

Entrenched

**An Investigative Report on the
Systematic Use of Forced Labor by the
Burmese Army in a Rural Area**

**EarthRights International
June 2003**

Research and Writing Team

Mahn Nay Myo, Masao Imamura, Jackie Foley, Nick Robinson, Shwe Maung, Naing Htoo, and Tyler Giannini

Acknowledgements

Our deepest thanks to the village heads and the two others that had the courage and took the time to speak to us. We also thank other individuals and groups who provided support and information, who cannot be named here for fear of reprisal.

We would like to thank The Rockefeller Brothers Fund and the Open Society Institute: Burma Project for their support.

We also would like to thank Yuki Akimoto, Tetz Hakoda, Tamaki Ohashi, Michele Keegan, and Ken MacLean for their assistance.

Cover photo

The cover photo is a collection of forced labor orders from Burma that were obtained by ERI.

Security is EarthRights International's first priority. Those willing to speak out about oppression in Burma put themselves at risk. Therefore, all sources for ERI interviews remain confidential, and all interviewees remain anonymous. The "xx" marks in the interview texts indicate identifying information that has been redacted.

All the interviews are on file with the organization. Redacted versions can be made available upon request. Contact infoasia@earthrights.org for more information.

Entrenched

An Investigative Report on the Systematic Use of Forced Labor by the Burmese Army in a Rural Area

A report by
EarthRights International
Burma Project

June 2003

Free reproduction rights with citation to the original



EarthRights International (ERI) is a non-government, non-profit organization combining the power of law and the power of people to protect earth rights. Earth rights are those rights that demonstrate the connection between human well being and a sound environment, and include the right to a healthy environment, the right to speak out and act to protect the environment, and the right to participate in development decisions. ERI is at the forefront of efforts to link the human rights and environmental movements.

For more information on ERI, visit www.earthrights.org.

Table of Contents

Executive Summary	1		
I. Background	5	E. Unfair (Below-Market) Pricing	30
II. Findings	9	F. Deprivation of Time from Farm Work	31
1. The Systematic Nature of the Practice of Forced Labor	10	G. Deprivation of Health and Education	31
A. Mandatory Weekly Meetings at the Military Camp	11	III. Conclusion	34
B. Written Orders	12	IV. Recommendations	39
C. Coordination of the Labor by the Military	13	Appendix	43
D. High Ranking Officers' Involvement	14		
E. Regularity and Frequency	15		
F. Threat of Punishment	16		
2. Types of Forced Labor	18		
A. Porterage	18		
B. Paying Porter Fees	19		
C. Monitoring Insurgency Activities	20		
D. Sweeping for Landmines	21		
E. Building and Re-Building Military Facilities	23		
F. Clearing Roadsides	24		
3. Other Human Rights Abuses	25		
A. Torture	26		
B. Sexual Harassment and Violence	27		
C. Using Villagers' Houses	28		
D. Stealing Goods	29		

EXECUTIVE SUMMARY

During the winter of 2002-2003, EarthRights International (ERI) conducted extensive interviews with ten village heads from one small area in rural eastern Burma. The main purpose of this investigation was to gather detailed information on the current organization of forced labor in an active conflict zone. The interviews disclose the ongoing highly systematic and violent nature of the labor abuse by the Burmese military.

Widespread or systematic use of forced labor is a crime against humanity. Forced labor in Burma has been documented as both widespread and systematic for years. The military regime has been condemned internationally, and the International Labor Organization (ILO) has taken unprecedented steps to pressure the regime to eliminate the practice. Responding to the pressure, the Burmese junta issued Order No. 1/99 banning the practice in the country. Since the order came down in May 1999, ERI has been investigating whether the practice of forced labor has changed. Our previous investigations showed little change in the lives of rural non-Burman ethnic minority populations.¹

This investigative report confirms the ongoing use of forced labor—and goes further. The report details how the illegal system operates by providing a snapshot and in-depth examination in one

¹ EarthRights International, *We Are Not Free to Work for Ourselves: Forced Labor and Other Human Rights Abuses* (June, 2002), *More of the Same: Forced Labor Continues in Burma* (October 2001), and *A Report to the International Labour Organisation on Forced Labor in Burma From June - October 2000*, <http://www.earthrights.org/pubs.shtml>.

area. The village heads interviewed for this report describe how forced labor in this area is not practiced in a random or haphazard way; they reveal how it is coordinated at an institutional level by the Burmese military.

Every village head in the district is required to attend a weekend meeting at a military camp to receive the latest demands. As one village head says:

Each Saturday, every headman has to go to the military camp for a meeting. If we don't go, they send a letter to us ordering us to go. They threaten us and say that we must respect the military.

In addition to verbal orders at the weekly meetings, the military also sends out written orders frequently, demanding labor, materials, and money. Each letter has a stamp of authorization, showing the military officers' pivotal role in the organization of forced labor. Often the orders are explicitly threatening:

They sent us an order written in red pen demanding to pay the debt [for overdue forced contributions]. If something is written in the red pen, it is very hateful. They also sent two bullets with the order.

Forced labor is so constant that villagers have to deal with it on a daily basis. Labor by the villagers in this area is never properly compensated and refusal to work only invites punishment. Complaint about forced labor is dangerous and can result in retaliation according to the village heads. Enforcement of Order

No. 1/99, Burma's own law prohibiting forced labor, is nonexistent in this area.

In addition, the systematic use of forced labor is put into practice through threats, harassment, and violence leading to human rights abuses besides force labor. Those who fail to follow their orders receive cruel punishment:

They buried the headman until only his head was above ground. The soldiers made villagers step on the ground to make it tighter around his body, so he couldn't breathe well. The villagers didn't want to do it, but the soldiers beat them again and again and told them, "Do it, do it!" Then they made the villagers step on the headman's head, and even the commander stepped and kicked his head.

This report also confirms that it is the Burmese army that is most responsible for the chronic use of forced labor. ERI has found no effective and lasting measures by the military to eradicate forced labor in this area.

Main Recommendations

ERI welcomes that the Orders prohibiting forced labor have been translated into several languages and disseminated in parts of the country. ERI is also encouraged by the ILO's report that the use of forced labor has probably declined in central parts of the country. ERI views these actions as positive developments.

The positive developments, however, do not go nearly far enough. Given the gravity and scale of the phenomenon, ERI urges the State Peace and Development Council (SPDC) to demonstrate that they are committed to eradicating forced labor. ERI calls on the SPDC to follow the ILO's recommendations and immediately implement specific measures to stop the use of forced labor in Burma. In particular, the SPDC should: (1) disseminate information about Order 1/99, as supplemented, more widely and evenly throughout the country, (2) establish credible and effective complaint and investigative mechanisms, and (3) prosecute the law's violators.

Given the well-recognized lack of will to reform on the part of the SPDC, ERI calls for the international community to: (1) apply more pressure in a vigorous and coordinated manner on the SPDC to immediately implement specific and effective measures to eradicate the use of forced labor, (2) oppose large infrastructure projects such as large dams in Burma until there is credible evidence that such projects would not lead to labor abuse and other human rights violations, and (3) promote the national reconciliation process, which is essential for de-militarization and peace in the country and the permanent eradication of forced labor and other associated human rights violations.

I. BACKGROUND

The State and Peace Development Council (SPDC) of Burma has refused for over twelve years to respect the results of the 1990 elections in which the National League for Democracy, led by Daw Aung San Su Kyi, won an overwhelming victory.

After the elections, the military regime vastly expanded the military with a policy of “self-reliance” which attempted to make the army as self-sufficient as possible. The use of forced labor by the army dramatically increased. Even by the military regime’s own statistics, there was a twenty-five fold increase in “people’s contribution”—a euphemism for forced labor—on rural development projects between 1989-1990 and 1995-1996.²

In 1998, the International Labor Organization’s (ILO) Commission of Inquiry found the widespread and systematic use of forced labor in Burma.³ The violations of labor rights found in Burma were so serious that the ILO took unprecedented measures against the SPDC. In June 1999 the International Labour Conference barred

² U.S. Department of Labor, Bureau of International Labor Affairs, *Report on Labor Practices in Burma* (September 1998), p.40.

³ “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.” International Labour Organization (ILO), *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. par.536, <http://www.ilo.org/public/english/standards/relm/gb/docs/gb273/myanmar5.htm>.

Burma from ILO events and technical assistance not aimed specifically at carrying out the recommendations of the Commission of Inquiry. In June 2000 the International Labour Conference called on its constituents and international organizations to review their relationships with Burma so as to avoid any projects that might contribute to forced labor. In late 2001, a team from the ILO visited Burma for investigation. The ILO team found that despite small improvements forced labor remained widespread in Burma and was directly linked to severe human rights abuses.

In the same year, the Shan Human Rights Foundation reported that in July seven villagers who had lodged a complaint with SPDC military authorities about increasing use of forced labor by SPDC troops were killed by the SPDC troops.⁴ The SPDC conducted its own investigation, which concluded, “the entire episode had been fabricated by the anti-Myanmar groups.”⁵ To intense pressures from the international community, the SPDC replied that it would “not be acceptable ... to have any kind of external verification.”⁶

⁴ Shan Human Rights Foundation, “Seven villagers killed for complaining about forced labour in Murng-nai” Monthly Report, September 2001.

<http://www.shanland.org/shrf/MReport%202001/September.htm>

⁵ ILO, *Developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29) Report of the ILO technical cooperation mission to Myanmar (19-25 February 2002)*. p. 16

<http://www.ilo.org/public/english/standards/relm/gb/docs/gb283/pdf/gb-5-2.pdf>

⁶ ILO. GB285/4 285th Session, November 2002, Developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29) p.4, <http://www.ilo.org/public/english/standards/relm/gb/docs/gb285/pdf/gb-4.pdf>.

In 1999, the SPDC approved “Order No. 1/99,” which officially restricted the use of forced labor in Burma by instructing government officials not to exercise certain powers that are contained in the “Towns Act” (1907) and the “Village Act” (1908). These two Acts had permitted the limited use of forced labor under specific circumstances. After sustained pressure from the ILO, the SPDC also issued two further Orders and Instructions to outlaw all forms of forced labor in Burma. Reports from human rights and labor organizations have attested, however, that Order 1/99 is far from sufficiently known or understood by the people, particularly in ethnic minority areas, and is rarely enforced by the SPDC.

In June 2002, the ILO appointed a Liaison Officer to be permanently based in Rangoon. This was another significant step. The country under the military regime has still seen little improvement surrounding the use of forced labor. The ILO’s Liaison Officer, Hong-Trang Perret-Nguyen, assessed the situation in an interview in March 2003 as follows:

*... In the regions where the army has a heavy presence, the situation continues to be serious. And it is the army which enforces mainly forced labor. And it is the army which is the problem, in terms of action too.*⁷

Also, in March and April 2003, the government of the United States pointed out the ongoing lack of progress made by the SPDC:

⁷ Hong-Trang Perret-Nguyen, Interview with the Irrawaddy, March 12, 2003. E-mail distribution only. (For the full text, contact: information@irrawaddy.org)

*An International Labor Organization (ILO) Liaison Officer was appointed to Burma in October 2002 and, at the direction of the ILO Governing Body, has attempted to hammer out a "viable program of action" with the government to eliminate forced labor. Thus far, those efforts have not achieved the stated objective.*⁸

In April 2003, the Commission on Human Rights at the United Nations passed a resolution on Burma (Myanmar) by consensus in which the Commission renewed its call for urgent measures for reform. It called, in part, upon the SPDC:

*To take immediate action to implement fully concrete legislative, executive and administrative measures to eradicate the practice of forced labour by all organs of government, including the armed forces, and to implement fully the recommendations of the Commission of Inquiry established to examine the observance by Myanmar of the International Labour Organization Convention concerning Forced or Compulsory Labour, 1930 (Convention No. 29).*⁹

⁸ U.S. Department of State, *Conditions in Burma and U.S. Policy Toward Burma for the Period September 28, 2002 – March 27, 2003*. Released by the Bureau of East Asian and Pacific Affairs, April 11, 2003, <http://www.state.gov/p/eap/rls/rpt/burma/19554pf.htm>.

⁹ United Nations, Commission on Human Rights, *Situation of human rights in Myanmar*, E/CN.4/2003/L.36 11 April 2003, <http://www.ibiblio.org/obl/docs/unchr2003-res.htm>.

II. FINDINGS

In the winter of 2002-2003, EarthRights International (ERI) conducted an in-depth investigation into the system of forced labor in Burma. ERI conducted extensive interviews with ten village heads in several village tracts in the same small area of eastern Burma.

There are no remarkable geological or strategic features about these villages that indicate that these particular villagers are subject to more serious labor abuses than other villages in the larger surrounding areas, which also have a heavy military presence. As the investigation was conducted in a small area, however, the geographic scope of the findings is limited. The findings presented here do not provide information as to how *widespread* the practice of forced labor is in Burma as a whole, but instead focus on the systematic nature in the area of this investigation.

Village heads occupy a special space in the system of forced labor; they are the ones who have to regularly communicate with the military on behalf of the villages. They reveal in the interviews how the system of labor abuses is carried out in an active conflict zone in Burma. Since these interviews with village heads (Interviews #1 – 10) were conducted in one small area, the testimonies the village heads present reinforce each other. The information from ten interviews illuminates how the system of forced labor operates by providing an in-depth examination of one area.

In order to obtain a fuller picture, ERI also conducted two interviews in the same small area: one with a villager (#11), and another with a deserter from the SPDC army (#12).

The location of this investigation will remain unidentified in the report to avoid retaliation by the military against the villagers.

1. The Systematic Nature of the Practice of Forced Labor

A systematic act is one committed according to a “preconceived plan or policy.”¹⁰ Systematic use of forced labor constitutes a crime against humanity, whether or not it is widespread. As the ILO states:

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. 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

¹⁰ Report on the International Law Commission to the General Assembly on its work of its 48th session, 51 UN GAOR Supp. (No. 10) at 93, U. N. Doc A/51/10 (1996). See also Refugees International, *No Safe Place: Burma's Army and the Rape of Ethnic Women* (March 2003) p.53, http://www.refugeesinternational.org/files/newsletters/no_safe_place.pdf.

committed in a widespread or systematic manner, a crime against humanity. (1032)¹¹

A formal or stated policy is not necessary in order for violations to be systematic.¹² The evidence of forced labor gathered in the area in Burma indicates a systematic practice at work because of the coordinated and routine nature of the practice and the involvement of high-ranking officers. The findings are consistent with previous inquiries by the ILO and others and illustrate the ongoing pressing need for the SPDC to take immediate action to end forced labor.

A. Mandatory Weekly Meetings at the Local Military Camp

The village heads in this area are required to attend weekly meeting at the local military camp. (interviews #1, 4, 5, 7, 8, 9) They must come to the meeting with gifts for the officers:

Each Saturday, every headman has to go to the military camp for a meeting. If we don't go, they send a letter to us ordering us to go. They threaten us and say that we must respect the military. Every time we go we have to bring vegetables, bananas, and coconuts to the meeting. (#5)

¹¹ ILO, Forced Labour in Myanmar (Burma), Report of the Commission of Inquiry, par 538 http://www.ilo.org/public/english/standards/relm/gb/docs/gb273/N_71 emphasis added

¹² Refugees International, *No Safe Place: Burma's Army and the Rape of Ethnic Women* (March 2003) p.53, http://www.refugeesinternational.org/files/newsletters/no_safe_place.pdf.

The weekend meeting functions as the regular and direct communication between the military and the villages. The purpose of these weekend meetings is two-fold. First, the officers ask for the latest information about any military activities of the armed opposition groups in the area. Second, they mete out new orders to the villages for forced labor or forced contribution, which is also known as forced labor fees.

Every weekend I have to go to the meeting at [the] military camp. We always get orders for work or material. Every headman around has to go each weekend to receive orders about what to do. All have to go to the meeting. . . [The officers] make sure we are watching the road, and ask for bullock cart porters. (#1)

The military also may use the occasion to inflict punishment on the head of a village that is not fulfilling its orders for forced labor properly. As one village head said, “The officers swear and shout” at disobedient village heads. (#3) (See “Threat and Punishment” and “Torture”)

B. Written Orders

In addition to the verbal directives at the meeting, the military regularly sends written orders to village heads. When a village is unable to follow an order, the village head receives explicitly threatening letters:

They [the military] sent us an order written in red pen demanding to pay the debt [for overdue forced contributions]. If something is written in the red pen, it is very hateful. They also sent two bullets with the order. (#7)

During its investigation ERI obtained fifteen written orders demanding labor or supplies from the village tract where the interviews were conducted. Every one of them is dated and signed by a commanding officer with an official stamp.¹³

C. Coordination of the Labor by the Military

The military does not operate their system of forced labor in a random or haphazard manner. They coordinate forced labor for a group of different villages, at times mobilizing hundreds of villagers. For larger projects, the work is usually divided between villages. The villages take turns to work in rotation. One villager explains, “We will rotate every three days with five villages in our village tract. Our five villages have to take responsibility for carrying water until May 2003, before the rainy season.” (#7) Another example: “... soldiers asked for bullock carts and porters from every village. Each village had to send a bullock cart and two porters for three days and then rotate with the next village.”

¹³ Translations of hundreds of forced labor orders are available from Karen Human Rights Group. See, for example, *Forced Labour Orders Since the Ban: A Compendium of SPDC Order Documents Demanding Forced Labour Since November 2000* (February 2002), <http://www.ibiblio.org/freeburma/humanrights/khrg/archive/khrg2002/khrg0201.html>.

(#2) One village head says that every year during the dry season, his/her village has to watch the main road every day (#9), while another village head says that it is during the rainy season that his/her village has to perform the same duty. (#4) These coordinated efforts are strong evidence of the systematic nature of the forced labor.

After these four villages finish, then our village and thirteen others will have to take responsibility for four miles and five furlong (4 and 5/8 miles) more of the road. All together our group of fourteen villages will have to send 120 piles of stones for construction of the road. (#5)

D. High Ranking Officers’ Involvement in Giving Orders

Orders for forced labor come not from petty soldiers but from higher-ranking officers. Often these orders come from the local Strategic Commander, which shows the direct involvement in the planned use of forced labor by very high-ranking officers in the Burmese military.¹⁴ (#2, 3)

¹⁴ A Strategic Commander is one of the highest ranking military officers in Burma. In Burma, the army divides the country geographically into twelve regional commands; each headed by a regional commander who sits on the central Council of the SPDC. Each regional commander controls their territory through several strategic commanders, who in turn normally have three or four battalions assigned to them. Strategic Commanders are directly accountable to regional commanders and, therefore, the SPDC. See “IV. The Burma Army” in Human Rights Watch, *My Gun Was as Tall as Me: Child Soldiers in Burma* (October 2002), <http://www.hrw.org/reports/2002/burma/>.

We didn't want to work but we had to do it because we were afraid. If we didn't do it they would have found another way to oppress us and we were afraid of what it would be. We were especially afraid because they showed us that the order came from the Strategic Commander (#2).

The soldiers emphasize to the villagers that the orders are from their commander and those consequences would be serious if anyone disobeys. Explicit threats from low-ranking soldiers are also common.

If the villagers aren't ready to pay when [the military] ask, they threaten and send letters demanding the money. Sometimes they send a soldier to the village. Sometimes they'll send two soldiers to pick up the village headman. (#9)

E. Regularity and Frequency

As villagers are subject to a coordinated operation, orders come regularly and frequently. Villagers have to check for landmines and watch the road as sentries every single day. (#1, 4, 9, 11) Other duties have to be performed regularly. For instance, one village head says that the village has to send thirteen people with rations to three camps every fifteen days. (#4) Another village head describes how his/her village has to send a bullock cart and two porters to the military camp every month. (#10)

Facilities at a military camp have to be rebuilt every year even when they are still strong and stable. (#1, 5) The military also rebuilds a camp whenever they have new leaders, which happens frequently. (#1, 5, 6) The village heads also speak of imposed porter fees that are collected frequently from the villages. (#7, 9, 10)

The villagers even receive forced labor orders during the harvest time, which is the busiest time of the year for rural parts of Burma. (#10) The military treats the villagers as a free workforce that is available always and immediately.

With so many orders to go work, gather materials, or serve as porters for the military, average villagers do not have enough time to properly look after their own farms. One interviewee said that half of his time each year is spent working for the military. (#1) Given the time sensitive nature of farm work, farmers can lose entire crops if they are forced to be away from their fields at critical times or for extended periods.

When I do my own work in the farm, I have to close my eyes and ears and steal the time. If I go to the fields, I have to leave one of my daughters or wife at home. That way if they need me, they run to get me. (#3)

F. Threat and Punishment

Villagers rarely disobey orders from the military. When they dare ask the military for better treatment, they are simply ignored—if they are lucky and do not receive punishment for complaining. It is dangerous to even negotiate about the work itself.

Since November xx, 2002, our villagers had to stop their own work on their farms and go to watch the [main] road. This time was harvesting time, so I went to [a Commander] and asked him to excuse us from watching the road. But he said, “No, it is an order.” (#10)

One village head told the military that the villagers were very afraid and worried when they had to clear landmines themselves:

I went to the meeting and told one of the commanding officers to use the de-mining machine to look for landmines. The officer said it was better to use villagers because then they would be more careful.” (#10)

Being subject to the soldiers’ random acts of theft, harassment, and violence on a regular basis, villagers know that any sort of disobedience to the military would only invite further troubles. The two village heads describe how military officers threatened to burn down and relocate villages.

In the meeting, the strategic command officer xx said that now every village has to take care of the security for the [main] road. He said, “if any landmines are found it will be your fault.” He said that the villagers feed the [insurgency group], so you have to talk to them and tell them not to lay the landmines. If there are landmines, it is your fault. He said that if any landmines exploded then they would shoot mortars at the village, burn down the village, and relocate the villagers to [the] roadside. (#3)

Threats are effective, as they often materialize as punishment. If villagers are late to come to the work site, for example, they receive corporal punishment. (#10) (See “Torture” below.)

2. Types of Forced Labor

A. Portering

Almost all village heads describe incidents of portering. (#1, 2, 4, 5, 6, 7, 8, 9, 10) The majority of porters had to carry ammunitions, rations, or other supplies for the military. Some had to sweep for landmines, act as guides, and carry things directly to frontline conflict zones. None of the porters knew how long they would be gone, away from their families.

Sometimes villagers think that a man just went to the timber area, but then they find out when he returns that he had been taken as a porter. (#7)

None were compensated for their work. Some headmen mentioned that the military does not send an order for porters, but “just comes to pick up people.” Many also said that men were taken to be porters while they were watching the road. And some of them never come back. An eighteen-year old villager recalled his experience when he was taken as a porter, “I heard that one person from xx village died at the frontline while we were there. I counted that I was gone a total of 28 days.” (#11)

In addition to frequent and arbitrary use of individual villagers as porters, the military also employs the systematic use of regular, unpaid work crews to carry military rations.

Since the beginning of 2002, every fifteen days the villagers have had to carry the rations for the military. Each village [seven village names redacted] has to send six people to carry rations for about eight miles from one military camp to another. (#3)

B. Paying Porter Fees

Even if villagers are not taken as porters, they have to pay the military so porters can be hired. Village leaders in half of the interviews complained about paying porter fees to the SPDC. (#5,

7, 8, 9, 10) The money is supposedly spent to feed and pay porters, but the villagers, including the village heads, never know how it is actually spent and do not know of any porters who were paid with this money. The village heads are forced to collect money from each household in their villages in order to reach an imposed amount. Many find it difficult to collect the amount—around 2,500 *kyat* per household—particularly when the elderly and/or widows who reside in the village cannot pay any money.

Every year the xx military camp demands money for porter fees. We had to pay 30,000 kyat for 2002. [This village consists of thirteen households.] Every village has to pay depending on the size of the village. Every month I go to each house and ask for money to pay porter expenses. But every month I have a problem to collect enough money and in the end of the year I have a bigger problem. (#5)

C. Monitoring Insurgency Activities (Watching the Road)

The interviewees said that there are sentry huts every quarter mile along the same main road. Villages must send a certain number of people to be stationed at the huts (two people per hut) depending on the population of the village. Villagers must watch the road for any “rebel” activity and report it to officers. Several characteristics of this work include:

- Men have to do other work while watching the road, including cutting bamboo, fixing the roads, and clearing overgrowth by the roadside.

- When a column of soldiers passes on the road, men are often taken as porters, without knowing how long they will be gone or what dangers they will be exposed to.
- Everyone who watches the road must sweep for landmines each morning and report their findings to officers.
- Women watching the road are harassed by soldiers; soldiers fondle them and say rude things.
- Villagers are forbidden to light fires at night to fend off mosquitoes. Given the risk of malaria, this type of exposure, coupled with the lack of medical services in most villages, can prove deadly.

From November-December 2002, four of our villagers went to watch the roadside. Every three days we rotated and sent four new people. The first time, we sent a woman because if the men go, they have to work and are taken as porters when the Column comes. (#9)

D. Sweeping for Landmines

Every morning villagers had to go with soldiers and check the roadside for landmines. (#4)

In the beginning of November 2002, my village had to watch the [main] road. Every two days two new people had to go. Each morning we had to check

all the puddles with our hands for landmines and then report to the military in xx. (#11)

Many villagers stated that they were forced to look for landmines while on duty watching the road and report their findings to officers. The interviewees mentioned many methods of sweeping for landmines, none of which were mechanized or provided protection to the villagers. Essentially, finding a landmine means being injured by it as it explodes. The military considers this a way to deter rebels from laying landmines.

In November, I went to the meeting and told one of the commanding officers to use the de-mining machine to look for landmines. The officer said it was better to use villagers because then they would be more careful about looking for the landmines. I think that the officers also want to restrict the activities of the [insurgency group] commandos, and using villagers is one way they can do it (#10).

The different methods of finding landmines included:

- Villagers rode bullock carts back and forth on the main road for the sole purpose of sweeping for landmines.
- Soldiers forced villagers to dig in areas with hoes or long bamboo sticks in order to make landmines go off.
- Some villagers describe having to put their hands into puddles of water or underneath dung patties, both suspected locations of landmines.

- Villagers were told that if landmines did go off, they and or their village would be punished.
- One particularly horrific case involved a mass movement of drums full of tar to trigger the explosion of landmines. From late November to early December 2002, men and boys were forced to roll (by hand) metal drums full of tar for making pavement. Distances ranged from six to eight miles in the three interviews that recalled the events. When villagers protested and asked to carry the drums in bullock carts, they were told that they needed to do it by hand in order to clear out any landmines on the road. Interviews detail how the drums were heavy, filthy and sticky, and often got stuck in the muddy road: “When we stopped for lunch our hands were completely black but there was no place to wash our hands so we had to eat like that.” (#11)

E. Building and Re-Building Military Camps and Facilities

About 100 people came from seven villages. When all the villages got to the camp, we got orders of what each village had to do. Our village had to build a fence. We had to cut bamboo and posts, take them to the camp, and cut them into pieces. We had to bring our own food and tools with us to work. No one got paid for the work. The villagers who had to build a building also had to bring their own nails and supplies for that. About one third of the people were women. (#6)

Interviewees discussed the constant building and re-building of a military camp depending on the orders of new leaders and officers. One person mentioned that officers will burn down sections of or even entire camps to taunt villagers and make them build again: “Whenever the division changes, they change how they want to keep the camp So we have to go again and rebuild.” (#6)

F. Gathering, Making, and Delivering Materials

The military is always asking us to send shingles, bamboo, posts, etc. There is always a deadline. If we don't send it on time, there is a punishment. (#5)

Village heads reported receiving orders from the SPDC to provide materials. Orders detailed the amounts, specifications and deadlines for delivery of the materials. Villagers were forced to cut bamboo, logs, and palm leaves as well as split, gather, and transport stones. They were made to cut small bamboo pieces and make palm leaf shingles. Sometimes villagers had to travel deep into the forest to find acceptable materials and then transport them to a designated spot, be it to a military camp or by the roadside. Transport often involved securing a bullock cart or elephants; the village most often had to pay for these services without compensation. Interviewees were not certain how all of the materials were being used.

Second Battalion Commander xx asked for six tons of logs. He said that the Strategic Commander

asked.... In our village tract, all twelve villages had to give logs depending on their size, and xx village had to give three elephants... The Strategic Commander said he was going to make two bridges at xx and xx. When I went to meet him [at one of the places], I didn't see anyone making a bridge. I don't know any village that got paid for the logs or for the elephants. (#9)

G. Clearing Roadsides

In December 2002, 41 of our villages went to clear overgrowth on the roadside. Ten of them were children, aged thirteen to fourteen. We had to clear a distance of one mile and one furlong [furlong is 1/8 mile], 50 yards wide on each side of the road. We only had one day to finish the job. (#7)

One of the most frequently cited tasks is clearing the road. (#1, 2, 3, 4, 7, 8, 9, 10) According to the village heads, villages must send work crews at four times during the year to clear overgrowth on a main road. All accounts detail that villagers have to clear overgrowth 50 yards wide on each side of the road and for a distance depending on the size of the village. Villagers have to bring their own hand tools, squat down to the ground, and cut away vines, weeds, and small brush. The work is done in the hot sun as soldiers sit in the shade shouting orders. This type of work was mentioned in seven interviews, and three of the interviewees

specifically mentioned women and children (ages twelve to eighteen) doing the work. (#7, 8, 9, 10, 12)

3. Other Human Rights Abuses

The practice of forced labor is routinely accompanied by a wide variety of human rights abuses from petty theft to torture by the military.¹⁵

A. Torture

Interviews describe physical violence and torture, including kicking, punching and beating. (#1, 3, 7, 10, 11, 12) Men were restrained while beaten either by having their hands tied or by being buried in a hole. One village head sent a letter of complaint to a higher-ranking officer about the treatment that the villagers receive from the soldiers. The letter angered the officer, who while drinking inflicted brutal punishment:

They [soldiers] stayed in one of the village farms. They took anything they wanted from the hut. The headman was so angry at this column that he wrote a letter to the [Major]. Another village headman

¹⁵ For more examples of human rights violations in the context of forced labor, see EarthRights International, *We are not Free to Work for Ourselves: Forced Labor and Other Human Rights Abuses in Burma* (June 2002), <http://www.earthrights.org/pubs/fl2002overview.shtml>.

took the letter to send to the Major. When the Major read the letter he beat this headman. The major tied him up and beat him saying, "All of you headmen are the same." He tied him under a coconut tree and slapped his face until he was unconscious. The villagers wanted to help him but they were afraid of [the Major] because he was drinking a lot of alcohol. At four in the morning a [local] man cut him free and told him to run away because everyone thought that the Major would kill him in the morning. He went to the hospital in xx, and stayed there for one week. He had to pay 6,000 kyat for an injection and tablets. The village had to give one goat to the soldiers as a punishment for letting him run away. (#3)

One head woman explained that men beg not to be headmen so that they can avoid insults and beatings (#6, 7):

Last year (2001), Commander xx killed four villagers that he didn't trust in xx village. In August 2001, Captain xx from LIB xx arrested one old man in my village named xx, age 60, and beat him up. When they let him go he started walking away but some soldiers called him back. He was old and deaf, so he didn't hear and kept walking. One soldier ran to him and shot a carbine gun very close to his ear. He fell down unconscious. (#7)

B. Sexual Harassment and Violence

The families are afraid to send girls to watch the road. (#8)

Interviewees outline a general pattern of sexual harassment that occurs while women perform road watch duty. Women and girls are often subjected to fondling and rude remarks. Hence, villagers try their best to send men for this job.

... a soldier came while two women were watching the road, and he grabbed one woman's hand and was touching her and saying rude things. I saw this and other people learned about this so families are afraid to send girls to watch the road. (#8)

Three interviews detail specific incidents of sexual harassment by soldiers. (#1, 8) Two cases of gang rape by the military are documented through eyewitness accounts.¹⁶ According to one army deserter, the same soldiers presumably raped three more women:

Then I heard a lot of noise from one house. There were some women screaming and crying. Two women came out of the house. Two soldiers started raping them. I knew the soldiers; they were [names]

¹⁶ For more information about sexual violence during forced labor duties, see "Rape During Forced Labor" in Refugees International *No Safe Place: Burma's Army and the Rape of Ethnic Women* (March 2003) <http://www.refugeesinternational.org/cgi-bin/ri/RapeReport.html>.

redacted]. I saw this with my own eyes from about twenty yards away. There were three other women in the house with five more soldiers, and there was a lot of shouting and crying inside the house. After the two soldiers outside let the two women go, five soldiers and three women came out of the house and all the women ran past me into the jungle. The men were laughing and saying, "oh how nice" after the women. They also stole some necklaces from the house. We stayed in that village for two weeks. We killed all the pigs in the village and dried the meat. As we left, we burned down the whole village." (#12)

C. Using Villagers' Houses as Temporary Military Quarters

Military columns used family homes as temporary shelters and even camps while they were passing through a village (#3). Villagers were forced to cook for soldiers, clean their clothes, and do other chores. Soldiers often stole goods from the villagers while staying in their homes:

For the last three years, when a column comes to our village, the soldiers use the villagers' houses for a temporary camp. They build a fence around the houses and stay there with the villagers. The soldiers take what they want and use what they want. The villagers are too afraid to say anything. (#3)

D. Stealing Goods

When a military column visits or passes through a village, soldiers often take food, crops, livestock, and other goods from family homes (including jewelry or family heirlooms) without any compensation. Soldiers take what they want from local shops, and villagers must pay the shop owners the bill with their own money. Interviewees also mention that soldiers will take food or cigarettes from villagers while they break for lunch at a work site. One village head said:

In the evening the soldiers put xx's mother and sisters, hands tied, in the house and kept the two men tied to posts underneath the house. Then the soldiers went into the house and took the sisters' necklaces, a watch, and everything they wanted in the house. (#1)

[The Colonel] stayed in my village for two days and told villagers not to go outside. During that time his soldiers stole the chickens, shot the pigs and ate the villagers' vegetables; they also asked the villagers to cook for them and wash their clothes. (#2)

E. Unfair (Below-Market) Pricing

Village heads discussed the lack of compensation and/or unfair prices given for materials, food, the use of bullock carts, and other goods or services. (#2, 10) When military camps order timber, shingles, or other goods from villages, usually no compensation is given for villagers' labor, time, or the goods themselves. Interviewees explained that when compensation is given, it is never at a fair market price. For example, a palm leaf shingle sells for ten *kyat* in the market, but villagers receive only five *kyat* per shingle from the military. Village leaders also complained that they must bring vegetables and fruits to their weekly meetings at military camps; they are never compensated for these required "gifts".

In October 2002, the second column commander asked for more shingles for the military camps. My village had to make 200 shingles. The military paid five kyat for each shingle; if we sold in the market we could get more than ten kyat per shingle. This kind of shingle we have to carry by bullock cart to the camp, but we didn't get any money to pay for using the bullock cart. I heard that some other villages didn't even get any money for the shingles. (#2)

4. Environmental Damage

Forced Labor for Logging Activities

Almost all village heads talk about use of forced labor for logging activities. (#1, 2, 4, 6, 7, 8, 9, 10) Most commonly, villagers are ordered to bring literally tons of logs to a specific location. The ostensible reason for the need of the logs is often an infrastructure project such as building a bridge. These projects often fail to materialize and no one learns how the logs are eventually used. (#2, 9)

On May xx, Strategic Commander asked all the villages to give 60 tons worth of logs.... [He] said they were going to build a bridge.... Now it is December and none of the villages have been paid for the logs or for the elephants.... Now if we walk on the road toward the Strategic Commander's camps, we can see that they never built a bridge. (#2)

Some speculated that military personnel were operating their own private businesses.

The porters have to carry wood, posts, and bamboo every day; they don't have any time for a rest. When I go to the meetings on Saturday, I never see the bamboo or wood, so I don't know where the soldiers are taking these materials. I think that the villagers have to work for the soldiers' private interests or side

businesses, because I can see that they don't use these materials for building or repairing the camp. (#8)

III. CONCLUSION

“Human rights, an ecologically sound environment, sustainable development and peace are interdependent and indivisible.”¹⁷

— Draft Principle One of Human Rights and Environment

The rare testimonies from village leaders presented here illustrate how forced labor—a modern form of slavery—is methodically organized through regular meetings and written orders. The orders come, directly or indirectly, from mid- to high-ranking military officers. In this particular area, they often come from a Strategic Commander who is responsible for overseeing many battalions and is accountable to the SPDC. The orders come frequently, demanding labor, materials, and money. This combination of evidence confirms the existence of a “systematic” practice and a “preconceived plan or policy” which are key components to demonstrating crimes against humanity.

Villagers are subject to a wide range of physically taxing and dangerous tasks including work cutting down brush and overgrowth by the roadside, hauling stones in order to build and maintain roads, building fences, barracks, and buildings in military camps, and sweeping for landmines.

¹⁷ Draft Principles on Human Rights and the Environment, E.CN.4/Sub.2/1994/9/Annex 1, 6 July 1994, submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities by its Special 2 Rapporteur on human rights and the environment, Ms. Fatma Zohra Ksentini. For further discussion of this document, see *EarthRights International, Human Rights and the Environment*, by Rick Herz (1997), <http://www.earthrights.org/pubs/hre97.doc>

Women are jeered at and harassed as they are held captive in obligatory road watch duty. Men are regularly picked up to be porters. As porters, they must carry ammunition, food, and supplies for days on end, over terrain riddled with landmines. They receive no warning about when they will have to porter and rarely know how long they will be away from their families or if they will come back at all. Soldiers come and go as they please, staying freely at villagers homes, killing livestock, taking family jewelry and goods, and forcing villagers to cook and wash for them. Verbal threats, beatings, killings, and rape instill fear in the villagers.

Enforcement of Order No. 1/99, Burma's own decree prohibiting forced labor, is nonexistent where this investigation took place. Labor by the villagers is not properly compensated, and refusal to work only invites punishment. Complaint about forced labor or other abuses can bring retaliation. The system is enforced with threats, harassment, and torture. This investigation and others show forced labor is often accompanied by beatings, stabbing, rape, and summary and extrajudicial executions.¹⁸

Labor abuses in Burma, which the ILO described as “a saga of untold misery and suffering, oppression and exploitation of large sections of the population inhabiting Myanmar [Burma] by the

¹⁸ For additional specific cases, see EarthRights International, *We Are Not Free to Work for Ourselves: Forced Labor and Other Human Rights Abuses* (June 2002), <http://www.earthrights.org/pubs/fl2002overview.shtml>.

Government, military and other public officers,”¹⁹ are still continuing.

For EarthRights International, the connection between development and forced labor is of particular concern. In the past fifteen years, large infrastructure projects have led to massive labor violations in Burma.²⁰ According to a United States government report, “The total number of people affected by demands for forced labor appears to reach easily into the hundreds of thousands, and perhaps millions.”²¹ The Yadana gas pipeline projects, for example, have become infamous during the past decade. A transnational consortium consisting of Burma's military regime and two transnational corporations, Unocal from the United States and TotalFinaElf from France, built the 40-mile pipeline from Burma to Thailand with the use of local villagers' forced labor in rural areas.²² Major dam projects in Burma have involved

¹⁹ “Forced Labor in Myanmar (Burma), Report of the Commission of Inquiry (No. 29)” (Geneva, July 2, 1998), par. 543, <http://www.ilo.org/public/english/standards/relm/gb/docs/gb273/myanmar.htm>.

²⁰ “One of the features of this militarization was the construction of infrastructure projects throughout the country, including roads, dams, railway lines, and military barracks. Hundreds of thousands of civilians have been forced to work on these projects without pay.” Amnesty International, *Myanmar: Lack of security in counter-insurgency areas* (July 2002), <http://web.amnesty.org/library/Index/ENGASA160072002?open&of=ENG-MMR>.

²¹ U.S. Department of Labor, Bureau of International Labor Affairs, 2000 Report on Labor Practices in Burma, <http://www.dol.gov/ILAB/media/reports/ofr/burma2000/summary.htm>.

²² See EarthRights International, *Total Denial Continues: Earth Rights Abuses Along the Yadana and Yetagun Pipelines in Burma* (May 2000), <http://www.earthrights.org/pubs/td2000.shtml>.

thousands of forced laborers in the past.²³ And the mega-dam projects planned for the Salween River, running through ethnic minority areas with a heavy military presence, would surely follow this same pattern of abuse if constructed.²⁴ In a country where suppression of dissidents, forced relocation, and systematic use of forced labor are routine, a large infrastructure project—be it a dam or a gas pipeline—will likely cause massive labor abuses and other human rights violations.

The eradication of forced labor also cannot be isolated from the process of national reconciliation. Without national reconciliation, demilitarization, peace building, and significant, lasting improvements in the general human rights situation, including the administration of justice, will be piecemeal and difficult. This is particularly true in areas of active conflict such as in this report. For the eradication of forced labor to take hold, efforts must take place in these critical areas in a coordinated and sustainable manner.

²³ For a recent case, see “Forced Labor in Shwe Gin River in Burma” Ken MacLean and Mahn Nay Myo, *World Rivers Review*, Volume 17, No. 4 & 5 (International Rivers Network, August 2002, Berkley, USA), “<http://www.irn.org/pubs/wrr/issues/WRR.V17.N4-5.pdf>.”

²⁴ The mega-dam projects planned for the Salween River are particularly alarming because of the size and location. Other major dam projects in Burma have involved thousands of forced laborers. About the TaSang dam on the Salween in Shan State: see <http://www.earthrights.org/tasang/index.shtml>. For recent news articles about the Salween development projects, visit http://www.rwesa.org/news_bm.html.

IV. RECOMMENDATIONS

EarthRights International (ERI) makes the following recommendations to the State Peace and Development Council and international community respectively:

To the State Peace and Development Council (SPDC)

- Public education materials about Order No. 1/99 and its Supplemental Order, outlawing forced labor, should be more widely and evenly disseminated throughout the country.

ERI welcomes the initiative by the SPDC to translate Orders into a number of ethnic languages. These and more translations should be made available to the public and widely distributed. In addition to printed materials, the Orders should be regularly aired on radio and television in Burma to educate the population. In these educational efforts, explanations about how to make complaints should be included. To ensure a more effective education campaign, special attention should be made to educate the military and local authorities about the law, including how it will be implemented and enforced.

- The SPDC should establish a credible and effective mechanism for receiving complaints and conducting investigation.

In light of the threats and possible violence perpetrated against anyone who speaks out about forced labor, steps should be taken to

ensure the safety of those who seek to enforce Order No. 1/99 or make complaints about ongoing cases of forced labor:

- (a) Those who make threats of retaliation or actually retaliate against those speaking out against forced labor should be criminally prosecuted.
- (b) New mechanisms should be created to better ensure the safety of those making complaints about forced labor. For example, anonymous tips should be permitted to assist police and appropriate authorities in learning about incidents of forced labor. Similarly, any villager who does make a formal complaint should be able to do so anonymously because of the severe repercussions they may face for making such a complaint.
- (c) Allegations submitted by non-governmental organizations should be accepted as credible allegations.

In 2002, the SPDC's own field observation team on forced labor visited different areas in the country. However, they only investigated five allegations of forced labor and furthermore they found all of these allegations groundless.²⁵ The pace of reform by the SPDC has been excruciatingly slow, and currently there is no credible mechanism for impartial investigation.

²⁵ ILO, *Developments concerning the question of the observance by the Government of Myanmar of the Forced Labor Convention, 1930 (No. 29) Further Developments*, GB286/6/1, 286th Session, Geneva, March 2003, <http://www.ilo.org/public/english/standards/relm/gb/docs/gb286/pdf/gb-6-1.pdf>.

- The Order 1/99, as supplemented, should be strictly enforced. The SPDC's claim that "there are legal provisions as well as mechanisms for complaints and legal action for those who have been subjected to forced labor or those whose rights have been violated" is not based in fact.²⁶ The SPDC should take these immediate steps:

- (a) Violators, including military personnel and local authorities, should be prosecuted under section 374 of the Penal Code and other relevant statutes.
- (b) These prosecutions should be public and carried out by courts that can function independently of the military.

- SPDC should ratify ILO Convention No. 105 (1957), which supplements the ILO Convention No. 29 and calls for stricter bans on forced labor.

To the International Community

- The international community should strengthen the ILO's existing resolutions on Burma to require the organization's tripartite constituency (government, employers, workers) to take concrete actions to help eliminate trade and assistance with the

²⁶ ILO, *Developments concerning the question of the observance by the Government of Myanmar of the Forced Labor Convention, 1930 (No. 29) Further Developments*, GB286/6/1, 286th Session, Geneva, March 2003, <http://www.ilo.org/public/english/standards/relm/gb/docs/gb286/pdf/gb-6-1.pdf>.

regime that contribute to or may contribute to the practice of forced labor.

- The governments of neighboring nations to Burma should permit international agencies and non-government organizations to operate within their countries to monitor refugees and the situation of forced labor and other human rights violations in Burma.
- The international community should oppose large infrastructure projects such as dams in Burma as they have been shown to contribute to the practice of forced labor. Until verifiable evidence is made available that labor abuses are no longer widespread or systematic, governments and international agencies should oppose development projects that may contribute to the continuation of forced labor in the country. International corporations should also refrain from engaging in such projects. Governments, development aid agencies, and international financial institutions in particular, should make it clear that aid is not available to the SPDC unless minimum international labor standards are assured.

Appendix

Keywords for the Twelve Interviews

1. Main Interviews – with Ten Village Heads

- Interview 1 forced labor, violence, torture, economic and social rights, women’s rights
- Interview 2 forced labor, economic and social rights
- Interview 3 forced labor, economic and social rights, landmines
- Interview 4 forced labor, economic and social rights, environment (logging)
- Interview 5 forced labor, economic and social rights
- Interview 6 forced labor, economic and social rights
- Interview 7 forced labor, economic rights, environment (logging), children’s rights, violence, extra judicial killings, torture
- Interview 8 forced labor, economic and social rights, women’s rights, children’s rights, environment
- Interview 9 forced labor, economic rights, children’s rights, landmines
- Interview 10 forced labor, economic and social rights, children’s rights, environment (logging)

2. Two Supplementary Interviews

- Interview 11 with a villager/farmer forced labor, economic and social rights, political civil rights (prison labor), landmines
- Interview 12 with a former SPDC soldier forced labor, civil/political rights, women’s rights, violence, children’s rights



*EarthRights International combines the
power of law and the power of the people in
defense of human rights and the environment*

United States
1612 K. St., N.W., Suite 401
Washington D.C. 20006
Tel 202-466-5188
email: infousa@earthrights.org

Southeast Asia
P.O. Box 123
Chiang Mai University
Chiang Mai 50202 Thailand
Tel (66) 1 531 1256
email: infoasia@earthrights.org

www.earthrights.org