, Laikha township, Shan State (village had about 80 families)

The witness's husband wanted to leave Myanmar because he did not want to be a porter for the army. He left nine years ago and she joined him in mid-1997. She had not been personally forced to work. As her husband was in Thailand, he had not worked for the military either. The men of her village fled when the military approached the village so as to avoid being recruited. However, other people in her village had been forced to cook (rice, curry), for the military when they stopped in the village. It was impossible to refuse. Just before she had left, a woman had been killed near her house because the military suspected her of links with a Shan soldier. She had heard that the village had been relocated to a site near Laikha.

Ethnicity: Pa-o  
Age/sex: 22, male  
Family situation: Married with one daughter (aged two)  
Occupation: Farmer  
From: Wan Yong, Panglong village-tract, Loilem township, Shan State (village relocated to Panglong at the end of 1997)

The witness's village was relocated to Panglong at the end of 1997. He left Myanmar in January 1998 and walked for four days to reach Thailand. Before relocation he worked as a porter, on construction of roads and railways and in military camps growing maize and rice. He was a porter for the army for the first time at the age of 16 and the last time about a year ago. He had been a porter countless times. The village head informed him of the order from the military. The assignments could last from one to three days. He had to carry rice and ammunition. Only men between 14 and 50 years of age were porters. The food rations were always inadequate. The hours could vary. He often had to march for many hours without rest. He had to sleep in the jungle. He had not seen any fighting. He was not paid. It was possible to pay a substitute: 400 to 500 kyat a time. It was impossible to pay bribes, because the military needed porters. He had been subjected to ill treatment and had personally been beaten with a rifle on three occasions because he was walking too slowly. He saw many other porters beaten because they could not carry the load given to them. He had also worked on the railway for a year two years ago, on the line between Namhsam and Mongnai. These lines were finished and used by both military and civilian traffic. He had to work there every day. He had to level the ground, carry and break stones. He had to sleep at the work site. Five hundred to 600 people worked with him on the site, including men and women (no children). He was not paid. He had to bring his own food. The day began at 8 a.m. and finished at 5 p.m., with an hour for lunch. He had to take on day labourers to work on his farm. He had not personally been subjected to ill treatment. However, if the workers tried to escape and were caught, they were beaten with a stick. He saw that happen twice. He worked on road construction three years ago on the road between Panglong and Namhsam. He worked about 25 times there (for one day) during the year.
Forced labour in Myanmar

He had to bring his own food. Twenty to 25 people worked there at the same time as him, including men and women (no children). He had not been subjected to ill treatment and had not seen others ill treated, although the military often shouted at them. He had also been forced to work five times a year ago on the military's fields, growing maize and rice. Twenty people had worked there at the same time as him. He had been relocated two months ago. The village head had informed him that he had three days to move. No one was allowed to stay in the village. All the people of the village were relocated to different places. The village was then burned by the military. He stayed at the relocation site near Panglong for two months. He left there because he could not find enough work to provide for his family's needs. He was not allowed to return to his village to fetch food. However, he had not been forced to work for the military or anyone else.

Ethnicity: Shan
Age/sex: 23, male
Family situation: Single, his parents are alive and he has five brothers
From: Mauk Mong Lae, Taunggyi township, Shan State (village had 30 families)

The witness left Myanmar in mid-1997 because he did not want to be requisitioned as a porter by the army. He had never himself been a porter. He knew several people who had done portering (not in his immediate family). However, he had to do other forms of forced labour: roads and railways. He worked on the building of the road between Yatsauk (Lawksauk) and Yangon, two years ago (1995), about ten times during the year. The village head informed him of the work required. The day began at 6 a.m. and ended at 5 p.m. He had to bring his own food. Forty people worked at the same time as him, including men, women, children (16 years) and older people (over 50 years). He could return to the village to sleep. He was not paid. It was possible to pay a substitute: 50 kyat a time. Bribes were impossible. His brother looked after the farm in his absence. He had not personally been subjected to ill treatment. The soldiers often shouted at them. He had sometimes seen people who had tried to escape being caught and beaten with wooden sticks by the soldiers. He also worked on the railway line between Taunggyi and May Shee Law a year ago about ten times. Each assignment lasted 15 days on average. The village head informed him of the work required. He had to carry and break rock. He had to sleep in nearby villages because he could not go home. He had to bring his own food. Forty people worked there at the same time as him, including men, women and children (16 years). He had been subjected to ill treatment because the soldiers thought that he worked too slowly.

Ethnicity: Shan
Age/sex: 25, male
Family situation: Nine (mother, father, him and four siblings)
Occupation: Farm labourer
From: Mong Yen, Kyaukme township, Shan State (45 households in his section of the village)

The witness left Myanmar at the end of 1997. He left because of too much forced labour. He did forced labour collecting rubber trees (saplings) for a very large army rubber plantation (stretching for about 2 miles), then planting the saplings to make the plantation, then looking after them. The plantation was owned by battalion 324. The villagers who did this work were given no money or food, and even had to bring their own tools. They had to work for ten to
15 days a month. In his family he, his parents and his brothers and sisters all did this work at various times. There were between five and 30 other villagers doing this work at any one time, depending on how much work needed to be done. They were ordered to do this work by the soldiers, through the village head, and if they did the work badly, they would have to come back again to re-do it. The villagers (including him) also had to work on a sugar-cane plantation for battalion 324. They had to do all the work: clearing the ground, planting the sugar cane, looking after it. When the sugar cane was ready for harvest, they had to bring the village sugar-cane machine to crush the cane and extract the juice, then make it into raw sugar ("chandagar"). This then had to be given to the soldiers. All this work was done without pay or food being provided, and the villagers even had to bring their own tools, including the village-owned sugar cane machine. About 20 to 30 villagers at one time would have to do this work. The soldiers then sold the sugar (not locally) for their own profit. The orders to do this work also came from the battalion via the village head. His older brother used to do portering, not him. His brother first went in 1989, and was away for four months, carrying things for the soldiers. Porters were demanded by the soldiers via the village head, but they also sometimes came directly to the village and rounded people up. At the time when he left, there was not much portering, it was mostly forced labour. This has been the case since the 1996 cease-fire, but before this there was a lot of portering and little or no forced labour.

Ethnicity: Pa-o
Age/sex: 23, male
Family situation: Nine (him, wife and seven children)
Occupation: Farmer
From: Bang Nim, Sanin village-tract, near Panglong in Loilem township, Shan State (village had 80 households)

Twenty days ago the whole of Sanin village-tract was ordered by Infantry Battalion 513 to relocate to Panglong within seven days. He and his family moved to the relocation site, but there was nothing there and they had to build a house and set up everything, so he fled with his family (his parents were too old to make the trip, so they stayed behind with his sister). He thought the relocation was done because the army was frightened of rebels. They were told that those who did not relocate would be shot. It was a one-day journey to the relocation site, so they could not take all their possessions and had to leave animals behind. They could not go back to work in their fields, so the farmers who were relocated had to get work as labourers for farmers in Panglong; some people had to beg. Relocated villagers were allowed to leave the relocation site during the day, but had to return by 5 p.m. There was not much forced labour before, but once they arrived at the relocation site, they had to do a lot of forced labour. One person from each family had to do forced labour permanently. The people had to plant three acres of sweet corn for the army. People also had to make thatch sheets for roofing the army camp. The villagers did not have to do much forced labour before, but there was Portering. There was an army camp in the area of their village, which had been built by the villagers. The troops changed every three months, and the village would have to provide them with their food, and even cook for them. They would send orders to the village head, demanding whatever they needed. He was taken as a porter many times, usually for one or two days at a time, but sometimes longer. He had done longer periods of portering twice. The first time was in 1993 or 1994, when he was taken for four months. Soldiers surrounded the village and arrested about ten porters, including two women (the women were kept for three days, and when they got two male replacements the women were released). The ten people were tied up and beaten. They were not informed how long they would be away. They were then taken to an army camp at Panglong, where they spent one night. The next day they were taken to Langkho by army truck (a distance of about 80 km). They spent the night at battalion 99, then the next day went on foot to No Kong village. He had to carry a load of 4 RPG (rocket-propelled grenade) shells. They then crossed the Nam Taem
Forced labour in Myanmar

river by boat, then went to Pang Hat in the MTA (Khun Sa’s Mong Tai Army) area. At Pang Hat there was a battle. The porters stayed behind the soldiers, and none died. Many soldiers died, however. The battle lasted 48 hours, day and night. The porters had a little food-rice and watery fish paste. They stayed in this area for about one month. There were about 600 soldiers and 80 porters, but there were also many horses, which is why there were not many porters. During this period, seven or eight porters became sick and died without receiving treatment. Two porters also died when they tried to escape and ran across a minefield. This happened near to the Salween river. When the soldiers were marching, the porters had to go ahead of them, but not at other times. He also went as a porter for 15 days in 1997, in the Laikha-Mongkaing area. He was arrested by soldiers early in the morning when he was working in his fields. He had to carry a radio set to Lin Yok, which was one day walk. They then slept there for five nights. Then they had to continue to Wan Larn Long, about two hours’ walk away, where they spent the night. He was released in Wan Larn Long. In total there were six porters and four horses for about 90 soldiers. During portering, the soldiers would steal chickens to eat from villages. If a porter could not keep up, he would be beaten. Porters who could not continue would just be left where they were at the side of the path. The porters ate two times a day; they were only given a little rice with some fish paste.

Ethnicity: Shan
Age/sex: 40, male
Family situation: Eight (him, wife and six children)
Occupation: Labourer
From: Laikha town, Shan State (for twenty years, then six years ago he moved to Lashio town, Shan State)

The witness had to do a lot of forced labour before he left in early 1997. On average he only had about ten days per month to do his own work; the other 20 had to be spent on forced labour. The first time he did forced labour was in 1976. The villagers were ordered to build an army camp, and after this the soldiers demanded standby porters. The orders were given by the army through the village head. One year ago he fled to Thailand because he found he had no time left to earn a living, because of excessive taxation and forced labour. About twice a year he had to pay 5,000 kyat to hire a replacement for portering, and also pay regular monthly porter fees (to avoid minor portering). He used to go himself, but now he is too scared that he will die during portering, so he does not dare go. He knew of many porters who had died during Portering. They either died in battle (especially in Kayin and Shan States), were shot trying to escape or died of illness. Some starved to death because of insufficient food and hard work. He used to have to do portering about 12 times a year, usually for a few days at a time; the longest period he went for was one week. The treatment of porters by the soldiers was bad. Porters were beaten if they could not keep up. He personally saw two people shot dead who were unable to continue. In one case, seven years ago, his friend had a bad stomach (he thinks from lack of food), and was unable to continue. He saw the soldiers beat his friend to death in front of him. Women were sometimes taken as porters if the soldiers could not find any men. If the soldiers went into a village and there were no men, they would rape the women. Women who were taken as porters were also raped; he saw this himself on two occasions. Porters were given food that the soldiers took from villages, but sometimes they were only given a little army rations, which was worse. Sick porters were not treated, but if they were totally unable to continue they would be released. The orders for porters were given through the ward authorities in towns, but in the villages soldiers would just arrest people directly. He had also done forced labour. He had to plant sweet corn for Infantry Battalions 64 and 77, work breaking rocks and shifting soil for construction of roads from Laikha to Mongkaing and Laikha to Mong Hsu. He had also worked cleaning the army camp.
Ethnicity: Shan
Age/sex: 19, female
Family situation: Five (parents, her and two sisters)
From: Ho Purk, Lashio township, Shan State
(village had 50 households)

The witness arrived in Thailand at the end of 1997 with five other people (she was the only member of her family who left). She left because of excessive forced labour, which meant her family could not survive. In one month someone from each family would have to do about one week of forced labour, but sometimes as much as 20 days. She herself had done forced labour many times since the age of 15. She usually did forced labour only for short periods (usually one day); longer forced labour assignments (three to ten days) would be done by her father. Villagers had to work at the army camp making fences, and cleaning, and also constructing roads. She herself did mainly the cleaning at the army camp. The soldiers treated her badly, often swearing at her, but never beating her. Some of her friends (male) were beaten, but she did not know why. Orders for forced labour were given by the army through the village head. If someone failed to turn up for forced labour they would be arrested and food or money would be demanded for their release. It was possible to hire another person to go in her place for forced labour, but paying money directly to soldiers would not work. Her father had to do Portering. He said he had to carry things for the soldiers over mountains, and if he was slow he was beaten and kicked. When he was away portering, the family faced many problems and had to sell belongings in order to eat. This happened very often.

Ethnicity: Shan
Age/sex: 25, male
Family situation: Family of four including parents
Education: 6th Standard
Occupation: Farmer
From: Wan Mong, Mong Yai township, Shan State

The witness came to Thailand at the end of 1997 when a group of former MTA soldiers, turned into a kind of militia to fight against remaining rebels, recruited people in his village, so he sneaked out. In Myanmar he could not make a living because of too much forced labour and taxation. He saw no improvement as long as the military regime was in power. Since the military took over, his family had to provide forced labour at least once a week. He himself started when about 18 years old, digging trenches around a military camp. There were over 60 families in his village and about six villages in his area, and when the camp was built seven years ago, over a period of four to five months, one person from his family (as from all the other families in the six villages) had to go three times for seven days in a row to build the camp, digging trenches, fencing, etc. He went twice, his elder brother once. The order came from the camp commander to the village head, who chose the families. Anyone failing to go was fined 700 kyat. The soldiers forced the people to work, giving them no rest. If someone stopped, a soldier would hit him and tell him he had to complete the work before going home. He was beaten once, when cutting wood for a fence. His wood was not as required and he was slapped in the face once and kicked in the back once. Once in a Palaung village, when gathering sand for a military camp, another person did not understand Burmese properly, and he saw a soldier kick that person so that he fell on the stones and was hurt. About one year ago (1996) he had to spend two Sundays, and his elder brother two Sundays and one Saturday, not far from the village/military camp, to clear the ground and plant pineapples for the military. He had to plant pineapples in rows of about 50 plants. For their own crop the villagers would plant one row a day, but for the military they
Forced labour in Myanmar

had to do two in a day. Always, when working for the military, one had to be afraid all the time of being scolded or beaten. He had to be there at 7 a.m., work from 8 to 12 a.m. and 1 to 5 p.m. Only one or two villagers who spoke Burmese were given milk by the military, he got no food or anything. He also had to work on a rubber plantation set up by the military since 1988. He had to spend only one day making a barbed wire fence around the plantation, but his father had to work there five different days. Generally, since the military seized power in 1988 Saturdays and Sundays had become a regular time for forced labour. People had to work for the military one way or another. It had become routine. Even if there was nothing to do, they had to fetch water, clear the ground, rake leaves, wait. His family did not have to go every weekend; he did not remember how often. Witness also did portering once, in 1995, for 15 days. The villagers had to take turns, some had to provide bullock carts with drivers, some labour. Normally, the column commander would send an order to the village head, stating how many carts and porters were required, and the village head would look whose turn it was. He started from his village, carrying rice, soybeans, salted fish, a heavy load, up to Mong Hsu. They were not given enough food, and at night they were tied in pairs to their carrying yokes by one hand. If someone looked clever, both hands were tied to two different yokes. Other members of his family had done portering service countless times, as porters or driving a cart, a long time before he went in 1995. When the military went on an operation, they usually stayed in an area for six months and during that time, each village on average had to supply porters four times a month, for a period ranging from 15 days to one or two months. His village of 60 families had to supply each time about six persons, plus sometimes three carts. He went only in 1995 because before this he was at school in town. His brother, who suffered from a stomach disease, had terrible pains when portering and not getting regular meals, so the soldiers had to release him at a village and send him back. When he was still very young his father had to work as a porter for nearly two months. This was the longest anyone from his family had to be a porter. If there was no one in the family who could go, they had to pay porter fees. It happened to his family who paid 700 kyat to Government troops. There were two kinds of soldiers. The kindhearted told the porters to move fast and, if they complied, did nothing to them. Others kicked them and told them to move fast, whatever they did. It had not happened to the witness himself; but when he did portering in 1995, a fellow villager, Ai Thawn, was carrying mortar shells too heavy for him. He tried to rest by putting down the load and a soldier coming behind kicked him, so he fell down and injured his knees. On patrol, soldiers beat a villager for interrogation, killed and ate animals from a village after the inhabitants had run away. He also had to do road work in 1995, too often to remember. The first time they had to repair a branch dirt road leading to a military camp, setting out from a point remote from their village, where they had to bring their own food and then work for five days staying on the site. It took two months. He went twice, once for five days and once for three.

Ethnicity: Shan
Age/sex: 18, female
Family situation: Married (wife of witness 121) with one child
Occupation: Farmer
From: Wan Yong, Panglong village-tract, Loilem township, Shan State (village relocated to Panglong at the end of 1997)

Witness left Myanmar in January 1998. For her and her fellow villagers forced labour started only after relocation to Panglong, about two years ago in the dry season. The order to relocate was given by soldiers from battalion 513 to the village head, giving them three days to move to Panglong and prohibiting them to go back. They said that if the villagers did not move, they would burn the village, round up all the villagers and beat them to death. They were not allowed to take with them livestock, paddy, building materials. The livestock was shot for the soldiers to eat. They had to walk to the relocation site. The villagers were too afraid to take carts. At the
new place, they collected some wood and built little tents and huts. The soldiers did nothing during relocation. Since then, it has become very difficult to get enough food to make a living; they are not allowed to go and work. At the military compound, the villagers had to clear the ground, supply bamboo and thatches. She herself had to prepare the ground for planting chillies and grow them, and cut bamboo, once or twice a month for one or two days. This was all the forced labour she did. Her two elder brothers had to go more often, three to four times a month, out of which two to three times, two days in a row (over a two year period). She had to go only when they were not available, as the soldiers mostly asked for men. Also, the road to the military camp was regularly washed out by rain and they asked for people to repair it. Her elder brother had to go many times, also fetching sand to pile up for the road even when it was not being repaired. At least four times a month a family member was away doing forced labour.

<table>
<thead>
<tr>
<th>Ethnicity:</th>
<th>Shan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age/sex:</td>
<td>35, male</td>
</tr>
<tr>
<td>Family situation:</td>
<td>One younger brother and one younger sister</td>
</tr>
<tr>
<td>Education:</td>
<td>No formal education</td>
</tr>
<tr>
<td>Occupation:</td>
<td>Farmer</td>
</tr>
<tr>
<td>From:</td>
<td>Mong Maw, Namtu township, Shan State (he fled to a village in Laikha township when his village was forcibly relocated nine years ago)</td>
</tr>
</tbody>
</table>

The witness left Myanmar early in February 1998. Nine years ago his native village of 85 families was forced to move to Pang Hai village-tract in Namtu township, where there is a silver mine. At that time, he himself went in four days to Laikha township in central Shan State, because he did not want to go to Pang Hai. The soldiers told the village head (of Mong Maw) that the village had to move within three days. The villagers were reluctant, so the soldiers came back and, seeing that the majority of the villagers were still there, burned the village. His younger brother broke his knee when running out of the burning house and falling. He got no treatment from the soldiers. Another person broke his arm. The soldiers shot and ate the livestock as if it belonged to them. If they saw people around the village they beat them or even shot them. When the village was burnt, people lost all their things. In Laikha township, witness went to a small remote village of only 13 houses, where there were no SLORC soldiers and hence, he never did any forced labour there. But over one year ago in the cold season (end of 1996), that village was forced to move by the Burmese soldiers, who hated the Shan opposition soldiers who were around at that time. They gave the villagers three days to move to Laikha and shot one villager dead after he went back to the village in spite of their prohibition. They were relocated to the outskirts of Laikha, from where he fled here two or three days ago because the situation was quite chaotic. Forced Labour in Mong Maw. He had to stand guard all the time, taking turns, about three times a month for one night. He also had to cut bamboo and wood, dig trenches and build fences and houses, all for a military camp. He had to work almost every day for three months, until the camp was finished. He was the only one in his family who went. He also had to do forced labour building bridges, repairing roads. His family could only send him, because his brother and sister were too young. He had to go 15 days at a time about 15 times. The soldiers told him to finish a marked stretch in a given time and, if he could not, they beat him. He was beaten with a cane as long as his arm, very painfully, on three occasions. Other people doing forced labour were also beaten by the soldiers because they were slow at work, some because they were opium addicts. Railway construction in Laikha. He did forced labour working on the new Taunggyi to Namhsam railway line. He had to work there 15 days straight, sleeping where he worked, with hundreds of others. They had to bring their own food. SLORC soldiers told the villagers how to do the work. They did not beat them, but warned that, if they ran away, they would be shot. Also, for electricity lines from Panglong to Laikha, he had to work three times
Forced labour in Myanmar

one day. There were hundreds of people at the same time, but not from all the villages at the same time.

Ethnicity: Shan  
Age/sex: 38, male  
Family situation: Married with two daughters and two sons  
Occupation: Farmer  
From: Pang Long, Wan Hat village-tract, Langkho township, Shan State (village had 70 families)

The witness left Myanmar six years ago because he did not want to be forced to work for the army any more. He had been forced to work as a porter and on the construction of a road and a military camp. In the three cases, it was the village head who transmitted the order from the military. He was not paid. He was not subjected to ill treatment, although the military often shouted at the workers. With regard to forced labour, he was recruited as a porter on just one occasion at the age of 16 (1976). The assignment lasted 36 to 37 days. He had to be a porter in the region of Wan Hat, Mai-hsa-Se and Mawkmai. There were over 100 porters for 600 to 700 soldiers. Only men were recruited as porters, and they were aged between 16 and 50. They could eat twice a day. It was impossible to refuse to do Portering. He had seen people arrested because they refused to work. Their punishment was to work as porters for a longer period. It was possible to pay a substitute, although he had not done so: 1,500 kyat a time. Bribery was impossible. He had seen fighting. Some porters had lost their sight or limbs by stepping on anti-personnel mines. No medical treatment was given. He did not know what army they had been fighting. He had also, on one occasion, been involved in building roads for the army between Salong and Wan Hat. It was an earth road. He was 20 years old (1980) and the assignment lasted 17 days. He had to carry rock from the mountain to the road. Then he had to break it. A civilian supervised the work. The work was generally done in rotation: one village had to work for a given number of days, and was then replaced by another. About 70 men worked at the same time as him, aged between 18 and 60. The soldiers gave general orders but did not stay on site. He had to bring his own tools. The day began at 8 a.m. and ended at 4 p.m. He could eat twice a day. He had to sleep by the road. He had not been subjected to ill treatment. He once worked for a day on the construction of a military camp at Wan Hat, one hour's walk from his village. He was 21 (1981). Sixty men worked at the same time as him, aged from 15 to 60. He had to cut wood. The day began at 8 a.m. and ended at 3 p.m. There was no food, only a little water.

Ethnicity: Shan  
Age/sex: 29, male  
Family situation: Married with one daughter  
Occupation: Farmer, woodcutter  
From: Hokun, Wan Hat village-tract, Langkho township, Shan State (village had 45 families)

The witness left Myanmar at the end of 1997 because he did not want to be forced to work for the army any more. He had worked as a porter and on road and railway construction. When he was away, there was no one to look after his farm. In all cases, it was the village head who transmitted the order from the military. He was not paid. He was a porter on five occasions, the first time when he was 20 (1989) and the last when he was 27 (1996). The first assignment lasted five days and the others lasted a day and a night. He had to carry food and munitions. Five people
from his village accompanied him on the first assignment. There were also a considerable number of porters from other villages for the 36 soldiers. The other times, there were about 15 porters for 40 to 50 soldiers. The day began at 7 a.m. and ended at 5 p.m. He mainly did portering on the plains near the river Salween, from Wan Hat and Mai-hsa-se. He slept in the military camps and had to bring his own food. He was not subjected to ill treatment, but he saw several porters who were beaten because they were not going fast enough. He also worked on the construction of the road between Wan Hat and Langkho for two months just before his departure. New arrivals had told him that the road was not finished. Forty people from his village had been working at the same time as him, including men, women, children (12 to 15 years) and older people (70 years). The day began at 8 a.m. and ended at 4 p.m. He had to carry rocks. The work was supervised by a civilian. The military only came to give general orders. He had to bring his own food. It was possible to pay not to go by paying 200 kyat a day. He had paid three times because he had to work on his farm. He had not been subjected to ill treatment. He once worked on the construction of the railway line between Mongnai and Mawkmai, five to six months before his departure. He worked for 15 days, then escaped, taking refuge in Kayah State where he stayed for five days before returning to his village. During the 15 days that he worked, he had to bring his own food. He worked without a break. The soldiers shouted at the workers. It was possible to pay the village head not to have to work: 2,000 kyat a time (20 days). It was also possible to pay a substitute: 2,500 kyat a time (20 days). He had hired a substitute on two occasions since he had to look after his farm.

<table>
<thead>
<tr>
<th>Ethnicity:</th>
<th>Shan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age/sex:</td>
<td>30, male</td>
</tr>
<tr>
<td>Family situation:</td>
<td>Married with two sons</td>
</tr>
<tr>
<td>Occupation:</td>
<td>Farmer</td>
</tr>
<tr>
<td>From:</td>
<td>Songkhe, Langkho township, Shan State (village had 130 families)</td>
</tr>
</tbody>
</table>

The witness left Myanmar a year ago because he could no longer meet the needs of his family. The military came regularly to appropriate food or other goods. They did not always pay, and when they did, it was always a derisory sum. He had to work for the army as a porter. He was also forced to work on road construction. When he was away, his younger brother and his mother looked after the farm. He was a porter 70 or 80 times for the army, the first time aged 14 (1983) and the last aged 29 (1997). He was informed of his assignment by the village head, who transmitted the order from the military, or by the military themselves, who came straight to his home to find him (that had happened 14 times). The longest assignment lasted 94 days in 1995. On that occasion, there were about 72 porters for 200 soldiers. In the end, 52 porters came back (three killed, including one beaten to death and the rest escaped). The other assignments lasted at least five days. He mainly had to carry rice, cooking utensils, water, cook for the soldiers and dig trenches. On the first assignment, some porters escaped. He then also had to carry their loads. The day normally began at 7 a.m. and ended at 5.30 p.m. He was only allowed a short rest of three to five minutes. He was fed intermittently and the ration was always inadequate. He was not paid. He had to sleep in village houses where the porters were locked up to prevent them escaping. He also slept in the forest. On seven occasions, he was caught up in fighting with drug smugglers. Generally porters were kept away from the fighting. However, they were sometimes used as shields. He had been beaten at least seven times. At the age of 28 (1996), he had been beaten with a spiked stick because he was unable to carry water to the top of a mountain. He did not receive any medical treatment. He had often seen porters subjected to ill treatment. If porters tried to escape, they were often beaten. During his three month assignment, he went from Wan Hat to Hopong via Mai-hsa-se, Na-kenglong, Loikaw Inle Lake. He was released at Hopong. He then returned to Langkho by car, where he was arrested again.
Forced labour in Myanmar

and sent to Mongpan to work there for about another two months. He had to build a military camp, carry material from Mongpan to Bang Dowee, where he had to cut wood. He was then sent to a place near the river Salween to build a camp. He stayed there nine days, and then carried munitions to Mongpan. The march lasted about two days. From Mongpan, he was sent to Langkho to do excavation work for about two days. The 52 porters who had remained after the three-month assignment did the same work as him. He was subsequently forced to work twice for the army and then fled to Thailand. He also worked on the construction of the road from Wan Hat to Salong, a year ago, on three occasions. Each assignment lasted ten days. One hundred and fifty people were working at the same time as him, including men and women, aged from 15 to 60. The village head told him about the work to be done. The work site was about a day's march from the village. He had to sleep on site, near the road. He had to bring his own food. He was not paid. It was possible to pay a substitute: 2,500 kyat a time (ten days). It was possible to pay bribes of the same amount. He saw people being subjected to ill treatment because they did not work fast enough.

Ethnicity: Shan
Age/sex: 33, male
Family situation: Seven (him, parents, four siblings)
From: Hang Loi, Wan Hat village-tract, Langkho township, Shan State (village had 20 households)

The witness arrived two years ago. He fled to Thailand because could not take portering and forced labour. An average of five days per month per family were spent on forced labour. The 20 houses in his village were split into five groups of four each and the forced labour was rotated among them. One person from each house would go for five days. This was in addition to Portering. With regard to the various forms of forced labour he had to perform, work on building Wan Hat to Salong road was one project. The road was a seven hours' walking distance from the village. He had to stay overnight at the project with no shelter, sleeping under trees by the side of road. At any one time more than 300 people were working on the road. After two months of this rotation he also was taken for portering, but escaped and returned to his village. Normal procedure was for soldiers to inform the village how many people were needed. If a person was selected and did not go soldiers would come to arrest them. On his first day of portering he carried rice for the soldiers. Second day he carried ammunition. The third day he stayed at an army base and used the chance to escape. More than 100 porters were used for about 200 soldiers. Most of the porters came from other villages. Many fled at the same time as him. Since the soldiers did not know where the porters came from they couldn't track them down when they went home. This was in 1996. He stayed three more months in the village. During that time, when called as a porter instead of going he paid money and when he could not pay anymore he fled. Paid 1,500 to 2,000 kyat each time. When doing portering he did not have to do forced labour and vice versa. Portering could be for a period of one to two months. Most people fled rather than complete the assignment. People who fled would be shot at. He saw two killed by the soldiers this way. His father did the portering for his family before he was married. When soldiers came to get porters in the village they behaved very badly. People would run away, so they had to capture and arrest people to get porters. If a person could not keep up while portering they would be beaten. He never saw women during portering but they did do forced labour. In general they were not abused. Children 14 to 15 and upwards were taken for portering and forced labour. They gave nothing to the porters or forced labourers. If a porter was sick or injured he would be shot or left at the side of the road, usually shot. As porters, they were fed like dogs, with the food placed on bamboo sheet for everyone. For forced labour he had to bring own food.
Ethnicity: Shan
Age/sex: 24, male
Family situation: Seven (parents, him, four siblings)
From: Khan Tu, Nam Lot village-tract, Mawkmai township, Shan State (village had 170 households)

The witness left Myanmar mid-1997. There were lots of one or two-day forced labour projects, and one major one working on the Namhsam to Mongnai railroad construction project. Forced labour started on the railroad project one year ago, or five months before he left. Many people were beaten during work so they became frightened of going and started to run away. After two months only the village head (his father) and five or six others were left of the 30 assigned. The soldiers told his father that since the others had fled then those remaining had to do all the work themselves, which was impossible. When the work was not done they shot his father dead. Work was done on rotation: one person per family. The work consisted in breaking rocks, clearing trees, digging ground and building embankments. Other forced labour for one or two days planting and tending crops for the military. The army gave a certain area of land for cultivation to each village and told them the amount of crop that was required to be produced. If the village did not grow enough to meet the quota then it had to buy the shortfall at the market to give to the soldiers. He very often did this work himself. Soldiers kept the crop, he did not know what they did with it. If new army units came they had to build trenches and bunkers for them. Overall, forced labour took three weeks of the month for the main worker of the house, with only one week left for his own needs and income. It was easier for larger families to survive as they had more people to share the forced labour. It was hard on those just starting a new family, and for that reason the village head would give young couples a couple of months free from forced labour to get started. The orders for forced labour were sometimes given in written form. Otherwise the village head called to camp to get instructions. If an assignment was not done fast enough the workers would be beaten. If the workers tried to rest because of being tired from the hard work they would be beaten and kicked. The same thing applied if the work was not up to standard. In his village seven people were badly injured from beatings during forced labour. Six of them died. Some died on the spot, others were shot. Finally, soldiers were relocating everyone to towns, so they could not farm or earn a living. That is why so many fled.

Ethnicity: Shan
Age/sex: 24, male
Family situation: Married (in Thailand) with one child, two siblings
From: Wan Ho Pai, Laikha township, Shan State (village had 300 houses)

The witness left Myanmar mid-1995. He left because of *Portering*. He fled after he finished his last portering assignment. His father died young, so he had to go in his place from the age of 16 on. He went 14 or 15 times, usually for ten days to one month. The longest time was during two trips of 25 and 26 days respectively. Army would usually go through the village head, but sometimes would just take people at random as needed. On the 26-day trip he had no shoes or thongs so he went slowly and was beaten a lot. For the first eight days he kept up the pace, but after that started to fall back and was beaten a lot. He carried rice, pots for cooking, and ammunition, weighing about 14 or 15 viss (about 23 kg). When he was younger he was sometimes used as a guide. Others from other villages were arrested by the soldiers for *Portering*. Some people tried to flee during Portering. If they were caught they would be brought before the whole group and beaten to death as an example to the others not to try to escape. He saw executions of porters happen four or five times. He and other porters were tied to their loads by a rope around their wrists so they would not try to escape. He saw women used as porters in his
Forced labour in Myanmar

group. Sometimes they were used as guides or to carry pots. He also witnessed an incident of rape and torture of women. This happened in a village they were passing through. The soldiers could not find any men to take as porters. They accused the villagers of collaborating with rebels and raped 15 or 16 young women and girls and set six older women on fire. This happened five years ago in Wan Mon, Laikha township, one day's walk from Laikha town. Women also did forced labour, the same work as the men, but they usually insisted on having one man at least in each small work group. He also had to dig a fish pond, work on a railroad and do other forced labour projects. The railroad work was four years ago on the Namhsam-Mongnai railroad line. Everyone in their village went for 26 days at a time every few months to work on a 30-mile stretch of the line. They were collected by truck and taken to the site for 26 days. If their assigned work was not done in that time they had to stay longer. Of the 12 who went with him to work on the railroad site, six or seven were beaten because their work was not good, or because they did not finish on time, or as fast as the others. Some were injured badly from the beatings, but had to continue working anyway. Households usually did forced labour or portering, but not both, except for families that had enough men to do both at the same time. Had to pay 7,000 kyat if a member of the family could not go as assigned.

Ethnicity: Shan
Age/sex: 32, female
Family situation: Married with children
Occupation: Day labourers
From: Kung Hart, Namhsam township, Shan State
(village had about 30 households)

The witness's family came to Thailand about two years ago because life was difficult, they had not enough to eat, little time to work for themselves and too much time to work for the authorities. Forced labour started long ago, she could not remember how long. Her parents' and husband's families had to grow vegetables, guard the roads and railroads, do portering, build the military camp. Also, the military always asked one way or another for money and food. They had to go mostly once a week, sometimes for four to five days straight, including building the military camp. The soldiers beat some people doing forced labour (not in her family) and if they tried to respond, they were kicked and beaten even harder. She only knew when her husband had to go and work for the Burmese military, not what for. He went three to four times a month, mostly for one to two days, to do different kinds of forced labour, until they fled to Thailand. The order came through the village head. She herself also did forced labour when her husband was not at home/not available. She had to dig trenches for the military camp, build a railroad. She also had to go from early morning until late evening, many times for almost a year. The soldiers also came to the work site and gave instructions, people could return only after completion of their assignment. They took turns in the family. Her father and brother, who lived in separate houses, also had to go independently. This was when she was about 26/27 years old, for the railroad from Mongnai to Namhsam. Her family could not make a living anymore because, when they did not have to go and do forced labour, they had to try and find money to give to the soldiers, who always asked for one reason or another, three or four times a month to be given at least 100 to 200 kyat at a time. The bigger families had to pay more. Her family usually had to give 200 to 300 kyat, although it was a small family and they had nothing, no land. It was very difficult because her husband earned 30 to 40 kyat a day, as a labourer: forced labour and the money exactions were equally difficult. She herself generally worked as a labourer in other people's gardens, fields and farms to earn money, about 30 to 40 kyat a day, depending on how the labour was needed by the employer. She would work as a day labourer even if there was no money exaction.
The witness's family came to Thailand at the end of 1996 because the Burmese military were very oppressive, they had a very difficult life, with every household asked for porter service one day out of five. When all the men ran away, they even took the women. Women normally would be taken not for portering but for showing the way, but sometimes they took the women for one or two days until they found someone to replace them. In her father's family three people did portering in turns. Sometimes, when the military badly needed more porters, they would take all the rest of the family. It had happened to many families in the village, including her own. When one was away on portering and had not returned, and the military wanted more they seized all they could. Her husband had to do portering ever since she married him (when she was 13, 20 years ago). In the last year before they fled, about every five days her husband had to go and wait at the military camp, even if they did not need porters. Then, if they took him for portering, he would have to go for five to six days or more, sometimes 10 to 20 days. Often, after he returned, he had to go again. The longest time her husband was away on portering was for over one-and-a-half months, but some people had to go for much longer, some for three months, and some did not return. When porters could not walk properly, the soldiers would kick them, sometimes beat them with rifle butts, pour water in their mouths. She had seen it done on two or three occasions to two or three people, even to the village-tract head of Kung Pak. Her family members were also beaten, sometimes kicked so that they fell down, but they did not have water poured in their mouths. She saw it happen to porters from other villages when the military passed through their village, but not to people from her own family because that happened far from her village. The witness herself had not done portering, but twice she had to guide the soldiers, holding up a torch and walking in front to the next village for two or three hours, depending on the route. Her husband also had to cut bamboo or wood for the army, once a month, sometimes for two or three days. For the last seven to eight years, they had to cultivate corn (maize) every year for the military, from planting until harvesting, the full season. Villagers took turns. Her husband had to go sometimes three times in a season, mostly one day from early morning to late evening. Some people from other villages had to bring their bed and sleep there, because their village was far away. Thirty to fifty people worked together, sometimes from two to three villages. Her husband also had to do work on a road near Panglong. This started about eight years ago, and three or four times her village had to go, her husband included. They had to bring their own food and stay on the site for about a month. Her husband had to go twice. When they fled, roads were still being built here and there. About 25 or 26 times a year, they had to use three bullock carts at a time to carry water to the military camp. Because her family did not have a cart, they had to give money, sometimes 60 kyat, sometimes 180 kyat. Her husband paid, so he did not have to go, the owner of the bullock cart did the work. The soldiers even asked for rice, which the villagers had to give. They also asked for chickens and meat. For the latter, the villagers had to collect money to buy a cow or bull to give to the soldiers. When her husband was away portering, she worked as a day labourer, tending gardens or collecting natural fertilizer. If her husband had not been away, she would only have helped part time, and mostly looked after the children.
Forced labour in Myanmar

Ethnicity: Shan
Age/sex: 42, male
Family situation: Married with three sons
Occupation: Farmer
From: Wan Hat, Langkho township, Shan State (village had 300 families)

The witness gave his testimony in the presence of witness 139. He left Myanmar in 1992. He was a porter for the first time at the age of 17, 25 years ago. The assignment lasted 33 to 34 days. The village head told him about the order from the military. He had to carry munitions and soldiers' clothing. He had to bring his own food. He was not paid. He was ill treated. He was beaten. He had even been shot at but the bullet missed. He saw other people beaten because they were not fast enough. It was possible to engage a substitute: 3,000 kyat a time (five days). Bribes were not possible. On road building and work in a military camp, he confirmed what witness 139 said (see statement of witness 139).

Ethnicity: Shan
Age/sex: 41, male
Family situation: Married with two sons and one daughter
Occupation: Farmer
From: Wan Hat, Langkho township, Shan State (village had 300 families)

The witness gave his testimony in the presence of witness 138. He left Myanmar in 1992. He had been a porter five times, the first time at the age of 21 (1978) and the last time about seven years ago (1990). He was not always fed and the ration was in any case always inadequate. He had to sleep in the forest. The soldiers slept above the porters to stop them running away. He could not say where he was a porter. It was possible to engage a substitute: 3,000 kyat each time (five days). It was impossible to bribe anyone. He had seen porters beaten to death by soldiers. He had personally been beaten because he had not been able to carry the load he had been given. He also participated in building roads between Wan Hat and Salong, Wan Hat and Mawkmai and Wan Hat and Langkho about nine years ago (1989). He worked there on two or three occasions during the year for five days at a time. The place of work was five hours march away. More than 100 men worked at the same time as him, aged between 15 and 60. He had to carry and break rock. The day began at 8 a.m. and ended at 5 p.m. The work was supervised by a civilian, although soldiers were present. They had to sleep at the work site. Food had to be shared by those people who had been able to bring some. He was not paid. It was possible to engage a substitute: 200 kyat a time (five days). He had no money to do that. Finally, he worked in a military camp one hour's march away. He worked there once for five or six days about seven years ago (1991). He had to dig a trench and install defensive spikes. Fifty to 60 men were working at the same time as him. The village head told him the work that was to be done. He had to bring his own food. Only water was supplied. It was possible to engage a substitute: 100 kyat a day. He could go home to sleep. He was not ill treated and did not see others ill treated at this time.
Ethnicity: Shan
Age/sex: 70, male
Family situation: Married with four children
From: Pang Keng, Langkho township, Shan State (village had 12 households)

The witness left Myanmar in 1992. He did portering four times over a 14 year period: twice at age 50, once at age 60 and once at age 64. Completed the work the first three times. Fled the last time because he feared for his life if he did not flee. He was given no special treatment because of his age. The last time he was a porter for 19 days before fleeing. The last day he received no food. Nine people fled at the same time. He was never beaten, but saw others beaten when they could not carry their loads. Two other porters were his age (over 60), the rest were younger. There were no women. They received three rest breaks per day. They had to walk all the rest of the time. Only a handful of rice and some salt was given to them. The reason they took old people was that there were few families in the village, so there were not enough younger people to fill the quotas. The amount of portering required was very variable, because he was old he did not do as much as the others, which varied from twice a month to twice a year. If porters tried to run away they would be shot. He witnessed many beatings and kickings, but never saw anyone shot. Porters would be beaten if tired or could not work because of fatigue or age. Other work involved working for soldiers at their army camps. Seven years ago he did this work also (at age 63). Went once or twice a month for one day. It was almost a half-day's walk to the army camp, so he had to leave very early to get there and returned very late. Six years ago the village was relocated. That was part of the reason he felt the need to leave too.

Ethnicity: Shan
Age/sex: 40, male
Family situation: Married (wife and two children)
Occupation: Farmer
From: Mark Oon Lao, Wan Hat village-tract, Langkho township, Shan State (village had about 40 households)

The witness came to Thailand four years ago because the Burmese soldiers were so oppressive. When he wanted to go to work, even to his own fields, every time that he had to go to some other place, he had to ask for permission, a pass from the soldiers; without a pass he could go nowhere. Whenever the soldiers wanted people to do something which the people wanted to avoid, they kicked and beat them. He had seen this happen to people from his village. Besides his family, six or seven other families from his village have come to Thailand for the same reasons. If they did not have to do forced labour for the soldiers, they would not have come. He had to do portering once, at age 13, for 26 days. He was told to do so by the village head, who had been asked by Burmese soldiers. Many people had to go at the same time. His younger brother also had to do it once, for 20 days. He saw soldiers beat a porter into unconsciousness, and the porter then had to be carried back. This was because they did not give him anything to eat, so he was very weak and could not carry anymore. He himself was beaten, but was able to explain that he could not go further, and was released. “We will find someone else”. While saying that, the soldiers also scolded and beat him before letting him go. Starting at about the age of 22 until he came to Thailand, witness also had to do road building work, on the main road from Mark Oon Lao to Salong, three or four days at a time, and often had to go back after five days. They had to stay at the work site, received no food, nor a place to sleep (had to sleep in the forest). He was not tied up at night, there were no soldiers to look after the work, so he could have run away if he wanted, but they had brought their rations and bullock carts with them. The soldiers had marked a certain stretch of the road for each group to make,
and they had to work until their section was finished, then they could go home. On the days he went there, about 20 people and ten bullock carts (to carry rocks and stones) from his village were there, as well as people from other villages: all together 200 to 300 people. He did not see anybody hurt or injured by the soldiers while doing this work. He never got paid for this work. When he was out at road work, he would leave a pyi (2.5 kg) of rice for his wife and children to survive on until he came back. In addition, people from his village had to work at military camps, one old, deserted, then re-occupied, plus a new camp they had to build before he left. Four villages around had to work for the camps, one person from each family (his village had about 40 houses, the other three villages had about seven, ten and 20 houses respectively). People who did not work properly were scolded by the soldiers. They had to dig trenches, make fences. He also worked there, making fences, about five times for two to three days each time, depending on how long it took him to finish the work assignment. They also had to stand guard, once in five days. That started about two years before he left and still continues. With regard to taxation, he also had to give money and rice once a month to the soldiers. The poorest families had to give at least one pyi of rice and 50 kyat, the richer, three pyi of rice and up to 500 kyat per month.

<table>
<thead>
<tr>
<th>Ethnicity:</th>
<th>Muslim</th>
<th>142</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age/sex:</td>
<td>40, female</td>
<td></td>
</tr>
<tr>
<td>Family situation:</td>
<td>Widow with seven children (husband died ten years ago during portering): five boys (eldest is 27) and two girls</td>
<td></td>
</tr>
<tr>
<td>Occupation:</td>
<td>Day labourer</td>
<td></td>
</tr>
<tr>
<td>From:</td>
<td>Yebu, Hlaingbwe township, Kayin State (village had around 100 families)</td>
<td></td>
</tr>
</tbody>
</table>

The witness testified in the presence of witness 143. She left Myanmar in May 1997 with her family. There was a military camp nearby. The whole village was burned down some twenty years ago by the KNU army because there was a military camp there. The villagers lost everything. Some went back. Others settled in the neighbouring fields. There was still a military camp nearby. Women had to go and work for the army when their husbands were away or deceased. She personally worked for a military camp. She had to get information on the movements of the KNU army. She had to do this work once a week for 20 years every month. This work had to be done on a rota basis between 20 villages. She worked with one other person. It was mainly women who had to do this work. The day began at 8 a.m. and ended at 4 p.m. If there was no news to pass on, she had to stay at the camp and work there: fetching water, putting up fencing, digging trenches. On one occasion, she had to carry food for the military (one day). She was personally beaten on one occasion with a bamboo stick for arriving late for work. She had also been ill-treated and kept in wooden stocks, which immobilized her feet, for a whole day (8 a.m. to 4 p.m.) for arriving late. She confirmed the point explained by witness 143 that, if the work was not done, she had to pay (300 kyat each time) or be put in the stocks. She saw several people who had been ill-treated. As a punishment for arriving late, they were made to stay in the sun for long hours. She also worked on the building of the road between Dawlan (Natkyun village) and Hpa-an. Witness 143 worked on the same road, but on a different section. That road was used by the army, and civilians dared not use it. It needed rebuilding after each rainy season. The worksite was a day's walk away. She worked there on three occasions, each time for a week, in 1994. One hundred other people also worked at the same time on the section assigned to her, including men and women aged from 17 and to over 60. There were more women than men, since the latter had to provide for their family's needs by doing paid work. Each family had to provide one worker, as usual. A civilian supervised the work in accordance with orders given by a member of the military. She had to move earth. The day began at 7 a.m. and ended at 5 p.m. with a one hour break at noon. She had to bring her own food and sleep at the work site, near the road. She was not paid. It was possible to engage a substitute: the cost of doing this varied depending on the distance and the work to be done (it was approximately 288
100 kyat). She confirmed the description given by witness 143 of the treatment received: she said she had been beaten and had seen several other people suffering the same treatment for not working fast enough. Her husband had acted as a porter.

---

**Ethnicity:** Muslim  
**Age/sex:** 48, female  
**Family situation:** Widow with eight children: four sons and four daughters  
**Occupation:** Day labourer  
**From:** Yebu, Hlaingbwe township, Kayin State  
(village had around 100 families)

The witness testified in the presence of witness 142. She left Myanmar in October 1997. She did the same work as witness 142 for the military camp. See the statement by witness 142 in this regard. She added that if the work was not done, she had to pay or be put in the stocks. She had to pay on numerous occasions: 300 kyat each time. She was also beaten on more than ten occasions for being late as a result of trying to provide for the needs of her family. She also worked on the building of the road between Dawlan (Natkyun village) and Hpa-an. Witness 142 worked on the same road, but on a different section. She worked there more than five times in 1994. Each assignment lasted one week, except for one which went on for 15 days. She had been beaten several times for not working fast enough. She confirmed the description of the work and the site given by witness 142.

---

**Ethnicity:** Muslim  
**Age/sex:** 12, male  
**Family situation:** Nine (him, parents, six siblings)  
**Education:** None  
**From:** Sako, Hlaingbwe township, Kayin State

The witness was forced to work from the age of seven/eight on road-building and for a military camp. He left Myanmar in early January 1998 with one of his aunts. With regard to forced labour, he had to carry earth for a road from Paung to Yebu. The road was not far from his village. He had to work there on four or five occasions when his parents could not go, as they were trying to provide for their family. Each assignment lasted a day and he could go back home to sleep. He had to bring his own food. He had been beaten with a rifle for not working quickly enough. More than half of the people working on the road at the same time as him were children of his age (he could not give a total number). He also worked for a military camp from the age of seven or eight. He had worked there for one day on more than five occasions, cutting wood or putting up fences. There were children of his own age working at the same time, but the majority were adults. He also worked for this same military camp more than ten times cutting the grass. He was hit with a stick and punched for showing signs of tiredness. He had to work at the military camp when his parents were away providing for their family.
Forced labour in Myanmar

Ethnicity: Karen
Age/sex: 23, male
Family situation: Married with two children
Occupation: Farmer
From: Paw Baw Ko (Nabu area), Kawkareik township, Kayin State (village had about 100 households; two military camps nearby)

The witness gave his testimony in the presence of witnesses 146, 147 and 148. He left Myanmar in early February 1998. He worked as a porter, on road-building and for a military camp. He also had to grow food for the military. He left Myanmar because he no longer had the time to attend to his own work. Three days a week had to be reserved for the different jobs required of him by the military. Moreover, the military had taken all his possessions without any form of compensation. The assignments for all the forms of forced labour were communicated to him through the village head. He was not paid and received no compensation. He could, however, pay a substitute. The sum involved varied depending on the work to be done and the time needed. He first acted as a porter at the age of 18 (1992) and had done this more times than he could remember since then (around twenty times). He last had to work as a porter just before he left for Thailand. The sum required to pay a replacement was 2,500 kyat for five days. He had paid a substitute on four occasions. It was also possible to pay the village head to be exempted: 400 to 500 kyat. He had paid this sum on ten occasions because he had to take care of certain members of his family who were ill. So far as food was concerned, he very often had to take his own since what the soldiers gave them was never sufficient. The assignments lasted five days on average and were carried out in Kayin State. He had to cross both flat and mountainous terrain. He had to carry ammunition. He was caught up in an engagement with the KNU on one occasion two years ago. The battle lasted one hour. The porters tried to hide. None were wounded. The last time he acted as a porter there were three men from his village with him. He was not able to give the total number of porters on that occasion. There were, however, around a hundred soldiers. He was never personally ill-treated. However, other porters were severely beaten for being too tired or exhausted to carry the load allotted to them. He also had to work on the road from the village to the military camp on ten occasions three years ago. Each assignment lasted one day. This was a road which could be used by carts and cars, and which was built in six months (November to April). The military and the villagers used it. One member per family had to work on it. The work was carried out under the supervision of the military. He had to dig earth and carry and break stones. Some one hundred persons from two villages worked at the same time as him, including both men and women. The women worked when the men could not go. Though he had never paid a substitute, the sum for doing so was 300 kyat per day. In addition, he had worked on the building and maintenance of two military camps. The sum for paying a substitute for this was 300 kyat per day. He had paid a substitute on ten occasions. Three years ago, he worked on the building of the older of the two camps. He worked on this on four occasions, one day in every seven. As regards the more recent camp, he worked on this seven times, one day in every three, just before his departure. In both cases, ten men worked with him. He was subsequently required to perform different forms of maintenance work on the camps—including cleaning duties, cutting wood and bamboo, and putting up fences. This work had to be done every three days for the new camp. Ten persons worked with him. The same thing had to be done for the older camp every ten days with two other persons. He had to go to the military camp five days before his departure to do cleaning work and build bunkers there. He also had to fetch logs. He was never beaten, though the soldiers did shout at the workers when they thought the work was not proceeding fast enough. Finally, since 1995, he had to grow rice for the military twice a year during the rainy season. He was not paid and received no compensation in return.
Report of the Commission of Inquiry

Ethnicity: Karen
Age/sex: 30, male
Family situation: Married with three children
Occupation: Farmer
From: Paw Baw Ko (Nabu area), Kawkareik township, Kayin State (village had about 100 households; two military camps nearby)

The witness arrived with witnesses 145, 147 and 148. He heard witness 145’s statement. He personally left Myanmar because he was no longer able to survive. He added that he had acted as a porter on more than ten occasions. The last time was approximately two months ago (end of 1997). All the portering was done in Kayin State. The portering assignments lasted between a week and a month. He was caught up in a battle with the KNU. He was severely beaten on several occasions (he still has scars). He also worked on road construction on ten occasions, the last time being one month earlier.

Ethnicity: Karen
Age/sex: 37, male
Family situation: Married with five children (three daughters and two sons)
Occupation: Farmer
From: Paw Baw Ko (Nabu area), Kawkareik township, Kayin State (village had about 100 households; two military camps nearby)

The witness arrived together with witnesses 145, 146 and 148. He heard witness 145’s statement. He added that he was wounded at the age of 21 when his friend stepped on an anti-personnel mine during portering. He worked as a porter seven times thereafter. The last occasion was one year ago. Each assignment lasted approximately five days. He was caught up twice in engagements with the KNU. He also had to do road construction one week before his departure. Ten days before leaving Myanmar, he went into the forest, accompanied by his nephew, as they had been conscripted by the military to fetch wood. They were not paid. His nephew stepped on an anti-personnel mine and lost both his legs. He took him to the hospital.

Ethnicity: Karen
Age/sex: 28, male
Family situation: Married (no children)
Occupation: Farmer
From: Paw Baw Ko (Nabu area), Kawkareik township, Kayin State (village had about 100 households; two military camps nearby)

The witness arrived together with witnesses 145, 146 and 147. He heard and agreed with witness 145’s statement.
Forced labour in Myanmar

Ethnicity: Karen  
Age/sex: 31, female  
Family situation: Married with three children  
Occupation: Day labourer  
From: Kopadu, Hpa-an township, Kayin State

The witness left Myanmar in mid-February 1998. She had to work just before leaving, both for a military camp and as a porter. Her husband was often away for the whole month.

Ethnicity: Burman  
Age/sex: 24, male  
From: Mayangone township, Yangon

The witness left Myanmar in 1996. He was arrested in 1988 at age 13 when involved in pro-democracy demonstrations on 8 August 1988 near the Shwedagon Pagoda. Army cars with machine guns surrounded the demonstrators and fired on them, killing and injuring several. He was put in prison without trial for one month but released because of his age when he signed agreement not to be involved in political activities. Between 1988 and 1996 he travelled extensively to various places throughout Myanmar, including Shan State, the Ayeyarwady Delta, all over. Called for forced labour wherever he was at the time. It was not done on a voluntary basis. People were ordered to work. The military ordered a certain number of labourers and indicated how much had to be paid if a person could not go. He did forced labour in Yangon and at a quarry in Patu, Taunggyi township splitting stones for surfacing roads for seven days. Had to pay 1,000 to 2,000 kyat to avoid going. People who had little money, not even enough to buy rice, had to do the work. Orders came from the area LORC down the chain of command through the local area chairman. The quarry was close to home so he did not need to stay at the work site overnight. He also, saw forced labour being done by prisoners. Forced labourers received no food or pay, but those who lived in town had no tools, so these were provided. Villagers in rural areas had to bring their own tools. All the people in Yangon, even the civil servants like his parents, had to take part in forced labour. All his brothers did work on the Ayeyarwady road. His father was a police officer and his mother worked in a Government factory. They used to get week-ends off, but days off were reduced from two to one, with that day used for forced labour. This system started in 1993/94. Also, forced conscription was going on. There were three choices available involving forced labour: do the work, pay to have someone else do the work, or pay a fine for not working (usually more than paying to have someone else do the work). The amount of forced labour depended on what was needed at the time. In the Yangon area there was the every Saturday assignment. Then there were bigger special projects. Saturday work involved cleaning at the LORC office or doing administrative work. Also, when there was a big military offensive somewhere there were roundups of people to serve as porters. During his time in Yangon area, he also saw land confiscated and road building work with forced labour on the road from Yangon to Danubyu to Pathein (Bassein). Soldiers served as guards but did not do the work. He left Yangon in 1989, but has returned pretty regularly, at least once a year since then. Last time in Yangon was 1995. He did portering once and forced labour two or three times in the various places where he happened to be visiting outside Yangon. Longest time was portering in 1991. He was called by the village LORC chairman. He was a porter for one month, including carrying rice sacks on a pole (one sack between two people). From his experience he had seen a big difference in the way forced labour works in urban and rural areas. In richer places people use their money to buy their way out, or to pay for the building work to be done using equipment and paid labour. It was the poor who bore the brunt of forced labour problems.
The witness had been in Thailand since early 1997 with his entire family. He fled because of forced labour and abusive treatment by the military. He did both portering and forced labour. All kinds of work were required by the military, from cutting and transporting bamboo and wood, to cultivation of crops: as many different kinds of work as you could imagine. Because of these ongoing tasks “... we had nothing to eat ourselves and were forced to leave”. Each house had to send someone once or twice a week, for one to seven days. Sometimes two separate orders came at the same time, so more than one person from the household had to go, or pay someone else to go: from 200 to 500 kyat per time. Normally, someone would go, unless they were sick and then they had to pay. Women and children were included. Orders were transmitted from the military to instruct the village head that so much wood was needed, that such and such had to be built or done. Then the village head would divide the work among the villagers. “Whenever one work assignment was finished another came. It was unending.” This was the same for all the villages in the area. The authorities would not always require every household to send someone at the same time. Who went was determined by rotation. If the required number was not sent, then the army would come to the village to arrest the people. When they came they would take and kill animals and sometimes shoot people. He saw three people killed in this way on porter recruitment visits by the soldiers. They would accuse them of being rebels even if they were not. If porters could not carry the loads or keep up they would be punched, kicked and beaten. He had not seen porters killed, but had heard stories. Mostly men were used as porters, rarely women. Porters were treated much worse than other forced labourers. With forced labour, there were fewer problems since the army was just there to guard and was not on manoeuvre. For portering, the food given was very meagre, only a handful or a small bowl of rice, just enough so that the porters did not die. No food was provided during other forced labour. People brought their own food and tools. Other types of work included constructing army camps, digging trenches, cutting bamboo, building roads, working on rubber or sugar plantations. He personally did all this work except for that in the sugar plantation. The rubber plantation work was especially extensive. The army brought the seedlings and the workers did all the rest: planting, cultivation, staking the trees, harvesting. The rubber was sent to battalion headquarters for the 549, 547, 548 battalion units. These were located in the village of Nabu. He had to do forced labour for all three of these army camps on demand. They were all within two miles of the village. The military had completely controlled the area for only one year. That was when the camps were placed there and when extensive forced labour assignments started. In 1996, when he first arrived the first thing the military ordered was to clear the jungle area for the camps. Then they started ordering the road building work. He did this for one year before leaving. The road was a two-lane all-weather road with a broken rock surface. He did portering many times, usually carrying things between the camps. He also did portering before the camps were set up and before the other forced labour assignments began. He was at the front line several times. During the battles some porters were injured and some ran away. The wounded porters would be treated. During offensives, porters would be used with soldiers on “point” duty in advance of the main body of troops for scouting. Porters sometimes were sent in front of the troops to clear mines. Sometimes one or two porters a week were injured or killed this way. Portering lasted for several weeks at a time as much as a month. It was done on a rotation basis two or three times a year. Other forced labour took place two or three times a week, for one or two days, but sometimes five days at a time if work sites were further away. Villagers had to do on average more than two weeks per month of forced labour.
<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Karen</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age/sex</td>
<td>36, male</td>
</tr>
<tr>
<td>Family situation</td>
<td>Married with four children</td>
</tr>
<tr>
<td>Occupation</td>
<td>Labourer</td>
</tr>
<tr>
<td>From</td>
<td>Treh Wa, Bilin township, Mon State</td>
</tr>
<tr>
<td></td>
<td>(village had 50 households)</td>
</tr>
</tbody>
</table>

The witness left Myanmar a year ago but returned in early 1998. He left Myanmar again in mid-February 1998. He was arrested and subjected to torture by LIB 96 one year and three months ago, just before he originally left. They accused him of being a KNU soldier. He was beaten, tortured with the flame of a kerosene lamp, and had water poured down his nostrils. There had been an army camp in the area of his village since 1988, so portering for them was frequent: several times each month for four or five years, for about three to ten days each time, at least. One time it lasted three months. It became pretty continuous. During the three-month assignment he carried rice at the front line. He was grabbed by the soldiers as he was walking along the road from his village and forced to do this work. The other times he either was arrested in a similar way or it was done by order through the village head. The three-month stint was three or four years ago. He was picked up in Thaton and sent to Bilin by truck and then had to walk to the front line in Papun district. He was given no water (porters had to find their own) and very little rice: one handful each day, with one spoon of yellow pea curry. The porters had no strength because of the strenuous work and so little food. So many were beaten and killed by the soldiers. Ten porters were beaten to death by the soldiers during the three month period. If porters were too slow they were kicked or beaten. He himself was beaten. Women were not used as porters at front line, but were used for shorter distances in village areas. He did not see any porters injured or killed in the fighting. He carried two backpacks filled with rice, one on his back and one over a shoulder. It was possible to pay 600 kyat for three days to avoid the work. No medicine was given if porters were sick. He last had to work as a porter one year ago. Other forms of forced labour included digging trenches and building fences at the army compound, only one hour's walk away. He did both forced labour and portering sequentially. There was also a nearby DKBA camp set up one year ago and they had forced labour demands in addition to the rest. For the DKBA there was work at the camp on fences, clearing brush and digging trenches as well as road building. Overall, in one month on average, there would be ten days required work at the army camp, 15 days required work at the DKBA camp, plus portering thrown in. So there were no more than five days a month left to do his own work to earn a living. He was a farmer working for others. He had to cut wood to sell in order to get more income. Even with that he could not make ends meet anymore. That is why he came here to Thailand. The level of forced labour is greater now than ever because there are two army bases to serve. Back in 1989 the village began working on the Mawlamyine (Moulmein) to Yangon road. The village was assigned to complete a 1,000 foot-long section of the road with a width of two-arm spans. The village head gave out the assignments on a rotating basis. His last forced labour project was doing fencing work at the DKBA base. Just before leaving he paid 4,000 kyat to be released from a second arrest by the army. On that occasion he had money from selling sheets of roofing thatch.
The witness left Myanmar in early January 1998 because he was no longer able to provide for his family, on account of the time required for the work which had to be done for the military and the taxes which had to be paid. He had to do portering and road building. In both cases, the village head passed on the order from the military, although the military sometimes came directly to the houses or to public places to seize the porters. He was not paid and received no form of compensation for this work. He acted as a porter on one single occasion for a week in the rainy season. The other times he managed to escape. The portering had to be done in a mountainous region of the Kayin State. The porters were male, aged between 14 and 60. They were not paid. It was, however, possible to hire a replacement. The sum for this varied according to the number of days to be worked, but was between 500 and 1,000 kyat. It was also possible to pay the village head to be exempted. He had never paid and hence did not know the sum that had to be paid. They had to carry ammunition and march all day. There was never enough food. In the beginning each porter got one tin of rice. After a few days, three porters had to share one. They had to sleep in the jungle, without shelter. No one could take care of his family in his absence. During this period, his wife gave birth to their daughter. He was not personally ill-treated. Friends had, however, been beaten with a stick for not going quickly enough and for being too tired to carry the load allotted to them. He had to carry food to the military who lived in the camp in the mountains one to three times a month over the last two years. It was about an hour's walk to the camp. He did this work with other men in rotation. The number involved could vary, but might even exceed 100. He also had to work on the road between his village and Meh Pleh. This was a road for cars. The worksite was three hours' walk from his house. He had to work there several times over the last year, even though the building of the road began three years before. This road had to be repaired after each rainy season. More than 20 people from his village worked at the same time as he did. However, he could not say the total number of men or women who worked on the road. The day began at 8 a.m. and ended at 5 p.m. with a one-hour break at noon. He had to bring his own food, but could go home at night. It was possible to pay a substitute. He did not know the amount, as he did not have enough money to hire one. It was also possible to pay the village head so as not to have to go: the price was 100 kyat per day. Over the last year, he also had to put up fences along the road and stand guard against the KNU. To do this, he had to go along the road each morning with a plough to check whether mines or other explosives had been laid. A mine exploded last year, killing a worker and two soldiers. He also mentioned that he had to pay between 200 and 300 kyat per month since his return to his village in 1995. He did not know why these taxes were levied. To pay them, he had to sell land and take work as a day labourer.

The witness and his family had been in Thailand for the past six years. In January 1998 he went back to his village to see what the current situation was like. He stayed there for 20 days and then returned to Thailand. He found that the situation was not good. The military was in
Forced labour in Myanmar

firm control of the area now. Before he left, he was a rice farmer. He had to give a percentage of his crop to the army, and another percentage to the land owner, leaving him with very little. "It was difficult to survive on what was left." He could not afford to go on portering or forced labour assignments, so to avoid them he would sleep in the jungle. That strategy worked to avoid being arrested by the troops directly. But he could not avoid it when orders came down from the village head. He was a porter on four occasions, three times through orders, and one time through direct arrest. He ran away in each case before the assignment was completed. So they lasted only four or five days for three of the times. The fourth time was for one month and five days. Four people had already died of overwork and starvation and he was certain he too would die if he stayed. So he evaded the guards and escaped and went back home. When porters became weak and could not keep up they were beaten. Sometimes after being beaten porters could not walk at all and were left at the side of the road to die. It always happened if porters slowed down, they were beaten. No medicine was given if they were sick. Food was in very small amounts. Porters cooked their own food. Soldiers did their own too. It came to about half a condensed milk tin of rice per day plus some yellow pea curry. The rice was rough and broken. Also, sometimes there was some poor quality fish paste. There were 500 houses in the village and portering was done by rotation, whenever the soldiers came through. They called five, ten or 15 people about once or twice a month. If there was no man in the house that household had to pay 600 kyat. Now it was up to 2,000 kyat as more people refused to go and it was harder to find substitutes. Only men did Portering. Women were used only for short distance work. There was a lot of portering then. Now the villagers just had to pay porter fees once a month. There was little actual portering work. There was, however, lots of other forced labour, so the total amount of time spent on forced work was about the same. Since the portering was more oppressive he thought that, to some extent, there had been some improvement. It used to be that forced labour was mostly working at the army camp, cleaning, planting, renovating buildings, doing agricultural work for the army. Road building was now the biggest task along with army camp work. There was forced agriculture work for the LIB 202 rubber plantation. They had to do all the planting and cultivation and harvesting. The rubber produced was sent to the 22 Division. The Hpa-an to Shwegun road was the main road they were working on. It was three miles from the village. When he went back to visit in January 1998, he had to spend three of the 20 days doing forced labour on the road. Before the army would come to the village to get people, now it was all done through the village head. He gave the assignments out to each house. The village was given a certain length of the road to complete. There were no soldiers at the worksite but they checked on the work. If workers did not complete the work on time, they got trouble from the soldiers. The village head had to report on who was not working properly. There were no beatings, only threats of beatings. Workers had to bring their own food and tools. No pay, of course. They had to pay money themselves if they were sick and could not go. Some forced labourers died at the worksite as a result of accidents. When the village head complained he was told that it was because they were not good workers that caused the problem so there was no compensation. It cost 300 kyat a day if you could not go. Old people, children, everyone had to go. If workers were old enough to carry things, around eight or nine years old, they went. The army did not care if children were sent, since the assignment had to be completed. It just took a child longer than an adult (often other villagers felt sorry for young children, and helped them to complete their assignment). A minimum of one person per household was requested. He considered that it was much harder to make a living now. Farmers were having to sell what they needed to eat just to survive. Forced labour was the root of the problem. Every day spent on forced assignments was a day lost to feed the family. Portering was currently limited. Four people were assigned at all times from the village on a rotating basis as servant porters at the camp: getting water, doing the cooking, carrying messages. Before villagers had to do guard duty too. Not now. During guard duty they were fined a certain number of chickens if they were caught sleeping. Now the army was also collecting a new tax for school construction and repairs. They levied the tax based on income: 7,000 kyat for the rich down to 1,500 kyat for the poor. But it was impossible to pay this additional tax too. The villagers had to sell their belongings, so it was impossible to stay anymore. They had no choice but to leave.
Report of the Commission of Inquiry

<table>
<thead>
<tr>
<th>Religion</th>
<th>Muslim</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age/sex</td>
<td>38, female</td>
</tr>
<tr>
<td>Family situation</td>
<td>Married with six children</td>
</tr>
<tr>
<td>Occupation</td>
<td>Agricultural day labourers</td>
</tr>
<tr>
<td>From</td>
<td>Yebu, Haingbwe township, Kayin State (before village had 1,000 households, now the majority have left)</td>
</tr>
</tbody>
</table>

The witness left Myanmar with her family in late 1997 because of the amount of forced labour for the military (including portering), sometimes up to 20 days in a month. As day labourers, if they went to do forced labour one day, they had nothing to eat the next. The soldiers treated Muslims, Karen and hill people badly, but Muslims even worse than the others, making it very difficult for Muslims to stay in the villages. They were subjected to harder forced labour and had less food, so they fled from the villages into the towns. In her village, there used to be 200 Muslim households, now only 15 or 16 were left. Normally, the soldiers ordered the required number of porters through the village head, but if the village did not send them, or not quickly enough, they fetched them themselves. At that time, if the villagers went with the soldiers immediately, it was okay, but otherwise the soldiers would chase the villagers and beat them. In her family, portering was always done by men. Her husband thus had to carry ammunition and food for the army. For many years, the practice had been to require portering once a month, normally for five days, but often for a week or ten days and sometimes over a long time, for two months or more. Sometimes, for a very short distance, it could take only one day (e.g. to the nearest army camp), but then they would take two or three people from the same household, making it more difficult. Sometimes they would instruct porters to pack up food for so many days (e.g. 15 days) for the porters to eat. Strong people who could do the work were usually okay. If porters were tired, unable to do the work, they would be beaten and kicked and sometimes shot dead. Some of her friends from other villages were killed in this way. On one or two occasions, her husband was beaten on the back with a bamboo cane, opening the skin; she saw it, and it has happened a lot to other people. Working as a porter, a villager would only be fed a small amount and would be expected to do heavy work. The would beat and kick the porters and sometimes leave them on the roadside. She had seen a lot of injuries done to porters from beatings and kickings all over the body that had to be treated medically. When there was fighting, as in the Kayin State, the soldiers put the porters in front so they would die and the soldiers stayed alive. It had happened to her husband. Even at other times, when the soldiers expected an attack on the army camp, she had been used as a human shield. They called the whole village, with the infants, to be placed in front of the army camp. Villagers had died this way, even from her own village, about 20 people: Muslim, Karen, hill people, some in the last few months before she left, some over the last year. With regard to camp building and servicing, three military camps were in the region, Yebu, Nabu and Painkyone, (with smaller outposts around them). They had been there for at least 20 years, but not always in the same location. If any camp moved to a new location, people had to build the new camp: men, women, children, everybody. In the case of Nabu, the people from Nabu village, about 1,000 families also had to move themselves two or three years ago to make a place for the army camp. Nobody lived there anymore. Some moved to Kawkareik and other places, or nearby into the hills. At Yebu there was a big camp, she did not remember it moving, but little outposts around it where the soldiers went on patrol had changed location. When they were building a camp, people from far away villages also had to come and do forced labour, but for the routine servicing, she only had to go to Yebu camp, not Nabu or Painkyone. For camp service, written orders were given to the village head, but if there was a problem with compliance, the soldiers would come and beat people. They did not always call up one person from each house in the whole village; sometimes, for example, if they wanted five people, it rotated among households. If it was one person from the household, they did not care whether her husband was away (e.g. working far from the house as a day labourer, or serving as a porter). In his absence, and if she had no money to pay them off, they would not accept no for an answer, she had to go. Her eldest son having left long ago, her second child, a daughter, also had to do forced labour; sometimes even young children had to go. In the camp, men also had to do portering, and men and women alike fetched water, were
on standby for messenger service, cooked rice for the soldiers and did any kind of work needed. When the soldiers changed (i.e. a different army unit moved into the camp) it meant more work, new things. They also had to cut and split bamboo and make things from it. Sometimes, men would be sent deep into the forest to fetch trees, cut them and deliver the logs to the soldiers. Often, there was much more of this than needed in the camp, and the soldiers had it transported elsewhere, she does not know whether it was for use elsewhere or sale. The witness also had to do all kinds of forced cultivation. The villagers had to do all the work and deliver the harvest to the soldiers for sale. They also had to provide chickens and meat asked for by the soldiers. If someone did not, the soldiers would put him in the lock-up and kill and eat his cattle. She, her husband and children had all worked on the Nabu to Painkyone road. After she left, people in her family still had to do it: one person per family, even children 12 and 13 years old. She knew of ten-year-olds who had done forced labour. If nobody from a house went, they had to pay a fine, but nobody had money to pay, so a child had to go; if not, the soldiers came to the house and beat people and swore. Villagers quite far from the road also had to do the work. From her village, they would take one person per household, but not always all at the same time, maybe 50 at a time, by rotation depending on how many were needed. This road running from Nabu through the Yebu area was close enough for her to go home at night, others had to make their own arrangements, building shelters or sleeping in the open air. The treatment was different from portering, which was much worse, since porters could only rest when the soldiers rested, and the soldiers did not care whether porters were tired, hot, cold, hungry, and gave only a small amount of food. Here, the villagers could arrange themselves for eating, sleeping, and could rest, provided they did the work. They were assigned a particular stretch of road, normally without a deadline, but sometimes a given amount of work had to be finished within five days. The money/fine to be paid for not providing forced labour was about 100 kyat per day. If the work was farther away, one had to pay for three days: 300 kyat. Other times the sum may have been only 60 to 70 kyat. The amount also depended on how hard the labour was, for portering one must pay more, both because it was often longer, up to two months, and because it was harder work, so maybe 200 to 300 kyat per day was paid for Portering. If there were three villages, the soldiers would go to the first village and, if the villagers could pay, take the money. Likewise in the second. Only if they came to a village that could not pay did they take the workers. They much preferred money over workers, but if they really needed workers, they would get them. Even if people payed, someone had to do the forced labour.

Religion: Muslim
Age/sex: 12, male
Family situation: Family of eight (mother and seven siblings)
Education: None
From: Yebu, Hlaingbwe township, Kayin State

The witness had done forced labour for the soldiers since he was ten years old. He left Myanmar in mid-1997. With regard to forced labour, he worked on road building. To build the road, they had to cut bamboo and trees. He had to cut the scrubs, and dig and carry mud every day in the dry season from 7 a.m. to noon, when they ate the rice they brought. Then again from 1 p.m. to 5 p.m. It was hard work, he was very tired. Sometimes at 11 a.m. the children would hide in the bushes. The soldiers did not see them, but other forced labourers did and asked them to come back. Among the adults, there were about five children, sometimes two to three, sometimes ten. He himself had to go, because he had no father. If his mother could not go, he had to. Also, sometimes villagers with money hired him to go instead of them, paying him 30 kyat a day. Most of the time he went for his own family. If the soldiers told them to build ten arm-spans of road, they had to finish it. The soldiers yelled at him but never hurt him. Once he saw the commander beat the village head because she could not find enough people for forced labour. He tied her with a rope and beat her with a bamboo cane on the back; other soldiers...
cried because they pitied her. His father died when portering in a battle, from a shell, when he was still a baby. He heard that soldiers were beating porters who could not do the work. He saw that some people had wounds on their skull and shoulders.

Ethnicity: Karen
Age/sex: 48, male
Family situation: Family of nine (wife and seven children)
Occupation: Farmer
From: Bee Lay Noh, Bilin township, Mon State originally 500 families in village, now only 100 left)

The witness came to Thailand four years ago; stayed three years, then went back to Myanmar for a few months in the rainy season to pick up someone and came back in August 1996. He went back another time and came back to Thailand once more in October 1997. Four years ago he had to cut trees and bamboo to make the road from Bilin to Papun. He had to work 15 days, then had one day's rest, and again had to work 15 days. Then, not having enough food, he could not do the work anymore and fled. Three hundred people a day, one person from each house had to build the road at the same time. The military had given the order to the village head, and the villagers had to stay quiet, although the soldiers yelled at them. He saw two women, two girls, and five men killed all in one day four years ago because they were tired and took a rest during work. The soldiers yelled at them, they talked back and the soldiers got angry and killed them. They beat them on their heads, raped the two girls and killed them, stabbing them with a knife. The road building continued when he went back in October 1997. When he first went back to Myanmar and his village to fetch someone in the rainy season of 1996, he did no forced labour, but saw other people fencing the military camp, dig bunkers and trenches. In 1997, he, like others, had to do forced labour ten days a month, one person from each household, cutting and carrying trees, bamboo. The road was not finished, the camp was completely finished now but they still had to make bamboo spike booby-traps. Men who could not carry bamboo were killed by the SLORC/DKBA troops, women were hurt and kicked and beaten with guns. He once saw an old man who told the soldiers and DKBA that he was very tired and could not go again, so the soldiers replied that he was willing to work for the KNU but not for them, slapped his face, punched and kicked him and killed him with a knife. On a day when all the villagers were in the forest cutting bamboo, the soldiers drank alcohol and forced a woman to come to the camp. The woman said she was very tired and asked to rest on the way. The soldiers said they had no time, hit and beat her with a bamboo cane. In the evening he went to her house but she was not at home. A monk in the monastery said she was killed by a SLORC soldier. Another day, he saw the soldiers beat a woman twice with a gun on the head and she died. She and other villagers had to split bamboo and she wanted to take a rest, sit down. So a DKBA officer said the one who wants to take a rest must die and the soldiers beat the woman's head while she was sitting and the second blow killed her. In September 1997, the soldiers burnt down several small villages in Bilin township and forced the villagers to relocate to different places. His village, Be Lay Noh, was a big village with a big army camp, so small villages around Be Lay Noh were relocated to that place. Later, the camp commander ordered villagers to go back to their villages and they had to build new houses, since the old ones had been burnt down by soldiers. The villagers also had to cut bamboo poles, build houses for DKBA and SLORC families and build fences around them. He fled with his family, and 60 families from his village and many from other Karen villages, altogether 300 families were staying in the same refugee camp, because they did not have enough food. One year ago, DKBA and SLORC soldiers took all their paddy, they had to go and get some once a day, begging for their own paddy; the soldiers gave them only once a day three small tins for the family. They tried to go further away from the village to sow secretly some paddy in the mountains, where the soldiers would not find it, but the pigs came and ate it all.
Forced labour in Myanmar

Ethnicity/religion: Karen, Christian  
Age/sex: 55, male  
Family situation: Eleven (him, wife and nine children)  
Occupation: Former village-tract head  
From: Bee T’Ka, Hlaingbwe township, Kayin State

The witness came to Thailand in September 1996. He went back to his village in January 1998 and returned to Thailand in February. Out of 300 families in the village, only 50 Buddhist ones were left now; all the Christian ones had left. Four years ago, SLORC and DKBA troops started driving villagers away, some of whom then came back after a few months. This happened several times but two years ago, the soldiers would not allow them back, so some of the villagers also sold their houses and never went back. He went to Thailand after having been arrested for allegedly possessing hidden weapons. Before he became village-tract head ten years ago, he did four portering trips of between two and five days each. But his children and other people had done portering for one month in a row. Sometimes the soldiers called porters just for three days, but in the end they had to go for a month. When he went back in January 1998, villagers had to go portering every month, usually for five days. If they could not go, they had to pay 450 kyat per day. The villagers had to do road construction work, going on foot to the work site, working and sleeping there for a week until another shift came. This meant they had no time to do their own work. His children worked about three years ago on the roads in Dawlan and Natkyun, as well as the road between Ah Pou and Taun Zun, for about four days a month. The authorities ordered the village head to find forced labourers and as he could not find enough, soldiers came and captured people in the village. During forced labour he saw the soldiers only yell at the labourers, not kill them. But when soldiers came to the village, the villagers ran away, and the soldiers shot at them. The witness described several killings of villagers running away or suspected of siding with the KNU. When he was village-tract head, each family had on average to do forced labour three or four days a month. Now, people had to do forced labour every day in dry season, albeit not always the same person, nor the same family. Money exaction was now a major problem. If the KNU asked the villagers to pay 10,000 kyat per year, both the SLORC/SPDC and the DKBA asked each for the same, so most of the villagers wanted to come to Thailand (but could not). When the witness went back to his village in January, he saw that between Tichara and Tiwablaw, and between Meh Pleh and Kyokyo the SLORC/SPDC soldiers burnt down hundreds of farm houses and the rice straw in the fields. The cattle had no fodder to eat and also perished from landmines planted everywhere. One had to hire people now to show the way through the mines.

Ethnicity/religion: Karen, Christian  
Age/sex: 48, male  
Family situation: Married with five children  
Occupation: Day labourer (before relocation)  
From: Mye Yeh, Kyaukkyi township, Bago Division (village had 57 families ; relocated four years ago to Yan Myo Aung village along with 650 families from eight villages)

The witness arrived in Thailand in early January 1998. Four years ago, following an ambush by KNU soldiers in the forest near Mye Yeh village when 14 SLORC soldiers were shot, the SLORC troops destroyed three wells and coconut, mango and lemon trees in the village and rounded up all men, women and children from the village as well as two neighbouring villages (Ter Paw and Po Thaung Su), tied them up and kept them in the sun, preparing their guns to shoot them. After a soldier convinced the commander of the villagers’ innocence, they were not
shot but made to walk to the relocation place, four hours away. With regard to forced labour, starting two years before relocation, the villagers had to work on road construction every day throughout dry and wet seasons. One person per family, man, woman or child, had to go and carry stones. He himself worked six days, then his wife one day, from 6 a.m. to 6 p.m., with a break to eat rice once a day but no time to rest. While he was working on the road, his wife earned money getting vegetables from the forest and selling them. When his time came to do portering while he worked on road construction, he borrowed money to pay instead of going as a porter. After relocation, he had to do road construction work only in the dry season, and only for a few days a month, because the work was shared among many villages, in rotation. When the villagers arrived at the relocation place, they had to do sentry duty every day and night beside the road. His quota was three days and nights in a row per month, in a group of three people split between three watches. Between February and November 1997, he had to cut fast growing grass/weeds once every two weeks while on sentry duty next to the relocation place. Seven times, he did carrying work for the soldiers: before relocation, five times for three days each time; and after relocation, two times, while on sentry duty. Throughout the last six years, he was called up as a porter once a month, but he paid instead of going; to be exempt from portering three days a month, he had to pay 200 kyat a day. Everybody had to do forced labour and go for portering, or pay. Some people who could not pay went portering; his wife had a small baby, and he was afraid to be killed while portering, so he paid. Khin Maung Win (from his village) died while portering in January 1997, leaving a young widow with a baby. He had not wanted to go, but was rounded up by the soldiers. One of his fellow porters came back and said that he had died with a soldier, stepping on a land mine. Also in January 1997 four people from Yan Myo Aung village were lost while portering, so the other villagers guessed they died. After relocation, at one time, one person from each family in the village had to go to the forest and cut many kinds of trees and bamboo, for one and a half months. Then villagers from two other villages, Lay Way Gyi and Ner Gu had to go and plant chillies. Later, water flooded the planted chillies and destroyed the crop, whereupon the SLORC soldiers went to the villagers who had planted the chillies and asked for 150,000 kyat from each of the two villages (300,000 kyat total). While doing portering, soldiers kicked him a few times. Once soldiers forced him to carry 20 shells, which he could not, so several soldiers kicked him on the chest so that he fell down, punched him in the face, until a sergeant-major came and ordered ten shells to be taken off his load, so he carried ten to the next village. Once he saw that a boy captured by the soldiers while looking after the cattle was kicked and bled from the mouth but he doesn’t know why he was kicked. On road construction soldiers just yelled at people but did not hurt anyone. The last time he did forced labour was in November 1997, carrying shells for five days. After that he always ran away (like all the villagers) when SLORC soldiers approached the village. Since relocation, when not doing forced labour, he lived from catching fish and frogs, eating some, selling some. He came to Thailand because there was no rice left in the house and he had no chance to work for his own family.

Ethnicity: Karen
Sex: Male
Family situation: Married with one daughter
Occupation: Farmer (worked on his father’s land)
From: Noh Hay Hta, Papun township, Kayin State (village had about 40 families; there was a military camp about three miles away)

The witness left Myanmar in February 1997 because he was no longer able to provide for the needs of his family, on account of the work he had to do for the military. No one could take care of his harvests when he was away. Five days a month remained in which he could attend to his own work and crops. He had to do portering twice a month for ten years. The duration
Forced labour in Myanmar

varied, but was never less than five days. Sometimes trips could last as long as a month, if there were military operations. All the families in his village had to provide one male person for this kind of work. His brothers had to do portering too. The order to act as a porter came from the military, but was passed on by the village head. He did not see any written order. He had to transport ammunition for mortars (three inch mortar shells), food and cooking utensils. There were around 40 to 50 porters for 150 soldiers. He was not paid and did not receive enough food. He had been caught up in a battle with the KNU. The porters had to stay near the soldiers. He was subjected to ill-treatment: he was kicked for being too tired to keep up. He was threatened that he would be killed. He saw two porters who had died because they were no longer able to carry the load allotted to them. There were no medicines available when there was illness. He also had to do sentry duty by the road between Papun and Kamamaung. His post was some three miles from his home. He had to stand guard twice a month, each assignment lasting five days. He performed this work in 1996 and until he left in February 1997. All the villagers had to perform this work. His three brothers were also forced to do it. In fact, only the very aged, including his father, were exempted. About 400 people, including men, women and children, worked at the same time as him. He had to sleep near the road on these days. For this, he had to put up a shelter. He also had to erect a fence along this road, to serve as a defence against the Karen National Union (KNU). Moreover, the villagers had to “clear” the road each morning, which consisted of checking that explosives had not been laid. If they missed a mine and an army vehicle blew up when it hit it, the villagers had to pay a million kyat in reprisal. Each villager and each village was therefore assigned a section of road to be checked. He was not paid and had to bring his own food. On one occasion in 1997, after the rainy season, he had to repair a bridge while he was on sentry duty. The women of his village were not ill-treated by the military. He had, however, heard of women in other villages being raped, including a woman from Po Gay who was raped by five soldiers. He also had to construct barracks for the army in 1997. The assignment lasted ten days and was three hours’ walking distance from his home (nine miles). Each day, 30 people worked together (the total for the month being 300). These people came from three different villages, including his own. The orders were given by the military. The equipment and materials (particularly the bamboo) necessary for building these installations were provided and transported by the workers, who received no compensation for this. It was possible to pay another person to do the work, at a rate of 150 kyat per day. It was also possible to pay bribes, though he did not personally do so. It was not possible to refuse, and he knew people who had been arrested for refusing to carry out this work. With regard to taxation, he had to give the Government five baskets of rice out of every 100 harvested. As regards sugar cane, five bundles had to be given out of every 100. All the villagers had to pay these sums. The village head had to collect the taxes. The witness was not a member of any political group. He would go back to Myanmar if conditions changed. He feared he would be executed if he returned (DKBA was in his village).

Religion: Muslim
Age/sex: 30, female
Family situation: Married with one daughter
Education: 3rd Standard
Occupation: Itinerant trader
From: Mon Naing, Hlaingbwe township, Kayin State (village had 340 families)

The witness left Myanmar in early January 1998 on account of the forced labour for the military. She personally had to do portering and sentry duty by a road. Her husband was also requisitioned for portering and had to work on the building of the road. He had on average ten to 15 days a month to do his own work. The forced labour was done in rotation, one member per family. Generally, she shared forced labour with her husband. She had to work as a porter
on several occasions. In 1997, she had been requisitioned on 12 occasions in all, including four times in the dry season. She had worked as a porter eight times before. Each time, the assignments lasted at least 15 days. During the two months preceding her departure, she was asked to go from her village to the Mawhpokay military camp, which was near the border. This was a journey of some eight days. The total length of this assignment was 15 to 17 days. On the trip there, she had to climb a mountain for five days and spend three days going back down. One hundred and twenty soldiers took part in this trip. It was the village head who organized the work required by the military. Sometimes, the soldiers arrested the people they needed directly. One member per family had to act as a porter when required. Her husband, niece, sister and brother had also had to do Portering. It was generally her husband who had performed the portering over the last 15 years. Both men and women could be requisitioned to do portering for the military. Sometimes, there were as many as 30 to 40 women. The men were generally placed at the head of the column and the women at the rear. She had to transport mortar shells (five) and food (rice). She was not paid and did not get enough food. She was not personally ill-treated, but several of her female friends had been kicked when they could no longer carry the very heavy loads allotted to them. The soldiers took advantage of the night to touch them and threatened them with their weapons if they cried out. She had been touched on one occasion. Four men had died from exhaustion during Portering. It was possible to pay to be replaced, but she had not done this since she did not have the necessary money. She did not know if it was possible to pay bribes. Any refusal could lead to arrest. She knew some people who had been arrested for this reason. She had also had to stand guard near the Mon Naing to Nyamaraw road (14 miles) during the last eight years on one occasion each month. Each assignment lasted five days. One person per family had to do this work, which was performed solely by women. She worked alongside around 130 other women. She had to sleep near the road with four other women in a shelter. She had to “clear” the road so that the military could move around it safely. She also had to keep the military informed of all the movements and all information concerning the KNU. She was not paid and had to provide her own food. When she was away performing this work, her husband also often had to be away portering for the military and working on the road. Her husband had to work on this 10 days per month, four months a year, over the last three years. This was the same road she had to stand guard over. The road was mainly used by the military for moving troops, equipment and rations. She considered that the Muslims received the same treatment as the other villagers as far as forced labour was concerned. However, some fifteen Muslims who had tried to return to their village around three months ago (they were still in her village) were said to have been arrested and transferred to a Buddhist monastery where they had been forced to worship sacred objects of Buddhism. If they refused, they were beaten by members of the DKBA. Finally, a tax on harvests had to be paid to the government. Out of every 100 baskets of rice, five had to be given to the government. Out of every 100 bundles of vegetables, seven had to go to the government. She did not think the Muslims had to pay more than the members of other groups (Buddhists or Christians) in her village.

Ethnicity: Karen
Age/sex: 48, female
Education: 10th Standard
Occupation: Head of a village section
From: Bee T'Ka village, Hlaingbwe township, Kayin State
(village had around 200 families and was divided into eight sections; each section had 20 to 30 families)

The witness left Myanmar in early February 1998 because she had finished her period as section head and no longer wished to be in contact with the military. The soldiers knew her. If she had stayed, the soldiers might have come to her house. She had done her work against her will, but could see no other alternative since she could have been arrested or beaten if the military
found her work unsatisfactory. Villagers took on the role of section head on a rota basis. She had been section head for a month and had helped her successor for six months. Women are often appointed section heads or village heads because they are generally less badly treated by the military than men who take on the same functions. She did not dare return for fear of being arrested. At the request of the military, she had to organize the villagers' work on the building of the road between Hpa-an and Dawlan. The order received from the military was a written one. One member per family had to contribute to this work. She had to organize the work of 150 people, including 90 women, over six days. The villagers were neither paid nor fed. They were generally reluctant to work, but ended up complying and in the end seemed happy to work together. A person who refused to perform the allotted work could face sanctions administered by the military. In cases where a family could not contribute to the work, it had to pay. She then used the money collected in this way to buy food for the other villagers who were working. It was also possible to pay a substitute. She also organized portering, which had to be done once a month. The work was performed in accordance with a written order from the military. Each time, eight to 12 villagers from her section were designated. The villagers could pay her money directly if they were unable to go, or they could engage a substitute. There were two types of Portering. The first consisted of carrying materials, equipment or food from one camp to another. The second was required during military operations. Women generally did the former type, whereas the men’s portering depended on the scale of the military operation. The porters were not paid, but were too frightened to refuse to go and do the portering demanded. In the case of an unjustified refusal, the military threatened to relocate them or burn down their village. Further to this, she had also once a year for three years had to organize the construction of two military camps which were close to her village (three miles away). The villagers also had to provide the necessary materials (mainly wood), for which they received no compensation. They were not paid. She had to organize the collection of food for the military. Twice a month, the villagers had to provide pigs, chickens and vegetables for the military, who paid less than half the market price for them (70 kyat a bundle instead of 150 kyat). Finally, at the request of the military, she had to convince the members of the KNU living in her village when she was section head to leave that organization. She did not do this of her own free will, but was expressly required by the military to do it.

Ethnicity: Karen
Age/sex: 37, male
Family situation: Wife and two children
From: Klaw Ka Hti, Hlaingbwe township, Kayin State

The witness left Myanmar early in 1997. Villagers were required to do portering for the military, and forced labour in the form of logging operations, sentry duty, working as messengers, doing construction work in the army camp, road building and minesweeping. The work was arranged through orders to village heads with rotating assignments for one person from each household. Sometimes, however, the soldiers directly rounded up people for Portering. He witnessed beatings of forced labourers, including his uncle being beaten unconscious. He also saw porters being tied to prevent their escape. Most of his experience with forced labour came from when he was living with his wife's family just after getting married, in 1996 and 1997, before his departure to Thailand. People from all the villages in the area were forced to do logging operations. They were not paid for the work, and had to bring their own food. Logs were cut down and then transported to the sawmill at nearby Paw Po Hta. There the logs were cut into lumber (previously, logs were sent to Hlaingbwe). He did work carrying the logs after they had been cut down. Orders were issued for this work indicating how many labourers were needed. The villagers were told that if they did not go when ordered, the village would suffer. One penalty was that soldiers would come to the village, search the houses, and
plant false evidence of incriminating activity, such as weapons, then come back later, accuse the person of rebel activity, then ransack and steal belongings and ask for payment of fines. Soldiers kept a close watch on the workers during forced labour. There were no problems if they did what was required. But they were beaten if they complained. His uncle and cousin were beaten in this way. His uncle was beaten unconscious and left on the ground. No one could help or they would be beaten too. On one occasion he was shot at by soldiers, and a friend who was with him was wounded, when they returned to the village to get food during a time when the area was in dispute and subject to fighting between the Government and KNU forces. This shooting took place four to five years ago, when SLORC first took control of the area. Villagers who went to the Thai border were accused of being rebels when they returned, even if they only went for medical treatment. For forced labour one labourer was required from each house once or twice a month. The length of time varied depending on when the job was completed, usually about two or three days each time. Overall, orders for this labour were received by the village three or four times a month with the work done by the villagers on rotation. Villagers were also required to do portering for the military. This included carrying goods, doing sentry duty on the roads, and serving as messengers. Sentries were used for guarding the roads when convoys of military equipment came through. He did not do portering himself since he was new to the village. His brother-in-law served as a porter many times, including two years ago. He was given only one meal in two days. He ran away after two days. Soldiers would arrest and take as many porters as they could catch, though sometimes this was done through orders to the village head too. Villagers (including women) were used to sweep the roads for mines. They used brooms and sticks. He did not see anyone hurt by mine explosions in this way himself. Forced labour also was used for road building on the road from Klaw Ka Hti to Paw Maw Hta, but not for the past two years.

Ethnicity: Pa-o
Age/sex: 30, male
Family situation: Wife and five children
Occupation: Farm labourer
From: Ti Lone, Hlaingbwe township, Kayin State (village had 1,000 households)

The witness returned to his village in mid-1997 for a six-month period after being in Thailand since 1988. He did forced labour and portering many times in the past (pre-1988) but not on his recent return visit since he did not register with the authorities. From what he saw, there was not much forced labour taking place now, apart from Portering. The soldiers did come in and take porters from time to time, so the villagers had to hide when this happened. Also, some portering was still done on a rotation basis. Before 1988 he did portering for the army, doing whatever had to be done, usually carrying rice and supplies. He went one time in 1987 for seven days. They travelled on foot for the whole day, slept and repeated the process the next day. Soldiers were very abusive and would swear at them and beat them if they had trouble carrying their load. Last year when he was back in his village, he paid once to not have to do Portering. The situation was very bad during the six months he was back. He had work but still could not get sufficient food, since half of everything he earned had to be given to the military as porter fees. The village was divided into sections for regular once-a-month portering work. A certain number would be called from each section to serve military’s needs. He paid to avoid this, because even though he was not personally liable (he had not registered), he had to contribute to the porter fees paid by the household he was living with.
Forced labour in Myanmar

<table>
<thead>
<tr>
<th>Religion:</th>
<th>Muslim</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age/sex:</td>
<td>43, male</td>
</tr>
<tr>
<td>Family situation:</td>
<td>Married with seven children</td>
</tr>
<tr>
<td>Occupation:</td>
<td>Farm labourer</td>
</tr>
<tr>
<td>From:</td>
<td>Nabu, Kawkareik township, Kayin State (village had about 300 to 400 households)</td>
</tr>
</tbody>
</table>

The witness arrived in Thailand in May 1997. He left because he could not stand the trouble and oppression of the SLORC any longer. His village was relocated in December 1996. He performed wide variety of forced labour and portering assignments on an extensive and continuous basis, especially in 1996 after a military camp was built near the village. In August 1996, he witnessed a woman who was doing road building work being beaten to death by soldiers when she could not do the work. In the six months before relocation, 28 of 31 days per month were spent on portering and forced labour. In June 1996, he had to do road building work on the Nabu to Kyondo road. This work was done by the villagers in rotating shifts throughout the year. Also, a new camp was built in 1996 before the village was moved using forced labour. A third type of labour that was required was Portering. All these types of labour were taking place one after the other on a continuous basis. The village was not given the order to relocate until all this forced labour was done. For six months they were doing the three kinds of forced labour: road building, army camp work and portering, one after the other with almost no rest or time off for their own work. There was, at most, one day’s rest from time to time. People died from exhaustion and inadequate food. All adults had to go, not just one person per house: women and children as young as 13 were required to go. They even put him and some women in stocks. Orders for this work would come through the village head. But if they had a problem filling quotas then the soldiers would come directly to the village and arrest people. With regard to roads, about 200 to 300 people at one time, from several villages, would work on the road for 15 days at a time. They could return to the village to sleep. The work of the group ended only when the designated assignment was completed. They were told what to do and by what time it had to be done. Road work involved digging earth for the embankment, clearing trees and roots, and breaking stones for surfacing. He himself went on four different assignments of 15 days each during the six months before relocation. There was six months of continuous work on this road before the relocation using people from his village. When he returned from this assignment there was portering or army camp work to do. With regard to army camp work, there were three army groups: Infantry Battalions 541, 548 and 549. They built three encampments in Nabu village. They were built right on villagers’ land that was appropriated for this purpose. The villagers had to clear the land, destroy the houses, then build the camp buildings. They cut timber and carried it to the site. It took one year to build the three encampments from the time they started the clearing of the ground. The buildings were constructed of cement and wooden posts. This was also done in rotations of 15 days. When the building was finished there were other types of work they had to do in the camp. It was an endless process of forced labour. The situation was so bad that when the relocation came it was almost a relief, because it gave the villagers a chance to escape. Women and children were also involved in the army camp work. The soldiers cursed the Muslims and beat them if they worked slowly. He also did portering three times for ten days each in 1996. He had to porter way up into the Dawna mountains in Kayin State, to very high elevations. Sometimes the soldiers would make the porters go through the night, without sleep. For portering half the time orders would go through the village head, the other half the time they would just come and round up porters by arresting them where they could find them. He was arrested three times: he ran away twice and finished the portering assignment once. The first two times he portered, he escaped. His load was of rice and ammunition, and artillery shells weighing 20 viss (33 kg). Soldiers would swear at the labourers and beat them as you would a buffalo or a cow. They would shoot at them if they tried to flee. Beatings were about the same in forced labour as for portering, but the treatment was worse in portering because food was not available. Sometimes porters would be starving and be only given rice soup. In contrast, labourers brought their own food to forced labour sites. All porters received was two meals, morning and evening: a total of one condensed milk-tin portion of rice,
no salt, curry or fish paste. They picked leaves from the forest to eat with the rice and worked all day without breaks, sometimes through the night too. If you fell sick there was no treatment or medicine. Porters were left by the side of the road if they were too sick to continue. He never saw a porter shot by the soldiers, but has heard about this happening. Normally, there were no women porters taken. The youngest boy working as a porter that he saw was about 13 years old. Men of up to 70 were also taken. Sometimes women were called if the soldiers could not get men. He did not see any cases of sexual abuse of women. There were, however, other kinds of physical abuse. During army camp work villagers had to provide their own food and everything that was needed by the soldiers, including food for the soldiers. If the villagers did not give what was requested there was trouble. If they could not provide animals they had to give money instead. The village was relocated in December 1996. When that happened he went to other Karen villages and stayed there until he could escape to Thailand. Between January and May 1997, he was in hiding in various villages, so he did not perform forced labour. The witness added that everyone was subject to forced labour, not just Muslims. But the oppression of Muslims was even worse than the treatment of Karens. In September 1997, he received the news that the Mosque in Nabu had been destroyed by soldiers now living there after relocation. At the time of relocation another site was selected for the villagers to move to. But there was no water there and it was a bad area, so no one went. The villagers knew they could not survive there. "They had no compassion for us" he said.

Ethnicity: Karen
Age/sex: 34, female
Family situation: Eight (her, husband and six children)
From: Meh The, Hpa-an township, Kayin State

The witness testified in the presence of witness 167. She had been in Thailand for two months (since early 1998). She and witness 167 arrived together. She served as village head with another woman. They received written orders for a wide variety of forced labour assignments and portering, including repeat orders that included bullet and chilli threats (twice). In addition to forced labour, the village had to provide two thirds of all food and money to the army as tax. It was thus impossible to survive in the village. The population was disappearing into towns or Thailand. People could not stand extensive forced labour and did not have enough food to survive because they had to give too much to the Government. They were allowed to keep only one third of everything, which was not enough to survive. With regard to her functions as head woman, she was chosen as village head jointly with another woman, since men dared not hold the job. They knew that they would be beaten or killed. Women had it a bit easier. So the women did the job in turns and hers came up. Two served at a time for 15 days among those who had the ability to handle the job. The garrison was not in the village so there was a trip to be made. The women feared the soldiers and the journey if they had to go alone. She served three times as village head, and had to arrange assignments of forced labour duties. She also had to arrange for chickens and other food that soldiers demanded. Written orders for work assignments were sent to her by messenger. Sometimes, she had to go and meet with the soldiers at the army camp. The number of workers needed was set out in the orders. Other times porters were arrested directly. Sentry duty for three days at a time was continuous and done on rotation. Work in the army camp consisted of cutting bamboo, making a fence and making bamboo cords for tying thatch. Porters were used on a regular basis of five days at a time by rotation. She did portering herself many times, usually for one or two days, and only for short distances. Her husband and the men did it for longer periods and longer distances. She did portering when not serving as village head. There were also emergency porters called to work as the soldiers moved from village to village. New porters were picked up as the troops advanced. Women were replaced first, then children and old men who were also used for porters. Anyone who could
carry a single military backpack could be used as a porter. Thirteen or fourteen year olds were
the youngest she was aware of. She carried ammunition: six shells of about 25 kg total. If the
orders were not followed and the required number of workers not sent, then the village was
fined a certain number of bottles of alcohol or a certain number of chickens. A second order
usually was sent, this time with a bullet, chilli or a piece of charcoal as a warning. The bullet
means the recipient will be shot. The charcoal means a funeral or burning the village. She did
not know what the chilli meant exactly but it was not good. She got this type of warning letter
twice. The first time was to get more porters because the proper number had not been sent. The
second time was because some of the work was not done properly. The first time the second
warning order was written in red ink and had a bullet and charcoal. The second time it had a
bullet, charcoal and a chilli. She did not have any penalties against her as village head. But
others serving as village heads were locked up in the army camp and their legs put in stocks for
one day or more. The village had to deliver a ransom of chickens or pigs to free them. On one
occasion the military camp had fired a shell at the village and injured one person because they
thought the KNLA was in the village. If a villager could not go as a porter they had to pay
500 kyat to the soldiers to hire a substitute. Because of extensive forced labour and payments,
the villagers could not deal with life anymore. Many had left for the hills and more were expected
to follow. Already, because the village was so small, the people had to do forced labour very
frequently. The village needed to provide 20 people at a time, so nearly every day more people
had to be sent. People were spending one day on forced labour and one day off. Usually, for
each family, one person ended up doing the forced labour and the others worked the farms. But
then the villagers also had to give two thirds of all food and money to the army in addition, so
there was no way to make ends meet.

<table>
<thead>
<tr>
<th>Ethnicity:</th>
<th>Karen</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age/sex:</td>
<td>18, female</td>
</tr>
<tr>
<td>Family situation:</td>
<td>Married with one child</td>
</tr>
<tr>
<td>From:</td>
<td>Meh The, Hpa-an township, Kayin State</td>
</tr>
</tbody>
</table>

The witness gave her testimony in the presence of witness 167. She, witness, did not do
forced labour herself because she dared not go. Her husband always went. He portered and did
forced labour and cut bamboo for the army camp. He did forced labour about five to eight days
every month. Once it was for one whole month. Once he was kicked because he had diarrhoea
or dysentery and had to go to the toilet several times. Her husband did not do road building, but
some other people in the village had to. Her mother and father used to do the forced labour
requirement for her family when she lived with them. Her husband went as a porter six times
between the age of 16 and 18.

<table>
<thead>
<tr>
<th>Ethnicity:</th>
<th>Karen</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age/sex:</td>
<td>48, male</td>
</tr>
<tr>
<td>Family situation:</td>
<td>Widower with four children</td>
</tr>
<tr>
<td>Occupation:</td>
<td>Farmer</td>
</tr>
<tr>
<td>From:</td>
<td>Tee Pa Doh Hta, Bilin township, Mon State (village had 217 households)</td>
</tr>
</tbody>
</table>

The witness came to Thailand in August/September 1997 because Burmese army actions
made life insecure in his village. When soldiers met villagers in the countryside and thought
they would flee from them, they tied them up and threatened to kill them. To leave the village
and work on their fields they needed a pass for a specified number of days; if the soldiers suspected a villager, even if that villager had a pass to work on his fields, they could do anything to him. The witness did forced labour from 1983, when military operations started in his region, up to 1987, when it had become daily routine, taking up over half his time year round, including winter and summer, dry season and the rainy season. During the rainy season carts and cars could not pass and villagers had to carry supplies for the military. He had no time to work for his own living, because he constantly had to do work for the military here and there. The worst forced labour was Portering. The load assigned was more than one could carry, and in addition, one had to carry one's own food. Normally, portering was for five days by rotation, but if a replacement did not arrive, it could go on for a month. Also, if another group of soldiers arrived, one could again be asked to go, and there remained no time to work for one's living. He did portering many times; at least twice a year it was for over a month. His longest spells were for two months 15 days when he came to Tah Kwa Law Soe (mountain peak) in 1989, and three months 20 days in the Twi Pah Wee Cho (Sleeping Dog Mountain) operation in 1991. In that operation there were 400 to 500 porters, some of them called up through the village heads, including 30 porters from his village of 217 families, while others has been rounded up by the soldiers. He had to carry twelve 81 mm shells, each weighing 2 viss (altogether 39 kg). The last time he did portering was in August 1997 for seven days. After that, he left the village. His eldest son also had to do portering, over 20 times in the five to six years fom the age of age 20 until he left, but not for as many days as himself, only seven, eight or ten days a time. Porters who could not keep up were killed by soldiers with a rock. During the 1991 Twi Pah Wee Cho operation he was too weak and could not carry any more, so they punched him once, then hit him with a rifle butt on the chest (shows scar), he was bleeding, they also hit him with a rifle butt on the side and the head (shows two scars). They nearly killed him, then sent him back to Meh Myeh (a military post). During the same operation, he saw soldiers kill two porters who were too weak to go on. One died after receiving three kicks in the stomach and more than 10 hits with a rifle butt, the other was killed with a rock. Porters were not paid but during this operation they were given food, albeit only a small amount, one cover of a soldiers' hankaw. In addition, last summer, he and other villagers had to build an army camp, making bunkers, sheds, trenches. They also had to cut bamboo and fence the whole village and the whole camp, with two fences for the village, three for the camp. Then, for the camp, land mines and bamboo booby traps were installed between the fence girdles. They had to do this forced labour not only for their village but also for two smaller villages, bringing their own food. It was hard work, not so different from Portering. He had to work from 8 a.m. to 5 p.m.; when in other villages for a few days' work, he had to stay there the corresponding number of days. He had to work on fences three times a year, not less than 20 days, sometimes a month. If he finished in one place, they needed him elsewhere and sent him there. Every household had to supply one person for this work, failing which one had to give one viss (1.6 kg) of chicken and 100 kyat per day. If it was for four days, one had to give four viss of chicken, but 1,000 kyat: the compensation was proportional to the number of days of absence only for the chicken part, it was more than proportionate for the monetary part. If one could not give chicken, one had to give 250 kyat per viss of chicken. He had to give compensation two or three times, including once when he stayed home because his youngest daughter was sick with fever; that was no excuse. Furthermore, from October to June, each household had to supply someone for 24 hours, three times a month, to watch and clear the road. For his family, the witness usually sent his younger son, from about the age of ten, to do that job. He would not let his eldest son go, because whenever the soldiers saw someone of age 15 to 16 who could carry things they would take him as a porter, even if he was on sentry duty. On that job, his son could not sleep at night and had to sweep the road for land mines twice a day, early morning and late evening. It was dangerous work. Once in 1995, a land mine went off and a person doing sentry duty lost his leg and died from bleeding without treatment. Sometimes, if the soldiers were ambushed, if someone fired at them, they punished the person standing watch, who had to give the soldiers a penalty of pork curry. If a car was damaged and soldiers were hurt, the whole village had to pay for the damage. Once, all nine villages along the road from Yoh Kla to Kyo Wine, some 940 households, had to pay 500 kyat per household for damage to a car.
Forced labour in Myanmar

Religion: Muslim
Age/sex: 30, male
Family situation: Married with three children
Occupation: Muslim Pastor
From: Mon Naing, Hlaingbwe township, Kayin State (moved to Pata village in February 1997)

The witness came to Thailand in September 1997 because he had to physically perform forced labour or pay instead amounts of money beyond what he could afford as a pastor with a monthly revenue of 1,000 kyat. After coming back from “emergency” portering in February 1997, the witness moved to another village, Pata, where the situation was not quite as bad as in Mon Naing but also bad, so after a few months he left the country with his family. More precisely, the witness was required from 1992 to 1997 to perform forced labour in various forms: portering, including “emergency” portering, “voluntary work”, sentry duty. In order to avoid portering, the witness had to give “porters fees”. If he found a friend who would go in his place, he could pay him 80 kyat a day. If he did not find anybody, he had to pay 200 kyat per day to the authorities. As he was a pastor, his relatives and community did the “regular portering” for him. But for “emergency” portering, he was grabbed by soldiers on 30 January 1997 and had to go until he was freed on 27 February when he came as a porter through his village and relatives paid 2,000 kyat to an officer for his release. The soldiers would just grab anybody, calling it “emergency”. He was grabbed in the compound of his mosque by sergeant major Ngwe Zan from IB 28 (Battalion Commander Thura Po Sein, Company Commander Aung Moe) who called him “teacher” and grabbed him. He had to carry a load of over 20 viss (over 32 kg) of small bullets, rice and yellow beans from his village by the riverside across a 5,000 foot mountain. Women had to carry over 10 viss (16 kg). He was in a group of 400 to 500 porters, including 180 women from a group of four villages forced to carry supplies to front-line troops. When soldiers arrested them, all the men’s hands were tied, and they remained tied all the time, sleeping, carrying, going to the toilet. They were fed just one condensed milk tin full of rice for eight people per meal. He saw 16 porters beaten to death. Some were beaten to death because they could not carry goods any more and took a rest. Someone drinking water from a stream was kicked and died. Another person was dizzy, sat down and was beaten to death. One beaten to death was his friend Soba, a Muslim from Kawkareik town. He also saw others who could continue carrying their loads being beaten but they did not die. Usually the soldiers beat the people when tired, he himself was beaten just because he looked the other way. Women were placed between the soldiers, and some of them were raped, including five Muslim women from his village who told him the next day, asking in vain for help. They were asked to sleep among the soldiers. It happened almost every night to all kinds of women, including Muslim, Karen, whoever was there. In his village, everyone had to go portering, and many were beaten or injured. Three were injured, including his cousin who had his leg amputated after stepping on a land mine while Portering. Two villagers had broken ribs and two others broken collar bones as porters because they were beaten when sitting to rest. He himself had problems with his back as a consequence of carrying a heavy load when on the way back in February 1997, he with another porter had to carry an injured soldier. In 1983/84, his elder brother named Kalipo, and his brother-in-law, named Mamecraphy, were killed while Portering. When the corpses were brought back seven days later, his brother had his throat slit and his brother-in-law three bayonet wounds in the chest. Other porters who brought back the news told him that the soldiers had killed them. In addition, three times a month, his village (with 80 households left) had to supply ten persons to do sentry duty round the clock for five days in a row. One could find a substitute for 30 to 50 kyat a day, or pay 70 kyat per day to the authorities instead of going. He did sentry duty himself or sent his wife, even though she had a six month old baby which she took with her. Sometimes his mother went. When on sentry duty, villagers had to pull a log with a car over the road to see whether there were any mines on the road. Finally, for “voluntary work” the daily amount to be paid to officials was 200 kyat; like for portering, if one did not go or send somebody one had to pay this money. The difference was that the duration was fixed, if it was someone’s turn, they went for 15 days, while for portage if it was someone’s turn, it depended
on how long they needed porters for. When it was his turn to do “voluntary work” his relatives
and community replaced him, as for the regular Portering.

Ethnicity: Karen
Age/sex: 26, male
Family situation: Married
Education: 3rd year college
Occupation: Soldier (rank of sergeant, in the support company of an
infantry battalion)
From: Insein township, Yangon Division

The witness joined the army in 1995 because he had to earn a living and had no other choice. He
deserted and came to Thailand in August 1997 because, as a Karen, he could no longer see
his people being forced to work and oppressed by the Government. Being in the army, he could
protect his relatives, but not other people. There was partiality even in the army between Karen
and Burmese. When it came to officer training, Burmese students were chosen to attend, Karen
only if they paid a lot of money. While in the army, he saw people being forced to work, three
or four times when he served in Lashio town, and even in Yangon, as well as in Hpa-an,
Manerplaw and Kawkareik. Forms of work included portering, minesweeping, road work and
bridge building. When the witness served in Lashio, his battalion (number given to the
Commission) had to supply civilians to do portering and work on roads. Other battalions
informed them of their manpower needs; other battalions had to catch as many people as
possible, and his battalion had to supply and transport these to the troops which needed them.
From Lashio he thus witnessed three times groups of 170, 80 and 90 people respectively being
sent to Kunlon and Kutkai, both on the Chinese border in northern Shan State, to carry
ammunition and supplies for the soldiers. Those who could go no further were forced to build
roads. Some had to go for one week, others for one month. Some were shot while trying to
escape. In Kutkai, when a landslide stopped the troops’ advance to the front line, there were
bulldozers available, but the officers did not use them, because they wanted to sell the fuel on
the black market, so they used the people instead to clear the road. One person fell into a stream
and died. Even in Yangon he saw forced labour since he was small, and it was still going on.
He saw people forced to level the ground for a construction for the military, some were bitten
by snakes and not given compensation. They would catch three, four truckloads of people at a
time, from tea houses. He had seen it happen. One day while on leave, he went to his place, in
uniform, and heard that his friend (name given to Commission) was picked up by soldiers while
drinking tea in a tea house. He knew the driver, found his friend in Insein prison and was able
to get him out by convincing the officers that he was his brother. People rounded up in this way
had to work for three to four months and were never paid. Moreover, provision had been made
in the budget of the responsible department for supplying the porters with food, but the officers
supplied them with only half and kept the rest for themselves. Some of the people rounded up
were used for building Than Lwin bridge in Yangon, others were taken to other cities, sometimes
to the front line. When it came to his own friends having to do this kind of work, they generally
managed to pay money to escape somehow. Every two to three months the authorities came to
collect 300 kyat “porter fees” from each house in the less central areas of Yangon, including
Insein, Kaway Chaung, Thamine, Kyutgon, all of which are mostly Karen residential quarters.
But 300 kyat would be sufficient to escape portering only when they came and asked for the
money on a regular basis. When someone was rounded up for portering, the parents had to pay
4,000 to 5,000 kyat to get him out.

In Hpa-an town, just before he came to Thailand in June 1997, he saw people being rounded
up in a place near a jetty. His department was asked to supply six trucks but could supply only
five. A truck would accommodate normally around 50 people, they put 80 people in a truck.
From there these people were taken to places like Nabu, Wawle, Kawkareik, Thingannyinaung, and from these places they had to carry food and other supplies further as porters, for two to three months. Some people could not tell where they were, ran away, never came back to their village. In Hpa-an, he has seen soldiers beating porters (he did not see this in Lashio).

In June 1997, the witness drove porters to a military camp close to Manerplaw, the former KNU headquarters, where the porters were given iron rods and ordered to walk ahead as minesweepers. He stayed behind while the minesweepers were in front: five people at a time over the width of the road and five behind them in between. When they saw a mine, they shouted back. He did not see anybody injured, but they found eight or nine land mines: experts took them out. He heard that in other groups, land mines killed many people. His comrades coming back in April 1997 from Hill 962, a place called Ta Lay on a hill, told him that eight porters were injured from stepping on a land mine. Those seriously injured were shot dead by soldiers, who did not want to care about medical treatment.

He saw the personal file of a soldier (name provided to the Commission) who had been demoted from lance-corporal to private, and asked him about the reasons. During an operation on the front line, a 25 to 26 year old lieutenant had villagers rounded up to the camp and asked whether they had seen any KNU soldiers. When they replied "no", the lieutenant asked an 80-year old lady in the crowd to tell him the truth, then hit her with a rifle butt on the forehead, asked her again and slapped her in the face. The lance-corporal tried to dissuade the lieutenant, who told him to mind his own business and kicked the lady, already lying on the ground, with his military boot on the chest. When the lance-corporal begged him not to do this, the lieutenant challenged him to a fight, and since the lance-corporal kept quiet he picked up the lady by the collar, she was crying, he spat in her face. The lance-corporal knew he could not stop the lieutenant anymore and hit him with a rifle butt on the temple. So the lance-corporal was demoted and put in the lock-up for three months.

At camp 1/450 (Company 1 of battalion 450) near Kawkareik, in the beginning of 1997 villagers were asked to cut down trees and toddy palms and carry the logs to a construction site, instead of levelling the ground with bulldozers. Over 100 people were used for this for two to three months. They were kept in place at night, so that they could not escape. Finally, parallel to his army duties, he, along with other soldiers, was often asked to plant trees and dig wells, allegedly for the development of military discipline. It meant they had to put in extra hours at night, almost 20 days a month. Instead of working from 8 a.m. to 4 p.m. they had to go from about 6 a.m. to 3 a.m., slept for three to four hours. This was quite common, it happened everywhere. For example, the officers would plant teak or whatever they wanted to get, keep two thirds of the profits for themselves and one third for buying provisions for the army. He himself received nothing.

Ethnicity: Karen
Age/sex: 46, male
Family situation: Married with three children
Education: 4th Standard
Occupation: Farmer (he had a plot of land and his father-in-law, who lives in another village, secretly looks after it)
From: Meh The, Hpa-an township, Kayin State (village had some 30 households, but was destroyed recently by the military in order to prevent Karen National Union (KNU) members taking refuge there)

The witness left Myanmar in early 1998. He had to act as a porter, perform sentry duty near a road, and build a military camp. He was left on average with 15 days a month to do his own work. He had to do portering around 70 times over the last 26 years. He acted as a porter for
the first time at the age of 20 (1977) and last did so two months ago. It was difficult to estimate how many times a month. The military requisitioned porters as and when they needed them. The military’s orders were generally passed on by the village head, although the soldiers did sometimes arrest porters directly. The orders were given in writing, though he did not see them personally. One person per family had to do the work, on the basis of a rota between four families. It was impossible to refuse. It was, however, possible to engage a substitute – at a price of 500 kyat per day for substantial trips. He engaged a substitute on one occasion. He would never have dared offer the military a bribe to be exempted. The distances to travel varied: from four to five days up to one month. Portering could be required both in the rainy and the dry seasons. The assignments had to be carried out in Mon and Kayin States. He had to sleep with the soldiers. On several occasions, he had to march all night, without a moment’s break. The women also had to do the same. His wife had to go to the front line on one occasion. The last time he acted as a porter, 60 other porters were with him, including both men and women. The women carried food, cooking pans and munitions. The men carried mostly munitions. He was caught up in battles against the KNU on five occasions. In these cases, the porters (male and female) had to stay with the soldier so as to provide them with ammunition. He was not paid and did not always receive a sufficient portion of food. Sometimes, he only received one meal in two days. Like the other porters, he had to be content with water to drink. When the porters, exhausted and starving, were no longer able to carry their loads, they were beaten and kicked. He had never personally been beaten, but he saw several porters being beaten. The porters were not given medical treatment or medicine when they were ill. He did not witness any ill-treatment of women, but he had heard that, in other villages, some had been maltreated or sexually abused. He also had to do sentry duty near the road between Thaton and Hpa-an (a road which also went to the military camp). That road was about three miles from his village. He could be required to do this once or twice a month. It was the village head who organized the work extorted by the military. Each assignment lasted three days. One hundred and fifty women and men worked at the same time as him, including three from his village, on the section assigned to them. The work consisted of defending the road against the KNU. To do this, he had to stay on the road day and night. He was not paid and had to bring his own food. He feared being arrested, beaten or even killed by the military if he refused to do the work. The road was under construction. Moreover, he once worked on its construction in 1996 with other villagers and soldiers for three days. His wife also worked on it on four occasions. The road was mainly intended for the military. Finally, on one single occasion he worked for a day, about a year and three months ago, on building the Pwo military camp situated one-and-a-half miles from his village. He had to erect barracks and put up bamboo and fences. The material had to be provided by the villagers, who received no compensation for this. The villagers worked in rotating shifts, as the building of the camp lasted ten days in all; 60 people from different villages worked at the same time as him. He was not paid and had to bring his own food. He was not a member of any political organization.

**Ethnicity:** Karen

**Age/sex:** 50, female

**Family situation:** Widow with two daughters and one son

**Occupation:** Trader; sold snacks in the village

**From:** Pway Taw Roo village, Hlaingbwe township, Kayin State (village had 20 families)

The witness left Myanmar in mid-1997 because she no longer had enough time to take care of her own work on account of the work demanded by the military. Since her husband’s death, she had personally had to do portering, sentry duty by a road and construction of a military camp. She did not personally do work for the military before her husband’s death. It was the village head who organized the work. She was not paid and could not refuse to work for fear
of being arrested. If the village head failed to fulfil his role, the military could requisition people directly. She personally had to do portering for the military on three occasions in the year preceding her departure. Each family had to provide one member to perform this work. She had to transport munitions for a day from her village to Painkyone. Some hundred persons worked at the same time as her, about twenty from her village, including a majority of women. She had to take her own food. Her sister looked after her children while she was away. She had personally been physically maltreated and was beaten and kicked when she was tired. She also saw many women, most of them elderly, beaten and ill-treated by the soldiers. On one occasion, she saw a woman severely beaten for having put down her basket, when tired, to go to the toilet. She did sentry duty by the road between her village and Painkyone-Hlaingbwe-Hpa-an on three occasions over a month. On the other occasions when she had been conscripted by the military for this kind of work, she had engaged a substitute, for which she had to pay 30 kyat each time. Each assignment lasted a whole day, and night. Twenty people – exclusively women – had to work at the same time on a given section of the road. Two people did sentry duty together, sharing the same shelter and covering around 150 to 200 feet of road. She also worked twice two years ago on the construction of a military camp (camp 709), which was situated three miles from her village. Each assignment lasted a day. She had to cut wood and bamboo in the forest near the camp, carry them to the site and work on the building of the camp. Fifty people, including ten women, worked with her on the first occasion and 30, including eight women, on the second. She had not been physically abused on these occasions, though the soldiers shouted at the workers. Female village heads had, however, been subjected to ill-treatment for not managing to organize the work. They were tied up and left out in the blazing sun for half a day. They were released around 2 p.m. They were also threatened with a gun, shots being fired close to their ears. Her husband had to do forced labour at least ten times in the twenty years preceding his death. He had to act as a porter on two occasions, the first assignment lasting two days, the second five days.

---

**Ethnicity:** Karen

**Age/sex:** 40, male

**Family situation:** Married with two daughters

**Education:** 2nd Standard

**Occupation:** Farmer; had two plots of land near the village

**From:** Bee T'Ka, Hlaingbwe township, Kayin State (village had 130 families)

The witness had to leave Myanmar in mid-1997 as the military suspected him of belonging to the KNU. He would like to return to his village if the situation changed. He took on the functions of section leader in April and May of 1997. The section leader was chosen by the village head, who was himself elected by the villagers. As section leader, he had to organize the work exacted by the military and by the Karen National Union (KNU). He had to do this four times for the latter organization. He had to organize the following work for the military: portering, road building, sentry duty by a road and military camp building. He risked paying a fine if he could not organize the work required. Those selected ran the risk of being arrested if they refused to do the work. He had to organize teams of porters on five occasions. He had to find the number of porters required by the military. Each family had to provide one person to perform the work. He also organized labour for the military for the construction and guarding of roads and the building of a military camp. He organized work on three occasions for the road between Hpa-an and Dawlan, each assignment lasting respectively five, two to three, and four days and requiring 117, 107 and 37 workers. As regards sentry duty, he had to find four workers on five occasions for assignments lasting three days each time. For the military camp, he had to organize work on three occasions, having to recruit 50, 35 and 70 workers respectively for assignments lasting one day. On all these occasions, he worked with the people selected. Prior
Report of the Commission of Inquiry

to assuming his functions as section leader, he personally had to act as a porter at least twice a month. The assignments lasted between five and 15 days. The number of porters depended on the number of soldiers. Men and women were recruited. Both had to carry munitions, though the men had the heavier loads to carry. He had to go to the front line on three occasions. Men and women porters had to stay during the fighting. He had not personally witnessed sexual abuse of women, but had been told that women had been raped by soldiers. A woman who worked with him told him she had been raped by five soldiers. A complaint was lodged with the commander, who had condemned the episode and ordered that such actions should not be repeated. However, it would seem that the order was not respected. On two occasions when he was section leader he accompanied the porters. Portering was done in mountain areas. He had to act as a porter between his village and three others nearby (his village was near the mountains, and there was a military camp near his house). One hundred and ten porters worked with him, including ten from his village, for 250 soldiers. Only men did this kind of work. He had to carry ammunition for mortars. Each assignment lasted five days. The porters were regularly maltreated, being beaten and kicked as soon as they could not keep up. He was not paid. Prior to taking up his functions as section leader, he had to take part on ten occasions in the building of three military camps in 1996 and 1997: five times he worked on the camp at Nabu, twice on the Naungbo camp and three times on the camp at Taun Zun. He had to work with villagers from various villages. They had to provide the necessary materials and were not paid either for the materials provided or for the work done. He also had to take his own food. It was always possible to pay a substitute: for road building and sentry duty (500 kyat), for portering (1,000 to 1,200 kyat) and for the military camp work (100 kyat). It was not possible to give bribes to gain exemption. Finally, since his departure his wife had to work for the military. He did not know exactly how many times she had to do portering personally, but he knew that she was required to do this twice a month. He had to pay a rice tax, which was paid to government officials. Under this tax, established by the law, he had to pay four or five per cent of his harvests, depending on their quality.

Ethnicity: Karen
Age/sex: 72, female
Family situation: Married with four daughters and two sons
Occupation: Her husband was a farmer and had his own land
From: Painkyone, Hlaingbwe township, Kayin State (village had 200 families)

The witness lived in Myanmar but arrived in Thailand in early January 1998 to visit her daughters. She wanted to go back to Myanmar to fetch all her family to settle in Thailand. She considered it was difficult to survive in Myanmar in view of the work exacted by the military. Moreover, the military had tortured her niece with a bayonet as they suspected her of being a member of, or helping or cooperating with, the Karen National Union (KNU). She personally had to work for the military, performing the following tasks: portering, road building and sentry duty, and building a military camp. Her husband also had to perform the same kinds of work. She estimated that she had around ten days per month left for her own work, while her husband had to devote at least 50 per cent of his time to the work exacted by the military. She had to do portering for the military at least twenty times over the last 28 years. The orders were generally given by the village head, but the military also sometimes arrested the people they needed. She had personally been directly requisitioned by the military five times. Each assignment lasted between one and four days. She was not paid and had to take her own food. She went to the front line with other women on one occasion. She last acted as a porter two months before her departure. On that occasion, the military requisitioned her directly without going through the village head. Though she pleaded advanced years, they replied that, if she did not want to do the work personally, she would have to find someone to replace her. Finding no one, she had to
Forced labour in Myanmar

carry food to a mountain near the front line, in the vicinity of the Lerpu military camp. She had
to walk for a whole day, covering about 15 miles. There were around 100 porters for 50 soldiers
— mainly women, as the men managed to escape. She did not see women being ill-treated, in
contrast with the men, who were regularly beaten and kicked violently. She heard stories of
sexual abuse of women, but did not witness any, nor was she personally subjected to it. Her
husband had to act as a porter for the military many more times than she. He had to act as a
porter on military operations and for the military camps. He last worked as a porter in 1996 on
a military operation lasting five days. Portering assignments for military operations could vary
between five days and one month. Some days before her departure, her husband had to carry
material for a military camp for a day. She also had to work on four occasions on the building
and repair of the road running through her village (four miles long). In each case, the work
lasted a day. The last time she did this was the day before she left. It was the village head who
informed her of the work to be done. Five people from her village worked with her. The road,
including a bridge, was used by the military and civilians. She was not paid. As many women
as men took part in this road building and repair work. Her husband had worked on it more than
forty times over the last twenty years, each assignment lasting one day. She had to do sentry
duty beside this road at least twenty times over the last six years. Each assignment was for three
nights. She shared a tent with two other people; only one had to stay awake during the period
of sentry duty. She could return home during the day. She had to do sentry duty by the road
three days before leaving for Thailand. Men and women had to perform this work. Her husband
had also done sentry duty at least ten times a year over the last six years. She was not subjected
to ill-treatment or harassment. She had heard of gang rapes carried out by soldiers. Finally, she
took part in the building and repair of the Painkyone military camp, which was located in her
village about two miles from her home. She was last required to do this work over a five-day
period three weeks before her departure. In the evening, she could return home. She worked
with 30 other people from her village. Each family had to provide one person on the basis of a
pre-arranged rota. The workers had to provide the necessary materials. They were not paid either
for the material provided nor for the hours of work done. It was possible to engage a substitute,
though she had not done so as she did not have the money to pay for one. Her husband had also
worked at this camp on many occasions. She also had to pay a tax on the rice harvests equivalent
to four per cent of the harvest, since her lands were not particularly fertile. The taxes were paid
to Government representatives, not to the military.

Ethnicity/religion: Karen, Buddhist
Age/sex: 36, female
Family situation: Married with three children
Occupation: Farmer
From: Meh The, Hpa-an township, Kayin State

The witness fled to Thailand in early January 1998 with her family when their village of
36 houses was relocated. The order had come several times but the villagers had ignored it and
stayed. The first order was given by the authorities to the head of the village before the harvest,
in Tazaungmon month (around November), and people did not care. Then twice they came to
the village and asked the villagers to move by force. The villagers left the village, but later came
back. The fourth and last time, the DKBA fired mortar shells into the village, one house was
burnt; fortunately, nobody was hurt, as many were working in the fields. They were asked to
go to Htee Nu, where before there had been a monastery, no village (nor a military camp), two
to three hours’ walk from her village. She did not know whether others moved there, because
her family left, fleeing to Thailand with nothing but 2,000 kyat; even the clothes they were
wearing at the time of the interview were given to them by other people. With regard to forced
labour, there were so many kinds: road construction, portering, or camp building. For instance,
she might have to go to work in a military camp, then, as soon as she arrived home, be called
to serve as a porter. One was never sure. There were many battalions in the area, some would catch people for portering, others for other work. Some months, she did not have a single day for her own work, nor her husband for his. Both were called up for the whole month, engaged in different work, portering, road construction, building a military camp. In the rainy season there was more forced labour than in dry season (when military operations started and they were forced to move from their village). To refuse to do forced labour, she would have had to hire a substitute (which she never did). Two years ago, the witness saw the acting village head, a lady of over 60 years old (name given to the Commission), being beaten. She was asked to tell the villagers to go for messenger service and nobody listened or turned up so Government soldiers came into the village and beat her. She suffered a cut on the head from a blow with a bamboo stick, leaving a big scar. She was tied up the whole night, then beaten. After her release, the soldiers asked for a pig. She didn’t know the name or rank of the soldiers involved. The company commander was Bo Hla Phine. Some time later, the same acting village head, when asked to look for forced labourers, was too frightened to go to the camp, so they wrote to her three or four times, and also included a bullet in the letter. At last she went and was put in a pit the whole night. The next day she was released, they asked her for a cow which she could not provide, so she took a pig to the camp commander. With regard to road construction, the witness worked for the past three to four years on the road between Lay Kay and Ta Paw, which was there long ago and never used before. Now the work was finished and the road, about four metres wide, was used by military trucks and cars. She had never seen a bullock cart on the road. The order had come through the village head that one person from each family had to go, for one or two days at a time, depending on the work. They were given no food, nor money, nor tools, which had to be taken from home. They had to work till sunset and could go home for the night. Each household had to go three or four times per month. She had also done portering herself four times. Two years ago, the first time, for two days. She was rounded up while sleeping at home. Early in the morning the military woke her up, gave her a basket to carry, about 13 to 14 viss (about 22 kg). The load was too heavy for her and she cried while carrying it. Her husband was not at home, he was in the fields. She had to carry the basket to a place near Shwegun. There were many porters, mainly women. Men were beaten, when accused of leading the soldiers in the wrong direction (while portering). They were hit on the head, suffered a lot. The same year (1996) she had to do portering four times in all, three times rounded up, once called up through the village head. The second and third time, she had to go for three days, the last time two days. Her husband had portered only once. He was very scared of the Burmese and ran away whenever soldiers were around. When rounded up for portering, he managed to escape after four days, because he could no longer carry his load. He was not tied up, nor beaten. If someone had money, they could hire a substitute when called up by the village head. When rounded up, he had no choice but to go. In any case, no one in the village had money. When Ta Line Kayin camp (Commander: DKBA officer Bo Than Tun) was set up two years ago, two hours’ walk away from her village, the military gave orders through the village head for one person from each household to contribute labour. If orders were followed, it was one person per household, if not, everybody was rounded up. They had to go there until the camp was finished, it took months, beginning at the start of the rainy season. Other villages also had to contribute labour, sometimes ten, 20, 30 people would be there. She herself had to cut and split bamboo, make fences and bamboo booby traps, cut trees, make roofing, clear bushes, help carry trees to a place from which soldiers would take the logs away. Her husband was not well, so she had to go, do everything. She was not paid, had to bring her own food, but could go home at night. Her 17-year-old son also had done forced labour, cutting trees for the military camp last year, not at the same time as herself. Sometimes people tried to run away. She saw people being beaten and ill treated. Usually two persons from the village had to go at the same time for a full day to the camp, to be on standby for messenger service; other villages, altogether over five, also had to supply messengers. Her eldest child had done messenger service (not at the same time as herself). Moreover, villagers had to perform sentry duty. The order for this came through the village head. One person had to be on the road for five days, sweeping the road, for example before and after military trucks passed. Last year she went three times for five days each, always without pay, having to bring her own food and sleeping on the site, under a bush, while soldiers guarded the villagers. The soldiers did not hurt them. She heard about sexual abuse, but was
Forced labour in Myanmar

not sure. Two years ago, her mother (who lived with them) went once for the family, and her son once. In addition to providing labour, when soldiers asked for whatever they wanted in the village (a cow, a pig), the villagers had to supply it, arranging among themselves. Also, any amount of rice the soldiers asked for had to be given. Money also had to be paid. In 1977 the soldiers asked for 3,000 kyat from the whole village.

Ethnicity: Karen
Age/sex: 30, female
Family situation: Married with three children (household of seven members)
Occupation: Farmer
From: Pa Nya Plee, Hlaingbwe township, Kayin State

The witness came to Thailand in May 1997 with her family because she had seen and heard that people were attacked and killed by soldiers, she had to do forced labour, including portering, even while pregnant, and they were constantly in fear. They had no time for their work, since most of the time they had to work for the military. When they came to Thailand, they had nothing at home, not even a tin of paddy, and it was the same thing with her father and mother. In November/December 1996, while she was six months pregnant, she was rounded up and had to carry 18 to 20 viss (30 to 32 kg) of ammunition and food for the military for 28 days. She had been sleeping at home alone at night. All the other villagers had run away, but she thought that, since she was pregnant, nothing would happen to her. She was called out of the house at gun point by soldiers of LIB 10 and had to go to a place called Gat Te, a DKBA village where people returning from the Thai border were placed. She had to cross Dawna mountain ridge; it took her three days to go home. There were over 100 people portering, carrying big baskets, including two women and five men from her village. They had been told the journey would take five days, and the head of the village had been called and asked to bring food rations for five days, which they had to carry. After five days, and for the remaining weeks, they were given a little rice twice a day; sometimes spoiled rice, boiled with chopped banana stems, served in a banana leaf. The cooking was done by a porter. One mad person was carrying rice and eating rice all the time, but she did not see him being beaten. She saw an old man beaten by soldiers because he could not carry his load anymore, they tried to beat him not on the road but somewhere else; when they came back, she saw him bleeding from nose and mouth, and he had bruises on his head and back; he had to carry his load again the next day in the morning. She saw many people beaten as they went on, from time to time. One man, about 60 years old, carrying a heavy rucksack with ammunition, was prodded with a sharp bamboo spike while walking, and he had blisters all over. She doubted he survived. One man who could no longer carry his load was put in a bag by the soldiers and thrown from a mountain cliff. He was not in her group, but she saw it. The porters were tied in pairs day and night, men and women all mixed, ten in a group; when going to the toilet, two had to go, and soldiers followed with a gun. One 13 to 14 year old girl (name given to the Commission) from a neighbouring village, who had been taken as a porter, was taken from the group one evening and raped by a high-placed officer (name and rank given to the Commission), who threatened her that, if she told anyone, her village would be burnt. She was crying throughout the journey after she was raped; she was released at the same time as the witness. When the witness was single (over eight years ago), she had to go portering many many times, sometimes called up through the village head, sometimes rounded up by soldiers, for five, ten, 15 days; the longest period then was for 20 days. Before portering, she was quite fit and well-rounded, afterwards all skin and bones. Since she married, two of her younger brothers did portering many times. While portering in 1996, one of her brothers was hit by a soldier with a rifle butt because he complained he could not carry his load anymore; afterwards, he suffered a long time from a chest problem.

With regard to road construction, starting two years ago, and all year round, her two brothers did forced labour in rotation on the road from Painkyone camp to Hlaingbwe. The order came
to the head of village. One person per household had to go; if they asked for ten people, one person each from ten households would go for ten days at a time (the village had 30 households). Every month one person from each household went for ten days, working full time from morning to noon and again after lunch until sunset, unpaid and bringing their own food rations. In 1996, also, other villagers had to cut down trees and her younger brother had to carry logs from the forest to the road for transportation by truck to the cities. The order had come through the village head, and a lot of people from her own and other villages went and had to stay there for ten days without pay and living on the food rations they had to bring themselves. Since she married some eight years ago she had to do road sentry duty once every month for five days, sometimes seven days, at a time. She took turns with one brother. When on duty, she took her two children along; they both caught asthma. They had to sleep beside the road even in the rainy season. She had to sweep along the road with branches to clear mines. All along the road people had to do this. In 1996, one of her aunts was killed when sweeping along the road in the morning. A land mine exploded and both her legs were blow off; another lady lost one leg in the same mine blast. She was not present, she saw it afterwards. Soldiers also asked bullock cart drivers to pull a log up and down the road so they would be the first to be killed. While on sentry duty, she once saw a bullock cart passing on the road blown up by an exploding mine, the driver and both bullocks were killed. Until they fled the country, she or her brother had to go twice a month in a group of five people for five or seven days every morning to Painkyone military camp, two hours’ walk from the village, to report whether they had seen any military activity. In 1996, her brothers had to make fences around Painkyone military camp, dig trenches, do repair work on the camp. The order came through the head. Her brothers had to go for two full months until the work was finished; they usually went and came back every day. If one did not want to go for forced labour, one could give money, either to hire a person or give it to the authorities. For portering, one had to give over 1,000 kyat either way. For other forced labour, most people went themselves, having no money. She also went herself, as she had no money. Every year, the soldiers collected from each village a quota of rice, animals, anything they asked for, plus twice a month 100 to 200 kyat from each household. In 1995, the military asked for rice. If, in their view, a farmer could produce 30 sacks of rice, they would take ten; if he actually had less, then he still had to make up the quota.

Ethnicity: Karen 177
Age/sex: 45, female
Family situation: Widow with five children
Occupation: Farmer
From: Htihpokape, Hlaingbwe township, Kayin State (village had about 40 households)

The witness left Myanmar four years ago. She went back for a whole year in 1996 and left again in February 1997. She did forced labour “quite often” in 1996, almost the same as earlier (although she was excused from several forms of forced labour imposed on other villagers). She never was paid for any labour. The villagers had to do portering; the military informed the village head of their needs, usually indicating the number of people required. If their requirements were not fulfilled, they rounded up the people themselves. In 1996, there was no rounding up, but the villagers had to go. In 1996, the villagers were also asked to do road sentry duty. She herself did road sentry at Plakyaw, three miles from her village (near the road from Hlaingbwe to Painkyone); after a day, they were asked to go to Hpagat for one night. She went only once for two days, “to keep watch over what happens”. They went in pairs, there were many along the road. In the morning, she had to sweep the road with branches, for mines. She never saw a mine explode. In 1996, the villagers also were ordered through the village head to supply labour for these purposes. She herself being too old and not well enough, her household (consisting of herself and her youngest son) was excused. She had to pay 100 kyat per month.
Forced labour in Myanmar

to the soldiers. In 1996, people in Htihpokape were ordered through the village head to carry logs for telephone line poles. From Htihpokape, a small village (of about 40 households), five people had to go, from other villages more. She had to do it two or three times a month for one day. The logs were first carried to a river, then some were carried out again by two or three people, others, bigger ones, were pulled out of the river with a chain by many people. She herself took part in pulling out the logs. Once, four to five soldiers came into the village, told the village head one log was crooked, not good for a pole, and fined the villagers one pig. On another occasion, the villagers were asked to carry logs and bamboo from their place to Painkyone camp, about three hours' distance. Finally, the villagers also had to clear the ground for rubber and teak plantations for the military. They had to bring their own provisions. She did not go to the rubber/teak plantations herself.

Ethnicity: Karen
Age/sex: 21 and 17, both male
Family situation: Both single, parents' families of seven and six respectively
Education: 4th Standard (witness 178); 9th Standard (witness 179)
From: Bee T'Ka, Hlaingbwe township, Kayin State

The witnesses left Myanmar in July 1997. Witness 178 came to Thailand a first time in 1992, witness 179 in 1997. In 1997 both went back to Bee T'Ka and, on the way, they were rounded up on 9 June 1997, in Lubaw (between Bee T'Ka and the Thai border) for portering. Witness 178 specified that they were stopped by soldiers from IB 33 on the road their hands were tied and they were taken for questioning to an officer, who accused them of being KNU agents or soldiers. They denied this and were not believed. The next day they were questioned separately, then tied up more closely, both beaten up (name of officer who beat them given to the Commission) and even asked to dig a hole (as for burial). They were blindfolded with plastic bags, had water poured on their heads so they could not breathe, were tortured for many hours, sometimes losing consciousness. One witness coughed blood, had internal injuries, chest problems. From about 11 June 1997, they were used as porters. First they had to carry pots (with rice) weighing together over 40 viss (over 65 kg) on a yoke from Lubaw for two days to Thay Mo Hpa. At first, they were 11 porters (all men), later a village head of some of the others came and paid money for the release of some of the porters, seven stayed. After two days, they returned to Lubaw, and from there they were taken to Kyawko. Altogether, they did seven days of portering, over hilly ground. They were fed two meals of jackfruit mixed with rice, which they had to cook for all the porters. At night, they were surrounded by soldiers. After seven days, when they could not get enough food, they were asked to go to villages and beg for food for all the group of about 40 people (porters and soldiers). The two of them were guarded by four or five soldiers. They were asked to beg for food from house to house, then come back with the supplies. The soldiers went into the house while the porters waited outside; whatever they found, they took in the kitchen and store room, especially rice. The officers had promised them that they would be released upon reaching Kyawko village, but upon arrival, they were told witness 178 still had to go to Ser Gaw village, where one of his relations lived, and bring back different food stuffs, oil, noodles, ajinomoto (monosodium glutamate), while witness 179 stayed in Kyawko camp. After witness 178 got all the rations and went back (two hours later) to Kyawko camp, he asked to be released, but the company commander (name given to Commission) again refused, and they were asked to carry planks from a stream up to the hill. After witness 178 complained and begged the commander to release them, the commander called the person keeping their watches and personal belongings, and they were both released, went to Ser Gaw and came back to Thailand. With regard to other forms of forced labour, witness 197 said that from 1995 he studied in Hlaingbwe and did no forced labour, the 1997 portering was the first time. But he was arrested and tortured in 1996, he doesn't know why, by the military. For about nine days, he was kept under the sun, at night in a lock-up, his legs in the stocks. His family
had to do forced labour over the same period (1995 to 1997), messenger service, supplying firewood and rice rations. There was no road building, no portering, but they had to pay porters’ fees (money to be excused from serving), he doesn’t know the amount. For messenger service, every day two villagers were asked to go three miles to a camp to help soldiers with whatever they wanted, like sending a letter, or whatever the camp commander needed. Witness 179 wished to add that in Hlaingbwe, if more than four or five students were in a group, the group would be broken up. He often heard shouts and screams from the prison, and saw prisoners wearing white robes breaking rocks. In Bee T’Ka, in the beginning of 1997, he saw an incident where nine people were called to be checked; one said he was a Government servant, and when unable to produce an identity card, he was killed on the spot. Five ran away to the river and tried to swim, one was caught. Later people saw a dead body, tied to a donkey and dragged along the shore.

Ethnicity/religion: Karen, Christian
Age/sex: 32, male
Family situation: Married with three children
Education: 6th Standard
Occupation: Farm labourer
From: Bee T’Ka, Hlaingbwe township, Kayin State

The witness and his family came to Thailand in April 1996 because they were accused of having contacts with the KNU, had to do forced labour, and faced a lot of hardship. He was a village head for about a year. There were ten sections in the village, which was divided by a river: on the eastern bank lived mostly Buddhists, on the western, Christians. The village head received orders for forced labour from the commanders of the military camp in the Bee T’Ka monastery area. Every day, the village head had to supply forced labour; as soon as he received the orders, he would first go to the chiefs of the 10 sections to find the number of people required. Usually, the order came in the morning, to be complied with within the same day. If forced labour had to be supplied over a longer or indefinite time span, there would be only one order at the start of the period. Sometimes, the order came with a bullet in the envelope, plus a piece of charcoal. Between rainy season 1995 and April 1996, the village head received four orders with both a bullet and a piece of charcoal, usually when he could not find the number of people required. A letter with a bullet and a piece of charcoal would set the deadline the evening of the same day. During his duties, villagers were directly rounded up four times by the military for forced labour, without the authority of the village head. Once, an order given in writing to the village head was brought by the messenger at too short notice, for 20 porters to be provided within two hours, so the village head could not find the number of people required. A letter with a bullet and a piece of charcoal would set the deadline the evening of the same day. During his duties, villagers were directly rounded up four times by the military for forced labour, without the authority of the village head. Once, an order given in writing to the village head was brought by the messenger at too short notice, for 20 porters to be provided within two hours, so the village head could not comply, and after two hours, the military came inside the village and rounded up many people; at last, the village head asked them to release the surplus, which they did. The 20 had to serve three days. As for the other three times, the military sometimes came to the village without warning because they wanted to go to some place and wanted nobody to know, so they just came to the village and grabbed the number of people they wanted (as porters). Some of the villagers could not bear this situation any more and ran away from the village, so the military would fine the other villagers. When one family ran away, the remaining villagers had to pay 40,000 kyat, plus 40 viss (65 kg) of pork. On the day of taking up his functions, he received an order from the military camp command to supply 80 people a day for one month to carry food and supplies from Paw Yebu camp to Taun Zun, Naungbo and other camps, as well as to Bee T’Ka. People who did not want to go had to hire someone else as a substitute, which cost 100 kyat a day. From each of the ten sections in the village, two people had to be every day at the military camp (at the monastery) on standby for Portering. These 20 people had to stay with the soldiers for one week and could not come back until they were replaced. To be exempt from this service for three days, people had to pay the military 600 kyat, and for a week, 1,300 kyat. Most could not pay, so they went. All work was
Forced labour in Myanmar

unpaid, and people had to bring their own rice. If the army had a confrontation with the KNU, some people would run away, and the military would fine the village for every person escaping; the last time this happened, the village head had to give 4,000 kyat for one person escaping from a war zone as a porter while fighting was going on. About two or three times a month, 30 or 40 villagers would be required in addition as porters by a battalion while patrolling the area; they would stay with the battalion as long as it was on the move, three or four days, sometimes one or two days. The village head also had to supply porters for longer trips. Once in the dry season, 30 people were required for a week. Sometimes porters were tied and beaten because they were accused, without evidence, of being linked to the KNU army; porters were also beaten for being slow. While he was a village head, he saw about 13 people seriously injured. They were put in stocks and still had the marks of iron rods on their skins. One person was beaten on his back until blood ran out of his nose and mouth. He fled to Thailand since and had to take medicine now. Over the same period, nobody from the village was killed, and no woman molested. In the latter part of 1995, a new road was built from Bee T’Ka to Paw Yebu. An order was sent to the village head for one person per family to come and work on the road every day until the road was completed. The work lasted two weeks, was unpaid, workers had to bring their own food and tools and work the whole day, under the supervision of soldiers. After that, construction of another road, about four miles long, from Paw Yebu camp to Taun Zun was undertaken. The road was still under construction in April 1996. Again, one person from each household had to work on the site all the time. If there were only women or old persons in the household, it would depend on the village head, who might try to make arrangement to help that household. To be exempted from the work, one had to give 200 kyat per day. In addition to the 20 villagers on standby for portering, two people had to go every day from the village to be messengers for the military for one day. The order came through the village head, who would usually ask women to be messengers. Also, in January-February 1996, the military obtained information that two guns were not far from the village and asked the village head to lead them there. When he refused, they arrested six women and five men to guide them; they had to go in front, followed by the village head, with soldiers behind, for about two hours. In the hot season, an order was sent to him of for one person per family to come to the military camp at the monastery, to bring bamboo with them, fence the monastery, prepare booby-traps, and dig trenches. The work went on for about four days until completed.

Ethnicity: Karen
Age/sex: 15, male
Family situation: Five (him, parents and two brothers; sisters have left home)
Occupation: His father has farm land (palm trees, mangoes, chestnuts)
From: Paw Baw Ko (near Nabu), Kawkareik township, Kayin State (village had 100 families)

The witness escaped from his village in early February 1998. There was a military camp 500 metres from the village, and another on top of a nearby hill. His brother lost a leg about a month ago, after stepping on a land mine near his village while he was cutting bamboo for the military. He was hospitalized in Myawady hospital. The military said that it was not one of their land mines. He feared the presence of the military in his village. He had to do portering for the military, work related to a military camp, and road construction work. One person from each household had to perform the work required by the military. While he was doing such work himself, other members of his family were not required to do so. His mother did some work for the military until he was old enough to take over. His father performed such work on countless occasions, particularly Portering. His brothers and sisters also had to work for the military. His sisters did it when their husbands were away. Since his parents had to provide for the needs of the family, and could not afford to lose a day’s work, they had to send their children most of the time. It was the village head who transmitted the orders from the military. It was possible to
pay in order to be exempted from the work which had to be carried out. Workers were not paid. Most of the time they had to bring their own food, since no food was provided or, when it was, the quantities were not sufficient. He shared the work of portering with his older brother. Because he was so young, his older brother had to work more often than he did. The last time they had to do portering for the military was during the last harvest. That assignment lasted three days and two nights. He had to walk from his village to Tiwablaw and Tilawthi (over the Dawna mountains). Portering was done in the forest and over varied terrain. He was given a portion of stale rice. He worked with three to five porters for 30 to 40 soldiers. He had to carry food, ammunition and pots for cooking. When he was unable to carry the load that had been assigned to him, the soldiers would shout at him and force him to carry on. He had also been beaten and did not receive any medical treatment. He had to work for the military camp five days prior to this departure. He worked at that camp for the first time when he was only 13 years old. The work consisted of building fences, digging ditches, carrying water for the camp, and installing bamboo spikes which he had previously cut. He also worked on the construction of the camp. He had to alternate between three days of work and three days of rest. Previously, it had been his parents who did the work exacted by the military. Now, he shared this burden with his brother. All boys over 12 years old in the village had to perform work for the military. He was not paid but he could not refuse to work since he feared being beaten. He had been beaten on two occasions by the military. The military would shout at the children when they did not perform the work satisfactorily. Children were not entitled to any rest and had to work from 7 a.m. to 5 p.m. They had to bring their own food, but were allowed to go home for the night. On countless occasions he had also worked on the construction of two roads leading to Kawkareik. He had to do that until the road was finished. About 40 people worked with him. Girls were not required to work in the military camp, but had to work on road construction by cutting bushes in order to make the road wider.

Age/sex: 13, male
Ethnicity: Karen
Family situation: Three (parents and him; no siblings)
Education: 1st Standard
Occupation: His father farmed mangoes until the military built a camp on the land
From: Paw Baw Ko (near Nabu), Kaw kalek township, Kayin State (village had 100 families)

(The witness heard witness 181's statement and agreed with it.)

The witness left Myanmar in mid-February 1998. At his parents' request, he stopped going to school because they needed him to carry out the work required by the military. As they had to provide for the family's needs, they could not afford to miss a day's work and so sent their only son instead to do the unpaid work. He had to work for the military for the first time at the age of nine, four years ago. The order was transmitted by the village head. In particular, he had to carry water to the camp and cut down the bushes growing along the roadside. He had to work for two days, rest the same number of days, then carry on working to the same schedule. He could not refuse to work. If he was tired, his friends helped him with the work. He did not have to do portering, but the military used him twice to detect mines hidden around the village. His father's brother also worked for the military, including Portering.
Forced labour in Myanmar

Ethnicity: Karen 183
Age/sex: 13, male
Family situation: Five (him, parents, older brother and sister)
Education: None
From: Paw Baw Ko (near Nabu), Kawkareik township, Kayin State (village had 100 families)

(The witness heard witness 181's statement and agreed with it.)

The witness left Myanmar in mid-February 1998. In Myanmar, his parents did not allow him to go to school because they needed him to do the work exacted by the military. He therefore worked for the military camp, carrying water, putting up fences and digging ditches. He worked for the first time at the age of nine, four years ago. The orders from the military on work to be done were transmitted by the village head. He had to work for one day, rest one day, then work again following the same schedule. He did not do any Portering. However, his father had done it on several occasions, each assignment lasting about three days. His mother had not done forced labour. His sister had worked on the building of a road. She went to the site in the morning and came home in the evening. None of the work was paid. Finally, on six occasions, he was requisitioned by the military to find mines hidden around the village.

Ethnicity: Karen 184
Family situation: Married with three children
Age/sex: 48, male
Education: 6th Standard
Occupation: Farmer (rented his land). In 1996-1997, he became assistant village head, a position he had already held for one year in 1993.
From: Htee Talay, Kawkareik township, Kayin State (village had 174 families and was divided into four sections)

The witness left Myanmar in May 1997 because he did not want to work for the military any longer. Having been a village leader he had to contact people who had to work for the military, mainly to build roads, clear the forest, harvest or do Portering. A written order from the military was generally transmitted to the village head. One person per family had to work in accordance with a pre-established rota. No work was paid. It was possible to engage a substitute: 140 kyat per day for assignments other than Portering. The cost of a replacement for portering was 500 kyat. It was possible to pay the village head who would then find a replacement. He had to ask the villagers to work because the military would have forced them to do so in any case. The villagers had to work for the military for more days than for their own work. For portering a family had to provide one person three times a month, each assignment lasting five days. Only the men did that work. They had to carry ammunition, shells and food. The number of porters depended on the number of soldiers to be serviced. The porters had to stay with the soldiers even in battle, to supply them with ammunition. A porter from his village was killed during a fight with the Karen National Union (KNU). The porters were subjected to ill treatment if they could not keep up with the pace of the march, and were beaten and struck by the soldiers. In cases where porters were ill or injured, they were not given any medical treatment or medicines. The villagers also had to work for the military detecting mines hidden in the area around their village. The work was carried out three times in 1996, and the same number of times in 1997. Work was also organized to build the road from Kawkareik to Hpa-
Report of the Commission of Inquiry

an (through Kyawywa), three miles away from his village. The work had to be done throughout the year, five times a month. Both men and women had to work on it. Each assignment lasted three days, including three nights. The workers had to sleep near the work site and had to bring their own food. They could not refuse for fear of reprisals by the soldiers. He organized the work on building the Nabu military camp in 1995 and 1996. Forty to fifty people worked at the same time and were replaced by the same number of people according to a pre-established rota. The work consisted mainly of cutting down trees, clearing the ground (even if that meant cutting down trees on farm land), collecting bamboo and wood. The workers also had to prepare roofing. The workers had to carry materials and carry out the related work. Both men and women had to do this work. Work began at 6 a.m. and ended at 6 p.m. The soldiers shouted at the workers when they thought the work was not going satisfactorily. He did not see any workers ill treated, but he had heard stories of women being raped at the worksite. He also had to organize harvest work. Personally, he had to work on road building in 1991 (on one occasion for 15 days), 1992 (on one occasion for 15 days), 1993 (on one occasion) and several times in 1996, when he was assistant village head. The soldiers often shouted at them. However, he had not been subjected to ill treatment. He also had to do work related to the Nabu military camp.

Religion: Muslim
Age/sex: 16, female
Family situation: She lived with her widowed mother, elder sister, and two nephews
Education: 3rd Standard
From: Dawlan, Kawkareik township, Kayin State (village had 150 households)

The witness left Myanmar in January 1998. Her village comprised 150 households, at present only one, two or three houses remained. Since September 1997, the authorities announced the village had to be relocated because an army camp was to be set up in its place. No location was indicated for the inhabitants (Muslim, Mon, Burman, Karen). The people were forced to move. Some went over the border to refugee camps, some (Muslim) wanted to stay, but with the KNU fighting in the village, the authorities did not allow anyone to stay, and there was a lot of shooting. In January, they burned down the village and when villagers tried to come over the border the Myanmar army stopped people to check their identity cards. The Muslims had no identity cards, although they had been promised them already three times by the authorities, which had come and taken photos and data (before September 1997). But the Muslims and Karens never received identity cards. She and her family spoke to soldiers and crossed the check point. Actually, no military base was being set up at the site of the village, which was merely close to an existing base and therefore removed. For her household, she had to go from the age of ten to do forced labour, because her elder sister was not healthy. She did men's work, making a fence around the army base, surfacing the road. The military stayed with sticks behind the people, yelled at them and beat them when they did not work. She saw many men being beaten by soldiers and when she was younger, up to the age of 13, she was beaten herself. Now she was afraid of that, so she always worked. Every month, she had to go for 20 to 25 days. From the age of ten, she had to go to the army base, building houses for the soldiers, digging and carrying mud to make the floors; she also had to help make a fence, carrying bamboo, and doing whatever work the soldiers wanted, such as digging a bunker and trenches, cooking every morning. In the dry season, she had to carry water. Even if sick, she had to work, was not allowed to be free. By order handed down through the village head, all 150 households in the village had to contribute every month ten days of regular work for the army camp. In her family, she had to go for 20 to 25 days, in part (ten days) as regular work for the army base; the remainder was because her family could not pay for porters fees, over 1,000 kyat every month. When they told the village head they could not pay, the soldiers came to the house, pointed a
Forced labour in Myanmar

gun at them, so that she feared for her life, then told her to work at the army camp. Thus, they came every month when the family could not pay the porter fees. In her family, one person (herself) worked all the time for the army. She did not work as a porter. With regard to sexual abuse, when single women were sent to the army camp, soldiers did to them what they wanted, afterwards they either married or paid them; the women were very shy to talk. The villagers could not do anything about it. When she did work at the army camp, every evening her mother went there and fetched her back home. When she was 13 or 14 years old, she also had to work surfacing a car road from one army base to another. It was always for 15 days, people had to take food with them and sleep beside the road. The frequency of the call up was not regular, it depended on the road situation; in the dry season, it was more often, sometimes once per month or every two months. They had to cut trees, place the trunks on either side of the road, carry soil and fill the space between the trunks. In rainy season, girls had to transport ammunition and guns ten days a month, padding a canoe; men had to carry them over land. Every rainy season, the village was flooded, the water almost covered the houses, but people still had to pay porter fees and transport ammunition and guns in canoes (dugout or made of planks, for three to four people, two girls paddled — one in front, one at the back). These three types of work filled the year for her. In addition, there were the following minor jobs. First, the villagers had to pay 20 kyat per month (per household) for the soldiers’ wash, then the army paid someone to do their laundry (single women). She worked twice because her family could not pay the 20 kyat. Second, every day, every family had to carry a bundle of firewood, a tin of rice and 10 kyat to the army. She collected and carried the firewood. Third, every day four families (out of 150) had to supply one person to watch for strangers outside the village, two in front and two at the back of the army base. Her family could not stand watch because they had too much other work to do, so about once a month, when it was their turn, they paid 100 kyat to someone else to go. She decided in the end that she could not stay in the village because she was overloaded with work. That is the reason why she left.

Ethnicity/religion: Karen, Buddhist
Age/sex: 16, female
Family situation: Seven (her, her parents, two elder and two younger siblings)
Education: 6th Standard
Occupation: Farmers
From: Htee Talay, Kawkareik township, Kayin State

The witness’s family came to Thailand in December 1997 because they could not cope anymore with the quantity of forced labour and Portering. She had done forced labour herself since the age of 15, causing her to drop out of school. At age 15, she worked for six months on the tar road from Nabu to Kyondo, from the start of rainy season (June to July 1996) until the end of the cold season (January 1997). One person per household had to go. There were people from other sections, villages, towns too, altogether over 4,000 people at the same time. The authorities had given the list of people: so many from this village, etc. When the soldiers were eating, they put the list on the table and she looked and her name was also on the list. The presence of all workers was checked three times a day, in the morning, early afternoon and evening. The evening check was very strict. Because her family could not pay 300 kyat per day for the road, she had to drop out of school and go and work on the road for six months. She had to eat and sleep at the worksite because the road was far from home. At night they were not allowed back home. They had to work from early morning till evening, then had to cook when it was already dark. There was no shelter, she had to sleep under a tree. Every month her family sent her the necessary rice, fish paste, ajinomoto (monosodium glutamate). In the six months, she once was sick with headache and fever. She received no medication from the soldiers but was allowed to go home (one-and-a-half hours walk on foot) for two days. For these two days, the family had to pay 200 kyat. Then the army came and took her back. At the worksite, some
people cut trees, some dug mud, some carried stones and some carried tar. She carried tar and cut trees up to 20 cm across. Soldiers only watched the people work and yelled when they stopped. She saw many people being beaten for being lazy. Especially in the dry season when it was very hot, people could not work and stopped, so the soldiers beat them and asked the village head to pay a fine of 200 kyat per day for the delay at work. She herself was beaten once by a soldier, and yelled at many times. She was beaten because she was sick and wanted to quit. A soldier told her to see the colonel, who was not there, so she could not get permission, and when she sat on the side of the road a soldier saw her and beat her. On that occasion, she could not go home and had to continue working. She had fever, she doesn’t know why, maybe from the heat, working under the sun. In addition, by order from the military, handed down through the village head, in March 1997, one person from each household, including the witness, had to work for one month for the army base at Two-Elephant village (Sin Hna-kaun). About 300 people were working there. They had to clear and prepare the ground and plant rubber trees. When the planting was finished, the army took the plants. She did not know who received the profit. The place was remote from the water and she was very thirsty. The place was two miles away from her house, but she was not allowed home at night for the whole month, she had to sleep anywhere, had to bring her own food, and was not paid for the work. The soldiers were always there, watching. The treatment was the same as for surfacing the road, but she was not beaten, since she worked all the time. Attendance was checked every day two or three times. In April 1997, by order handed down through the village head, one person per household, including herself, had to go for one day to Sin Hna-kaun army base to carry tree trunks, logs, for the base. After April 1997, at the beginning of the rainy season, one person per household (including herself) had to work for a full month carrying paddy seed for an army field and planting it. The place was four hours away from witness’s home near Nabu hill. She had to take her own food and everything with her, and carry the seed, 24 to 32 tins (about 4 kg). This was the villagers’ seed. They were given no shelter, but had to find it themselves. The treatment was the same as before.

Ethnicity/religion: Karen, Buddhist
Age/sex: 20, male
Family situation: Him, his parents and four siblings
Education: 5th Standard
Occupation: Farmer
From: Htee Talay, Kawkareik township, Kayin State

The witness left Myanmar for the first time at the age of 17 and for the last time in October 1997. He had to drop out of school at age 14 because of forced labour - he could not go to school when working; also, they had to pay school fees, about 200 to 300 kyat per month at primary level (from 1st to 4th Standard), about 600 kyat at upper levels. He continued to do forced labour until age 17, for about six months out of eight months in the cold season, surfacing roads, building military camps, also portering, and for two months out of three in the rainy season, working on army paddy fields. He could not stand it anymore, if he had to stayed in the village he would still have been doing forced labour. He first came to Thailand at age 17, and since then he had crossed the border many times, avoiding forced labour. At age 14, he worked on a rock road, four hours walk from the village, and for the next two years on two other roads, only during the cold season. Sometimes he had to go every week, sometimes for a full two weeks, and sometimes for a whole month. The order came from the army base to the village head, requiring one person from each family. He was never paid any money for doing forced labour. He had to bring his own food. If people could not work, they paid a fee of 500 to 600 kyat per day to the soldiers (at the time he was working). He saw a woman from his village who worked on the road and went to take a shower at the well in the evening being followed by a soldier and raped. He did not know the soldier, who was not punished. The woman tried to
Forced labour in Myanmar

complain to the village head, but the village head did not dare talk to soldiers. He did not see other abuses while road building, nobody was hit. In addition, from age 15 to 17, he had to go two or three times a year as a porter, carrying food, rice, ammunition, sometimes for five days (once 20 miles in five days non-stop walking), sometimes for two weeks or more. The order came first to the village head, and if he could not collect the number of porters requested, the army came and took the people themselves. They were never told before for how long they were to be porters. If it took too long, the village had to collect the rice to feed the porters and send it to them. They never got money for portering, but the family paid sometimes 200 to 300 kyat to the army to find someone else for Portering. It depended on how many porters the army wanted. That is what they paid when he was between 15 and 17 years old. He didn’t know what the payment was now. At age 16, he contracted malaria after 17 days of portering, carrying 10 viss (about 16 kg) of rice and ammunition uphill. He received no treatment and had to continue carrying his load, even though sick; he was afraid to be killed if he did not continue. He saw other people being killed, among these, ten people who were hit by shells when there was fighting, because porters always had to be in front of the soldiers. They were not tied. Two or three were killed while there was no fighting, they were hit with a gun at various places on their bodies. Those were from other villages. He had heard about, but had not seen, women porters being raped. Finally, he had to go about 15 times a year for two to three days each time to clear the ground around the army base, make trenches, empty the old toilet, dig and build a new toilet. In the rainy season he had to take a cow and tools to army paddy fields and plough and work there for two months; he had to carry only his own food, but not the seeds.

Ethnicity/religion: Karen, Buddhist
Age/sex: 49, male
Family situation: Married with five children
Occupation: Farmer
From: Htee Talay, Kawkareik township, Kayin State

In the last five or six years, most forced labour which his family had to do, including portering, was done by his son and daughter. His personal experiences over the same period were limited to the following. Four years ago, in the cold season, he was travelling on a bus from Kawkareik to Thingannyinaung village, where soldiers from IB 44 stopped the bus, took all male passengers and sent them on an army truck, tied in pairs with a nylon rope, to Mepale on the front line with the KNU. The next day, each of them was given eight viss of rice to carry to the top of a mountain, where the battalion was based. After that, they had to carry the rice going around the Kawkareik area with an army column for 28 days, when the group of people to which he belonged was released (another group was not). In his group of 75 people, four died (he could not say for the other group). He saw many people who had been porters for many months, not released back home, ill and weak. They were beaten because they were weak, not given water. He did not see anybody being killed, but many beaten. Some people died from diseases, they gave only one tablet of some medicine, only once. He saw his cousin, who also had been arrested, die from diarrhea; they gave him some medicine, but he had to carry on the day he died; he was very tired in the evening, settled down, and the next morning he was dead. For five days in 1997, he replaced his daughter planting rubber trees for the army. He had to pay porter fees, road fees, give paddy seeds and rubber plants, and either pay or send a person (with a cow) to plant paddy and watch the village. The porter fees were about 600 kyat every month, to be paid to the authorities if his family did not want to do Portering. The road-building fees were 100 kyat a day if they did not work until the road was finished. For the paddy seeds and rubber plants, the family’s contribution depended on how much the army requested from the village. In 1997, it was 64 (small) tins of rice, plus 3,000 rubber plants for the village; he bought 50 rubber plants at 25 kyat each, totalling 1,250 kyat; after the purchase, they also had to do the planting. The army kept the proceeds.
Occupation: Medic

The witness worked as a medic at Cynthia’s clinic in Mae Sot (Thailand). He summarized the history and work of the clinic. He had seen many porters with scars from excessively heavy loads while Portering. When there was fighting on the border, there was more Portering. Every month, he saw new people with scars from Portering. Also, he had first-hand information from Myawady hospital (in Myanmar) that every month six to seven civilian injuries from land mines, who all appeared to be porters, marked by scars from carrying excessively heavy loads, had to be turned away because priority was to be given to the army, and civilians had to pay for everything in hospital, even gloves and alcohol for the nurses. Usually they died from the mine injury becoming infected.

Ethnicity: Karen
Age/sex: 43, female
Family situation: Married with four children (aged between three and 17)
From: Kawsaing, Kawkareik township, Kayin State (village had 260 families)

Since February 1997, villagers had been working without rest for the military. In February, hundreds of soldiers arrived in the village and took most of the villagers’ livestock and property. In March, soldiers (from LIB 547) ordered the villagers to clear the ground for their new camp. Villagers had to cut down trees and bamboo, level the ground, construct buildings and barracks, build fences, dig trenches and build bunkers around the compound. Villagers worked on the new camp until the end of May. She personally had to work four days per month at the camp. She also sent her daughter, who was 17 years old. They were not paid, and had to bring their own supplies and equipment. In April, the villagers were ordered by LIB 547 to build a new primary school. They had to clear and level the ground until the end of May. This work had to be done simultaneously with the camp work. Two teachers were sent from town and the village had to hire one teacher. Students had to pay to attend classes. Fifteen to 45 kyat per month plus two baskets (one basket was 21 kg) of unhusked rice per year. She had to work ten days per month. If a person failed to work, he or she had to hire a substitute at 300 kyat a day. During the rainy season her daughter was called as a porter three or four times. She or her eldest daughter were called at least twice a month by the camp to cook, to clean the compound and so on. She also had to carry messages and collect vegetables. Her husband was in poor health, and their betel nuts were picked by the soldiers in October 1997. She then had to sell the nuts and give the money to the soldiers. They were afraid to complain, and had nothing left. They decided to leave the village in October 1997.

Ethnicity: Karen
Age/sex: 17, female
Family situation: Single
From: Kawsaing, Kawkareik township, Kayin State (village had 260 families)

The witness left Myanmar in October 1997. In March and April 1997, she had to work doing construction for at least 20 days each month. She also served as a porter four times in 1997 (all portering was done in Kayin State). She portered from Kawsaing to Yauk Kaya (a two-hour trip) carrying a tripod (stand for a mortar); from Kawsaing to Lampha; from Kawsaing to
Peinnweson; and from Kawsaing to Kyeikkywa. Soldiers made her carry their bags on the way and they themselves carried only guns and equipment. Women occasionally had to serve as porters especially on short trips. She saw old women, mothers with children, girls and pregnant women serving in this capacity. They had to bring their own food and supplies.

Ethnicity: Karen
Age/sex: 35, male
Family situation: Married with three children (five to 12 years old)
Occupation: Farmer
From: Kawsaing, Kawkareik township, Kayin State (village had 260 families)

The witness left Myanmar in 1997. During the 1997 hot season, he had to build a military camp and a school. He also had to serve as porter a countless number of times during the 1997 rainy season since carts could not be used on damaged roads. He had to travel to Ason, Kyeikkywa, Kwiko and Thaung Pyaung villages. He had to carry ammunition, rice and supplies. The rice sack weighed 22 kg. He was badly treated on one occasion on a trip to Kyeikkywa in July 1997. He was kicked and beaten because he was late after losing his way due to heavy rain. No medical treatment was provided to sick porters. On another occasion in October 1997, the village head and four villagers were beaten as a reprisal for the death of a captain in an ambush near to his village. In 1997, he also had to clear the ground between Kawkareik and Kyeikdon so to prepare it for a road to be built. He had to work there six times, twice for seven days and four times for three days. He was ordered by LIB 547 and LIB 548. While villagers had to cut trees, the soldiers would bring the logs to the villages and towns and sell them. He decided to leave Myanmar at the end of 1997 since he was not able to work anymore on his farm.

Age: 58, male
Family situation: Married with eight children
Occupation: Farmer
From: Kawsaing, Kawkareik township, Kayin State (village had 260 families)

The witness left Myanmar because he could not live alongside the military anymore. He was shot by the military one month ago while returning from his fields. He did not know the reason why. He served two times as porter in 1997. The first was in July between Kawaw and Kyeikdon. It was a one-day trip and he had to carry ammunition. The second was 15 days after the first trip. He had to go to Kawkareik. It was a seven day trip. He had to sleep in the rain for six days. Soldiers were under plastic shelters. The porters were tied up with ropes (hands and legs) so as to prevent their escape. He was beaten on one occasion when, one night, he got up to go to the toilet. One of his relatives died, shot after a portering journey. At the beginning of 1997, soldiers started to arrive in his village and requested the villagers to build their camp. They had to, among other things, clear the ground, cut trees and erect buildings. He personally had to work on this assignment for two months. He saw one villager beaten to death with an iron bar because he was not able to climb a tree as ordered by a soldier. The witness tried to escape with 30 others but failed to do so. They were ordered not to repeat what had happened and threatened with murder if they did not comply. Villagers were hurt also while working on the camp site. No medical assistance was provided.
Ethnicity: Karen
Age/sex: 62, female
Family situation: Married
From: Antwe, Kawkareik township, Kayin State
(village had 32 families)

The witness left Myanmar in November 1997. She was appointed as village head in March 1997 and served in this capacity for three months. The military requested her to organize the work of the villagers so as to construct their camp in Hlawlay. She divided the families into two groups which had to work on a rotational basis. She personally had to work with the other villagers and believed that the toughest work which she had to perform was to cut and carry bamboos from her village to the camp, on a two-mile distance. During the 1997 rainy season, her village was relocated to Hlawlay together with Klaw Chaw, Thawaw Thaw, Po Kaw and No Po Khee. She had to move to Hlawlay in June 1997. There she had to build fences. In November 1997, the military ordered the villagers to give two thirds of their rice crops to the army camp. Her husband served as a porter five times in 1997. He was beaten when he was too slow and was given rotten rice as food ration.

Age/sex: 35, male
Family situation: Married with four children
From: Mikathut, Kawkareik township, Kayin State (lived in Antwe village prior to leaving Myanmar)

The witness left Myanmar in November 1997. In March 1997, he had to build a new military camp, a military warehouse and a football field for the soldiers. He also had to lay fences and dig bamboo traps around the military compound. He also served twice as a porter. The first trip was just before the 1997 Water Festival (early April). He had to go to Kwilo on a three-day journey. On this occasion, he had to carry a rice supply which weighed 25 kg. The second assignment was for nine days in May 1997 when he had to accompany troops from Division 101 returning to Kawkareik. He had to carry weights of at least 40 kg.

Age/sex: 43, male
Family situation: Married with six children
From: Aunghlaing, Kawkareik township, Kayin State
(village had 100 families)

The military built an army camp in his village in March 1997. He personally had to, among other things, cut trees, build buildings, dig ditches and lay fences. He worked on this assignment for two months. Children of ten years of age would come also and cut down small branches. In order to be exempted from the work, it was necessary to pay to the soldiers 200 kyat and a chicken for each working day missed. During the rainy season, he served as a porter twice a month. He was also ordered to work two days a month for the military camp performing all light duties ordered by the military. Two people died and two others were wounded when Karen soldiers opened fire on the camp at the end of July 1997. He was requested with three other persons to carry the wounded to Kawkareik. Eight soldiers accompanied them. Since the journey was long and the people to be carried heavy, they asked for additional porters. The military authorised only four additional men. They arrived late at night. The next day, the village head
was severely beaten and villagers were requested to pay 35,000 kyat because they failed to inform the military of a KNU ambush.

Age/sex: 50, male 197
From: Peinnwe, Kawkareik township, Kayin State (village had 100 families)

The witness left Myanmar at the end of 1997. During the 1997 hot season, he had to work on the army camp which was being built in his village. During the 1997 rainy season, he served as a porter and had to carry supplies for the military in this capacity.

Age/sex: 18, female 198
Family situation: Three (her, husband, one child aged 14 months); she had four siblings
From: Taung Khun, Yebu township, Tanintharyi Division (village had 40 households)

The witness arrived in the Mon refugee camp in January 1998. She married three years ago. Her parents came to the refugee camp before her. She did forced labour on railway construction, on the Natkyizin section of the Ye-Dawei (Tavoy) railway. She started to do that work again about seven months before arriving in the camp (this was during the rainy season), after a break to have her baby. She had to do work on the railway until she was 5 months pregnant, then she rested until the baby was five months old. During the period while she was resting, she had to pay a substitute to go in her place on three occasions (each time she had to pay the substitute 1,000 kyat and food for 15 days). The orders for work on the railway were given by the army to the village head, who then instructed the villagers; the soldiers also demanded porters in the same way, as well as food and alcohol on a regular basis. The village was divided into two sections for the purpose of arranging the work. One person from each house would have to go from each section in turn for a period of two weeks, by rotation (i.e. 20 people at a time). The villagers had to walk for over one hour to reach the work site. They had to take their own rice, salt and fish paste, as well as money to buy vegetables at the work site. There were some small shops at the worksite which were set up by soldiers’ wives (with prices slightly higher than normal). Her household had to do seven such rotations of forced labour. Of these, she went four times (three times before and during her pregnancy, once after having her child), and her husband three times. She had to go more often, because her husband was often away portering when it was their household’s turn to do forced labour. There was a labour camp at the worksite, and the villagers had to stay there during their two-week work period. The work they had to do was collecting rocks and breaking them into chippings using a small hammer. This was very hard work. They had to work from 6 a.m. to 5.30 p.m., with a break from 11 a.m. to 1 p.m. They had to work in the rainy season as well. The soldiers stood on the embankment and supervised and guarded the labourers. They beat and shouted at people who were working slowly. She often saw people beaten and kicked by the soldiers (at least three times in a two-week period). When she went back to work after having her baby, she had to bring the baby to the worksite. While she was working during the day, she had to leave the baby unattended at the camp. She was able to arrange with the other villagers that she worked at a place which was close to the camp, so that she could keep an eye out for her baby while she was working. She fed the baby before starting work in the morning, then had to ask permission from the soldiers to feed it during the morning. She was only allowed one break in the morning to feed the baby, and one break in the
afternoon. There were other women from her village with babies at the worksite, but their babies were older so they had less of a problem, since they could put their babies beside them while they worked. About seven or eight of the people from her village were women, most of whom had to bring children with them to the worksite. There were four or five children under five from her village at the worksite. People from other villages were also working on the railway, but each village had to work on a different point on the railway. The camp where she worked had only people from her village, but there was another camp nearby with about 100 villagers from another village. The youngest person she saw working was about 14, and the oldest over 50. If workers became sick they received no medicine (if they had money, they could buy some medicines at the small shops). When her baby was sick, she could get no medicine. Her husband had to go for portering ever since they were married three years ago. This was the same time that she and her husband first had to do forced labour. The soldiers usually asked for ten porters from her village at a time, but sometimes as many as 15. The soldiers asked for porters about three times a month, and usually took porters for a period of about seven days. Because her husband was often doing portering and she was doing forced labour, she hardly ever saw him. Three days after they got married, her husband had to go and do forced labour on the railway. Her husband had no regular income. He worked on his father’s farm, for which his father fed their family. Because she had to do hard physical work while nursing, she did not have enough milk. As a result the baby became malnourished, and also developed epilepsy, she said it was because of the shock of having to stay in very bad conditions without care at the worksite. Since arriving at the Mon refugee camp she had been able to send the baby to hospital and take a rest herself, so it was better. Her husband did not leave the village with her, and she still did not know where he was. She last saw him five days before she left her village. He was taken for portering by LIB 409, together with five other villagers. They were told they were going to Mae Than Taung village near Kanbauk, so he did not take much food. After three days, however, none of the villagers had returned, and she heard that her husband had been sent to Kanbauk by the military. She decided to leave, because in the absence of her husband, it would be impossible for her and her child to survive; all the forced labour would fall on her. She still had no news from him, and did not know if he was still alive. It was difficult to leave her village, because the troops had given an order preventing people from travelling, because they were worried people would try to flee forced labour. She managed to go to Yah Pu village, however, and there she met someone from the Mon camp buying vegetables, and went to the camp with him. Her parents had already been at the camp for two years. She had also experienced forced relocation. In February 1997 her village, along with two others, was forced to relocate on three days’ notice by LIB 409. The villages were told that anyone who did not relocate would be shot. No specific relocation site was provided, and the villagers moved to nearby villages such as Kywe Thone Nyi Ma and Kyauktaya (the nearest being two hours’ walk away). About three months later, in June when the rains started, the villagers tried to move back to their area because they had farms there. They were allowed to return to their village, but under strict curfew. If they wanted to go outside the village to tend their farms, they had to pay 20 kyat, and had to return by evening. If a person was found outside the village without permission, they would be fined 1,000 kyat and beaten with a rattan cane. This happened to people who came to the village from other villages, and who therefore were not aware of the curfew rules. The soldiers were always in the village, and stayed in houses in the village when they were there. There was a military camp at Chaungphya, about a one hour walk away. This camp had been built by the villagers about four months ago, who also had to provide the wood and bamboo for the construction. Each woman had to cut 50 bamboo poles, and 100 saplings to make the fence, and each man had to cut 100 bamboo poles and 200 saplings. This would take three to four days for a person to cut. During the actual construction of the camp, workers had their hat, knife and food taken from them during rest times, so that they could not run away. Also, at least two villagers had to be permanently outside the village as sentries. Sometimes the soldiers came to check, and if the sentries were asleep the soldiers would fine them 1 viss (1.6 kg) of chicken.
Ethnicity: Mon
Age/sex: 56, female
Family situation: Six (husband, two sons, one daughter-in-law, one grandson)
From: Sein Suay, Mintha village-tract, Yebbu township, Tanintharyi Division (previously lived in Kywe Thone Nyi Ma)

The witness arrived in the Mon refugee camp in January 1998. She had to do forced labour collecting rocks for the Ye-Dawei (Tavoy) railway construction. She first had to do this work three years ago; she did it many times in this period, for about two weeks each time. The village was divided into two or three groups (depending on the number of workers required at one time), with workers from each household going from each of the groups in turn. Workers would get less than one month rest between periods of forced labour. The village head had drawn up a list of all able-bodied people in the village, and when it was a household’s turn to do forced labour, only one worker could stay behind to work for the family. Thus, if there were four workers in a house, three would have to go for forced labour when it was the turn of that house. In her household, the worker who stayed behind varied by rotation. The workers in each household were given a number, and when that number was called by the village head to go for forced labour, the person had to go or send someone else in their place. In her household, herself and her sons were on the list, but her husband was lame because of polio, and so was not on the list. Recently, the army deceived the villagers by telling them that they would be paid for work on the railway, but when they had finished the work they received no payment. When she first started to do forced labour on the railway she lived in Kywe Thone Nyi Ma. At that time the work was digging and carrying mud to build the embankment. She continued to do this work after she went to Sein Suay. There the villagers had to collect and crush rocks. The worksite was about one hour's walk from the village, so she used to go back to the village to sleep at night. She left the village at 5 a.m. to start work at 6 a.m. They were allowed to rest from 11.30 to 12 noon, then they had to work again until 6 p.m., so she got back to her village at about 7 p.m. According to arrangements made by the village head, women had to work during the day (from 6 a.m. to 6 p.m.), and the men had to work from 6 p.m. to midnight. This was done so that the men would have time during the day to do their normal work. Also, the village was afraid of abuse of the women by the military if they had to work at night. Even so, there were problems with the arrangement because when the men were away during the evening, the soldiers would steal animals from the village. Some women were also raped at this time, and some were then taken by force to live with the soldiers. She knows of five women who were raped in this way, two of whom were then taken by force to live with the soldiers. This happened two or three months ago. The two women never came back. The work was very tiring. She had always had good health, but since last year she suffered a chronic cough and had difficulty breathing. She thought this was due to carrying heavy loads of stones on her head for long periods without rest. During the work, men were often beaten by the soldiers. Women were usually just sworn at. On one occasion while her son was doing forced labour, he was ordered to get alcohol for the soldiers. He arrived back late from going to get the alcohol, and so was beaten. The village head was ordered to fetch a stick, then her son was beaten with it until it broke. He was badly injured, and had to have medical treatment consisting of ten injections. He was left with scars all over his body. She saw two other people beaten during forced labour. The two were having an argument among themselves, so the soldiers beat them with a stick, then made them do ten "laps" of frog-jumps (with their hands behind their heads), each "lap" about 20 metres. This was the standard punishment for people who the soldiers thought were not working properly. On one occasion she saw an elderly man forced to do this punishment. The villagers also had to do Portering. At all times, two porters from the village were required to do work at the army camp at Eindayaza. This had been going on for one year. People went for a period of two weeks, and were then replaced. Her son did this twice, for two weeks each time. He was not beaten while doing this work. Last year people were forced to build an army camp at Siu Ku village near Kaleinaung. Fifteen people from each village in the area were required to go, and each village was responsible for constructing one building. The camp was two days' walk from their
village, and the villagers had to work for seven-day periods. People from her family went three times (her elder son went twice, her younger son went once). She fled from Kywe Thone Nyi Ma because of too much forced labour. The men worked as fishermen, but it was difficult for them to earn a living because of the forced labour. She had to sell her oxen, because they were often forced by the soldiers to be used for transporting stones and earth etc., and became lame from overwork. She had to leave her belongings behind. Many other people also fled at this time. When they arrived at the new village (Sein Suay), however, they found the situation was no better. In the end, one month ago, they fled to the camp. She came because her sons also left, and she was dependent on them. Her sons fled because they did not have enough time to work to support the family. She fled to the camp by pretending to be a dried fish seller at army checkpoints.

Ethnicity: Mon
Age/sex: 35, female
Family situation: Seven (her, husband, five children)
Occupation: Farmer (dry rice)
From: Paukpingwin, Yebyu township, Tanintharyi Division
(village had 300 households)

The witness arrived in the Mon refugee camp at the end of 1997 (three months ago), from Paukpingwin, because they could not tolerate the amount of forced labour. She did forced labour collecting rocks for the Ye-Dawei (Tavoy) railway construction. This work started two or three years ago; work restarted in September or October 1997 near the end of the rainy season. The orders to do this forced labour came from the military to the village head, who then instructed the villagers. One person per household had to go. She had to go herself because her husband was often away portering, or had to work in his fields (it was hard to make a living: last year, they had to live on only rice soup for a period of two months). She went a total of about 15 times, each time for a period of a month; her husband did not work on the railway, he only did portering and his own work. During the month at the work site, the workers got one day off every ten days. The work she had to do was breaking rocks with a hammer. When she worked, she left her children in the village (the youngest was two, the eldest ten). It was a two-hour walk from the village to the work site (they returned to their village each night). They had to leave their village at 6 a.m. and arrived back at the village at 8 p.m. They only had a half-hour break from work at noon. There was a total of about 300 villagers working together at the worksite at any one time. The treatment of villagers at the worksite was bad. She herself was kicked three times in the back by a soldier while working, because she was tired and could not work properly. She has seen other people treated badly, usually kicked and sometimes beaten with a rifle butt. Some people were badly injured in this way. Her uncle was severely beaten to the head with a rifle butt, and had to receive medical treatment for a month (no medical treatment provided by the authorities). The village doctor provided the services, and this was paid for by the village, but he had to repay this money. During this month his on had to go to work in his place, then after one month the uncle had to work again. It took him two months to fully recover. It was dangerous for the women when walking home at night, because of sexual abuse by the soldiers. This happened to two or three women from her village, including her sister, who was raped. The village head complained to the military commander, who encouraged the soldier to marry the girl, but the soldier refused on the grounds that the woman was Mon, and he was Burmese. The rape happened last September; her sister was 15. Her husband first did portering about five years ago. He went many times, usually about three times per year. The worst was in 1997, when he did portering three times for three months each time. In previous years he was usually away for about one month at a time. Some people can afford to hire substitutes to do portering for them, but her family could not. When her husband did portering she did not know where he went, or how long he would be away. Once he was beaten and came home with injuries. Other
Forced labour in Myanmar

porters died during Portering. Usually, five people were taken from the village as porters at one time. Her husband said that during portering he had to carry ammunition. He always came home thin and weak, and he often had injuries on his back and shoulders from carrying the loads. Over the last few years, she knows of ten porters from her village who died during Portering. Five of these died in 1997. The villagers saw some of the dead bodies with wounds from being beaten. About 6 months ago, two women were also taken from her village as porters, and were raped and killed while Portering. They were both about 16 years old and unmarried. It was difficult to survive if her husband was away portering and she was doing forced labour at the same time. It was particularly bad last year when her husband was away a lot, but the railway forced labour was less severe at this time because there were no soldiers guarding the workers. At such times, she often had to collect jungle vegetables for food, or borrow food from relatives. When her children were sick, she had to borrow money to buy herbal medicines. In her village, about 20-30 households were in a similar position to hers, with the man often away portering, and the woman doing forced labour. Some other households were able to hire substitute workers. It cost 1,000 kyat to hire a replacement porter, regardless of the length of time (this was because the military did not inform porters in advance how many days they would have to work). There was an army camp in her village which was built by the villagers starting three years ago. She herself had to do this work five times. She had to carry bamboo to be used for the construction. It was a large camp with a number of buildings, which was finished last rainy season. Forty villagers at a time were involved in this work, men and women. After the construction of the buildings, fences and trenches the work did not stop, because there was almost constant repair, renovation and extension. Five people per night were also required to be sentries. When it was the turn of her household to provide a sentry, her husband was away and so she would have had to do it, except that her cousin did it for her out of sympathy. The soldiers mistreated the villagers often. The soldiers also stayed without permission in villagers’ houses at night, and they often abused the women at this time, when the men were away. She knows of ten such incidents since last rainy season. Usually the soldiers were in groups of two. Last rainy season, the area where she lived was flooded. At one point while she was at the worksite, she had to spend one day and one night up a tree without food because of the floods. After a complaint from the villagers, the soldiers eventually made a bamboo raft and rescued her and some other villagers. One person had drowned. The flood destroyed the work camp and the embankment they had been building. Shortly before fleeing to the refugee camp her family had to complete a quota of eight kyin (one kyin = 100 cubic feet) of broken stones. Her husband was away portering, and when in October 1997 she did not complete the quota, the soldiers came and ripped down her house and took away the wood. After that she went to stay with another family in Aleh Sakhan village. There she was ordered to complete one kyin of stones, and after completing this she fled with her children to the refugee camp. It took her four days to walk to the camp. Her husband had not returned from portering, but he received the news and he also fled. Her husband arrived at the refugee camp two months after she did (one month ago). She had nine sisters. The five oldest, who had their own households, also had to do railway forced labour. Only two of them had husbands in the village. The husbands of the other three had gone to work in Thailand and they had lost contact with them for two years now. For these three life was very difficult. One of them left for the refugee camp before she did. The other four sisters had not yet married and live with her parents. She came to the refugee camp along with her family and four other families. She knew of 30 families who had left the village recently to escape constant forced labour which meant they did not have time to work for their own families.
The witness came to the Mon refugee camp at the end of 1997 (three months ago) to escape portering and forced labour which left him with no time to earn a living. Twenty people were taken from his village for 15 days at a time to do forced labour on construction of the Ye-Dawei (Tavoy) railway. The worksite was far from the village, so the villagers had to stay there for the work period. They had to arrange their own transport and food (they could not carry all necessary food with them and so had to take about 2,500 kyat to buy food at the work site). The work site was near Kaleinaung, and it took them more than one day to get there (with an overnight stop at Kanbauk). The work started three or four years ago, he thought it was 1993. His village was divided into two groups for the purpose of organizing the forced labour. Villagers from each group had to go in rotation, so each group would work for 15 days, then have 15 days off, then work again for 15 days. The military chose a “group leader” from among the workers from a village, and he would be punished by being severely beaten if any of the labourers ran away. For this reason people did not want to be group leader and the group leaders often ran away, so the group leader changed often. He saw such punishments of group leaders many times. A group leader from his village was severely punched and kicked when some labourers ran away. The man had to provide replacement workers, and soon after this ran away himself. The work they had to do was digging mud to level the ground. The worksite was a one hour walk from the camp where they stayed. The workers had to draw lots to decide which person did which section. They had to work from 6 a.m. to 5.30 p.m., with a break of 90 minutes in the middle of the day. If they finished their day’s assignment before 5.30, they would be given other work to do, so they made their given assignments last the whole day. The hardest work was building the embankment and collecting rocks. Men and women (even pregnant women in other group, though not in his group) did this work. The oldest workers were about 60, and the youngest 15 or 16. Some women brought their children with them to the worksites. Some workers secretly took a rest during work. If the soldiers found where they were hiding, they would beat them. He was the only person from his family who went, because the only child who was old enough to go was a daughter, and he did not want her to go. His wife had to look after the children. Sometimes they had to sell property or borrow money to make ends meet until the rice harvest. There was an army camp at his village, which had been constructed with forced labour from the villagers. The camp was built around the same time that the railway forced labour started. His village had to build the camp using materials provided by a number of villages in the area. Once the camp was built, there had to be four villagers permanently there to do forced labour. It was the responsibility of the village to rotate these people. However, these four workers were treated very badly by the soldiers. The villagers were beaten and kicked by the soldiers for fun. They were given no rest. Many of the villagers could not speak Burmese fluently, so when they were given orders by the soldiers, sometimes they did not understand. When there was no work to do, the soldiers did not let them rest, but made work for them, such as picking up leaves. Some women were abused by the soldiers at gunpoint. Because of this bad treatment, in the end none of the villagers wanted to do this work. The village instead paid 26,000 kyat per month to hire four people to do this work. The military also often came to the village to take porters (three to six at a time). People usually had to do portering for five or six days at a time. The soldiers took porters in this way three or four times a month. He himself did portering twice (two years ago). The first time was for four days, the second time was for three days. He had to carry food supplies, 12 py of rice weighing about 22 kg. They would sometimes be given no rest if the soldiers had to cover a large distance in a day. There were two kinds of porters: those arranged by the soldiers through the village head, and those rounded up directly by the soldiers. Those arranged through the village head could not run away, but those who were rounded up directly had the chance to escape. Some people were beaten during Portering.
himself was beaten during his first portering trip. At that time he was a guide for the soldiers, and they beat him when they were not satisfied with the path he showed them. He was hit in the face with a rifle butt, and his face was badly swollen for a few days. There was no lasting damage. The present situation with portering was less severe than before the Mon cease-fire. In his village there were both Mon and Tavoyan people. The military tended to favour the Tavoyans (they gave them better food and less severe work). The military was also involved in extortion. The military sent orders to village heads for the village to provide (for example) five viss of dried prawns, or chickens or other food. If the village did not have the particular food requested, they would have to buy it. Sometimes a group of seven or eight soldiers would come to the village, and they would just take a pig or whatever they wanted. They sometimes just threw stones at chickens for fun, but no one could say anything. The soldiers also raped girls in his village. A Mon girl was raped by some soldiers when her husband was doing forced labour. The soldiers had come to the village and demanded a pig. The village said they could not spare one, so the soldiers demanded half a pig, then got drunk in the village and walked around, and saw the girl. They tried to talk to her, but she did not speak Burmese very well, and they then raped her. Another woman was grabbed by one of the soldiers and he put her on his shoulders and another soldier lifted up her longyi (sarong). She cried out, and other villagers came, so nothing else happened. This happened last year. He thought that five or six women in his village were raped since the cease-fire in 1995, but the women did not want to talk about it. It usually happened when their husbands were away doing forced labour or Portering. In another case, a man in Natkyizin village had a beautiful daughter, and one of the soldiers wanted to marry her. The father of the girl did not agree and complained to the soldier’s commander, who punished the soldier. As revenge, the soldier took the father as a porter, and cut his throat while he was Portering. Poor families could not afford to pay extortion money to the soldiers, so the soldiers would come and beat them and tell them to do what the other villagers did. He was in this situation, so in the end he fled secretly with his family. He had to come secretly because the soldiers stopped people they thought were trying to flee. It took him one month to reach the camp from his village. His village used to have 70-80 households. When he left there were only about 40 left, and now there were even fewer. Some of the villagers fled to other villages, others came to the refugee camp. Before the cease-fire few people fled. The portering was more severe at that time, but it was not the whole village which was affected. People were taken randomly for portering, and some were even killed for having suspected contact with the rebels. After the cease-fire, however, extortion and forced labour increased, and affected the whole village, so more people fled. Also, because the local military battalions were always changing, it meant that there was constant forced labour and extortion, because one battalion would not care what labour or extortion the village had had to give to the previous battalion.

Ethnicity: Tavoyan
Age/sex: 38, male
Family situation: Married with six children
Occupation: Fisherman
From: Mintha, Yebyu township, Tanintharyi Division (village had 70 households)

The witness came to the Mon refugee camp three years ago. He had done forced labour on the Ye-Dawei (Tavoy) railway, near Yah Pu. He first did this work one year before he fled to the camp. He was ordered to do this work by the village head, who was appointed by the villagers. Each household had to produce 80 kyin of rock chippings. No specific time period was given, but it usually took about 15 days to produce this amount. The worksite was far from the village, and it took one day to get there by car and boat. He did this work six or seven times, and other members of his family also did it at the same time, so his three youngest children had to be left in the care of his mother. He, his wife and his three eldest children (aged 21, 20 and 17) did the forced labour. There were no soldiers at the worksite. The oldest workers were about 60, with
some children aged only eight or nine also doing the work. The workers had been told that they
would be paid 300 kyat per kyin, but in fact they were never paid. He had to pay money to his
mother (100 kyat per day) for food for the three children she looked after while he was away.
He also had to pay 300 kyat per day as a fee for the three children who did not go, because the
whole village had been ordered to go to the worksite. All this money was lost because they
were never paid anything for the work. He also had to do portering once in 1994 but he paid
9,000 kyat to hire a substitute. Portering usually lasted ten to 15 days at least. No one from his
village he knows of was seriously hurt while portering, but he has seen porters being beaten by
soldiers. There was an army camp in his village. The whole village was forced to build the camp
about four years ago. He took part in that work. He had to cut bamboo and make sharp spikes
for the camp perimeter. He had to do that work for about four periods of three days each. The
order to do this work came from the village head. There were about 50 people doing the work
at any one time, five or six of whom were from his village. They had to do the whole job of
building the army camp from scratch, including levelling the ground, and digging trenches and
bunkers. The village did not have to pay extortion money to the army. His village was mostly
Tavoyan, but in the whole village-tract the Mon were in a majority. He did not think the situation
was much different for the Mon and Tavoyan people in the village-tract.

Ethnicity: Mon/Burmese
Age/sex: 68, male
Family situation: Four (him, wife, two married daughters)
Occupation: Farmer and agent for labourers
From: Ye town, Mon State

The witness organised a group of labourers to work on the Ye-Dawei (Tavoy) railway
construction in 1996. This was arranged through the Ward LORC head. A payment of 1,200
kyat per kyin of embankment or rock chippings completed was arranged between him and the
authorities (of which he would take a percentage); it was not forced labour, as the workers went
to earn money. The embankment had to be completed to the specifications they provided. In
some places it was easy (for example, it the ground was easy to dig, and the area was flat), but
in other places it was more difficult (for example, when the railway had to be cut into the side
of a hill). Also, the workers were responsible for their own equipment, so they often had to
replace the cane baskets used to carry the mud. It could sometimes take ten or even 15 days for
a person to complete ten kyin. One time he remembers people (officials) coming to the work
site to take photos. There were soldiers supervising the workers. They did not hurt the workers,
but the workers did not want to work voluntarily any more, so the soldiers had to go back to using forced labour, as they had had before.

The battalion in charge of the work was IB 106. He tried to come to a deal with the commander, so that the commander could keep 100 kyat per kyin, he would keep 100 kyat per kyin, and 1,000 kyat would go to the workers. The commander refused and finally paid 700 kyat per kyin, saying this was an order and so it had to be accepted. The commander kept the 500 kyat per kyin extra for himself. The 216 workers had by this time completed 486 kyin. After this no one wanted to do the work voluntarily anymore, so the soldiers had to go back to using forced labour, as they had before.

While he was working in the railway, he saw many workers at the site. He thinks there were
6,000 or 7,000 people working on the whole stretch that he saw, including women and children.
Sometimes the soldiers supervising the work would steal rock chippings from the villagers.
They would then sell these rock chippings to other villagers who wanted to pay money to get
out of their forced labour assignment.
Forced labour in Myanmar

Ethnicity: Mon  
Age/sex: 32, male  
Family situation: Married with four children  
Occupation: Day labourer  
From: Tada Pyat, Kya In Seik Gyi township, Kayin State (village had 60 households)

The witness came to the Mon refugee camp in early 1998. He did forced labour in March/April 1997 on the construction of a road from Kya In Seik Gyi to Taungbauk. This was a new road being constructed across farmland. The construction of this road started in the 1996 dry season. The work was ordered by the soldiers who ordered a meeting of all the villagers to inform them that one person from each house in the village had to go to the worksite. They were told that any villager who did not go would be punished. They were told that if a household did not have a male worker, a woman would have to be sent. The worksite was a one day walk from the village. When they arrived they had to work for a period of four days. The villagers had to bring their own food. He did this work about five times before the rainy season, when construction halted. Each time he had to work for four days, with a one day walk at either end. About 60 villagers went at a time, of which about 20 were women; there were also about ten children under 15, the youngest about 12 or 13. The work they had to do was to collect large stones, crush them, and lay them on the embankment, with larger stones on the bottom and smaller pieces on top. All the villagers had to do the same kind of work. He saw a total of about 1,000 people working on the road. Each person was assigned a given amount of work to do. They had to start work at 6 a.m. and finished at 6 p.m. Rest times depended on the arrangement made by the village head, with workers usually getting a one hour rest in the middle of the day. No arrangement was made for the workers who had to sleep at the worksite; they had to sleep on the ground in the fields around the construction site. There were soldiers at the worksite. They did not supervise the actual work as it was the village head who was responsible for this, but they patrolled the worksite and checked on the work that was being done. The village also had to provide porters to the military. Six people had to be provided, and these were rotated every three days. The village head was responsible for arranging the rotation. He had to find out where the troops were and send six replacement porters to that place, after which the first six would be released. Sometimes it was difficult to find out where the troops were, so sometimes it was two weeks or even a month before the village head was able to change the porters, especially if the troops were very far away, such as in an offensive against the KNU (the troops could be as far away as Three Pagodas Pass). He himself did portering about ten times since June 1997, for a different period each time, but ranging from three days to nine days. During portering he had to carry ammunition (seven to nine mortar shells). He had to carry them for the whole day, sometimes even at night. There was little rest, especially when the troops were in a hurry. The porters were only provided with a small amount of cold, hard cooked rice and some fish paste. They usually slept in the jungle, but sometimes in a plantation or in a Karen village. If porters were slow they were treated very badly by the soldiers. Once he was portering at the same time as his brother, and his brother was mistreated because he could not walk quickly as he was very tired. The soldiers kicked him with their heavy military boots, punched him, and jabbed him with a knife (the knife blade entered about one inch into his buttocks). After this his brother could not walk properly, and was allowed to walk with no load for one day, but then the next day had to carry his load again. He saw this himself. He was sworn at by the soldiers, but never beaten. He saw many other porters beaten by the soldiers, some of whom were from his village. Soldiers always beat porters who could not work properly; he saw this on every occasion he went Portering. No porter was allowed to return home even if they were suffering from exhaustion or illness. He also did portering, less regularly, since he was 14 or 15 years old. At this time the soldiers took porters by coming into a village and rounding them up, so the villagers often fled at this time. Before the Mon cease-fire, portering was much less regular. He did portering a total of about eight times before the cease-fire, but he ran away to avoid being rounded up on many more occasions. In the period after the cease-fire, he did portering on a further eight occasions (not including the ten times since June 1997). Before the cease-fire,
when porters were rounded up by the soldiers they were never released and the only way was to run away. The treatment of porters was also worse before the cease-fire. If a porter could not walk quickly he was beaten, but before the cease-fire he would have been shot. He saw the bodies of over 30 dead porters when he was portering before (they had either been shot or beaten to death). His father was seriously injured during portering about ten years ago. It was during an offensive and his shoulders were rubbed to the bone from carrying a heavy load in a cane basket on his back. During offensives, porters were also used as human shields, by being put in front of the troops in dangerous areas. It was like this in every offensive, and hundreds of porters were killed in this way. Porters were liable to be shot if they tried to run away, but they had no choice because they would not be released otherwise. He always ran away; 13 days was the longest he did portering. After the cease-fire, portering was arranged through the village head. It was not then possible to run away, but porters were released when replacements arrived.

In the beginning of 1997 his village was forced to build an army camp for IB 32 at Taungbauk village (about one hour walk from his village). One person from each house in the village had to do the work constructing the camp. Villagers also had to bring five small trees and five pieces of bamboo with them for the construction. Owners of bullock carts in the village were also forced to provide their bullock carts for the transportation of construction materials to the camp. During construction of the camp, villagers had to stay at the camp until their work assignment was finished (about two days). About half the workers were women; there were no children. Treatment by the soldiers was not bad. Whenever the soldiers came into the village they asked for rice, chickens or alcohol, which the village had to provide. They sometimes informed the village head what they required, but at other times they just stole what they wanted directly. There were usually about ten soldiers staying in the village (they stayed at the houses of the village head and village secretary), and the village had to feed them. If the soldiers wanted anything, they would just take it. The village head was elected by the villagers, and was sympathetic to their problems, but he had to do as he was ordered to by the military. The situation in some other villages was much worse than in his village, especially when villages were suspected of helping rebels. In these villages there was common torture of the villagers, and rape. Recently, before he went to the camp, there was forced relocation in his area (though not of his village). Other villages in the area had to move to Taungbauk village. The relocation order was issued in October. He heard about the case of one Mon family who did not want to relocate, because they had a rubber plantation. This was near Kyauk Kyat village, about 1 hour walk from his village. Because they did not relocate, the family was held at gunpoint while four soldiers raped their daughter in front of them. He heard about this from people in the area who knew the family. The 10 villages which were relocated included Kyauk Kyat, Tha Shay, Ma-U, Klaw Taw Chaung, Kyai Raung, Tha Ya Gone and Ye Le. Of these, Ma-U and Kyai Raung were mainly Karen, while the others were mainly Mon. The villages ranged in size from 60 to 200 families each. They were given one month to relocate to Way Tha Li village (which is between Taungbauk and Kyai In Seik Kyi, and so under military control) and Taungbauk village (which has an army base). Some villagers moved to the relocation sites, some went to refugee camps, and a few remained secretly in their villages. The battalions he knows of that were involved in the relocations were IB 32, LIB 355 and LIB 356. He decided to go to the refugee camp, because he was a day labourer and had no farm, so had to work every day just to survive. He was unable to do this, however, because of portering, which meant that he could not continue to feed his family. His family, his brother’s family, and three other families fled to the refugee camp together. It was mostly the poorer villagers who fled, but the better off villagers (those with farms) generally did not flee. The farm owners in his village were warned that if they allowed rebels to stay in the village, their village would also be relocated. His village and another close-by village were not relocated, because the soldiers wanted to use them as somewhere to stay. The other village was mostly Mon, with some Tai inhabitants also.
Forced labour in Myanmar

Ethnicity: Tai
Age/sex: 41, male
Family situation: Married with four children
Occupation: Labourer
From: Kyaik Raung, Kya In Seik Gyi township, Kayin State (village had 100 households)

The witness came to the Mon refugee camp in December 1997. He had done porter work. He was rounded up by the military and forced to carry things for them. The last time was in September 1997, the first time was when he was about 17. He could not estimate how many times he had been a porter. Sometimes it was as often as twice a month. He usually portered for about ten days at a time, but he was not released by the soldiers after this time, he used to run away. If a porter was caught trying to escape, he would be beaten and then given a heavier load. This happened to him twice. If a porter was slow he would be beaten. This happened a few times to him. Anyone who had the strength to carry a backpack would be taken, from about 13 years old, to old men. Women were not taken. The heaviest load he had to carry was artillery shells; 19 smaller shells, or a smaller number of larger shells. This was so heavy that he was unable to walk properly. The shells also banged against his back when he walked, which caused an injury. Other things he had to carry included rice and other food. The longest period he was away for was 25 days. He did all kinds of portering, including at the front line and in battles. In battles, the porters were put in the middle of the soldiers; he never saw a porter die during a battle. If there was fighting with rebels, the soldiers would go into villages, beat the village head, and burn down the village. The number of porters depended on how many the soldiers could get; sometimes there would be five, sometimes as many as 20. The worst was portering in the rainy season, when sometimes they would get no food for a whole day. The soldiers would normally sleep on a platform above the ground, but the porters would just have to sleep on the mud, which was worse in the rainy season. The porters had to cook for themselves, and for the soldiers as well. If at any time the porters did not carry out orders quickly, or if they were slow when walking, they would be beaten, punched or hit with a rifle butt. Such beatings were very common; he saw this on every trip he went. Several times he saw porters hit on the head so hard that the skull was exposed, and their whole head and face was covered with blood. He had seen porters who were sick and could not continue beaten by the soldiers and then die (from a combination of the beating and the illness); this happened occasionally but not every trip. Sometimes if a porter was sick he could pay the soldiers to be released from further portering (for three days, 200 kyat or the equivalent in chickens). When the soldiers went into a village they would steal whatever they wanted, and sometimes if they saw a beautiful girl, they would grab her by force and kiss her. Once he saw a soldier catch a villager who was suspected of being a rebel and shoot him on the spot. The soldiers also used to grab the village head and hit him. The worst injury he has personally suffered during portering was a blow to the head (with a rifle) which resulted in severe swelling but no permanent damage. Last year, when he was in his village, some soldiers came into his house and stole some of his things and kicked him with their boots. The soldiers would often force villagers, including women, to sleep at the army camp, as a deterrent against possible rebel attacks. He does not know if the women were abused at this time. The last time he did portering (in September 1997) it was arranged through the village head. The village head told him to go for three days’ portering, but he was not released for 20 days, because no replacement arrived. His feet were very sore from walking, and he had a fever and headache. He was not allowed to take any rest, and was beaten to make him go faster. The porters were not fed properly, only salt and rice. There was enough rice to fill them up, but nothing else, and so they became weak. The soldiers would steal chickens from villages, but would not give any to the porters. Finally, after 20 days, six replacements arrived, and he was released. He was usually rounded up for portering by the soldiers while he was working in his fields. At these times he would often try to run away, and was sometimes successful. The other villagers would also try to run away. If a villager had money, it was also possible to pay the soldiers to release them so they could avoid porter work. If he was looking after his cows when he was grabbed, he would not have a chance to take the cows back to the village. Only twice
was portering arranged through the village head. Another time the whole village (including him) had to cut bamboo poles for the construction of a camp for IB 355. Other villages had to do the actual construction, his village just had to provide the bamboo. It was very hard work, and took the village two days of cutting. The bamboo poles had to be very large (he indicated about 30 cm diameter), and 20 cubits long (about 9 metres). He did not do other kinds of forced labour, but other people in his village had to do forced labour on road construction. The road was being built to Three Pagodas Pass. The work started last year in the hot season. Five people from the village had to go for 15 days at a time. Which people from the village had to go was organised by the village head. He left the village before his turn came. The village also had to give food and money to the soldiers once a month. Every month the soldiers would ask for what they wanted; it would be food (such as pork), or money, but usually not both. This had been going on for many years. He came to the refugee camp two months ago, with his family. They came because of the many problems they faced: there was a lot of portering, so they were unable to do their own work; any time they left the village, they were at risk of being grabbed by soldiers for Portering. Many other families from his village had come to the camp before him (he knows of about 30).

The witness came to the Mon refugee camp in early 1997. His village was relocated during the rice harvest last year to Taungzun village. This was when he came to the refugee camp. Five or six other families fled from the village at the same time. The soldiers gave the village five days to relocate. He did forced labour for the army constructing the road to Three Pagodas Pass. This work started early last year, and the work was continuing when he left. He first did road construction in 1996. At that time the work was close to his village, and the villagers could return to the village to sleep. Because his village was so small, there was no system of rotating labourers. Sometimes one person from each household had to go, sometimes all workers in the whole village had to go. So sometimes he was the only person from his family doing the work, sometimes he worked together with his son. The work they had to do was cutting down trees, building an embankment, and collecting rocks to put on the embankment. They were forced to work from first light to dusk without a break. They had to eat before they started, and again after they finished. If people were tired and could not work the soldiers demanded that they do the same as everyone else, and beat them, slapped them on the face, or kicked them with army boots. One of his sons who also did forced labour was never beaten; the other son was in the KNU and so never did forced labour. He himself was also beaten by the soldiers. He also had to do portering over the last three years. In the beginning portering was arranged through the village head, but later the soldiers just used to come to the village and round people up. He could not count how many times he had done Portering. Sometimes it was six times a month if it was just short trips (one or two days). If they had to go to a village a little far away, it could be two weeks. He had to carry loads of 10 viss (about 16 kg), and sometimes up to 20 viss (32 kg) of artillery shells or three tins of rice. There was no problem for porters if they could keep up, but if they were slow they would be beaten. When he was slow, the soldiers would shout at him, saying he was useless, and then kick him. Sometimes this would happen 4 or 5 times a day. He saw other porters beaten unconscious or with heads split open. Sometimes porters who were too sick or weak to continue would be killed and then thrown from the side of the mountain. He saw this happen twice. Some porters were so sick or weak when they were released from portering that they could not even return to the village. Villagers would have to collect them
Forced labour in Myanmar

from the side of the road where they had been left, bring them back to the village and nurse them back to health. Twice when he returned to the village after portering he was so weak he could not work, and other villagers had to look after him. Some soldiers were better natured than others. Sometimes the soldiers even wanted to give him water, but they could not because they themselves would be beaten if they were seen doing this. The last time he did portering was for two weeks in April 1997. On this occasion he had to carry six large artillery shells. It was very heavy, but the soldiers told him he was lucky because his load was so light. One day, early in the morning, the SLORC soldiers came to his house and accused him of having a son who was a KNU soldier. One of his sons had in fact been in the KNU, but had already left. The son had got married and lived in Mi Hki village (close to Three Pagodas Pass). In fact his son had been arrested by the SLORC, and had recently escaped, but at the time he did not know this. The soldiers then beat him with a bamboo stick and shouted 'stupid ringworm' ['ringworm' is a slang term used by Tatmadaw soldiers to refer to KNU soldiers]. The soldiers then accused him of being in the KNU and of hiding a weapon, and demanded to know where it was. They hit him many times on the back of the head, shoulders and back, until he was unconscious. His son was now in the refugee camp. After his son escaped he came to his house, but he told his son not to stay there because it was dangerous, so he went to the camp. Before his son escaped, he was tortured, and they cut his ears (but not completely off), and cut part of his lips off.

Ethnicity: Karen
Age/sex: 50, male
Family situation: Seven (him, his mother, his wife, four children)
Occupation: Hill cultivation (he was also the village head)
From: Hti Pa Taw Hta, Kya In Seik Gyi township, Kayin State (village had 20 households)

The witness left his village in September 1997, because he heard it was unsafe for him, so he went and stayed in Kyunchaung village before fleeing to Thailand in January 1998. A friend of his who was a village head in another village warned him that the authorities were asking questions about him, which is why he left his village. The first time Burmese soldiers came to his village they told him to show them the way to Bo Deh village. The second time, he sent one of his villagers instead. At other times, the soldiers did not come to the village to take porters, they just sent an order demanding a certain number of villagers. Usually they asked for two or three porters, but they once demanded ten porters, which was impossible for the village to provide, since the villagers ran away to avoid Portering. This was in the 1997 hot season. Porters were badly treated, and one villager was badly beaten. It was up to him as village head to rotate those porters after three days or whenever possible. The third time they came to his village, in April 1997, he was not there. The soldiers arrested all his family and started looking for him. When he arrived home they tied him up, and released his family. They told his family to go back to their house and stay in the house. Then the soldiers took him to a cowshed and tortured him, demanding to know where he kept guns. They punched him in the face and chest and hit him with the barrel of a gun. The leader of the group of soldiers, a captain, accused him of being a rebel. The village secretary came and spoke to the captain, explaining that the village head was simply a farmer, and was not a rebel, but the captain refused to listen and warned the secretary that if he was not careful he would be in trouble too. The soldiers continued to torture him and he suffered a serious cut to the head and internal injuries. The torture included rolling an iron bar repeatedly up and down his shins, putting bullets between each of his fingers and then squeezing them together. They also repeatedly held his head under water in the stream. This torture continued from noon until evening. The next day at noon they began to torture him again. They repeatedly asked him if he had a gun and where it was. They took him to the stream again, put his head under water so his ears filled with water, and then banged their hands together over his ears. Because of this he was now partially deaf. They continued torturing him until he was
unconscious, then tied him up and left him in the stream with his head on a tree branch. When he regained consciousness he found himself like this, and saw the soldiers on the bank of the stream waiting for him to recover. On the third day they took him with another man who had also been tortured to Grupadi village. They arrived in the evening and then another column of troops arrived and the commander of that column took the two of them so that they would not be able to run away. At this point he told the other man that they should try to run away, otherwise they would be killed. They were tied up at night to a paddy barn, but when the soldier who was guarding them fell asleep, he managed to untie his hands, and they ran away.

Ethnicity: Karen
Age/sex: 54, male
Family situation: 12 (him, wife, ten children of which two still live at home)
Occupation: Village head
From: Thi Paw Way, Kya In Seik Gyi township, Kayin State (village had 47 households and was established only ten years ago; before this he was in Kya In Seik Gyi town)

The army came in March 1997 and took all the chickens and other animals from the village. The villagers were scared and so said nothing. Also in March 1997 they were ordered to build an army camp at Ya Kra, five miles away. The camp was for Brigade 44. His village had to provide two porters and one bullock cart all the time for the construction; these were rotated every three days (they would be released only when their replacements arrived). Other villages in the area were also forced to construct the camp, a total of about 40 people at a time. It took about two months to complete the construction. Because he was the village head, he had to go there almost constantly to supervise his villagers and check on their work. The soldiers were rude to the workers, and swore at them, but they were not beaten. The treatment was much worse during Portering. Portering began in March 1997. The village was ordered to provide two people permanently for Portering. If these people were not sent, the army would come and arrest people. Also, there were usually two KNU soldiers staying in his village. The soldiers came and made this accusation, but initially he denied it. Then they punched him hard in the kidneys twice. They said that if the two KNU soldiers did not give themselves up, they would kill all the villagers and burn down the village. The soldiers who said this were from LIB 2. The two KNU soldiers had families in the village, and so they gave themselves up. They were not killed, and were in fact released after about 10 days. After this Brigade 44 was replaced by Brigade 22, in April 1997. Later, in September, they forced the village to relocate within 15 days to Bo Deh village, one-and-a-half miles away. The commander said that if the villagers didn't want to go there, he didn't care, as long as they went away. The villagers were told that anyone seen in the village after this time would be shot. After this, the villagers were allowed to return to their old village during the day, but they had to be back in Bo Deh between 6 p.m. and 6 a.m. They did not have to pay money to leave the relocation site during the day. It was Brigade 22 who ordered the village to relocate. After the relocation, Brigade 22 was replaced by LIB 545; they were really bad and very violent. Soldiers from LIB 545 would steal the pigs and chickens from the villagers, and if the villagers complained, they would punch and hit them. The village had to provide three porters for LIB 545, but some villagers didn't dare to go, and paid 1,300 kyat for a three-day period to avoid going. He didn't personally ever go portering, but his son-in-law went about 10 times. The other villagers did a similar amount of portering to his son-in-law. Treatment during portering was very bad. Porters were punched and had wounds caused by the cane baskets they carried their loads in. He saw porters with their backs split open from the baskets. Portering was continuing in September (when he left). There was a particularly bad incident which happened before the village relocated. Some soldiers came and arrested four villagers (two of the names are U Kyaw Ku and Ngwe Tu). It was a Sunday, and they arrested them after church. The soldiers then held a meeting of the villagers inside the church. The reason...
they arrested the people was that they had received information that these people had guns. This
was not true. Inside the church, they tied the four villagers' hands behind their backs, then beat
them up in front of the other villagers. They were kicked, punched and beaten with sticks and
a looped rope. Two were injured very seriously. One was unable to open his eyes and the other
had chest wounds. The villagers were particularly upset by the fact that the soldiers deliberately
chose to do this in a church. Since he was the village head, he tried to offer himself for arrest
in place of the four villagers, as a guarantee, but the soldiers refused and threatened to arrest
him also. The whole village was then forced by the soldiers to stand in the hot sun, even the
children. After this, the four villagers were taken away. One was so badly injured he could not
walk, and two other villagers had to carry him. As the village head, he also went along (making
a total of seven villagers). They were taken to a nearby army camp where they spent the night.
No medical treatment was provided for the injured villagers, except some ointment which did
nothing. (One of the villagers, when he was finally released had to be admitted to hospital
because of serious injuries). They were all very scared. The next day they were taken to another
army camp about six miles away, and they were all beaten by the soldiers on the way. He was
hit on the head with a pistol and slapped across the face. Once at the second army camp, they
were left tied up for three or four days. They were given rice and fish paste, and had to sleep
with their hands tied behind their backs. After this they were released, and one of the villagers
had to be sent to the hospital. There were other cases of the army torturing villagers. One person
in a nearby village was suspected of having a gun and was hung upside down from a tree and
then beaten so that he spun around. Another person was tied up in the river for four days (with
his head kept out of the water). A friend of his from another village was put in a hole in the
ground because he was accused (wrongly) of having contact with rebels. He was kept in the
hole, which was covered over with mud, for four days, but was given food and water. All these
cases involved Brigade 44. He left for Thailand in September 1997, when the village was
relocated. At least 50 other people came with him.

Ethnicity: Karen
Age/sex: 39, male
Family situation: Married with two sons
Occupation: Rice farmer
From: Paw Ner Mu, Kya Inn Seik Gyi township, Kayin State (village had 100 households)

The witness left Paw Ner Mu village in June 1997, and stayed in other villages in the area
until he came to Thailand in August 1997. He did forced labour and Portering. The soldiers
came in March 1997 and arrested about 40 villagers, lined them up and started interrogating
them. They took ten (including him), who they suspected of being rebels to a nearby village,
and interrogated and tortured them all night. The ten were split up and three soldiers beat up
each person and interrogated them. They were not all in the same place in the village, they were
split up, so he did not see what happened to the others, but he later found out it was the same
as what happened to him. He was hit and punched the whole night by the soldiers, even though
he kept saying he was not a rebel. At one point they put a gun in his face, between his eyes, and
told him they were going to shoot him, but did not. During the beating his shoulder was injured,
and he was unable to use his arm afterwards for a month. Seven of them were then sent to another
camp, and he and two others were kept at that village. He told the captain that he was just a
farmer, was not a rebel, and did not have a gun. Finally, the captain released him and gave him
a pass to return to his village. At this time Brigade 44 was posted at an army camp nearby, called
Ya Kra. These soldiers did not believe that he was not a rebel, and started making accusations.
He told them to ask the village head, and if they wanted to kill him, then kill him, but that he
did not have any information to give them about rebels. They were angry with the way that he
talked to them, and arrested him and put him in a small (three metre diameter, four metre deep)
underground cell for two days and two nights, with only a little light. They gave him a small amount of rice and water. After this they took him out of the cell and kept him in the army camp for one week. He could move around the camp, but was not allowed to leave. Finally his pregnant wife came to the camp and offered to guarantee that he would not leave the village. They were allowed to return to the village, but he could not go outside his house (he was not under guard, but if he had been found outside his house, he would have been in trouble). Three or four days later, Brigade 44 left and was replaced by Brigade 22 (in April). He does not know when Brigade 22 left, but in May he noticed some soldiers who were from Battalion 549. A few months later, LIB 545 arrived. When LIB 545 arrived, the situation became really bad. He needed to obtain a pass from the soldiers to work in his fields. Even though he had this pass, he was seen by some soldiers, who hit him with the butt of a rifle and arrested him, then used him as a porter. He ran away after the first day, and the soldiers shouted after him but did not shoot him. He went back to his village, but a week later (in May/June) the village head called him to go portering. He was given the option of paying 2,000 kyat for the three days portering so he would not have to go, but he did not pay the money. He had to work as a porter on that occasion for 11 days. For these 11 days he had to carry artillery shells or rifle ammunition which was so heavy he could hardly carry it and could not walk properly. There were seven other porters with him from his village. They had to walk for the whole day, only stopping occasionally. He did not know the names of the places they went through. They were fed only a handful of rice per day, sometimes with salt and fish paste. They slept in the jungle or in villages they passed through. The porters had to do exactly what they were told. If they talked, the soldiers would beat them. He was also kicked because he could not walk quickly with his load. When they went through villages, the soldiers would steal things from the villages, and this would be put into the porters’ baskets, even though they were already too heavy. After 11 days, the village head sent replacement porters and they were released. Within a week of returning to his village, he was called for portering again, and so he decided to leave.

Ethnicity: Burman
Age/sex: 23, male
Family situation: Single, parents and five brothers
Occupation: Rickshaw driver
From: Myaukma, Uttah township, Bago Division (a military camp was located four kilometres from the village)

The witness left Myanmar five years ago because he was no longer able to do his own work because of the work that had to be done for the military. Ten days a month were reserved for the work required by the military. He returned to Myanmar in June 1997. Three days after arriving home, he was arrested by the military to work on the construction of the airport at Indagaw. He stayed for three days. Fifty people, men and women, worked with him. He then returned home and was arrested once again and incarcerated in a prison camp near Bago. He stayed there for ten days before escaping and getting back to Thailand. He did not know what led to his arrest. He felt the situation had worsened since he first left in 1993. Before leaving, he had to work as a porter and on railway construction. In neither case was he paid. He could not refuse for fear of being arrested and suffering reprisals from the military. He worked as a porter on three or four occasions in 1991 and 1992. Each assignment lasted a day and a half. Five or six other porters from his village went with him out of a total of around 300 to 400 porters on significant military offensives. It was the village head who recruited the porters, though the military could requisition them directly depending on the needs for military operations along the border with Thailand. The porters had to carry munitions and received only a ration of rice morning and night. When there was fighting against the Karen National Union (KNU), the porters had to stay with the soldiers and were often used as human shields. Two of his friends had been killed. No medical treatment was provided for the porters who had been wounded or
Forced labour in Myanmar

were ill. He was beaten for not being able to keep up. It was possible to pay a replacement to do this work, the cost being 1,500 kyat per portering duty. He paid on two occasions. As regards railway construction, he had to work there twice a month, on each occasion for five days. He first did this in 1990 and he last did it just before leaving in 1993. This was on the railway between Yangon and Bago, eight miles from his village. This railway was in operation and was used both by the military and civilians. One person per family had to work on it. The order from the military was passed on by the village head. He did this work on a rota basis with his father and his brother. Men and women were requisitioned to do this work, although when he was working there were only around thirty men aged between 15 and 56 from various villages. He had to sleep on site and take his own food. He had to prepare the ground: digging, levelling ground, transporting and laying rails. A section of the track was assigned to each group, which had the obligation to complete it. The work was supervised by the military. The day began at 5 a.m. and ended at 8 p.m. with no possibility of a break. He was not physically ill-treated.

Ethnicity: Mon
Age/sex: 64, female
Family situation: Married with three sons and three daughters
Occupation: Trader
From: Anin, Thanbyuzayat township, Mon State (village had 1,000 households and a population of around 9,000 people)

The witness had to leave her village in 1995 because her husband was in conflict with the local authorities. She first settled in the village of Natkyizin, Tanintharyi Division. She stayed there until 1995, when she went into exile in Thailand. She personally did not perform forced labour (her husband was village head), but she saw it being done by others. Her business was situated near the railway track between Ye and Dawei (Tavoy). She had seen men and women (including children between the ages of six and 14) working on this railway. They were not paid and had to sleep on the ground. The work was supervised by the military. Moreover, she had witnessed deaths caused by malaria and the bad working conditions.

Ethnicity: Burman
Age/sex: 35, male
Family situation: Married with one child
Occupation: Day labourer
From: Unspecified village, Thanbyuzayat township, Mon State (village tract had 3,000 households)

The witness had to leave Myanmar in 1996 because he no longer had the means to survive. He had inherited an eight acre rubber plantation from his family. This was confiscated by the military in 1990, to build a military camp. For the next six years, he had to do a great deal of work for the military: portering, railway, military camp work. He had to pay 50 kyat portering charges every month. Moreover, the military requisitioned porters twice a month on average for their military operations against the Mon forces and the Karen National Union (KNU). He acted as a porter on two occasions, the last time in 1994. On the other occasions, he had managed to escape before being taken for portering. On the two occasions when he did work as a porter, the military had apprehended him directly. Three hundred porters were with him on the first occasion, 500 on the second. There were only men in his group. He witnessed many
engagements with the Mon forces and the KNU. He saw many porters wounded or ill, but they received no medical treatment or medicines. The last time he worked on the building of the railway was in 1992 for four months. Two to three hundred men and women worked with him, aged between eight and 70. He was not paid and had to bring his own food. He also had to sleep near the worksite, without shelter. He was subjected to ill-treatment and abuse, as were several other workers whose work did not satisfy the military. In 1993, the military demanded the sum of 3,000 kyat from him as a tax for the railway which each household had to pay. In addition, each household in his village-tract had to pay 500 kyat not to have to perform various types of work at the military camp. Since 1992, he had paid on three occasions. However, his father-in-law had done work for the military camp in 1992.

Ethnicity: Rakhine
Age/sex: 24, male
Family situation: Married with no children
Occupation: Student
From: Mahamuni, Kyauktaw township, Rakhine State

The witness had to leave Myanmar in 1996 because he could no longer provide for the needs of his family. He had around seven days a month left to attend to his own work, with the rest of his time being taken up with the various types of work exacted by the military. He worked for the military camp near his village and on the building of roads and pagodas. The military camp belonged to LIB 376. He worked on the construction of the road leading to the camp and the building of barracks. He had not done portering for military operations. So far as road work was concerned, he worked on the building of the road between Kyauktaw and Paletwa between 1991 and 1995. It was the village head who passed on the orders from the military. This was mainly preparatory, ground-levelling work. He had to work two days a week on this road. One hundred other people worked with him on this section of road, including men and women aged between 13 and 50. They had to sleep near the road and bring their own food. This work forced him to miss school. The work was supervised by the military. He also worked on the building and renovation of pagodas between 1991 and 1995. He had to do this work twice a month for one day on each occasion. Three hundred people worked with him, including men and women aged between 13 and 50. The orders were also passed on by the village head and the work was supervised by the military. He was subjected to ill-treatment by the military when they believed he was not working fast enough.

Ethnicity: Karen
Age/sex: 32, male
Family situation: Single with no children; five siblings, father deceased
Occupation: Trader
From: Wakema town, Ayeyarwady Division

The witness had to leave Myanmar in July 1996 because he could no longer survive. Among other things, the military forced him to sell his goods at far below market prices. He also had to work on road construction. He did not have to do portering, as he managed to escape each time the military attempted to requisition him. He worked on two occasions in 1995 — for two months each time — on the building of a road between Pantanaw and Einme. It was the village head who passed on to him the orders given by the military. As the road was some fifteen hours from his home, to get to the site he had to walk part of the way and travel the rest by boat. Two
Forced labour in Myanmar

to three hundred people worked with him on this section of road, including men and women from different villages. Women were sometimes accompanied by their young infants. When the men could not do this work, the women replaced them. Each family had to provide one worker on the basis of a pre-arranged rota. The work consisted of levelling ground. He was not paid. It was possible to pay the soldiers so that they would engage a substitute in one's place. However, the money paid to the soldiers was seldom used for this purpose and the workload consequently increased proportionately for the remaining workers. The cost of hiring a replacement was 3,000 kyat for each 15-day assignment. His family paid it several times. If the soldiers thought the work was not going fast enough, the workers were punished, mainly by being kept in the sun with their feet in chains. He also saw beatings inflicted by the soldiers.

---

Age/sex: 37, male
Family situation: Single
Ethnicity: Karen
Occupation: Farmer and day labourer
From: Kawkareik town, Kayin State (later lived in Yangon)

The witness left Myanmar in 1996. He was a former soldier who left the army in 1983 after six years of service, following a conflict with his superior. He personally recruited the necessary porters to conduct military offensives during that period. When the porters tried to escape, his orders were to shoot them, which he did on several occasions. He subsequently lived at Yangon, where he had to do community work every Saturday. It was his ward head who informed him of the work to be done.

---

Ethnicity: Burman
Age/sex: 37, male
From: Thapancho, Pyay (Prome) township, Bago Division

The witness joined the army in 1979. He personally recruited porters. He found the work difficult because he very often knew the people he had to requisition for this work. He left the army after shooting at his superior officer following an argument. As a result, he was imprisoned for three years and was freed in July 1984. He subsequently acted as a porter for the military on one occasion in the cold season of 1986. He was requisitioned with 50 others while travelling on a train between Mawlamyine (Moulmein) and Bilin. He had to transport ammunition and shells for the military offensive, together with food and wounded soldiers. He was not paid. The rice rations were distributed morning and evening. There were no shelters to sleep in. He was sent to the front line after the first week. After that, he had to cross very high mountains and go to another front line near Mawhpoklo in Kayin State. He had to dig trenches and build huts for the military. He stayed there for three months. He had to check the state of the mines laid by the military each day. No medical treatment was given to sick or wounded porters. There were no medicines available either. Finally, he decided to leave Myanmar in June 1988.
<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Burman</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age/sex</td>
<td>32, male</td>
</tr>
<tr>
<td>Family situation</td>
<td>Single, no children</td>
</tr>
<tr>
<td>Occupation</td>
<td>Surveyor and trader</td>
</tr>
<tr>
<td>From</td>
<td>Maletto, Ma-u-bin township, Ayeyarwady Division (village had 4,000 families)</td>
</tr>
</tbody>
</table>

The witness did not have to work for the military when he was a civil service surveyor. He was required to do such labour once he had resigned his functions. He had to work on the building of a road and a canal. The 15 foot-deep canal linked Ma-u-bin to Twantay over a distance of 16 miles. He knew this canal well since he worked on the plans as a surveyor. He worked on its construction on two occasions, the first time for three months, the second for one-and-a-half months. The work consisted, on the first occasion, of digging the tunnel and, on the second, of repairing what had collapsed during the rainy season. In the years 1993 to 1994, he worked on several occasions on the building of the road between Ma-u-bin and Twantay and the one linking Ma-u-bin and Yangon. He had to work on it at all times of the year. These were important roads, four cars wide. As the terrain on which these roads were built was lower than sea level, embankment work was needed. The work began at 6 a.m. in the morning and ended after sunset. He said 5,000 people had worked on it in 1991 to 1992 and 10,000 in 1993 to 1994, including both men and women aged between 13 and 60. The women were often accompanied by their young infants. They were not paid and had to sleep near the road. The working conditions were bad and several people died as a result of complications ensuing from hunger, malaria or other infectious diseases. If the workers fell behind, they were beaten. He had not personally been beaten. The roads were now finished, but were not really useful and could only be used in the dry season. It was possible to pay to be exempted from working, the sum being 3,000 kyat for the canal and 5,000 kyat for the roads. He paid on one occasion for the canal and twice for the roads. From 1994 to 1996, he was a trader. However, he was forced to clean at Mandalay palace and to do general cleaning work every Saturday in that city. One person per family was requisitioned in this respect. He decided to leave Myanmar in June 1996.

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Burman</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age/sex</td>
<td>25, male</td>
</tr>
<tr>
<td>Occupation</td>
<td>Student</td>
</tr>
<tr>
<td>From</td>
<td>Mawlamyine (Moulmein) town, Mon State</td>
</tr>
</tbody>
</table>

The witness left Myanmar in 1987. He returned home following the 1988 uprising. After his return to Myanmar he was arrested by members of IB 208 while travelling with others. He was taken to the Kya In Seik Gyi military camp where he stayed for three days. He subsequently had to carry shells, food and clothing for the soldiers in a military operation against the All Burma Students Democratic Front (ABSDF). Fifteen other porters were with him. Nine were killed by the military because they were not able to carry the load allotted to them. He went back to the camp. He was requisitioned to do portering on a second military operation. One hundred porters accompanied the soldiers this time. He managed to escape. All these events took place over a period of one month.
Forced labour in Myanmar

Ethnicity: Burman
Age/sex: 24, male
Family situation: Single
Occupation: Farmer (rice paddies); his brother is looking after his land
From: Kawet Yekanchaung, Dedaye township, Ayeyarwady Division

The witness left Myanmar because he could no longer manage to survive, particularly because he had to sell his produce to the Government at well below market prices. On four occasions in 1994 and 1995, he had to work on the building of a canal between Pyapon and Dedaye. It was the village head who passed on the orders, which came from the military. The 700 families in his village each had to provide one member to perform this work. He worked in rotation with his brother. His brother had worked there eight times. Ninety-three villages worked on this canal. Each village was assigned a section, which it had to complete. Three hundred and fifty people worked at the same time as him, including both men and women, the youngest of whom were ten years old. Some women were accompanied by their young infants. Each assignment lasted a fortnight. The work consisted of digging the ground and levelling the terrain. He was not paid and he had to sleep near the site. He also had to take his own food. It was possible to pay for a substitute, the price being 1,500 kyat. He paid on two occasions. The workers were frequently maltreated without reason. He saw workers left in the sun, with their feet immobilized in stocks for two to three days. He had never personally been ill-treated.

Ethnicity: Mon
Age/sex: 220: 63, male; 221: 63, female; 222: 23, male; 223: 40, male; 224: 30, male; 225: 44, male; 226: 14, male; 227: 30, male; 228: 19, male
Occupation: Witness 220 was a village head, witness 221 was a monk
From: Anin village, Thanbyuzayat township, Mon State (except witness 228 who was from Chabone village, Yebyu township, Tanintharyi Division)

Witness 220 and his wife, witness 221, came to Thailand over two years ago. Before that they stayed for about three years in Ye Bu (but often went back to Anin village). They left because they could not afford to pay porter fees and contributions to the SLORC and the People’s Militia (Pyithu Sit), to whom the Government provided weapons, while the villagers had to provide food and accommodation. Before they left for Ye Bu (five or six years ago), there were 700 households in Anin village. From their extended family, all five households had moved. From the extended family of witness 223, six households had left the same village. When he and his wife, after two years’ stay in Thailand, returned briefly to the village at the beginning of this year, only some houses remained. Witness 228 testified that his village of about 70 houses, Chabone, was relocated last year, whereupon most inhabitants came to Thailand. Witness 220 was a member of the Local Council of Anin village for four years before the SLORC was set up on 18 September 1988 and became village head one-and-a-half years later. Two to three years after the SLORC was set up on 18 September 1988, forced labour, which had before been limited to portering, expanded in Anin village, taking the following forms: building barracks for soldiers; later, building the Ye-Dawei (Tavoy) railway; building the road from Thanbyuzayat to Anin; portering; sentry duty to watch the railway; whatever the soldiers wanted around the village (roofing for the police station, digging trenches, cleaning up the village, barracks, and police station, repairing barracks, and during the rainy season, collecting leaves for roofing). The organizational setup of forced labour was as follows. For portering: since 1990 people were always rounded up, i.e. the soldiers arrested them themselves. In earlier cases as well as for all
other kinds of work or service, the military sent a letter to the village head, stating for example that they were going to take 40 or 50 people to some other site for this or that purpose. The number of people depended on the job to be done. To choose the people who had to go, there were about 40 sub-leaders in the village, in charge of 20 houses each. When the village head received the order, he told them to provide people (sometimes in rotation). For building barracks the order came from IB 31, for building the railway and guarding it, from IB 104. As for threats of what would happen if people did not turn up, they would not be included in the letter, but conveyed orally when handing over the letter, indicating that work had to be performed according to rules and, if the order was disobeyed, the village head would be arrested, as well as the villagers. For those who could not go, 2,500 kyat had to be paid per household per stint (not per day). For building new military barracks, the work lasted about one month; for repairing old ones, seven days. Since the site was close to the village, people could return home at night. They had to work from 5 a.m. to 6 p.m., bringing their own food and feeding the soldiers. From the age of 12 upwards, men and women worked, up to 50 or 60 years old. Children and old people worked when they were the only persons free in the household. Soldiers did not beat people building the barracks, but shouted at them and scared them. The Ye-Dawei (Tavoy) railway construction started around 1993 (and was still going on). About 700 people from Anin village worked on this, separated in two groups of 350 people taking turns of 14 days each working on the project. The workers were selected through the approximately 40 sub-leaders, each of which was in charge of about 20 households and had to bring 20 people with him; if he could not, he had to pay a fine of 2,500 kyat per person per two weeks, collect the money from the household concerned and give it to the soldiers. It was a six-hour train ride to the worksite near Kalot village. Normally, the workers slept in the jungle and built themselves small shelters and also had to cook themselves. The work assignment was by segment of the track to be build, and people had to work each day until they finished their quota. The military gave orders directly to the sub-leaders for the work to be done by each group; if they did not comply, they would be punished. Women, children from age 12, and people up to 50 or 60 years also had to work. For Anin villagers, there was normally no ill-treatment, but villagers from other places who disobeyed orders were beaten by soldiers. Every day, eight people from the village had to be on sentry duty to watch the railway. Finally, with regard to portering, this practice existed even before 1988 but increased after the SLORC was set up. Up to 1990, porters were either rounded up directly by the soldiers or the village head was ordered to find them. For portering they could call up any number of people, as required, at least 40 people at one time. When fighting was heavy at the border, they took everybody. Troops kept marching to the border or close to it, and on average once a month (sometimes twice a month or once in two months) they took porters for 20 to 30 days (some people for one to two months, some for only ten days). Some porters never came back, they died or escaped, so nobody wanted to go, and when the military ordered the village head to find 100 porters or pay money instead, the men ran away, only women and children stayed. Around 1990, the village head told the military he did not want to be responsible for collecting porters anymore, and he asked them to arrange for it themselves. Subsequently, whenever the villagers were informed that forces were coming, they went into hiding. Witness 225 was rounded up for portering with about 200 other people, including three from their village, in 1990/91. The military took him for one month to Kalama mountain. They had to carry peas, rice, other food: about 80 kg between two porters. When a porter was tired, the soldiers would kick him with their boots. In some situations, such as when a porter was sick and could not carry his load anymore they would shoot him dead. Witness 225 saw almost ten out of about 200 people shot dead. About 15 to 20 people were kicked, and some seriously injured. Normally, the soldiers did not care for those who could not move, they just shot them. The porters sustained wounds from the heavy loads, normally on the shoulders. Witness 225 was sick, coughed blood. The porters never got medical treatment, normally treated themselves. They were not allowed to smoke, were given only raw rice and some banana leaves and were not allowed to cook. Witness 225 was sent to Kawkareik (with about 1,000 people on a ship) when he was released. Witness 222 did portering around 1993/94 for IB 109, carrying supplies (in his case about 40 kg of rice) to Nat Ein Taung near the gas pipeline project. He was sent by the village for portering, because it was his turn, with about seven or eight others from the village. On the whole, there were about 7,000 people. But those who could afford to pay 1,000 kyat were released, some
Forced labour in Myanmar

paid, so finally 300 went. He was away for about ten days from the village, it took them six
days to Nat Ein Taung. On the way, there was fighting, two porters were wounded, and soldiers
shot them dead because they could not carry their loads anymore. One soldier was in charge of
five porters (in case they ran away, etc.), some escaped and were shot at. He did not see this
personally. If a porter managed to run away, the soldier was punished. He saw one officer
punching, hitting a soldier with a gun because a porter escaped. From Nat Ein Taung, he had to
carry the soldiers’ household goods back. On the way back, he saw about 15 dead bodies, mainly
porters, some killed from gunshots, beatings, etc. When fighting was on, the soldiers ordered
the porters to lie down. Witness 222 was never beaten, but some porters were who could not
carry their loads well. He did, however, see some old people who could not carry their loads
being relieved of weight. The porters were given a small amount of rice and fish paste to eat.
Witness 22, who left Myanmar three years ago when he was 11 years old, had not done any
forced labour.

Ethnicity: Burman
Age/sex: 30, female
Family: Mother and three sisters
Occupation: Food seller
From: Ye town, Mon State

The witness came to Thailand in 1997 because it was difficult to survive in Burma. In Ye
town, men were very scared, many men went to Thailand. The Myanmar authorities asked her
family to supply forced labour, one member of the family had to go, and since all the members
of the household were female and could not go, they had to pay money instead; in the middle
of 1996, they had to pay 3,000 kyat. One of her relatives worked from 1995 until the end of
1996 for Government engineers as a labour contractor for work on the railway line at Koe Mine
village (nine miles from Ye). The contractor got paid for hiring people to do a fixed amount of
work. He had to go around the area to find about 100 people, to whom he paid around 180 kyat
a day. He had to collect the workers and take them back. Sometimes, those paid voluntary
workers worked alongside other people doing forced labour (although normally, they worked
on different sections), and sometimes the soldiers took away some of the contractor’s workers
for Portering. In Ye town (and the rest of the township), each household had to supply one
member for work along the railway line; normally, the contractor was employing skilled workers
for engineering work, building bridges, while the forced labourers were doing rough work.
There were also prisoners used for digging and breaking rocks. There were many forced
labourers working on the railway construction site in rotation. Each town and village was
allocated a quota of the work; if it had a bigger population and was closer to the railway, this
could be completed in five days, if not, maybe in 10 days. The frequency depended on the place
where one lived. In the middle of Ye town, people were well connected and went only twice in
eight months; a little further from downtown, people were poorer and went more often, about
four times in eight months. Until now, her family had to pay around 80 to 90 kyat monthly; a
bit further from downtown, the rate was 90 kyat. People in town were arrested for portering and
were afraid to open their doors. If one could afford to pay 5,000 to 10,000 kyat, one could pay
to be exempted (in Ye). Those far from Ye could not. In her family, they had one car; sometimes
this was requisitioned, with driver, for three to four days by the military, who promised to supply
petrol, but never gave it. When people were taken for portering, those who could escape came
back fast, others were away for three to six months. Portering started long ago. All ethnic groups
in Ye were treated the same, but around the edge of the town, villages were mostly Mon and
Karen. Some of her relatives had to go as porters and suffered hardship, they were not treated
like soldiers and were ill fed. One younger cousin who had been selected for portering in a
“lottery”, had been a porter for three months. He was then able to find a replacement at some
village. When the porters were tired, they were beaten, sometimes deprived of rice. In fighting,
they lacked training and could be wounded; also, those who were sick and could not carry their loads anymore were shot. Her cousin was beaten, but did not sustain injuries.

| Religion: | Muslim |
| Age/sex: | 45, male |
| Family situation: | Married with four children |
| Occupation: | Seller of cold drinks |
| From: | Mawlamyine (Moulmein) town, Mon State |

The witness had personal experience of forced labour only from before he left the country following the 1988 events. His family members who stayed behind had to go once a week for a whole day's work at Mawlamyine (Moulmein) airport, clearing the ground, cutting the grass. If they could not go, they had to pay 300 kyat. The order came from the district authorities through the village head. Alternatively, they sometimes had to do road maintenance, filling holes, cutting grass on a small road in town, once a week about three times a month, sometimes for half a day, sometimes a full day. They normally paid 300 kyat and did not go. They also had to pay “porter fees”, 300 kyat at least twice a month. Sometimes, when a visitor came and registered in their home, they were charged 50 kyat, and also occasionally for a big event, the military collected money. He showed a receipt dated 27 June 1990 for 10,000 kyat for the repair of roads, clearing, reconstruction (to be paid by business owners, not in lieu of labour).

| Religion: | Buddhist |
| Age/sex: | 36, male |
| Family: | Married with one child |
| From: | Kyaukphyu town, Rakhine State |

The witness first left Myanmar ten years ago. When he went back to Kyaukphyu for three months in 1995, he did forced labour on the road from Minbu (Magway Division) to Taunggok (Rakhine State) through Ann, a four-year project started in 1993. The work had been allotted in quota by area and 600 to 700 people from the area around Kyaukphyu worked there. By order of the District LORC, every household had to send a worker. During the three months that he went back he lived with his parents, and the family was called up four times for ten days' work each time. He went alone for the family, three times working ten days; the other time he was exempted from ten days' work by paying 150 kyat a day (1,500 kyat) to the village head. He had to walk four hours to the construction site, bringing his own food for ten days, and stayed there the whole period, working from 7 a.m. to 6 p.m. with a lunch break, and sleeping in the open. There were soldiers as guards, but no beatings, only at some other sites. He did no other forced labour in those three months, and there were no “porter fees” in Rakhine State. A majority of the Rakhines had joined the army and left them alone, did not oppress them.
Forced labour in Myanmar

Ethnicity: Burman 232
Age/sex: 31, male
Family situation: Married with two children
From: Kaw Tot, near Ye Town, Mon State (he originally came from Yangon) (village had about 2,000 households)

The witness first left Myanmar in 1991 but went back for about a month in November 1997. In Kaw Tot village, his wife and her three married sisters stayed with their children (and husbands) all together as one big household (thus reducing the forced labour burden). The head of the village wanted to separate them into different households; in November 1997, he came and asked some family members to do forced labour for cutting bushes along the Ye-Dawei (Tavoy) railway for one day. They paid money to be exempted at the rate of 150 to 200 kyat for one day, paying only once for the whole household. They also had to give "porter fees", 700 kyat per month, directly to the military. They were charged four times 700 kyat for one month because the military would not accept their being counted as a single household.

Ethnicity: Mon 233
Age/sex: 34, male
Family situation: Married with one child
From: Taungpone, Ye township, Mon State (village had 4,000 households)

The witness came to Thailand almost ten years ago and often tried to go back but could not go; because of a shortage of men, he would be taken to a forced labour site. His wife, who went back six months ago (she keeps going and coming) had done forced labour in the last six months. Women had to clear the bush near a bridge twice a month for a whole day to prevent an ambush by insurgents. Men were sent to Dawei (Tavoy), for the gas pipeline and/or railway projects. He knew this because fifty days ago, his wife phoned him not to come for the moment, since they were taking the men for about one month. Some women had to fill rocks for the railway; his wife, too, had to go twice a month, either clearing the bush or filling rock. Since the husband was not there, she had to go (or pay). One also had to pay porter fees, monthly, at a rate depending on one's wealth; an ordinary worker paid 700 kyat a month, someone owning land or a cow, 1,500 kyat.

Ethnicity: Mon (both) 234 and 235
Age/sex: 35 and 25, both male
Family situation: Both single
Occupation: Both workers on railway construction
From: Ye town, Mon State (witness 234); Sakaya, Ye township, Mon State (witness 235)

Both witnesses were hired through an acquaintance working as a contractor, to work as manual workers (sometimes driving a vehicle) on the construction of the Ye-Dawei (Tavoy) railway, which started in 1992. They both paid 1,000 kyat to the person in charge at the railways (not the contractor) to get the job, and were promised a pay of 100 kyat a day as Government employees, but were never paid. After six months of work on the railway without being paid (in 1995 to 1996) they left, together with four others in the same situation. While working on
the railway they saw forced labour on the construction site. As for forced labour done by themselves, in 1995 and 1996 they were told by the local LORC to go and dig drainage trenches in Ye town without pay, on average once a week or three times a month, for one or two days, especially in the dry season; they had to work from 7.30 a.m. to 4 p.m. If there was rain, they stopped. Altogether there were about 600 people from many different places. Witness 234 once was a porter, before getting the job at the railway construction, he does not remember when, for about 15 days. Soldiers arrested him on a visit to Mawlamyine (Moulmein) town and sent him by truck to Three Pagodas Pass. They arrested so many people, about 10 to 15 trucks full. They were not tied, but guarded. He then had to carry two packs of bullets, each weighing about 20 kg. He was unpaid and given sometimes a little rice, sometimes no food at all. He saw others who could not carry very heavy loads being beaten, but not killed; some were injured in the back from the beatings. He did not see anybody left on the roadside. After 15 days, he was released at Three Pagodas Pass and it took him six days to return home. Afterwards, when employed on the railway construction site, both witnesses had to pay porter fees, around 600 kyat a month each.

Ethnicity: Burman
Age/sex: 44, male
Family situation: Married with five children
Occupation: Making fishing nets
From: Setse, Thanbyuzayat township, Mon State (village had about 1,000 households)

The witness came to Thailand in 1993 because he had to do forced labour and pay porter fees he could not afford anymore. He had no time to work for his family. By order of the local authorities, he had to go once or twice a week clearing bush or doing sentry duty, together with 80 to 100 people from the village. Soldiers guarded them and would just shout at them, not beat them. If one did not want to go, the soldiers would find the person; if one could not go, one had to pay a fine, between 300 and 500 kyat, depending on the distance of the worksite from the village. Four or five days a month, all year round, one person per household also had to go and do repair work on the Thanbyuzayat-Setse road. About 80 to 100 people at a time had to go, organized by eight to 10 sub-leaders responsible for 10 households. The forced labour rotated, the next time it would fall on another village/area. Government workers were not taken. Other people who did not want to go had to pay a fine, in 1990 to 1993 the rate for one day was 300 to 500 kyat. He was also charged porter fees, a regular rate of 200 kyat per month plus 300 to 400 kyat for “emergency portering” at least once, sometimes twice a month. He actually went portering once, arrested by soldiers from IB 26 around 1985 to 1986 to carry heavy bullets to Three Pagodas Pass for two months; then he escaped. He was beaten because with his heavy load, he could not go very fast when told to run because of fighting. He was not paid and provided only some rice to eat. He saw porters being killed by soldiers, including one man who could not walk fast and also was wounded in the shoulder. The soldiers tied him up with a longyi, tied his neck, kicked him with their boots, and strangled him to death with the longyi. He also saw two porters carrying a battery, who wanted to take a rest, being told by a soldier from IB 26 “you better rest for the rest of your lives”, and pushed from a cliff. He had seen about 60 porters die out of 108 who were there initially. When people could not carry their loads anymore, they were kicked with boots and died. All 60 porters were killed by Government soldiers, none by enemy fire. Therefore, he always paid porter fees after this as he did not want to go portering, and finally came to Thailand. After he left, his family had to work on the Ye-Dawei (Tavoy) railway construction. They had to go only once a year for 20 days (from their village).
Forced labour in Myanmar

Ethnicity: Burman
Age/sex: 35, male
Family: Married with two children
Occupation: Driver of a small boat (rented from someone else) for transporting 25 to 30 people
From: Kawthaung town, Tanintharyi Division

The witness left Myanmar five years ago because the authorities requisitioned his boat, to transport them for free, so he had not enough money to pay the boat owner his fee of 150 baht a day. He was thus called up regularly twice a month for a whole day and had to pay the petrol and go with them. In addition to this, he had to go another three or four times a month for so-called emergencies. He normally had to carry to the sea all kinds of authorities, the police, immigration authorities, soldiers with bullets. For “emergencies”, he had to carry sometimes food or people to some islands close to Kawthaung, or wait; an “emergency” thus occurred normally because the military, police or immigration authorities, all of which had the authority to requisition him with the boat, wanted to go to some island, without giving a reason. It was never for taking people to hospital or otherwise assisting people in danger. In addition, every Saturday one person from each household had to go for “donated labour”, clearing the town, drainage trenches, etc. If one did not go, one had to pay 200 kyat. Normally, he paid rather than sending someone from his family. In his area, no “porter fees” were levied. One only paid a firefighters’ fee of 50 kyat per month. The money went to the firefighters office, although they got a salary already and there was no fire.

Ethnicity: Mon
Age/sex: 20, male
Family situation: Parents and four siblings
Education: 7th Standard
From: Zathabyin, Hpa-an township, Kayin State

The witness left Myanmar four years ago because of portering and other forced labour. At about age 15, when in 6th Standard (in middle school), he was arrested on a visit to Kyondo, near Kawkareik. At a police checkpoint, he was taken from a bus on which he travelled with only three other persons (the driver, his assistant and a former soldier) and put in a small jail behind the checkpoint. The military had ordered the police to get some men for portering and keep them until they came to get them. He was the first put in, then the police went to search another car and fetch someone, and at that time he escaped. There were no regular monthly “porter fees” to be paid by his family, only “emergency” porter fees on an irregular basis. When the authorities called up porters, one had to pay about 1,000 kyat to avoid going; this occurred about once a month in his household. All households had to contribute labour, one household had to do one trench, it took normally five days, once every three to four months. The order came from the local authorities. One could go home in the evenings. In 1997 (when he went back for two months to his village), he worked twice for 15 days carrying stones, filling the ground for building a bridge from their village to the road from Zathabyin to Mawlamyine (Moulmein). One member from every household had to go.
Both witnesses had done forced labour themselves, witness 239 since age 13. Witness 239 left Myanmar about one year ago; witness 240 left two years ago. Witness 240 stated that, for building the road from Zathabyin to Hpa-an, every family had to provide a person for four to six days about three times in every two months. It turned out four days if one was in a big group, six days if one had been allotted a big share of the work; that depended on the village head. Witness 240 went twice. The other times they were called up her family paid money instead of going: 1,000 to 2,000 kyat for four to six days. When she went, she stayed on the work site if it was far from the village; once she slept there, the other time she came back in the evenings. They had to bring their own food and working tools. Witness 239 confirmed this. She had done that work countless times since she was 13 years old, because her family could not afford to pay, and her parents were very old. Sometimes she had to go twice in one month. Witness 240 stated that there were soldiers who normally came and gave instructions to finish the work; when they walked away, the workers relaxed. There was no sexual harassment. Witness 239 indicated that, when a military leader from Hpa-an came, they had to clean the road, etc., one day before. This happened about twice or three times a month, for a full day (8 a.m. to 6 p.m.). Witness 240 added that she too normally went herself for this type of work (while her family tended to pay instead of sending her to the road building work). Porter fees had to be given normally once a month, sometimes, for “emergency portering”, a second time. The rate depended on wealth, for witness 239’s family it was about 300 kyat, for witness 240’s about 600 kyat.

The witness left Myanmar in January 1997. Her younger brother was arrested in 1994/95 on the way from a village near Myeik (Mergui) to the town. He was taken to Netaye Taung with two people from the village. The younger brother fell sick while portering, and the two others reported the soldiers left him sick in the jungle. They escaped later, looked for him, and found him already dead. She herself had done no forced labour. In her family, others had to go very often. Normally, her younger brother who died went at least three times a month, sometimes for a whole month, to far away places, from age 16 on. He was the only man in the family, apart from their very old father.
Forced labour in Myanmar

<table>
<thead>
<tr>
<th>Ethnicity:</th>
<th>Karen</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age/sex:</td>
<td>21, female</td>
</tr>
<tr>
<td>Family situation:</td>
<td>Five (her, parents and two sisters)</td>
</tr>
<tr>
<td>From:</td>
<td>Hpa-an town, Kayin State (lived since 1979 in KNU-controlled areas of Kayin State)</td>
</tr>
</tbody>
</table>

(This is a summary of the testimony provided by “Wa Wa” at the Commission’s Second Session in Geneva.)

In her capacity as Women’s and Children’s Officer of the FTUB, she interviewed refugees who had done forced labour. She did interviews for three months, starting in April 1996. The people she interviewed had done road construction (Nabu to Dawlan, Nabu to Kawkareik and Nabu to Kyondo). Nabu was a Muslim village, and was relocated when the army moved in during 1995. Some of the villagers had to travel far from their villages to do this forced labour, and had to stay at the work sites. Women and children as young as 10 or 12 also had to do this work, as well as people who were 50 or 60 years old. The villagers could only rest for one hour during the day. The villagers had to provide their own food, firewood and cooking equipment. Some villagers died from illness. Some were beaten by the soldiers. One old man (over 60) died of exhaustion. One girl was killed in a work accident (landslide); her family received no compensation. If a villager could not go for forced labour, they had to hire a replacement which could cost between 200 kyat and 1,000 kyat. Villagers she interviewed also talked about having to do Portering. People she interviewed said that they were forced to sign a blank piece of paper by the army, and then they had their land confiscated without compensation. None of the villagers had cars; the roads were for military use. Orders for forced labour and portering were given by the army through the village head.

From: Yangon

<table>
<thead>
<tr>
<th>Ethnicity:</th>
<th>Karen</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sex:</td>
<td>Male</td>
</tr>
</tbody>
</table>

(This is a summary of the testimony provided by “Min Lwin” at the Commission’s Second Session in Geneva.)

The witness left Yangon in 1982, and went to work in a cement factory in Thayet in central Burma. He left the cement factory during the uprising in 1988, and went to the KNU-controlled area near the Thai border. There he worked in the mechanical maintenance department of the KNU. While in that area, he talked to people who had escaped from being porters for the SLORC. They told him they had had to carry loads of between 20 and 45 kg. They had to go with the soldiers to the front line during offensives. During fighting they had to keep the soldiers supplied with ammunition. They also had to dig trenches and fetch water for the soldiers. These porters had been arrested in cinemas or rounded up from the road. Porters were beaten if they were slow. After working with the KNU, he worked for the FTUB as secretary of the human rights and workers’ rights department. He prepared human rights documentation. He interviewed many refugees (70 or 80) about their reasons for leaving Myanmar. The last people he interviewed was on 24 October 1997. Most of the people left because of forced labour and confiscation of their property by the army. Forced labour included work constructing roads and working in army-owned plantations. There was also forced logging work (Lahu people from the region near Mong Hsat in Shan State did this). People from Hmawbyi in Yangon Division had done work on a road in Hmawbyi township. Other people had done forced work on irrigation projects in Yangon Division. He interviewed a prisoner who had to work at the Kalaymyo power station, and at a quarry in Kabaw. People from Kayin State had told him about forced labour at brick kilns owned by the army (battalions 547, 548 and 549), and on army plantations. They had also done work constructing roads between Hpa-an, Myawady and Mawlamyine.
Report of the Commission of Inquiry

(Moulmein), as well as constructing army camps. If the work site was far from their village, people had to sleep there. No shelter was provided. If a person could not go, they had to hire someone to go in their place. People from Ayeyarwady Division also told him they had to do forced labour building a fish farm, and constructing a bridge in Myaungmya. He also interviewed people who had done forced labour at a quarry near Kyaukkyi (Bago Division). He had also acted as interpreter for an interview with people who had done forced labour on the Ye-Dawei (Tavoy) railway construction. Orders were usually given to the village head by the army. In large villages, the village head was appointed by the military, in small villages the villagers chose themselves. In the villages where the villagers chose their own village head, the position was usually rotated between villagers. This was because the village head was responsible for what went on in the village, and so was often punished by the soldiers. Because of this, no one wanted to be village head so it rotated. Often women were chosen because the villagers thought that the soldiers would treat them less harshly. The position often rotated as often as every two weeks. People who had done forced labour also told him about punishments given by the soldiers during forced labour. Many people were beaten for not working hard, and one woman who was pregnant was punished by being told to do repeated forward rolls on the ground. As a result, she miscarried.

Ethnicity: Karen
Age/sex: 14, female
Education: None
Family situation: Seven (her, parents, two older sisters and two younger brothers)
Occupation: Parents were farmers
From: Naw Khee, Kawkareik township, Kayin State
(village had 40 households)

(This is a summary of the testimony provided by "Naw Mu" at the Commission's Second Session in Geneva.)

The witness first did forced labour when she was ten or 11 years old. She was the only person in her family who was available to do forced labour, so she had to go. The villagers were told by the village head to provide one worker from each household. Her mother was sick, and her father and older sister were away from the village working. The first place she worked was T'Nay Cha (Nabu), which was a half-day walk from her village. She went with other people from her village. She had to build an embankment for a road from T'Nay Cha (Nabu) to Kawkareik. They had to work from 6 a.m. to 5 p.m., with a one-hour break at noon. The work was very hard, and they were not allowed to rest by the soldiers. They had to go for three days at a time, and sleep at the work site. No payment, food or shelter was provided. If they made mistakes during the work, they would be beaten by the soldiers. She was never beaten. There were other children the same age as her at the worksite, and also old people. Some people were very old. She had to do this work several times. At other times, other members of her family did it. The family had to provide a worker three times a month. The work continued over a period of two years, after which the family fled to Thailand. The family also had to do forced labour constructing an army camp at T'Nay Cha (Nabu). She herself did this work. They also had to provide bamboo for the camp construction, which her father cut for her. Her father also had to work as a porter.
Forced labour in Myanmar

Ethnicity: Karen
Sex: Male
Education: 6th Standard
From: Mawlamyine (Moulmein) town, Mon State

(This is a summary of the testimony provided by “Mr. Po” at the Commission’s Second Session in Geneva.)

The witness left Kanbauk after getting married, and went to Nat Ein Taung (on the Thai border). This was then under the control of the KNU. Then the Myanmar army attacked the area so he had to leave. He went to Tat Lei Ya village (in Thailand), near Nat Ein Taung. In 1995 he went back to Myanmar, to a town called Thuka (about one hour from the border near Nat Ein Taung). He opened a shop in Thuka, and traded in supplies from Myanmar and Thailand. Sometimes he travelled to other places in Burma to buy supplies for his shop. One such place was Taungthonlon (Three Mountains) near Dawei (Tavoy). In February 1997 he went on such a trip, to Kalet Kyi village. He arrived at Kalet Kyi on the evening of 8 February. He stayed at a friend’s house. At about 6 a.m. the next day, Burmese soldiers came to the house. They aimed their guns at the house, and ordered all the men in the house to come down. The four men in the house at the time went down. From there, a total of about 30 men from the village were taken at gunpoint by the soldiers to an army camp near Hti Law Pei stream, which took about 30 minutes. The soldiers were from battalion 104 (company 4) under Lieutenant Aung Pai Oo. One person tried to run away, but was caught and badly beaten by the soldiers. After stopping for a short time at the camp, the porters were given their loads and then they continued. Lieutenant Aung Pai Oo said that if any of the porters tried to escape they would be shot. He had to carry 45 kg of rice, on his back with a strap around his head. He knew how heavy it was, because he was a trader in rice, and was used to carrying rice. He had also worked previously as a harbour worker in Kanbauk, and was used to carrying heavy loads. They carried the loads back to Kalet Kyi village. When they got back to Kalet Kyi village, there was a fight with the KNU. The porters were put in the middle of the soldiers, and were told that if anyone tried to run away, they would be shot. The battle lasted about 15 minutes. They then withdrew through Hti Law Pei to Kane Po Kye. They stayed the night in Kane Po Kye, and the porters were allowed to eat. They were given some rice about the size of a fist, and some small fish. The porters were given no shelter, and had to sleep in the open. It was cold and foggy that night. The next day at about 6 a.m., without breakfast, they continued down the stream, heading for a village called Myitta and Kanadaw village. They stopped on the way to eat lunch. The porters were given a plastic bag of cold rice, about the size of a fist. They stopped on the way at about 7 p.m., and slept the night among some bamboo trees. It was cold and foggy again. The next night, at about 3 a.m., they arrived in Myitta. Eleven porters were put in a small bunker so they would not escape (on the fourth day a porter had escaped), and the soldiers slept on top. It was so crowded they could not sleep. After eating the next morning, they were taken by truck to Heinda mine in the Taungthonlon area. After picking up supplies, they continued by truck to Paung Daw Gyi power station. The next day they walked to Paung Daw village. He again had to carry rice. They arrived at Paung Daw in the evening. They slept the night in a betel nut plantation. The next morning they went on to Pya Tha Chaung by foot. On the way, one of the porters injured his knee on a tree root, and could not continue so he was released. After this the man’s load was distributed. Mr. Po now had to carry cooking pots. This load was more heavy, because the cooking pots were full of rice (but it became lighter as the rice was eaten). They arrived at Pya Tha Chaung at 3 p.m., and they took more porters: a young man, four old men over 60, and 25 women. There was a fight at Pya Tha Chaung that afternoon with the KNU. During the fight the porters were in the middle of the soldiers, “prostrate with fear”. That evening they slept in a cowshed on the outskirts of the village. He had to cook for the soldiers and porters that evening. Because he cooked the porters got a little more to eat that night. The next day they went back into the village, and around noon there was another fight, again with the KNU. The fight didn’t last very long. The porters were put in the middle of the soldiers again, and were warned they
would be shot if they tried to escape. Then from 3 p.m. to 9 p.m. there was a big fight. It was bad because it was open ground with no cover. That night they slept among bamboo trees. The next day at 5.30 a.m. they went to another village, and arrived about 7 p.m. They slept in the open, with no shelter at all. That night he had to cook, and it took until about 11 p.m., because he had to go away from the soldiers to cook (another two porters and a soldier went with him), because the soldiers were afraid that if the KNU saw the smoke they would attack. About 9 p.m., the other two porters ran away. The next day they walked to another Karen village. The following day they left, and walked for three days and nights with no sleep. On the third day at about 4 p.m. they arrived on the other side of Hti Hta stream from Hti Hta camp (a KNU camp). From 4 p.m. to 6 p.m. there was a big fight, and they occupied Hti Hta camp. He stayed at Hti Hta for ten days as a cook. After that he went to a camp on Hti Hta mountain for six days. He had to cook and carry water up the mountain to the camp. If he left the camp at 6 a.m. to fetch water, it would take him until 3 p.m. to be able to return. On the seventh day the camp ran out of food, so the captain ordered six people (including him) to go and look for food. He managed to run away with four other porters, and travelled for 12 days in the jungle, living off jungle food. On the twelfth day they met some other escaped porters and then they travelled together. The next day they reached Htee Hpo Lay village where they met some soldiers from battalion 401. The soldiers asked who they were running away from, and then arrested them. It was 25 March. He knows this because he asked a soldier who had a watch what the date was. The next day some soldiers with injuries arrived and they had to carry them to Myitta village in a blanket strung over a pole. There were four porters left and they carried two wounded soldiers between them in Myitta village. He ran away and hid at a friend's house. He managed to get a document from the captain of Battalion 25, after the Myitta village head arranged it, saying he had finished his portering assignment. He then returned to Thuka, which was controlled by the KNU, but his family was not there. They had gone to Thailand. While he was a porter, he saw soldiers beat the porters many times, but he was never beaten. One porter was seriously wounded by shrapnel in the big battle at Pya Tha Chaung. He saw porters beaten to death, and others died from exhaustion. The youngest porter he saw was 13, and the oldest 67 or 68.

Ethnicity: Karen
Sex: Male
From: Yangon

(This is a summary of the testimony of "Ka Hsaw Wa" given by video conference at the Commission's Second Session.)

The witness left Yangon in 1988, after the student uprising in which he participated. At that time, he had just completed high school. He went to KNU-controlled areas near the Thai border. For six or seven months, he lived in a KNU-controlled area in Kyaukkyi township (Bago Division), designated by the KNU as the No. 3 Brigade area. He had to hide. Having lived in Yangon up to then and had not seen or experienced forced labour at that time. While travelling, he talked to many villagers about their situation and learned that many of them were trying to move from military-controlled areas because they had to work for the army all the time. They would need to cut firewood, build roads and railways and work for military camps. He personally saw villagers working for a military camp. Some villagers were also hiding because they would otherwise be called for porter duties for the military. Men, women and children were taken as porters. Children were also used to do work for soldiers such as carrying messages for them. As early as 1988, he saw written orders to perform forced labour. The orders would specify the number of persons required, the work to be carried out and the duration of the assignment. Sometimes the orders were accompanied by charcoal and bullets, the former meaning that the village would be burnt down if the order was not respected and the latter representing a death threat. He started to work for the Karen Human Rights Group (KHRG) at the beginning of 1992. He then gathered reports of all forms of forced labour concerning, inter alia, portering, railway and road. Villagers would also have to work for military camps. KHRG's representatives...
Forced labour in Myanmar

interviewed hundreds of porters who explained the various forms of portering and the very bad conditions in which the work had to be done. They would be shot if they tried to escape. Porters were neither paid nor fed. Neither was there a medical examination performed to ensure they were fit for the job. He personally saw villagers performing portering in 1992. Porters to whom he talked came from several places, including Yangon, Shan State and Kayah State. The porters would have to carry supplies, ammunition and food. In fights, porters could be used as human shields or mine sweepers. After the fall of Manerplaw, he went to Mae Sot (Thailand) in early 1995. He left KHRG and started to work on the establishment of EarthRights International Organization, the main function of which was to gather information concerning the pipeline being built in Tanintharyi Division. Between April 1995 and May 1996, he made four long trips into the area to see people. Otherwise, he would make many short trips per month to the areas close to the border. His last long trip was in May 1996 to get plaintiffs out for his organization’s lawsuit before the United States federal district court. He interviewed more than 200 people out of which 100 had something to say about the pipeline. He observed that a lot of the portering going on in that area was closely associated with soldiers guarding the pipeline. He believed that the pipeline security was the reason why there was an increased military presence in this area. He interviewed villagers from Migyaunglaung and Eindayaza, who told him about having to work on the Ye-Dawei (Tavoy) railway. People had to work for 15 days and then went back to their village for 15 days. Villagers from Natkyizin had to pay pipeline fees ranging from 500 to 1,000 kyat which was requested and collected by the military. In addition, he talked to villagers from Migyaunglaung and Heinzebok Island who had to perform work for the military.
<table>
<thead>
<tr>
<th></th>
<th>Document Description</th>
<th>Submitted by</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>M1</td>
<td>A report of the influx of Arakanese refugees into Mizoram State of India (13 August 1997)</td>
<td>Committee for Arakanese Refugees Relief and Welfare</td>
<td>6579</td>
</tr>
<tr>
<td>M3</td>
<td>List of the Arakanese refugees of 1995 at Parava Camp in Mizoram State of India (no source indicated)</td>
<td>Committee for Arakanese Refugees Relief and Welfare</td>
<td>6623</td>
</tr>
<tr>
<td>M4</td>
<td>List of the Arakanese refugees of 1993 and 1994 in Mizoram State of India (no source indicated)</td>
<td>Committee for Arakanese Refugees Relief and Welfare</td>
<td>6633</td>
</tr>
<tr>
<td>M5</td>
<td>“Arakanese students hold rally” (National Herald newspaper, 14 August 1995)</td>
<td>Committee for Arakanese Refugees Relief and Welfare</td>
<td>6645</td>
</tr>
<tr>
<td>M6</td>
<td>Brief account of forced labour on Arakanese (Rakhine) people from Arakan State (present Burma)</td>
<td>Committee for Arakanese Refugees Relief and Welfare</td>
<td>6646</td>
</tr>
<tr>
<td>M7</td>
<td>Statement by Kyaw Thein Maung, Arakan League for Democracy (ALD exile), Delhi office-in-charge</td>
<td>Kyaw Thein Maung</td>
<td>6648</td>
</tr>
<tr>
<td>M8</td>
<td>“Victims of eco-politics” (Ne Sun newspaper, 1 April 1996)</td>
<td>Kyaw Thein Maung</td>
<td>6649</td>
</tr>
<tr>
<td>M9</td>
<td>Chin refugee conditions in India (compiled by Salai Sang Zel, April 1997)</td>
<td>Henri Val Theng</td>
<td>6650</td>
</tr>
<tr>
<td>M10</td>
<td>Photographs with captions</td>
<td>Salai Sang Zel</td>
<td>6806</td>
</tr>
<tr>
<td>M11</td>
<td>Map showing road between Haka and Than Tlang</td>
<td>Salai Sang Zel</td>
<td>6811</td>
</tr>
<tr>
<td>M12</td>
<td>Interview with Mr. Chi Nan (9 January 1998)</td>
<td>Salai Sang Zel</td>
<td>6812</td>
</tr>
<tr>
<td>M13</td>
<td>Article from Zo-En newspaper (in Mizo language) (8 July 1997)</td>
<td>Salai Sang Zel</td>
<td>6814</td>
</tr>
<tr>
<td>M16</td>
<td>Phuntungtu (1 November 1997 (in Chin)) with English translation</td>
<td>Salai Sang Zel</td>
<td>6820</td>
</tr>
<tr>
<td>M17</td>
<td>“The death of Tial Cung” (August 1997) and attached documents</td>
<td>Salai Sang Zel</td>
<td>6846</td>
</tr>
<tr>
<td>M18</td>
<td>Photos of refugees in Mizoram (1996-97)</td>
<td>Salai Sang Zel</td>
<td>6850</td>
</tr>
<tr>
<td>Reference</td>
<td>Description</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----------</td>
<td>-------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>M19</td>
<td>Photos and statement of the Arakanese Refugees Relief and Welfare Committee (13 December 1997)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>M20</td>
<td>Protection to refugees: Case of Rohingya women (Oxfam, 29 December 1997)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>M21</td>
<td>Rohingya refugee programme health report (December 1997, MSF-H)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>M22</td>
<td>MSF-H in Bangladesh</td>
<td></td>
<td></td>
</tr>
<tr>
<td>M23</td>
<td>Refugee camps-Cox's Bazar-Teknaf-Bandarban districts, Bangladesh</td>
<td></td>
<td></td>
</tr>
<tr>
<td>M24</td>
<td>UNHCR map – Location of the maps for remaining Myanmarese refugees in Bangladesh</td>
<td></td>
<td></td>
</tr>
<tr>
<td>M25</td>
<td>Communication dated 1 February 1998 given by an unidentified person in Kutupalong refugee camp, addressed to UNHCR, Geneva</td>
<td></td>
<td></td>
</tr>
<tr>
<td>M26</td>
<td>Communication dated 9 January 1998 given by an unidentified person in Kutupalong refugee camp, addressed to UNHCR, Geneva</td>
<td></td>
<td></td>
</tr>
<tr>
<td>M27</td>
<td>Communication dated 30 January 1998 given by an unidentified person in Kutupalong refugee camp, addressed to UNHCR, Geneva</td>
<td></td>
<td></td>
</tr>
<tr>
<td>M28</td>
<td>SLORC order to provide labour (in Burmese) (original sighted, this document is a true photocopy)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>M29</td>
<td>UNHCR map giving an overview of northern Arakan State with main towns</td>
<td></td>
<td></td>
</tr>
<tr>
<td>M30</td>
<td>Communication dated 31 January 1998 given by an unidentified person in Nayapara refugee camp, addressed &quot;to whom it may concern&quot;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>M31</td>
<td>Communication dated 27 January 1998 given by an unidentified person in Nayapara refugee camp, addressed to the Organization of Islamic Countries</td>
<td></td>
<td></td>
</tr>
<tr>
<td>M32</td>
<td>Refugee Relief Programme report for the period January-June 1997 (August 1997)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>M33</td>
<td>Burmese border camp locations with population figures (December 1997)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>M34</td>
<td>Forced labour practice by the SPDC in 1997</td>
<td></td>
<td></td>
</tr>
<tr>
<td>M35</td>
<td>Terror in the South: Militarisation, economics and human rights in southern Burma (ABSDF, November 1997)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>M36</td>
<td>Briefing notes on the refugee camps in Thailand (general, and Karenni State)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>M37</td>
<td>Exodus: An update on the current situation in Karenni (compiled by Green November 32, for various sources, 18 August 1996)</td>
<td>Images Asia</td>
<td>7020</td>
</tr>
<tr>
<td>M39</td>
<td>Karenni song (Burmese and Karenni versions) (song sung by Karenni workers doing forced labour, in Karenni language so that the soldiers will not understand)</td>
<td>Witness 99</td>
<td>7084</td>
</tr>
<tr>
<td>M40</td>
<td>Independence and self-determination of the Karenni States (Karenni National Revolutionary Council, 18 December 1974; 9 January 1997 reprint by Karenni Government)</td>
<td>Oo Reh</td>
<td>7086</td>
</tr>
<tr>
<td>M41</td>
<td>Briefing notes on the refugee camps in Thailand, Shan State</td>
<td>Images Asia</td>
<td>7166</td>
</tr>
<tr>
<td>M43</td>
<td>Mae Tao Clinic annual report 1997 (1 January 1998)</td>
<td>Mae Tao Clinic</td>
<td>7177</td>
</tr>
<tr>
<td>M44</td>
<td>Dr. Cynthia’s clinic and primary health care on the Thai-Burma border</td>
<td>Mae Tao Clinic</td>
<td>7186</td>
</tr>
<tr>
<td>M45</td>
<td>The rape of the rural poor (Karen National Union, Mergui-Tavoy District, July 1995)</td>
<td>Graham Mortimer</td>
<td>7188</td>
</tr>
<tr>
<td>M46</td>
<td>Development and the cry of people (Karen National Union, Mergui-Tavoy District, December 1994)</td>
<td>Graham Mortimer</td>
<td>7242</td>
</tr>
<tr>
<td>M47</td>
<td>Map of Mergui-Tavoy district</td>
<td>Graham Mortimer</td>
<td>7284</td>
</tr>
<tr>
<td>M48</td>
<td>Map: &quot;Displacement of population in Mergui Tavoy district&quot;</td>
<td>Graham Mortimer</td>
<td>7285</td>
</tr>
<tr>
<td>M50</td>
<td>SLORC/SPDC orders to villages in Pa’an district (Burmese originals with draft translations)</td>
<td>Karen Human Rights Group</td>
<td>7354</td>
</tr>
<tr>
<td>M51</td>
<td>Annotated map of Moulmein and briefing note regarding some forced labour projects in Karen State (Royal Thai Survey Dept. map, 1984, with annotations)</td>
<td>Min Lwin</td>
<td>7400</td>
</tr>
<tr>
<td>M52</td>
<td>Map of Moulmein (Royal Thai Survey Dept. map, 1984)</td>
<td>Min Lwin</td>
<td>7401</td>
</tr>
<tr>
<td>M53</td>
<td>Map of Amphoe Li (Royal Thai Survey Dept. map, 1986)</td>
<td>Min Lwin</td>
<td>7402</td>
</tr>
<tr>
<td>M54</td>
<td>Human rights practice in Burma (Human Rights Documentation Unit, 1997)</td>
<td>NCGUB</td>
<td>7403</td>
</tr>
</tbody>
</table>

367
### Forced labour in Myanmar

<table>
<thead>
<tr>
<th>Document</th>
<th>Title</th>
<th>Source</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>M55</td>
<td>Address of U Tin U, Chairman of the Central Legal Committee of the National League for Democracy</td>
<td>NCGUB</td>
<td>7409</td>
</tr>
<tr>
<td>M56</td>
<td>SLORC continues ruthless atrocities (January 1998)</td>
<td>Mon Information Service</td>
<td>7417</td>
</tr>
<tr>
<td>M57</td>
<td>Briefing note on the situation in Tenasserim division</td>
<td>Mon Information Service</td>
<td>7432</td>
</tr>
<tr>
<td>M58</td>
<td>Map of Tenasserim division</td>
<td>Mon Information Service</td>
<td>7433</td>
</tr>
<tr>
<td>M59</td>
<td>Documents (in Burmese) on forced labour</td>
<td>Yoma 3 Information Group</td>
<td>7434</td>
</tr>
<tr>
<td>M60</td>
<td>Burma Issues statement of purpose</td>
<td>Burma Issues</td>
<td>7452</td>
</tr>
<tr>
<td>M61</td>
<td>The new eye 1997</td>
<td>Burma Issues</td>
<td>7460</td>
</tr>
<tr>
<td>M63</td>
<td>Burmese workers in Mahachai Samut Sakhorn Province, Thailand (9 February 1998)</td>
<td>Thai Action Committee for Democracy in Burma</td>
<td>7588</td>
</tr>
<tr>
<td>M64</td>
<td>Exploitation of Burmese migrant workers by their brokers and agents in Mahachai (12 June 1997)</td>
<td>Thai Action Committee for Democracy in Burma</td>
<td>7591</td>
</tr>
<tr>
<td>M65</td>
<td>A report on the situation at Mahachai police station, Samut Sakhorn Province, Thailand (May 1997)</td>
<td>Thai Action Committee for Democracy in Burma</td>
<td>7595</td>
</tr>
<tr>
<td>M66</td>
<td>Implementation of community-based rehabilitation (Mahachai pilot project area)</td>
<td>Karen Solidarity Organisation</td>
<td>7598</td>
</tr>
</tbody>
</table>
APPENDIX IX

Maps of Myanmar

Upper Myanmar
# APPENDIX X

## Names, foreign terms and acronyms

<table>
<thead>
<tr>
<th>Names</th>
<th>Common variations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ayeyarwady</td>
<td>Irrawaddy</td>
</tr>
<tr>
<td>Azin</td>
<td>Saw Hta</td>
</tr>
<tr>
<td>Bagan</td>
<td>Pagan</td>
</tr>
<tr>
<td>Bago</td>
<td>Pegu</td>
</tr>
<tr>
<td>Dawei</td>
<td>Tavoy</td>
</tr>
<tr>
<td>Hinthada</td>
<td>Henzada</td>
</tr>
<tr>
<td>Kalaymyo</td>
<td>Kalay, Kale(myo)</td>
</tr>
<tr>
<td>Kayah</td>
<td>Karenni</td>
</tr>
<tr>
<td>Kayin</td>
<td>Karen</td>
</tr>
<tr>
<td>Kengtung</td>
<td>Kyaing Tong</td>
</tr>
<tr>
<td>Langkho</td>
<td>Langkher</td>
</tr>
<tr>
<td>Magway</td>
<td>Magwe</td>
</tr>
<tr>
<td>Maungdaw</td>
<td>Sinchaingbyin</td>
</tr>
<tr>
<td>Mawlamyine</td>
<td>Moulmein</td>
</tr>
<tr>
<td>Mottama</td>
<td>Martaban</td>
</tr>
<tr>
<td>Mrauk-U</td>
<td>Mrhoaung</td>
</tr>
<tr>
<td>Myaing Gyi Ngu</td>
<td>Khaw Taw</td>
</tr>
<tr>
<td>Myeik</td>
<td>Mergui, Beik</td>
</tr>
<tr>
<td>Nabu</td>
<td>T’Nay Cha</td>
</tr>
<tr>
<td>Nam Wok</td>
<td>Mong Kwan</td>
</tr>
<tr>
<td>Nyaungdone</td>
<td>Yandoon</td>
</tr>
<tr>
<td>Pathein</td>
<td>Bassein</td>
</tr>
<tr>
<td>Pyapon</td>
<td>Phapon</td>
</tr>
<tr>
<td>Pyay</td>
<td>Prome, Pyi</td>
</tr>
<tr>
<td>Pyin Oo Lwin</td>
<td>Maymyo</td>
</tr>
<tr>
<td>Pyingyi</td>
<td>Pingyi</td>
</tr>
<tr>
<td>Rakhine</td>
<td>Arakan</td>
</tr>
<tr>
<td>Sittaung</td>
<td>Sittang</td>
</tr>
<tr>
<td>Sittway</td>
<td>Akyab, Sittwe</td>
</tr>
<tr>
<td>Tanintharyi</td>
<td>Tenasserim</td>
</tr>
<tr>
<td>Taunggok</td>
<td>Taungup</td>
</tr>
<tr>
<td>Twantay</td>
<td>Twante</td>
</tr>
<tr>
<td>Way Sha</td>
<td>Kweshan</td>
</tr>
<tr>
<td>Yangon</td>
<td>Rangoon</td>
</tr>
<tr>
<td>Yatsauk</td>
<td>Lawksawk</td>
</tr>
</tbody>
</table>

371
Forced labour in Myanmar

Foreign terms

Baht  Thai currency (the exchange rate in July 1998 was approximately 40 baht to 1 US dollar)
Hankaw  Tiffin-carrier (small trays stacked one on top of the other, with a handle on top)
KaLaYa  Infantry battalion (IB)
KaMaYa  Light infantry battalion (LIB)
Khani  Unit of area (used particularly by Rohingyas): 8 khani is equal to approximately 3 acres (1.2 hectares)
Kyat  Myanmar currency (the exchange rate in July 1998 was approximately 300 kyat to 1 US dollar; a typical day's labour wage was around 100 kyat per day, the price of 1 kg of poor-quality rice)
Kyin  Unit of volume (100 cubic feet)
Longyi  Sarong (worn by men and women)
Lore Htein  Riot police
NaSaKa  Border security force
Tatmadaw  Myanmar armed forces

Acronyms

ABSDF  All Burma Students Democratic Front
BSPP  Burma Socialist Program Party
CNF  Chin National Front
DKBA  Democratic Kayin Buddhist Army
FTUB  Federation of Trade Unions of Burma
HRDU  Human Rights Documentation Unit of the NCGUB
ICFTU  International Confederation of Free Trade Unions
KHRG  Karen Human Rights Group
KNU  Karen National Union
LORC  Law and Order Restoration Council
NCGUB  National Coalition Government of the Union of Burma
NMSP  New Mon State Party
PDC  Peace and Development Council
RSO  Rohingya Solidarity Organisation
SLORC  State Law and Order Restoration Council
SPDC  State Peace and Development Council
TLORC  Township LORC
VLORC  Village-tract LORC
APPENDIX XI

Samples of orders received by the Commission

The translations which appear in this appendix are unofficial translations made by the Commission's secretariat from the original Burmese texts of the orders which were provided to it. In the course of the hearings held during the Second Session in Geneva, the originals of these orders were seen by the Commission and the photocopies previously submitted were verified to be true copies. See the statement made in this regard in the stenographic record of the thirteenth sitting, 26 November 1997, page 1.

Order 1. [A copy of the original Burmese order can be found at 001-1913 (Order No. 42).]

[STAMP] LIB 310, Intelligence

To: [...] village
Chairperson

1. Dear headman, for the report to No. 310 Light Infantry Battalion, Column 2, you must deliver the following list to Column 2 as soon as you can but at the latest 3 December [1995]:

1. Village name
2. Total number of houses
3. [Number of] people aged under 12 (male/female)
4. [Number of] people aged 12 and above (male/female)
5. [Number of] schools: high, middle, primary
6. [Number of] teachers (male/female); total students (male/female)
7. Total [number of] monasteries; abbot and other members
8. Total number of buffaloes and cows
9. Acreage of paddy fields
10. Total number of oxcarts and boats
11. Total [number of] ricemills, sawmills, oil presses, generators
12. Total number of video machines and televisions.

2. We inform you that the Village-tract LORC Chairperson or Secretary must come and deliver himself the above list without fail.

Note: You must send it by the given date without fail.

(Signed) Column Commander,
LIB 310.
Order 2. [A copy of the original Burmese order can be found at 001-1915 (Order No. 44).]

[STAMP] IB 231, Column 2

3.9.94

To: [...] village
   Monastery layman-in-charge/village head

Village leaders, as soon as [you] get this letter, [you] must send 2 people to serve [in our camp] as promised. Moreover, you must send 2 more people to take over from the previous ones and you must also send back 2 people who ran away and did not finish their duty. The fact that they went back [to the village] is your responsibility and we consider that you did not fulfil your duty.

The operation column warns you that if [these people] take the opportunity to leave when the column is not around, we will not take any responsibility [for what happens]. Should this happen in the future, we will take action and you will be charged with disturbing and causing delay to our military operations.

You have to take action to find those 2 undutiful servants, and inform us when you have done so.

You must send them quickly to Column [...].

(Signed) 3.4.94
Column Office.

Order 3. [A copy of the original Burmese order can be found at 001-1933 (Order No. 6).]

To: Headman and members

1. This is the final letter.
2. This evening, 31-7-95, 22 voluntary labourers from [...] village must come without fail.
3. One of the village leaders must bring them himself.
4. If you fail to come, we will not take any responsibility for [...] village. Headman, you yourself must come and solve this problem at Ye Tho Gyi army camp.

[STAMP] Infantry Battalion 48

(Signed) Company Commander.
Order 4. [A copy of the original Burmese order can be found at 001-2015 (Order No. 19).]

[STAMP] Infantry Battalion 231, Column 1

To: Village headwoman

[...] village

Subject: Invitation for a meeting

This is the last invitation, because we have invited you, headwoman, many times to discuss general matters. If you do not come, you will be at fault, and then don’t think the army is bullying you [sc. when you are punished]. If no one comes, action will be taken. If nobody comes this time, [you] will be destroyed by an artillery attack. If you come, you must arrive on the 3rd waxing of Nadaw [5 December 1994]. If you do not come a large [artillery shell] will be sent. One person from each family must come to the meeting without fail.

You are informed to bring one basket of rice and 2 viss [3.2 kg] of chicken from [...] village.

(Signed) Warrant Officer Htun Win,

Frontline IB231,

Daw Pa Lan Camp.

Order 5. [A copy of the original Burmese order can be found at 028-2352 (Order No. 2).]

Township Law and Order Restoration Council

Thantlang

Ref. [...]

Date: 24 April 1996

To: Person responsible

Ward/Village-tract Law and Order Restoration Council

[...] ward/village

Subject: Regarding widening the motor road by 20 feet

Reference: Letter [...] from this office dated 18/1/96
Letter [...] from this office dated 26/2/96
Letter [...] from this office dated 29/2/96
Letter [...] from this office dated 4/4/96

1. In accordance with the resolution of the meeting which was attended by members of the Township Law and Order Restoration Council, department heads and all those in charge from the villages, the work assignments to widen the road by 20 feet between Thantlang and Haka shall be completed during April 1996. You have already been informed that we will take serious action against any village which cannot finish its assignment. This has been frequently acknowledged by letter and by spoken communication.

2. However, we note that as of today, 24/4/96, you have not yet started. This assignment is a national duty and is also regional development. We have already given you enough time to do
it. Furthermore, the Township Law and Order Restoration Council assisted as much as we could towards all of your needs. If you give any reason, such as that you came late and could not fulfil your assignment building the motor road, we will not accept it.

3. We hereby inform you to complete the building of the road in April using all villagers necessary from your village. Anyone who refuses to come to build the road shall be punished according to the law, and you should inform this office. We hereby inform you again to report to the Township Law and Order Restoration Council when you go to build the road. We hereby inform any villages which cannot come to do [the work] by 26/4/96 that all members of the Village Law and Order Restoration Council must come and meet with the Chairperson of the Township Law and Order Restoration Council on 30/4/96 at 10 am without fail.

(Signed) Tin Aung,
Chairperson.

Copy to:  – Township engineer, public works department, Thantlang; assign a place when [the villagers] come to report to Thantlang
          – Township health department, Thantlang; take responsibility for health care
          – Office copy
          – Receipt

Order 6. [A copy of the original Burmese order can be found at 018-2189 (Order No. 2).]

[STAMP] Frontline LIB 406, Column 1 Headquarters

Frontline Light Infantry Battalion 406
Natkyizin Camp
Ref. No. [...]
Date: 4 November 1994

To: Chairperson
   Village Law and Order Restoration Council
   [...] village

Subject: Call for the village head and labourers.

1. Regarding the above subject, we already called many times for the headman of [...] village and 25 villagers for railway labour to come to Natkyizin camp.

2. Therefore, as soon as you receive this letter the headman and 25 people, along with rations and necessary equipment, must come without fail.

3. Along with this letter we are sending some presents for the [village] chairperson and secretary. If you get these presents, come here with them quickly. If you fail to come, see what kind of present we will come and give the village headman.

(Signed) (for) Column Commander,
Natkyizin Camp.

[The source which provided this order indicated that the “presents” mentioned in the text of the order and enclosed with it were two bullets.]
Order 7. [A copy of the original Burmese order can be found at 018-2190 (Order No. 3).]

[STAMP] Frontline LIB 406, Column 1 Headquarters

94 Nov. 09 – 0900
(9-11-94)

To: Chairperson/Secretary
( [village] )

[We] have to have a discussion with the [village] chairperson and secretary. Therefore, come personally to Natkyizin camp. [We] give you your last chance to come without fail on 15-11-94. If you really work on behalf of the village people, you must come without fail. If you fail, it will be your responsibility.

If you don’t come because you are afraid of Mon rebels, we the Army must show you that we are worse than Mon rebels.

(Signed)  (for) Column Commander,
Natkyizin Camp.

Order 8. [A copy of the original Burmese order can be found at 027-2317 (Order No. 24).]

[STAMP] Infantry Battalion 62 [rest illegible] 

Date: 11-3-96

To: Chairperson
 [...] village

As soon as you receive this letter, come and meet at Chaung Wa village. I warn you that if you make excuses and fail to come, violent action will be taken against you.

(Signed) Intelligence Sergeant,
Infantry Battalion 62.
Order 9. [A copy of the original Burmese order can be found at 028-2361 (Order No. 11).]  

Township Law and Order Restoration Council  
Thantlang  
Ref. No. [...]  
Date: 2 September 1995  

To: Chairperson/Secretary/In-Charge  
Village-tract Law and Order Restoration Council  
[...] town/village  

Subject: To set up People’s Militia and send their names quickly  

1. It has been learned that some villages of Thantlang township have not formed People’s Militia. For those villages which have not yet set up People’s Militia, they must set up 5 full-time members and 10 reserve members from villages which have under 50 households. From villages which have over 50 households, the strength will be 10 full-time members and 25 reserve members. Set it up quickly and fill out the list completely as shown below. We inform you to do this and send it to our group without fail.  

2. If you fail to send this [we] will take decisive action.  

<table>
<thead>
<tr>
<th>Serial No.</th>
<th>Name</th>
<th>Age</th>
<th>ID Card No.</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Village Name</td>
<td>Full-time</td>
<td>Reserve</td>
<td>(Signed) (for) Chairperson, Kyin Za Pone, Secretary.</td>
<td></td>
</tr>
</tbody>
</table>

Copy to: Receipt/Office
Order 10. [A copy of the original Burmese order can be found at 028-2362 (Order No. 12).]

Township Law and Order Restoration Council
Thanleng
Ref. No. [...]
Date: 5 April 1996

To: Chairperson/In-Charge
   Ward/Village-tract Law and Order Restoration Council
[     ...] town/village

Subject: People's Militia recruit training

1. As per the above reference, the full-time members of the People's Militia from your village will be given combat training in the warfare course from 22/4/96 to 27/4/96. Therefore, 5 full-time people from villages of under 50 households and 10 full-time people from villages of over 50 households must be brought to the Township LORC office by the village-tract secretaries by the deadline of 20/4/96, absolutely without fail.

2. The chairpersons of the village-tracts and the leaders of the People's Militia groups must come to this office for preliminary discussions on 12/4/96 at 10 am, without fail.

3. We inform all concerned leaders from wards and villages when they come to this office for the meeting on 12/4/96 to bring along the People's Militia list including names, dates of birth, ages, National Identification Card numbers, father's names and village names.

(Signed)  Tin Aung,
Chairperson.

Copy to:    Receipt/Office
Forced labour in Myanmar

Order 11. [A copy of the original Burmese order can be found at H25-6512 (Order No. 12).]

[STAMP] "Precisely, correctly and quickly"

Township Law and Order Restoration Council
Kya In Seik Gyi
Letter No. [...]
Date: 10 March 1994

To: Chairperson/Village head
    Ward/Village Law and Order Restoration Council
    Kay In Seik Gyi township

Subject: Prohibiting bullock carts on motor roads

1. Regarding the above subject, we have already informed you by the letter referenced above that bullock carts are prohibited from using the car roads. Instead, they must use the track cut beside the car road.

2. Any bullock carts found using the car road will be fined 500 kyat in accordance with article 4, paragraph (e) decided by the Township Road Construction Supervision Committee on 8-3-94.

3. Therefore, notify the people in your village to act according to these instructions so that unnecessary problems do not occur.

(Signed) Chairperson.

Copy to: – Infantry Battalion 32, Kya In Seik Gyi
         – Township Officer, Township Police Station, Kya In Seik Gyi
         – Receipt/Office copy
APPENDIX XII

Order by the Chairman of the State Law and Order Restoration Council (SLORC) on the subject of “Prohibiting unpaid labour contributions in national development projects” dated 2 June 1995

Secret

Union of Myanmar

The State Law and Order Restoration Council

Office of the Chairman

No. 125/Na Wa Ta (00)/Nyaka – 2
Dated: 2 June 1995

To,

State/Division Law and Order Restoration Councils

Subject: Prohibiting unpaid labour contributions in national development projects

1. It has been learnt that in obtaining labour from the local populace in carrying out national development projects, such as construction of roads, bridges and railways as well as building of dams and embankments, the practice is that they have to contribute labour without compensation.

2. In fact, these projects have been carried out with a view to furthering the welfare of the local people. As such, it is imperative that in obtaining the necessary labour from the local people, they must be paid their due share.

3. Causing misery and sufferings to the people in rural areas due to the so-called forced and unpaid labour is very much uncalled for. The sufferings of the people may in turn create misperception, misunderstanding and misjudgement of the Government and the Tatmadaw (armed forces).

4. Therefore, it is hereby instructed that the authorities concerned at different levels make proper supervisions so as to avoid undesirable incidents.

(Signed) Lt. Col. Phay Nyein
(for the Secretary)

Copy to: Ministry of Agriculture
Ministry of Railways
Ministry of Construction
APPENDIX XIII

The Forced Labour Convention, 1930 (No. 29)*

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office,
and having met in its Fourteenth Session on 10 June 1930, and
Having decided upon the adoption of certain proposals with regard to forced or compulsory
labour, which is included in the first item on the agenda of the session, and
Having determined that these proposals shall take the form of an international Convention;
adopts this twenty-eighth day of June of the year one thousand nine hundred and thirty the
following Convention, which may be cited as the Forced Labour Convention, 1930, for
ratification by the Members of the International Labour Organisation in accordance with the
provisions of the Constitution of the International Labour Organisation:

Article 1

1. Each Member of the International Labour Organisation which ratifies this Convention
undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest
possible period.

2. With a view to this complete suppression, recourse to forced or compulsory labour may
be had, during the transitional period, for public purposes only and as an exceptional measure,
subject to the conditions and guarantees hereinafter provided.

3. At the expiration of a period of five years after the coming into force of this Convention,
and when the Governing Body of the International Labour Office prepares the report provided
for in Article 31 below, the said Governing Body shall consider the possibility of the suppression
of forced or compulsory labour in all its forms without a further transitional period and the
desirability of placing this question on the agenda of the Conference.

Article 2

1. For the purposes of this Convention the term “forced or compulsory labour” shall mean
all work or service which is exacted from any person under the menace of any penalty and for
which the said person has not offered himself voluntarily.

2. Nevertheless, for the purposes of this Convention, the term “forced or compulsory
labour” shall not include—
(a) any work or service exacted in virtue of compulsory military service laws for work of a
purely military character;
(b) any work or service which forms part of the normal civic obligations of the citizens of a
fully self-governing country;
(c) any work or service exacted from any person as a consequence of a conviction in a court
of law, provided that the said work or service is carried out under the supervision and control
of a public authority and that the said person is not hired to or placed at the disposal of
private individuals, companies or associations;
(d) any work or service exacted in cases of emergency, that is to say, in the event of war or of
a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic
or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any
circumstance that would endanger the existence or the well-being of the whole or part of
the population;

* This Convention came into force on 1 May 1932.
(e) minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.

**Article 3**

For the purposes of this Convention the term "competent authority" shall mean either an authority of the metropolitan country or the highest central authority in the territory concerned.

**Article 4**

1. The competent authority shall not impose or permit the imposition of forced or compulsory labour for the benefit of private individuals, companies or associations.

2. Where such forced or compulsory labour for the benefit of private individuals, companies or associations exists at the date on which a Member's ratification of this Convention is registered by the Director-General of the International Labour Office, the Member shall completely suppress such forced or compulsory labour from the date on which this Convention comes into force for that Member.

**Article 5**

1. No concession granted to private individuals, companies or associations shall involve any form of forced or compulsory labour for the production or the collection of products which such private individuals, companies or associations utilise or in which they trade.

2. Where concessions exist containing provisions involving such forced or compulsory labour, such provisions shall be rescinded as soon as possible, in order to comply with Article 1 of this Convention.

**Article 6**

Officials of the administration, even when they have the duty of encouraging the populations under their charge to engage in some form of labour, shall not put constraint upon the said populations or upon any individual members thereof to work for private individuals, companies or associations.

**Article 7**

1. Chiefs who do not exercise administrative functions shall not have recourse to forced or compulsory labour.

2. Chiefs who exercise administrative functions may, with the express permission of the competent authority, have recourse to forced or compulsory labour, subject to the provisions of Article 10 of this Convention.

3. Chiefs who are duly recognised and who do not receive adequate remuneration in other forms may have the enjoyment of personal services, subject to due regulation and provided that all necessary measures are taken to prevent abuses.

**Article 8**

1. The responsibility for every decision to have recourse to forced or compulsory labour shall rest with the highest civil authority in the territory concerned.

2. Nevertheless, that authority may delegate powers to the highest local authorities to exact forced or compulsory labour which does not involve the removal of the workers from their place of habitual residence. That authority may also delegate, for such periods and subject to such conditions as may be laid down in the regulations provided for in Article 23 of this Convention.
Forced labour in Myanmar

powers to the highest local authorities to exact forced or compulsory labour which involves the removal of the workers from their place of habitual residence for the purpose of facilitating the movement of officials of the administration, when on duty, and for the transport of government stores.

Article 9

Except as otherwise provided for in Article 10 of this Convention, any authority competent to exact forced or compulsory labour shall, before deciding to have recourse to such labour, satisfy itself—

(a) that the work to be done or the service to be rendered is of important direct interest for the community called upon to do the work or render the service;

(b) that the work or service is of present or imminent necessity;

(c) that it has been impossible to obtain voluntary labour for carrying out the work or rendering the service by the offer of rates of wages and conditions of labour not less favourable than those prevailing in the area concerned for similar work or service; and

(d) that the work or service will not lay too heavy a burden upon the present population, having regard to the labour available and its capacity to undertake the work.

Article 10

1. Forced or compulsory labour exacted as a tax and forced or compulsory labour to which recourse is had for the execution of public works by chiefs who exercise administrative functions shall be progressively abolished.

2. Meanwhile, where forced or compulsory labour is exacted as a tax, and where recourse is had to forced or compulsory labour for the execution of public works by chiefs who exercise administrative functions, the authority concerned shall first satisfy itself—

(a) that the work to be done or the service to be rendered is of important direct interest for the community called upon to do the work or render the service;

(b) that the work or service is of present or imminent necessity;

(c) that the work or service will not lay too heavy a burden upon the present population, having regard to the labour available and its capacity to undertake the work;

(d) that the work or service will not entail the removal of the workers from their place of habitual residence;

(e) that the execution of the work or the rendering of the service will be directed in accordance with the exigencies of religion, social life and agriculture.

Article 11

1. Only adult able-bodied males who are of an apparent age of not less than 18 and not more than 45 years may be called upon for forced or compulsory labour. Except in respect of the kinds of labour provided for in Article 10 of this Convention, the following limitations and conditions shall apply:

(a) whenever possible prior determination by a medical officer appointed by the administration that the persons concerned are not suffering from any infectious or contagious disease and that they are physically fit for the work required and for the conditions under which it is to be carried out;

(b) exemption of school teachers and pupils and of officials of the administration in general;

(c) the maintenance in each community of the number of adult able-bodied men indispensable for family and social life;

(d) respect for conjugal and family ties.

2. For the purposes of subparagraph (c) of the preceding paragraph, the regulations provided for in Article 23 of this Convention shall fix the proportion of the resident adult able-bodied males who may be taken at any one time for forced or compulsory labour, provided always that
this proportion shall in no case exceed 25 per cent. In fixing this proportion the competent authority shall take account of the density of the population, of its social and physical development, of the seasons, and of the work which must be done by the persons concerned on their own behalf in their locality, and, generally, shall have regard to the economic and social necessities of the normal life of the community concerned.

Article 12

1. The maximum period for which any person may be taken for forced or compulsory labour of all kinds in any one period of twelve months shall not exceed sixty days, including the time spent in going to and from the place of work.

2. Every person from whom forced or compulsory labour is exacted shall be furnished with a certificate indicating the periods of such labour which he has completed.

Article 13

1. The normal working hours of any person from whom forced or compulsory labour is exacted shall be the same as those prevailing in the case of voluntary labour, and the hours worked in excess of the normal working hours shall be remunerated at the rates prevailing in the case of overtime for voluntary labour.

2. A weekly day of rest shall be granted to all persons from whom forced or compulsory labour of any kind is exacted and this day shall coincide as far as possible with the day fixed by tradition or custom in the territories or regions concerned.

Article 14

1. With the exception of the forced or compulsory labour provided for in Article 10 of this Convention, forced or compulsory labour of all kinds shall be remunerated in cash at rates not less than those prevailing for similar kinds of work either in the district in which the labour is employed or in the district from which the labour is recruited, whichever may be the higher.

2. In the case of labour to which recourse is had by chiefs in the exercise of their administrative functions, payment of wages in accordance with the provisions of the preceding paragraph shall be introduced as soon as possible.

3. The wages shall be paid to each worker individually and not to his tribal chief or to any other authority.

4. For the purpose of payment of wages the days spent in travelling to and from the place of work shall be counted as working days.

5. Nothing in this Article shall prevent ordinary rations being given as a part of wages, such rations to be at least equivalent in value to the money payment they are taken to represent, but deductions from wages shall not be made either for the payment of taxes or for special food, clothing or accommodation supplied to a worker for the purpose of maintaining him in a fit condition to carry on his work under the special conditions of any employment, or for the supply of tools.

Article 15

1. Any laws or regulations relating to workmen's compensation for accidents or sickness arising out of the employment of the worker and any laws or regulations providing compensation for the dependants of deceased or incapacitated workers which are or shall be in force in the territory concerned shall be equally applicable to persons from whom forced or compulsory labour is exacted and to voluntary workers.

2. In any case it shall be an obligation on any authority employing any worker on forced or compulsory labour to ensure the subsistence of any such worker who, by accident or sickness arising out of his employment, is rendered wholly or partially incapable of providing for himself.
Forced labour in Myanmar

and to take measures to ensure the maintenance of any persons actually dependent upon such
a worker in the event of his incapacity or decease arising out of his employment.

Article 16

1. Except in cases of special necessity, persons from whom forced or compulsory labour
is exacted shall not be transferred to districts where the food and climate differ so considerably
from those to which they have been accustomed as to endanger their health.

2. In no case shall the transfer of such workers be permitted unless all measures relating
to hygiene and accommodation which are necessary to adapt such workers to the conditions
and to safeguard their health can be strictly applied.

3. When such transfer cannot be avoided, measures of gradual habituation to the new
conditions of diet and of climate shall be adopted on competent medical advice.

4. In cases where such workers are required to perform regular work to which they are not
accustomed, measures shall be taken to ensure their habituation to it, especially as regards
progressive training, the hours of work and the provision of rest intervals, and any increase or
amelioration of diet which may be necessary.

Article 17

Before permitting recourse to forced or compulsory labour for works of construction or
maintenance which entail the workers remaining at the workplaces for considerable periods,
the competent authority shall satisfy itself –

(1) that all necessary measures are taken to safeguard the health of the workers and to guarantee
the necessary medical care, and, in particular, (a) that the workers are medically examined
before commencing the work and at fixed intervals during the period of service, (b) that
there is an adequate medical staff, provided with the dispensaries, infirmaries, hospitals and
equipment necessary to meet all requirements, and (c) that the sanitary conditions of the
workplaces, the supply of drinking water, food, fuel, and cooking utensils, and, where
necessary, of housing and clothing, are satisfactory;

(2) that definite arrangements are made to ensure the subsistence of the families of the workers,
in particular by facilitating the remittance, by a safe method, of part of the wages to the
family, at the request or with the consent of the workers;

(3) that the journeys of the workers to and from the workplaces are made at the expense and
under the responsibility of the administration, which shall facilitate such journeys by making
the fullest use of all available means of transport;

(4) that, in case of illness or accident causing incapacity to work of a certain duration, the worker
is repatriated at the expense of the administration;

(5) that any worker who may wish to remain as a voluntary worker at the end of his period of
forced or compulsory labour is permitted to do so without, for a period of two years, losing
his right to repatriation free of expense to himself.

Article 18

1. Forced or compulsory labour for the transport of persons or goods, such as the labour
of porters or boatmen, shall be abolished within the shortest possible period. Meanwhile the
competent authority shall promulgate regulations determining, inter alia, (a) that such labour
shall only be employed for the purpose of facilitating the movement of officials of the
administration, when on duty, or for the transport of government stores, or, in cases of very
urgent necessity, the transport of persons other than officials, (b) that the workers so employed
shall be medically certified to be physically fit, where medical examination is possible, and that
where such medical examination is not practicable the person employing such workers shall be
held responsible for ensuring that they are physically fit and not suffering from any infectious
or contagious disease, (c) the maximum load which these workers may carry, (d) the maximum
distance from their homes to which they may be taken, (e) the maximum number of days per
month or other period for which they may be taken, including the days spent in returning to their homes, and (f) the persons entitled to demand this form of forced or compulsory labour and the extent to which they are entitled to demand it.

2. In fixing the maxima referred to under (c), (d) and (e) in the foregoing paragraph, the competent authority shall have regard to all relevant factors, including the physical development of the population from which the workers are recruited, the nature of the country through which they must travel and the climatic conditions.

3. The competent authority shall further provide that the normal daily journey of such workers shall not exceed a distance corresponding to an average working day of eight hours, it being understood that account shall be taken not only of the weight to be carried and the distance to be covered, but also of the nature of the road, the season and all other relevant factors, and that, where hours of journey in excess of the normal daily journey are exacted, they shall be remunerated at rates higher than the normal rates.

Article 19

1. The competent authority shall only authorise recourse to compulsory cultivation as a method of precaution against famine or a deficiency of food supplies and always under the condition that the food or produce shall remain the property of the individuals or the community producing it.

2. Nothing in this Article shall be construed as abrogating the obligation on members of a community, where production is organised on a communal basis by virtue of law or custom and where the produce or any profit accruing from the sale thereof remain the property of the community, to perform the work demanded by the community by virtue of law or custom.

Article 20

Collective punishment laws under which a community may be punished for crimes committed by any of its members shall not contain provisions for forced or compulsory labour by the community as one of the methods of punishment.

Article 21

Forced or compulsory labour shall not be used for work underground in mines.

Article 22

The annual reports that Members which ratify this Convention agree to make to the International Labour Office, pursuant to the provisions of article 22 of the Constitution of the International Labour Organisation, on the measures they have taken to give effect to the provisions of this Convention, shall contain as full information as possible, in respect of each territory concerned, regarding the extent to which recourse has been had to forced or compulsory labour in that territory, the purposes for which it has been employed, the sickness and death rates, hours of work, methods of payment of wages and rates of wages, and any other relevant information.

Article 23

1. To give effect to the provisions of this Convention the competent authority shall issue complete and precise regulations governing the use of forced or compulsory labour.

2. These regulations shall contain, inter alia, rules permitting any person from whom forced or compulsory labour is exacted to forward all complaints relative to the conditions of labour to the authorities and ensuring that such complaints will be examined and taken into consideration.
Article 24

Adequate measures shall in all cases be taken to ensure that the regulations governing the employment of forced or compulsory labour are strictly applied, either by extending the duties of any existing labour inspectorate which has been established for the inspection of voluntary labour to cover the inspection of forced or compulsory labour or in some other appropriate manner. Measures shall also be taken to ensure that the regulations are brought to the knowledge of persons from whom such labour is exacted.

Article 25

The illegal exaction of forced or compulsory labour shall be punishable as a penal offence, and it shall be an obligation on any Member ratifying this Convention to ensure that the penalties imposed by law are really adequate and are strictly enforced.

Article 26

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to apply it to the territories placed under its sovereignty, jurisdiction, protection, suzerainty, tutelage or authority, so far as it has the right to accept obligations affecting matters of internal jurisdiction; provided that, if such Member may desire to take advantage of the provisions of article 35 of the Constitution of the International Labour Organisation, it shall append to its ratification a declaration stating—

(1) the territories to which it intends to apply the provisions of this Convention without modification;

(2) the territories to which it intends to apply the provisions of this Convention with modifications, together with details of the said modifications;

(3) the territories in respect of which it reserves its decision.

2. The aforesaid declaration shall be deemed to be an integral part of the ratification and shall have the force of ratification. It shall be open to any Member, by a subsequent declaration, to cancel in whole or in part the reservations made, in pursuance of the provisions of subparagraphs (2) and (3) of this Article, in the original declaration.

Article 27

The formal ratifications of this Convention under the conditions set forth in the Constitution of the International Labour Organisation shall be communicated to the Director-General of the International Labour Office for registration.

Article 28

1. This Convention shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

2. It shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organisation have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which the ratification has been registered.

Article 29

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.
Article 30

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of five years and, thereafter, may denounce this Convention at the expiration of each period of five years under the terms provided for in this Article.

Article 31

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 32

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, the ratification by a Member of the new revising Convention shall ipso jure involve denunciation of this Convention without any requirement of delay, notwithstanding the provisions of Article 30 above, if and when the new revising Convention shall have come into force.

2. As from the date of the coming into force of the new revising Convention, the present Convention shall cease to be open to ratification by the Members.

3. Nevertheless, this Convention shall remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 33

The French and English texts of this Convention shall both be authentic.
If this address is wrong, please return this sheet to the sender or, at least, the part bearing the address.

Pour tout changement d'adresse, prière de renvoyer à l'expéditeur cette feuille ou, du moins, la partie comportant l'adresse.

Sírvase indicar el cambio de dirección del destinatario y enviar esta hoja al remitente, o al menos la parte en que está escrita la dirección.