

# ALTSEAN

## BURMA

ALTERNATIVE ASEAN NETWORK ON BURMA  
campaigns, advocacy & capacity-building for human rights & democracy

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### **FORCED LABOR IN BURMA: TIME FOR ACTION**

- The SPDC has failed to comply with the ILO recommendations made in June 2006.
- The ILO must not be fooled by the Burmese regime's delay and diversionary tactics. The releases of activists Su Su Nway and Aye Myint in June have not been followed with any genuine moves to end forced labor.
- The forced labor situation in Burma has not improved in the six years since the ILO first addressed the issue in November 2000. While the regime has responded to ILO pressure with positive measures, any gains have been lost as soon as pressure is eased.
- The regime's fundamental lack of political will to abolish forced labor and respect workers' rights in Burma will shift only when the ILO is prepared to utilize significant, consistent pressure.
- The SPDC has failed to comply with the ILO's recommendations adopted in June of 2006 because:
  1. The SPDC has not stopped the prosecution of forced labor complainants;
  2. At least nine people serving prison sentences ranging from 8 to 25 years remain incarcerated in SPDC prisons because they contacted the ILO regarding forced labor issues;
  3. The SPDC has not agreed on a mechanism to process complaints on forced labor with necessary guarantees for the protection of complainants; and
  4. Forced labor involving portering, sentry/patrol duty, military and SPDC infrastructure projects, and commercial agriculture activities are still prevalent throughout Burma. [See, attached report detailing forced labor issues in Arakan State, Mon State, Chin State, and Karen State since June 2006.]
- The ILO is urged to take immediate action to stop forced labor in Burma. The most efficient and effective way for the ILO to bring pressure on the SPDC is:
  1. Support a UN Security Council resolution on Burma;
  2. Call on ILO members to implement the ILO resolution on Burma adopted in 2000; and
  3. Refer the issue of forced labor in Burma to the International Court of Justice without further delay.

## **SU SU NWAY & AYE MYINT RELEASES: A TACTIC TO EASE PRESSURE**

The release of Su Su Nway and Aye Myint are half-hearted attempts by the SPDC to stave off ILO pressure and do not point to any real efforts by the SPDC to curb forced labor practices.

**With respect to her unexpected release from jail, Su Su Nway said, "...I don't feel happy or sad about my release because forced labor in Burma still exists. I will continue fighting against forced labor and all kinds of human rights abuses. I thank everybody who morally and physically supported me including the ILO and all concerned persons around the world. I took (my) prison uniform with me because I know that I will have to come back to prison until Burma gains democracy."**<sup>1</sup>

On 16 June 2006, after reviewing the recommendations, the ILO Conference set out two areas that required "tangible and verifiable" action from Burma. These were: (1) releasing any person who had been imprisoned following contacts with the ILO and stopping prosecutions that were currently underway, by the end of July; and (2) achieving an agreement between Burma and the ILO by the end of October on a credible mechanism for dealing with complaints of forced labor with all necessary guarantees for the protection of complainants. At its November 2006 session, the ILO Governing Body would examine whether Burma had complied with these requirements and would have full authority to decide on the most appropriate course of action.<sup>2</sup>

### **THE ILO MUST CONCLUDE THAT THE SPDC HAS NOT COMPLIED WITH ITS MANDATES.**

#### **1. Prosecutions of forced labor complainants are ongoing.**

On 20 July 2006, the trial of the three National League for Democracy (NLD) members accused by Thayet district police chief Sein Win of filing a false forced labor claim with the International Labor Organization was adjourned and transferred from Thayet District Court to Aunglan Township, Magwe Division.<sup>3</sup> NLD elected representative (MP) Thein Zan, member Zaw Htay, and Arakan State Taungup Township NLD member Aung Than Tun were accused of reporting 'false' reports to the ILO over the death of Win Lwin from Ngapyin Village in Aunglan Township, during a forced labor session in December 2004.<sup>4</sup> On 1 August 2006, Zaw Htay confirmed that there had been no word from the government since their latest court appearance on 20 July, meaning that the case continues. "I don't think this case will be easy because we now face trial...at the district level," he said.<sup>5</sup>

Because the case has been adjourned and transferred to another court, it is clear that the prosecution of these three individuals continues. If the SPDC is sincere in its commitment to comply with the ILO mandate in stopping prosecutions that are currently underway, the SPDC courts would have dismissed the charges against the three individuals with prejudice.

#### **2. Individuals who were imprisoned for contacting the ILO remain incarcerated.**

In a case that dates back to November of 2005, nine individuals received lengthy prison sentences because they contacted the ILO. Wai Lin, received a 25 years sentence while another defendant, Win, was given 17 years. The remaining seven people, Thein Lwin Oo, Ye Myint, Hla Myint Than, Aye Chan (f), Aye Thi Khaing (f), Yin Kyi (f) and Myint Lwin each received 8 year prison terms.<sup>6</sup> There

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<sup>1</sup> DVD (06 Jun 06) Breaking News: Su Su Nway Released

<sup>2</sup> ILO Press Release (16 Jun 06) ILO/06/35

<sup>3</sup> DVB (20 Jul 06) ILO 'informers' trial postponed in Burma's Aunglan; Irrawaddy (07 Aug 06) Burmese Forced Labor Trial Delayed Again

<sup>4</sup> Mizzima (21 Jul 06) Court postpones three 'false' forced labour claims trials; Irrawaddy (07 Aug 06) Burmese Forced Labor Trial Delayed Again

<sup>5</sup> Irrawaddy (01 Aug 06) ILO Deadline Passes on Forced Labor Prosecutions

<sup>6</sup> DVB (7 Dec 05) Nine people given lengthy jail terms for contacting ILO in Rangoon

have been no reports that SPDC released these individuals from jail in compliance with the ILO's mandate.

**3. By the end of October 2006, the SPDC had not reached an agreement with the ILO on a credible mechanism for dealing with complaints of forced labor with all necessary guarantees for the protection of complainants.**

On 24 October 2006, it was reported that ILO special advisor, Francis Maupin, left Burma after discussions with the SPDC on a possible mechanism for assessing cases of forced labor in the country.<sup>7</sup> There is no indication that an agreement with the SPDC was agreed upon for the processing of forced labor complaints. However, the SPDC had earlier rejected a "Joint Panel" system, which would include a representative of the ILO, the SPDC, as well as a possible third independent individual.<sup>8</sup>

**4. The situation regarding the use of forced labor in Burma has not improved.**

**The culture of impunity remains the main obstacle to the efforts in view to safeguarding and securing respect for human rights in Myanmar and creating a favourable environment for their realization. – UN Special Rapporteur, Paulo Sérgio Pinheiro – September 2006.<sup>9</sup>**

What follows is an update on forced labor issues from June of 2006 to the present:

**Construction and maintenance of army camps**

According to an August report by the relief group Free Burma Rangers, communities in Arakan State continue to be forced to work without payment at SPDC Army camps and on infrastructure projects under threat of arrest if they refuse. Residents of Palawa Township were ordered to send laborers between the ages of 15 and 40 to a newly established army camp. SPDC Army Light Infantry Battalion (LIB) No. 289 instructed 11 villages in the area to supply 20 people each to build and maintain the camp. Villagers had to arrive at six in the morning and work eight hours a day without payment.<sup>10</sup>

On 15 June, police authorities from Taung Bazaar, Buthidaung Township, Arakan State, forced three Rohingyas to work all day in their police station camp. The three individuals were not provided with any food and wages and were repeatedly subjected to ill-treatment by police officers.<sup>11</sup>

In addition to police and army, Na Sa Ka also resorts to forced labor along the Burma-Bangladesh border. Mohammed Ayaz, a villager from Ray Aungchaung, Maungdaw Township, Arakan State, was forced to provide work in the local Na Sa Ka camp from 26 September to 1 October.<sup>12</sup>

Burma's ambassador to Bangladesh, Thane Myint, in April dismissed reports of forced labor and other human rights abuses in Arakan State stating: "To say this [the use of forced labor] is a government policy, this is bullshit."<sup>13</sup>

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<sup>7</sup> Irrawaddy (25 Oct 06) ILO advisor concludes Burma visit

<sup>8</sup> Irrawaddy (25 Oct 06) ILO advisor concludes Burma visit

<sup>9</sup> UNGA 61<sup>st</sup> Session (21 Sep 06) Situation of human rights in Myanmar: Report of the Special Rapporteur, Paulo Sérgio Pinheiro [A/61/369]

<sup>10</sup> Irrawaddy (03 Aug 06) Forced labor continues in Arakan

<sup>11</sup> Kaladan News (05 Jul 06) Forced labour continues unabated in Arakan

<sup>12</sup> Kaladan (09 Oct 06) Forced labor a way of life in Arakan

<sup>13</sup> Irrawaddy (03 Aug 06) Forced labor continues in Arakan

## **Cultivation work, often on confiscated land**

On 29 June Na Sa Ka officials forced seven villagers from Maungdaw Township, Arakan State, to plant castor oil saplings on a state-owned plantation. The villagers planted a total of 17,600 castor oil saplings in one day.<sup>14</sup>

In October, it was reported that villagers in Mon State were forced by local SPDC authorities to plant 20,000 castor oil seeds at their own cost. Families were ordered to make one family available to be involved in the plantation, or pay a fine of 500 Kyat per person.<sup>15</sup>

## **Road work**

On 2 July, Na Sa Ka officers entered Fokira Bazaar in Maungdaw Township, Arakan State and arrested 17 Rohingya villagers who had come to the village without obtaining travel documents. The villagers were subsequently forced to work on a road construction site between Aung Zu and Khamaung Zeik in Maungdaw Township as punishment.<sup>16</sup>

On 9 July, local SPDC authorities in Mon State forced villagers of Kalort-tort, southern Mudon Township, to remove clumps of bushes along the motor road near their village. If they refused to clean up the bushes on both sides of the road, they would have to pay a fine of 500 Kyat to local authorities.<sup>17</sup> On 18 September, villagers of Thar-pa-thun and Thayagone, Mudon Township, Mon State were forcibly made to cut bushes on both sides of the highway by the Village Peace and Development Council (VPDC).<sup>18</sup>

In August, local SPDC authorities in Mudon Township, Mon State forced villagers to cut bushes in front of their homes in preparation for the construction of a wall along the main highway.<sup>19</sup>

On 18 October, it was reported that SPDC authorities were forcing approximately 400 prisoners, mostly from Akyab jails, to work at construction sites for the Akyab-Rangoon and Kyaukpru-Ann-Rangoon motor roads.<sup>20</sup>

## **Portering**

The use of civilians to carry SPDC Army supplies continues unabated. In the first week of September, SPDC Army Light Infantry Battalion (LIB) No. 16 camped in Sabawngte village in Matupi Township, Chin State, forced seven local villagers to carry backpacks and rations to another military camp on the Indo-Burma border. Villagers were not provided any wages or food for their work.<sup>21</sup>

Faced with international condemnation for its use of civilians as forced labor, Burma's military regime has increasingly on relied on prisoners to perform work in SPDC Army camps.<sup>22</sup> The use of convict porters increased as Burma's military regime intensified its offensive against villagers in the Northern Karen State.<sup>23</sup> According to the Karen Human Rights Group (KHRG) report "Less Than Human", several thousand convicts have been brought from prisons all over Burma to be used by the SPDC as porters to carry ammunition for the soldiers on the frontlines and to build roads into remote areas since November 2005.<sup>24</sup> "Some of the larger [military] columns have approximately 300 troops

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<sup>14</sup> Narinjara (02 Jul 06) Villagers forced to plant castor oil saplings

<sup>15</sup> IMNA (17 Oct 06) TPDC orders replanting castor seeds

<sup>16</sup> Kaladan (10 Jul 06) Nasaka forces detainees into construction work

<sup>17</sup> IMNA (31 Jul 06) Villagers forced to remove bushes along motor road

<sup>18</sup> IMNA (19 Sep 06) Villagers still forced into hard labour by VPDC

<sup>19</sup> IMNA (20 Aug 06) Town development at people's cost

<sup>20</sup> Narinjara News (19 Oct 06) Prisoners forced to work in fire service and army uniforms

<sup>21</sup> Khonumthung (10 Oct 06) Villagers conscripted to transport military supplies

<sup>22</sup> IPS (31 Aug 06) Convicts abused as slave labour

<sup>23</sup> KHRG (22 Aug 06) Massive increase in the use and abuse of convict porters in the Northern Karen State of Burma since November 2005

<sup>24</sup> KHRG (22 Aug 06) Massive increase in the use and abuse of convict porters in the Northern

and as many as 400 convict porters; the total number of the convict porters in the three northern Karen districts right now is difficult to estimate, but probably is between 3,000 and 5,000," stated the report.<sup>25</sup>

### **Patrolling**

Mon villagers including women and children continue to be forced by the local SPDC Army battalion to patrol the Kanbauk-Myaingkalay gas pipeline in Mudon Township, Mon State. Villagers in Kwanhlar village, Hnee-pa-daw village, Kalort-tort village and Yaung-daung village are being forced to send five people from each quarter of the village for day or night patrol on rotation. Those who refuse to carry out patrol duty must pay a 2,000 kyat fine to the military.<sup>26</sup>

In October, it was reported that SPDC Army battalions stepped up the use of forced labor in rural areas of southern Mon State. About 15 villages in sub Kaw-zar Township were forced to cut trees and bamboo, repair roads, construct office buildings, and perform sentry duty every day. Two local villagers, Nai Tun Oo and Nai Yought, were severely tortured by soldiers of the Light Infantry Division (LID) No. 3 soldiers for allegedly failing to carry out sentry duty.<sup>27</sup>

### **Confiscation of food supplies**

In September, it was reported that SPDC Army soldiers guarding oil drilling fields in Kyaukpuru and Rambree Townships, Arakan State, forcibly collected food and alcohol from local villagers. The oil wells were drilled by China National Offshore Oil Company (CNOOC) in cooperation with the Myanmar Oil and Gas Enterprise on land previously confiscated by the SPDC Army from local villagers.<sup>28</sup>

In September, SPDC Army Light Infantry Battalion (IB) No. 62 stationed in Thanbyuzayart Township, Mon State, forced local villagers to erect fences around the gas pipeline and refill with earth the pipeline route damaged by heavy rains. Villagers are not only forced to work but also have to pay between 1,000 and Kyat 2,000 kyat per month to the LIB No.62 for the security of the pipeline.<sup>29</sup>

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Karen State of Burma since November 2005

<sup>25</sup> IPS (31 Aug 06) Convicts abused as slave labour

<sup>26</sup> IMNA (01 Aug 06) Children used as forced labour for gas pipeline security

<sup>27</sup> IMNA (11 Oct 06) Junta continues to force villagers for guard duty

<sup>28</sup> Narinjara News (19 Sep 06) Chinese company involved in human rights abuses in Arakan

<sup>29</sup> IMNA (06 Oct 06) Villagers forced to maintain gas pipeline route