



FIFTH ITEM ON THE AGENDA

**Developments concerning the question
of the observance by the Government
of Myanmar of the Forced Labour
Convention, 1930 (No. 29)****Report of the Liaison Officer a.i.****I. Background**

1. At its special sitting in June 2004, the Committee on the Application of Standards of the International Labour Conference had before it, inter alia, three documents setting out the developments over the previous year.¹ At the end of its discussion, the Committee adopted the following conclusions:

After taking note of the information provided by the Government representative, the Committee noted with deep concern the observation of the Committee of Experts which examined the measures taken by the Government to give effect to the recommendations of the Commission of Inquiry. The Committee of Experts had noted in its observation that the three main recommendations of the Commission of Inquiry were still to be implemented. In spite of the Government's assurances of its good intentions, the measures taken had not brought about significant progress in actual practice and forced labour continued to be exacted in many parts of the country. No person responsible for imposing forced labour had ever been prosecuted or sentenced under the relevant provision of the Penal Code. In view of the slowness of progress, the Committee of Experts had expressed the hope that the process of dialogue and cooperation which had developed between the ILO and the Government could offer a real chance of bringing about more rapid and concrete progress, in particular through the implementation of the Plan of Action.

In this regard the Committee had to note its grave concern at the fact that three persons had been convicted of high treason, including on grounds of contacts with the ILO. The Committee was further deeply concerned that, although on appeal the Supreme Court had commuted the death sentences, it had failed to bring clarity on this crucial point, despite the earlier assurances of the Government that contacts with the ILO could not be considered illegal in Myanmar. The Committee also expressed its concern at the freedom of association issues raised by the Supreme Court's findings. It joined the Governing Body in endorsing the

¹ ILC, 92nd Session (Geneva, 2004), Committee on the Application of Standards, documents C.App./D.5, C.App./D.5(Add.) and C.App./D.5(Add.2). Relevant sections concerning developments in the elimination of forced labour following the 289th Session (March 2004) of the Governing Body are reproduced in Appendix III.

recommendations put forward by the informal facilitator as regards the grounds for convicting the three persons and the need to release them. It agreed that this situation clearly was not one in which the Plan of Action could be credibly implemented.

The Committee had also taken note of the information provided by the Liaison Officer ad interim on his activities. It noted with appreciation the continued cooperation extended to the Liaison Officer by the Government and the freedom of movement that he enjoyed. It considered the fact that individuals were lodging complaints concerning forced labour with the Liaison Officer in increasing numbers, demonstrating the usefulness of the ILO presence. However, the Committee had to note with concern that the response to the individual allegations so far raised was inadequate and that to date not a single one of these allegations had been verified by the authorities nor had anyone so far been prosecuted for illegally imposing forced labour. This cast serious doubt on the willingness of the authorities to take the concrete steps necessary to ensure the elimination of forced labour in practice.

In that respect, reference was made to the fact that certain forms of forced labour referred to by the Commission of Inquiry, such as work on infrastructure projects, using forced labour, forced recruitment of children and even the use of persons as minesweepers were still in use. The dissemination of information in relevant languages also left much to be desired.

The Committee took due note of the assurances provided by the Government representative that a further review by the Supreme Court would take place which would, inter alia, clarify the question of the legality of contacts with the ILO. The Committee was of the opinion that the Government now had a final opportunity to give practical effect to these assurances and to the recommendations of the informal facilitator. It noted that the Governing Body at its next session should be ready to draw the appropriate conclusions, including reactivation and review of the measures and action taken including those regarding foreign direct investment, called for in the resolution of the International Labour Conference of 2000, unless there was a clear change in the situation in the meantime.

Finally, the Committee recalled that the Government would have to supply a detailed report for examination by the Committee of Experts at its next session on all the steps taken to ensure compliance with the Convention in law and in practice.

2. Mr. Richard Horsey continued to act as interim ILO Liaison Officer.

II. Activities of the Liaison Officer a.i.

3. The Liaison Officer a.i. had a number of meetings with the authorities in which he gave his advice on the forced labour situation and on the steps which in his view were needed to achieve the elimination of the practice, and in which he discussed specific complaints he had received and his concerns relating to these. He met with the Convention 29 Implementation Committee on 3 September. He also had a series of meetings with the Director-General of the Department of Labour on 1 July, 24 August, 6 September and 1 October, as well as meetings with the Director-General of the Department of General Administration (Home Affairs) on 8, 17 and 30 September and 22 October. In addition, he met with the Director-General of the International Organizations and Economic Department of the Ministry of Foreign Affairs on 8 September. Despite a number of requests, the Liaison Officer a.i. has not so far been able to meet with the Minister for Labour. Since 18 September the Minister has been assigned the additional portfolio of Minister at the Prime Minister's Office, requiring him to be absent from Yangon for extended periods. On 19 October, the Prime Minister was replaced in a significant reshuffle within the ruling State Peace and Development Council (SPDC).²

² The new Prime Minister is Lt. Gen. Soe Win, formerly Secretary-1 of the SPDC. Lt. Gen. Thein Sein was promoted from Secretary-2 to replace Lt. Gen. Soe Win as Secretary-1.

4. In addition to these meetings with the authorities, the Liaison Officer a.i. also met with members of the diplomatic community, as well as with representatives of United Nations agencies, the International Committee of the Red Cross, and international non-governmental organizations in Yangon and Bangkok. He also had the opportunity to have discussions with a number of ethnic-nationality political parties.
5. From 28 to 29 July the Liaison Officer a.i. accompanied, in an observer capacity, a field observation team to Kawhmu in Yangon Division.³ The team's activities consisted of holding an information workshop on forced labour, attended by around 100 local and regional officials. From 13 to 17 September the Liaison Officer a.i. visited Toungup township in Rakhine State, together with the Informal Facilitator, Mr. Léon de Riedmatten. The authorities chose not to participate in this visit, and it was therefore conducted independently.

III. Developments in the high treason case

6. On 4 August the defence lawyer in the case lodged a further "special appeal" to the Supreme Court on behalf of eight of the nine persons in the case, including the three with an ILO connection.⁴
7. On 23 September the Supreme Court accepted the case for special appeal. The Special Appellate Bench of the Supreme Court issued its judgement on 14 October. The judgement was transmitted to the ILO by the authorities the same day, and an official translation was received on 20 October. The salient points of the judgement, based on an examination of both texts, are as follows:⁵
 - With regard to the question of contacts with the ILO, the Court stated that since Myanmar was a member of the United Nations and other international organizations such as the ILO, and was cooperating with them, any person was free to communicate or cooperate with such organizations. Therefore, communication or cooperation with the ILO does not amount to an offence under the existing laws of Myanmar. Upon reviewing the original court judgement, the Court ordered that the text concerning contacts with the ILO, which was irrelevant to the case, be deleted from the original judgement.
 - The convictions of Nai Min Kyi and U Aye Myint under section 123 of the Penal Code (encouraging, harbouring or comforting persons guilty of high treason) were upheld on the grounds that they had sent incorrect information about Myanmar to illegal organizations abroad, but their sentences were reduced from three years' imprisonment with hard labour to two years' imprisonment with hard labour.⁶

³ This is a township where a number of complaints concerning forced labour have been lodged with the court (see paras. 15 and 17 below).

⁴ The ninth person, together with three of the others, had also appealed through the officer-in-charge of the prison. The Special Appellate Bench of the Supreme Court considered both appeals concurrently.

⁵ The full text of the judgement can be made available by the Office.

⁶ The decision of the Supreme Court in the first appeal that the pre-trial detention period was to be deducted from the prison terms still stands.

- The conviction of U Shwe Mahn for high treason was altered to section 123 of the Penal Code (encouraging, harbouring or comforting persons guilty of high treason) on the grounds that he abetted other appellants who had committed high treason and that he had communicated with individuals in Thailand (namely, Maung Maung and Zarni Thwe) who were members of illegal organizations opposing the Myanmar government. His sentence was reduced from life imprisonment to five years' imprisonment with hard labour.⁷

8. On 18 October Mr. Kari Tapiola wrote on behalf of the Director-General of the ILO to the Myanmar Minister for Labour. This letter is reproduced in Appendix I.

IV. Developments in the forced labour situation

Overview

9. On the basis of all the information available to him, the Liaison Officer a.i.'s general evaluation of the forced labour situation continues to be, as presented previously to the Governing Body,⁸ that although there have been some improvements since the Commission of Inquiry, the practice remains widespread throughout the country, and is particularly serious in border areas where there is a large presence of the army.
10. The Liaison Officer a.i. continues to receive significant numbers of complaints directly from individuals alleging they have been subjected to forced labour, or from representatives of such persons. Often these individuals are in fact complaining on behalf of a larger group of persons or community subjected to forced labour. There have now been a total of 72 such complaints in 2004, and interventions have been made with the authorities on 38 of these cases.⁹ Of these 38 cases, 18 concerned various forms of forced labour (other than forced recruitment), 13 concerned forced recruitment of minors into the armed forces, one case concerned alleged harassment of a complainant and six were direct complaints by individuals to Myanmar courts under section 374 of the Penal Code, copies of which had been communicated to the Liaison Officer by the complainants. (A list of all these cases is provided in Appendix II.)
11. In cases of alleged forced recruitment of minors, the Liaison Officer a.i. has written to the Convention 29 Implementation Committee with the details of the allegation, requesting that the Committee take urgent action to verify this information in order that, if it is confirmed, the individuals in question can be returned to the care of their parents and an

⁷ The Court also ruled that the pre-trial detention period was to be deducted from the prison term. Of the other six persons in the case, none of whom had an ILO connection, four had their convictions for high treason upheld and remain sentenced to life imprisonment. The two other persons had their sentences under section 123 of the Penal Code reduced from three to two years' imprisonment.

⁸ See GB.286/6 (Mar. 2003), para. 7; GB.288/5 (Nov. 2003), para. 8; and GB.289/8 (Mar. 2004), para. 10.

⁹ Of the remaining 34 cases, 18 were considered to be outside the mandate of the Liaison Officer, in eight cases of forced recruitment interventions had already been made by another agency, one case concerned an allegation already raised with the authorities in 2003, six cases were pending and one complaint directly to the court under section 374 of the Penal Code, copied to the Liaison Officer, was subsequently withdrawn.

investigation carried out into the circumstances of their recruitment so that any person found to have acted illegally can be prosecuted. In other cases of alleged forced labour, the Liaison Officer a.i. has written to the Convention 29 Implementation Committee providing details of the allegation and recommending that, in line with the Committee's procedures, a field observation team (FOT) be sent to the area in question to investigate the allegation, and expressing his readiness to accompany this FOT in an observer capacity. In cases of direct complaints to a court under section 374 of the Penal Code, he has written to the Convention 29 Implementation Committee indicating that he has been made aware of the complaint, that he would remain in contact with the complainant during the complaint procedure, and requesting the Committee to keep him informed of any developments.

12. In the view of the Liaison Officer a.i., the mechanism put in place by the authorities for addressing forced labour allegations, that of sending an ad hoc team composed of senior Government officials to the region to conduct an investigation, is not well-suited to dealing with the increasing numbers of cases.¹⁰ Indeed, as the number of allegations has increased, they have tended to be investigated internally by the General Administration Department; the Liaison Officer a.i. has not been invited to observe any such investigations, nor is he aware of any safeguards to avoid potential conflicts of interest. Cases concerning the army (that is, cases of forced recruitment, or cases of forced labour allegedly imposed by the army) have been referred by the Committee to the representative of the Ministry of Defence. These cases are investigated internally by the army, with only a short response on the findings being reported by the Committee, despite requests from the Liaison Officer a.i. for detailed written reports of all investigations. The role of FOTs has been limited largely to conducting information-dissemination workshops.¹¹ The Liaison Officer a.i. believes that such activities can play an important role in raising awareness of the prohibition of forced labour among local officials, but only in a context where action is being taken against those who violate this prohibition.
13. To date, of the 38 cases referred to the Convention 29 Implementation Committee, responses have been received in 18 cases.¹² In all these cases, the allegation that forced labour was involved was rejected. In the six cases where individuals complained directly to the court, three cases were rejected on the grounds that there was no prima facie evidence of forced labour, and in three cases the trials are still ongoing. More disturbingly, in two of the cases that were rejected, the complainants were prosecuted for defamation and imprisoned for six months each.¹³

¹⁰ The former Liaison Officer had already expressed certain concerns relating to the FOT mechanism in a letter to the authorities dated 16 November 2003 (see GB.288/5/1, para. 2). While many of the specific concerns were subsequently addressed, the more fundamental step of reviewing the composition of such teams was not taken.

¹¹ FOTs have visited a number of areas, mostly to hold information-dissemination workshops, but also on certain occasions to investigate allegations of forced labour. These areas include, in July, Kawhmu in Yangon Division (accompanied by the Liaison Officer a.i. in an observer capacity), Myeik in Tanintharyi Division and Pyapon in Ayeyawaddy Division and, in August, northern Rakhine State and Kayin State.

¹² Verbal responses have also been received in a further four cases (written responses are pending). The remaining cases on which responses have not been received mostly concern the army.

¹³ See paras. 16 and 21 below.

Details of cases

14. Details of 23 cases on which interventions were made in 2004 have already been presented to the Governing Body and the Committee on the Application of Standards of the International Labour Conference.¹⁴ Details on new cases are provided below:

- *Intervention dated 28 May.* According to the allegation, a 13-year-old boy was detained by two men while walking in Yangon, and taken against his will to an army recruitment centre where he was forced to enlist under the threat of being imprisoned if he refused. Subsequently, he took an opportunity to run away and return to his family. He was advised by his family to turn himself in and seek a formal discharge because of his young age, rather than risk being treated as a deserter. However, after taking this advice and turning himself in to his battalion, he was sentenced to six months' imprisonment, after which he was ordered to continue his military service.¹⁵ Supporting documentary information was provided, including, inter alia, the judgement of the court martial, as well as the boy's birth certificate, student card and family list. The Liaison Officer a.i. urged the Implementation Committee to take the necessary steps to verify this information, in order that if it was confirmed a review of the boy's conviction could take place with a view to ensuring his release from prison and his formal discharge from the army, as well as the prosecution of any officials found to have acted illegally.
- *Intervention dated 6 July.* The intervention concerned four allegations of forced labour that were received from individuals from different villages in Bago township (in Bago Division). In the first case, it was alleged that villagers were being requisitioned by the local authorities to construct a road embankment. In the second case, it was alleged that for the past year villagers had been required by the authorities to provide ten persons at all times, on a rotation basis, for sentry duty. In the third case, villagers from the same village were being requisitioned by the local authorities to clear 500 acres of land for the establishment of a teak plantation. In each of these cases, every household in the village had been given a quota of work to complete, and were threatened with arrest if they did not do so. In the fourth case, it was alleged that the township authorities requisitioned villagers from a number of villages in the area to work on the construction of barracks and other buildings for four new artillery battalions. A total of 30,000 bamboo poles also had to be provided by the villagers for the construction. To cover other construction costs, villagers also had to provide compulsory cash contributions in addition to their labour. Vehicles and their drivers were also requisitioned for transporting materials.
- *Intervention dated 8 July.* According to an allegation received from a number of alleged victims, labour had been requisitioned for at least three years by Military Operations Command No. 5 based in Toungup (Rakhine State), for the cultivation of its farm land. According to the information provided, the land in question had been previously confiscated from farmers for the establishment of this military command, after which farmers were required to continue cultivating the land on behalf of the military, using their own cattle and tools.
- *Intervention dated 9 July.* According to an allegation from an alleged victim in Hinthada township (Ayeyawaddy Division), the township authorities had given

¹⁴ See doc. C.App./D.5 (ILC, 2004), paras. 9-17 (reproduced in Appendix III) and doc. GB.289/8, paras. 15, 16 and 18.

¹⁵ The Liaison Officer a.i. subsequently learned that the individual was sent back to his battalion from military detention on 23 September.

instructions to the local authorities to provide round-the-clock sentries to guard an unoccupied monastery. Since then, more than one year ago, the local authorities had been requisitioning three to four villagers on a rotation basis to perform this duty.¹⁶

- *Intervention dated 23 July.* According to an allegation from persons living in Maungdaw township (Rakhine State), labour was being requisitioned by the authorities on a large scale from several villages in the northern part of the township for the construction of a number of bridges. Muslim villagers were particularly affected, but Rakhine Buddhist villagers were also being requisitioned. In addition to labour, the villagers were also required to provide gravel for the construction. Approximately 45 persons per village had to work on these projects each day. The allegation pointed out that the timing of the work at the end of the planting season meant that the impact on individuals was particularly great, as this was the most critical time for work in their own fields or, in the case of landless labourers, the time when they were able to earn the most from casual agricultural labour.
 - *Intervention dated 13 September.* According to the allegation, a 14-year-old boy was detained while walking in Yangon and forced to enlist under threat of imprisonment. After completing basic military training, the boy was assigned to a battalion and a few months later suffered a gunshot wound at the front line as well as a serious bout of malaria. He was not permitted to leave the army and after treatment he was returned to his unit. Feeling he had no other options, he went absent without leave. Supporting documentary information was provided, including a copy of the boy's family list which established his identity and age. The Liaison Officer a.i. urged the Implementation Committee to take the necessary steps to verify this information, in order that if it was confirmed the boy could be given a formal discharge from the army and assurances that no action would be taken against him; an urgent investigation should then be carried out into the circumstances of his recruitment so that any person found to have acted illegally could be prosecuted.
 - *Intervention dated 12 October.* According to an allegation from persons living in Ramree township (Rakhine State), labour was being requisitioned by the authorities from 40 villages in the area for the repair of a road. The villagers had been forced to work on the repair of this road every year for several years; the most recent incident began in July and was ongoing at the time the complaint was made in early October. The timing of this latest incident placed a particular burden on villagers as it was the peak agricultural period. Vehicle owners also had their vehicles requisitioned for the project, without compensation. Villagers were threatened by the police that action would be taken against them if they did not provide their labour. One student had been prosecuted by the local authorities during a previous incident in March for allegedly refusing to work on the project.
- 15.** The Liaison Officer a.i. was also informed by individuals of four additional complaints they had made directly to Myanmar courts under section 374 of the Penal Code (which concerns the illegal imposition of forced labour). There have now been a total of six complaints of this kind. The details of the four new cases are as follows. One case concerned an individual who claimed that he had been requisitioned for a road construction project in Kawhmu township (Yangon Division); this project had also been the subject of the two previous complaints of this kind. All three trials were still ongoing at the time that this report was finalized.

¹⁶ This case has also been the subject of a direct complaint to the courts under section 374 of the Penal Code (see para. 16 below).

16. The three other new cases concerned individuals who claimed that they had been requisitioned for sentry duty in Hinthada township (Ayeyawaddy Division).¹⁷ Two of the individuals refused to do this work, and as a result were prosecuted and sentenced by the township court to prison terms of several months. After their release from prison at the end of their sentences, the two individuals lodged complaints under section 374 of the Penal Code against the official who had requisitioned them for the work. Included with the complaints were the original trial documents which, the complainants argued, established beyond doubt that the demand for them to do the sentry work constituted forced labour. According to court documents provided to the Liaison Officer a.i., the township court (presided over by the same judge that had originally sentenced the individuals for refusing to do the work) dismissed the case following a police investigation, on the grounds that there were no indications that coercion or forced labour was involved. This finding was seemingly contradicted by the earlier decision of the same court to sentence the two individuals to prison terms for failing to carry out the work. The complainants subsequently tried, unsuccessfully, to lodge the complaint with a higher court. Furthermore, the official accused of requisitioning the labour then lodged a counter-suit against the two individuals for defamation; this case was accepted by the court and the two individuals were subsequently found guilty (again, by the same judge) and given six-month prison terms on 7 October. The third individual who lodged a complaint concerning this alleged forced labour incident submitted in support of his complaint a written summons from the local authorities indicating that he had a final opportunity to provide labour or face legal action. The township court also rejected this case on the grounds that there was no prima facie evidence of forced labour.

Action by the authorities against complainants

17. The Liaison Officer a.i. has received information according to which two individuals were arrested after returning to their village following a visit to him in Yangon. During the visit, one of the individuals provided details on a direct complaint he had made to a court under section 374 of the Penal Code, concerning forced labour in Kawhmu township (Yangon Division). According to the information, which was received from one of these individuals, the two were arrested by the police at their respective homes the evening they returned, and interrogated, inter alia, about their visit to the ILO. They were held in the police lock-up overnight and released the following afternoon. The two persons also submitted a complaint on this matter directly to the Minister for Home Affairs. In a letter dated 7 July, the Liaison Officer a.i. urged the Convention 29 Implementation Committee to ensure that this incident was fully investigated as a matter of urgency and that he was kept informed of the results. He underlined that it would clearly be a matter of great concern if contacts with the Office of the ILO Liaison Officer could give rise to such action on the part of the police, all the more so in the light of the recent high treason case and of the repeated assurances given at all levels and on various occasions by the authorities. It might also cast serious doubt on the possibility to effectively implement the Formal Understanding on the Facilitator, which contained a specific provision that no action should be taken against complainants. In addition, he pointed out that this matter could also reflect badly on the complaint procedure under section 374 of the Penal Code given that this was one of the first such complaints ever to be lodged and as such would no doubt be followed with particular interest. No response has been received from the authorities.¹⁸

¹⁷ All three cases concerned sentry duty at an unoccupied monastery (see also para. 14 above).

¹⁸ However, following the initial incident the complainant has faced no further problems.

18. The Liaison Officer a.i. was also informed of another incident of this kind. According to this information, three persons from Toungup township (Rakhine State) were detained and interrogated by the local authorities on suspicion of having provided information to the ILO concerning an incident of forced labour in the area which was the subject of an intervention by the Liaison Officer a.i.¹⁹ At the end of their interrogation, the three persons were allegedly required to sign their names on blank sheets of paper, and were warned that they would shortly be arrested and interrogated further. On 19 August the Liaison Officer a.i. wrote to the Convention 29 Implementation Committee expressing similar concerns as in the previous case.²⁰ He indicated that, because of these concerns, and the possibility that further action might be taken against these persons, he had invited the informal facilitator, Mr. Léon de Riedmatten, to join him on a visit to the area. He also urged the Committee to participate in this visit, in order that the realities of the situation could be fully and credibly assessed. However, no member of the authorities was available.
19. Accordingly, the Liaison Officer a.i. and Mr. Léon de Riedmatten visited Toungup township from 13 to 17 September. During the visit, they were able to have detailed discussions with local people, including the three persons against whom action had allegedly been taken, as well as with members of the local authorities. They were also able to visit the location where the alleged forced labour had taken place. As a result of these visits and discussions, they are of the view that the essential facts of the situation are not in doubt, and that the allegations concerning both the original forced labour incidents and the action taken against the three individuals were accurate. The seriousness of the forced labour incidents was reinforced, both in terms of their scale and the harshness of the conditions, as was the fact that these incidents had occurred on the orders of the army. In addition, events which occurred in the area during their visit gave rise to further concerns over the safety of the persons met during the visit. On their return to Yangon on 17 September, the Liaison Officer a.i. and Mr. Léon de Riedmatten met with the Secretary of the Convention 29 Implementation Committee²¹ to give details on the outcome of the visit and to express their serious concerns.
20. When after one month no response had been received from the authorities, the Liaison Officer wrote to the Convention 29 Implementation Committee on 22 October underlining the seriousness of this case and restating the recommendations of the informal facilitator. These were that the authorities should: (i) take the necessary steps to ensure that there is no retaliation against the three persons suspected of having provided information to the ILO on this case, or any other individual met during the visit; (ii) ensure that the villagers in this area are not subject to forced labour in the future; and (iii) ensure that compulsory contributions in cash or in kind are not required from villagers for projects of this nature. The letter also underlined that, in addition to these recommendations of the informal facilitator concerning the future, it was imperative that there be a thorough investigation of the forced labour incidents which had taken place, in order that those responsible could be held accountable.²²

¹⁹ See doc. C.App./D.5. (ILC, 2004), para. 11 (reproduced in Appendix III).

²⁰ See para. 17 above.

²¹ That is, U Myat Ko, Director-General of the General Administration Department.

²² The Liaison Officer a.i. has received information from the area according to which no further action has been taken against the three persons suspected of having provided information to the ILO in this case.

21. The Liaison Officer a.i. is also deeply concerned at the fact that two individuals who made complaints to a court were subsequently found guilty of defamation and imprisoned.²³ This is all the more concerning as these two individuals had already served prison sentences for refusing to perform forced labour. On 8 October the Liaison Officer a.i. wrote to the Convention 29 Implementation Committee expressing his concerns and recommending: (a) that he be able to urgently meet with the two persons, preferably at his office rather than in a place of detention; and (b) that, in view of the prima facie evidence that forced labour had occurred, an urgent investigation be conducted into the events in Hinthada and in particular into the conduct of the township court in these two cases, as well as a third related case,²⁴ in order that the apparent contradictions in the court's actions could be credibly resolved. At the time this report was finalized, the Liaison Officer a.i. had not received a response to the concerns he had expressed. However, information had been received from the authorities according to which the two individuals had been released. Any further details will be reported to the Governing Body.

Responses received from the authorities

22. In letters to the Liaison Officer a.i. dated 30 July and 9, 27 and 31 August, the authorities presented their findings on a number of allegations of forced labour that he had raised.

- As regards the allegation of forced labour for road-widening projects in Chin State,²⁵ the authorities indicated that the projects had been carried out by the Public Works Department using machinery. No members of the public had been involved, although in one case members of local community organizations had happily contributed labour and, in another case where a retaining wall had to be built, local churchgoers participated happily in the work and contributed money voluntarily for the project. These findings contradicted the assertions of the local people engaged in these projects that the Liaison Officer a.i. had spoken to, and the photographs that he had submitted showing local people engaged in the work.
- As regards the allegation of forced labour in Naukmee village in Bogale township (Ayeyawaddy Division) for road projects,²⁶ the authorities indicated that the work had been organized by local leaders, for community benefit. In a response to the authorities dated 30 September, the Liaison Officer a.i. pointed out that the information provided appeared to indicate that forced labour in the sense of Convention No. 29 had occurred since the nature and scale of the work would put it beyond the scope of the exception in the Convention concerning minor communal service.
- As regards the allegation of forced labour for guard duty and land clearing in Pantanaw township (Ayeyawaddy Division),²⁷ the authorities indicated that the work in question had been organized and agreed by the local community in order to obtain funds for community projects, and did not therefore constitute forced labour.

²³ See para. 16 above.

²⁴ See para. 16 above.

²⁵ See doc. C.App./D.5 (ILC, 2004), para. 16 (reproduced in Appendix III).

²⁶ *ibid.*, para. 10 (reproduced in Appendix III).

²⁷ *ibid.*, para. 12 (reproduced in Appendix III).

- As regards the two allegations of forced labour in Bogale township (Ayeyawaddy Division),²⁸ the authorities indicated that in the first case the work was organized by community elders with the willing participation of villagers. In the second case, the authorities found that village chairmen had agreed to provide the township chairman with funds for the project, and that when the villagers were informed of this decision, they had freely donated the necessary funds. However, since it was found that the funds were not sufficient for the project (constructing government offices), they were instead used for a school and to provide a new zinc roof for the township office of the Union Solidarity and Development Association (USDA).²⁹
 - As regards the allegation of forced labour in Maungdaw township (Rakhine State),³⁰ the authorities indicated that a field observation team had investigated the matter and found that a budget had been allocated for the project under the control of the NaSaKa border security force, who subcontracted the work to a private contractor. Workers were paid and there was no forced labour.
- 23.** In a further letter to the Liaison Officer a.i. dated 31 August, the authorities presented their findings on four allegations of forced recruitment that he had raised.³¹ It was confirmed that the four individuals were serving in army battalions as alleged. The authorities indicated that, according to the records kept at the time of recruitment, all four individuals had been over the age of 18 when recruited. Furthermore, two of the individuals had been interviewed and had expressed a wish to continue military service; the third individual had subsequently gone absent without leave, and the fourth was serving a sentence in a military prison for desertion. In a response to the authorities dated 30 September, the Liaison Officer a.i. pointed out that the ages of the four individuals recorded at recruitment were contradicted by documentary evidence (including birth registration documents, student cards, household lists and identity papers) that was provided to the authorities with the original allegations. This situation inevitably raised doubts as to whether the recruitment had been genuinely voluntary, particularly given the young age at which the individuals were alleged to have been recruited. In the case of the fourth individual, who had now been sent from military prison back to his battalion, no information had been provided as to whether his recruitment was found to have been voluntary. An urgent investigation should therefore be conducted into all these cases and appropriate action taken.
- 24.** On 3 September the Liaison Officer a.i. met with the Convention 29 Implementation Committee. He was briefed on the work of the Committee, including information dissemination activities in various parts of the country, as well as the action it had taken to investigate specific allegations of forced labour that he had transmitted. As regards the forced recruitment of children, the Committee noted that, in addition to setting up in January a High-level Committee for the Prevention of the Recruitment of Child Soldiers, it was working in consultation with UNICEF on ways to address the issue.³² The Committee

²⁸ *ibid.*, paras. 13 and 14 (reproduced in Appendix III).

²⁹ The USDA is a government-sponsored mass organization.

³⁰ See para. 14 above.

³¹ *ibid.*, para. 17 (reproduced in Appendix III) and para. 14 above.

³² This included developing an action plan to address child recruitment, and the establishment of a Directorate for Military Strength to enforce recruitment procedures. The Committee for the Prevention of the Recruitment of Child Soldiers has so far met three times. At its last meeting on 5 October, Lt. Gen. Thein Sein (its Chairman), in comments reported in the state press, noted that in Myanmar “there are laws, rules, orders and directives that protect the rights of the children. Forced

underlined that the authorities were doing all that they could to implement their part of the joint Plan of Action on forced labour, even if the ILO was not prepared to go ahead with the Plan at this time. In the Committee's view, this demonstrated the strong political will of the authorities to eliminating forced labour. The Liaison Officer a.i. recalled that a key concern of the ILO was the three persons convicted of high treason, which had been discussed in detail at the previous meeting. He recalled that it was vital for there to be judicial clarity on the question of the legality of contacts with the ILO, and that it was important that this be translated into concrete steps in the case of the three individuals. As regards developments on the elimination of forced labour, the large number of individual complaints that he had received and transmitted to the authorities was extremely significant. These cases provided an opportunity to the authorities to give a concrete demonstration of their stated political will to eliminate forced labour. In contrast, a lack of credible action in these cases would tend to give the impression that the authorities were not serious in addressing this problem. In this regard, he was concerned that all the responses that he had received so far stated that the allegations had been found to be untrue. None of the cases of direct complaints by individuals to the courts had so far been found in the complainants' favour. To date, no official in Myanmar had been found guilty of imposing forced labour, even though it was recognized that the practice continued. Even more concerning was the fact that in some cases action had been taken by the authorities against complainants. The Liaison Officer a.i. urged the Committee to investigate these cases as a matter of priority. He noted that the current state of affairs would inevitably cast doubt on the credibility of the Committee and its work, and on the political will of the authorities to seriously address the problem.

Yangon, 22 October 2004.

labour is also prohibited as Myanmar people are noble-minded". He went on to add that "groups with negative views ... are also making false statements on narcotic drugs, human trafficking and forced labour with the intention of tarnishing the dignity of the State among international communities" (*New light of Myanmar*, 6 Oct. 2004).

Appendix I

Letter dated 18 October from Mr. Tapiola to the Myanmar Minister for Labour

Dear Minister,

On behalf of the Director-General who is now absent from Geneva, I wish to thank the authorities for the copy of the new Supreme Court judgment in the High Treason case. At first sight, it appears to contain elements of interest regarding the rights of Myanmar citizens to freely communicate with the ILO.

We shall study carefully the judgement as soon as a full official translation is available, in the light of the discussions at the International Labour Conference and the Informal Facilitator's report. We shall examine the specific grounds on which the sentences still maintain the continued imprisonment of the three persons concerned although for a shorter period. In the meanwhile, I do wish to express that their early release remains a possibility and should be given urgent consideration.

At the same time, I must express serious concern about certain other developments which have been reported to the Convention 29 Implementation Committee. It is my hope that these matters can be speedily clarified, as they will have to be reported and are liable to affect the Governing Body debate.

This is also why I trust that you can have an early opportunity to have a discussion with the ILO Liaison Officer ad interim.

Yours sincerely,

(Signed) Kari Tapiola.

Appendix II

Cases on which interventions have been made (2004)

Case type	Location	Intervened	Response	Details of response from the authorities
Forced recruitment	Hlaingthaya township, Yangon Division	26/01/2004	23/02/2004	The child in question was released from army back to the care of his parents on 5/2/2004, but recruitment was found to have been voluntary.
Forced labour	Twante township, Yangon Division	28/01/2004	05/05/2004	Implementation Committee found the allegation to be unfounded, but the district chairman was removed from his post for "being a burden to the people".
Forced recruitment	Hlaingthaya township, Yangon Division	29/01/2004	17/02/2004	The child in question was released from army back to the care of his parents on 5/2/2004, but recruitment was found to have been voluntary.
Forced labour	Thandaung township, Kayin State	24/02/2004	None to date	
Forced recruitment	Twante township, Yangon Division	11/03/2004	26/05/2004	Found to have been voluntarily recruited when over the age of 18.
Forced labour	Bogale township, Ayeyawaddy Division	12/03/2004	09/08/2004	Work found to have been jointly organized by community elders and local authorities. Response ambiguous as to whether this could have nevertheless involved forced labour.
Forced recruitment	Insein township, Yangon Division	18/03/2004	26/05/2004	Individual not found to be serving in the battalion mentioned in the allegation.
Forced recruitment	North Okkalapa township, Yangon Division	18/03/2004	26/05/2004	Found to have been over the age of 18 when recruited and currently imprisoned for desertion. No indication given as to whether the recruitment was found to have been voluntary.
Forced recruitment	Thakehta township, Yangon Division	18/03/2004	26/05/2004	Found to have been voluntarily recruited when over the age of 18.
Forced labour	Toungup township, Rakhine State	07/04/2004	None to date	
Forced labour	Toungup township, Rakhine State	07/04/2004	None to date	
Forced recruitment	Khayan township, Yangon Division	08/04/2004	None to date	
Forced labour	Bogale township, Ayeyawaddy Division	09/04/2004	31/08/2004	Found to have been community development work carried out collectively by the villagers.
Forced labour	Bogale township, Ayeyawaddy Division	09/04/2004	31/08/2004	It was found that no forced labour was involved in the project, and that voluntary cash donations had been received but had been insufficient for the project, so the funds had been used for construction of a school building and roof of the USDA office.
Forced labour	Pantanaw township, Ayeyawaddy Division	09/04/2004	27/08/2004	Work found to have been carried out willingly by villagers after the majority had agreed to do this work for free in return for a donation of funds to village community projects.
Forced recruitment	Hlaingthaya township, Yangon Division	23/04/2004	26/05/2004	Found to have been voluntarily recruited when over the age of 18.
Forced labour	Monywa township, Sagaing Division	29/04/2004	None to date	(Verbal response indicated that the allegation was unfounded.)
Forced recruitment	Hlaingthaya township, Yangon Division	30/04/2004	31/08/2004	Found to have been recruited when over the age of 18, and to have been absent without leave since 4 June 2004.

Case type	Location	Intervened	Response	Details of response from the authorities
Forced recruitment	Thingangyun township, Yangon Division	30/04/2004	31/08/2004	Found to have been voluntarily recruited when over the age of 18.
Forced recruitment	Twante township, Yangon Division	30/04/2004	31/08/2004	Found to have been voluntarily recruited when over the age of 18.
Section 374 complaint ¹	Kawhmu township, Yangon Division	04/05/2004	sub judge	
Forced labour	Falam district, Chin State	20/05/2004	30/07/2004	No forced labour found to have been involved.
Section 374 complaint ¹	Kawhmu township, Yangon Division	26/05/2004	sub judge	
Forced recruitment	Shwepyitha township, Yangon Division	28/05/2004	31/08/2004	Found to have been recruited when over the age of 18. No indication given as to whether the recruitment was found to have been voluntary. Arrested for desertion and given six-month sentence in a military prison. Returned to his battalion on 23 September.
Forced labour	Bago township, Bago Division	06/07/2004	None to date	(Verbal response indicated that the allegation was unfounded.)
Forced labour	Bago township, Bago Division	06/07/2004	None to date	(Verbal response indicated that the allegation was unfounded.)
Forced labour	Bago township, Bago Division	06/07/2004	None to date	(Verbal response indicated that the allegation was unfounded.)
Forced labour	Bago township, Bago Division	06/07/2004	None to date	
Other ²	Kawhmu township, Yangon Division	07/07/2004	None to date	
Forced labour	Toungup township, Rakhine State	08/07/2004	None to date	
Forced labour	Hinthada township, Ayeyawaddy Division	09/07/2004	None to date	
Section 374 complaint ¹	Hinthada township, Ayeyawaddy Division	22/07/2004	—	Case rejected by court on the grounds that there was no prima facie evidence of forced labour. Complainant subsequently sentenced to 6-month prison term for defamation on 7/10/2004.
Forced labour	Maungdaw township, Rakhine State	23/07/2004	31/08/2004	Official investigation (by FOT) found that the allegations of forced labour on the bridge projects were not true.
Section 374 complaint ¹	Hinthada township, Ayeyawaddy Division	06/08/2004	—	Case rejected by court on the grounds that there was no prima facie evidence of forced labour. Complainant subsequently sentenced to 6-month prison term for defamation on 7/10/2004.
Section 374 complaint ¹	Kawhmu township, Yangon Division	09/08/2004	sub judge	
Forced recruitment	Kyimindine township, Yangon Division	13/09/2004	None to date	
Section 374 complaint ¹	Hinthada township, Ayeyawaddy Division	01/10/2004	—	Case rejected by court on the grounds that there was no prima facie evidence of forced labour.
Forced labour	Ramree township, Rakhine State	12/10/2004	None to date	

¹ In this table, "374 complaint" refers to a direct complaint to a Myanmar court under section 374 of the Penal Code concerning the illegal imposition of forced labour. ² This was a case of alleged harassment and arrest by the police following the visit of two persons to the ILO in connection with an allegation of forced labour.

Appendix III

Extract from document C.App./D.5, Committee on the Application of Standards, ILC, 92nd Session (June 2004)¹

[...]

Activities of the Liaison Officer a.i.

5. On 9 April the Liaison Officer a.i. met with the Minister for Labour in order to discuss the outcome of the Governing Body debate and the steps which could be envisaged to give effect to the Governing Body's conclusions. The Liaison Officer a.i. had further meetings with the Minister on 7 and 24 May, together with the informal facilitator Mr. de Riedmatten.

6. In a meeting on 29 April with the Director-General of the Myanmar Department of Labour, the Liaison Officer a.i. had the opportunity to discuss matters relating to the practical elimination of forced labour. A meeting on 5 May with the Convention 29 Implementation Committee provided the opportunity to have more detailed discussions in this regard, as set out in paragraphs 18-20 below. In a subsequent meeting on 18 May with the Director-General of the Department of Labour, the Liaison Officer a.i. was able to reiterate some of the comments and concerns that he had expressed in the meeting with the Convention 29 Implementation Committee.

7. In addition to these meetings with the authorities, the Liaison Officer a.i. also had the opportunity to have discussions with the diplomatic community in Yangon and Bangkok, as well as with representatives of United Nations agencies, international non-governmental organizations and the International Committee of the Red Cross.

8. From 10 to 15 May, the Liaison Officer a.i. travelled to Chin State.² This trip was conducted independently of the authorities. The Liaison Officer a.i. was able to travel to all areas that he wished without any restrictions or escort, and was able to meet freely with a range of persons, as well as with members of the Chin State Peace and Development Council including its Secretary.

Developments on specific allegations

9. Since the finalization of his report to the 289th Session of the Governing Body in March, the Liaison Officer a.i. has received a considerable number of additional complaints, mostly from alleged victims or their representatives, concerning incidents of forced labour. This brings the total number of complaints received so far in 2004 to 40. The Liaison Officer a.i. has now transmitted 21 of these cases to the Convention 29 Implementation Committee for investigation and action.³ In two further cases, the individuals who presented allegations to the Liaison Officer a.i. had also lodged direct complaints with a Myanmar court under section 374 of the Penal Code. This is the

¹ See ILC, 92nd Session (Geneva, 2004), *Provisional Record* No. 24, Part 3, section D, *Latest developments since the 289th Session of the Governing Body (Mar. 2004)*.

² He travelled from Mandalay to Chin State via Kalemmyo, returning to Mandalay via Gangaw. In Chin State he visited the townships of Tiddim, Falam and Hakha.

³ Of the remaining cases, five were rejected on the grounds that they were not sufficiently precise or credible for action to be taken, five cases were judged not to fall within the mandate of the Liaison Officer, seven cases of forced recruitment had already been the subject of interventions by another agency, and two cases were sub judice as the complainants had made direct complaints to a court under section 374 of the Penal Code (see below).

first time that a complaint has been lodged under this section of the Penal Code.⁴ In these cases, the Liaison Officer a.i. wrote to the Convention 29 Implementation Committee informing it that he had received copies of the complaints and underlining that, particularly as these were the first complaints of this kind and as such could be expected to generate considerable interest, it was important for the credibility of the process that they be handled in a fully transparent manner. He indicated that he would remain in contact with the complainants throughout the case and asked that he be kept informed of developments.

10. On 12 March the Liaison Officer a.i. transmitted to the Convention 29 Implementation Committee an allegation of forced labour that he had received from an individual from Naukmee village in Bogale township (Ayeyawaddy Division). This individual alleged that they had very recently been forced by the local authorities to participate in the upgrading of a village access road along with hundreds of other villagers from several villages in the area. The individual also alleged that forced labour had been imposed for a number of other projects in the recent past.

11. On 7 April the Liaison Officer a.i. transmitted to the Convention 29 Implementation Committee an allegation of forced labour that he had received from a number of individuals from Toungup township (Rakhine State). These individuals alleged that an army battalion had very recently forced them and around 800 other villagers from several villages in the area to work under difficult conditions on the construction of embankments as part of a land reclamation project. The Liaison Officer a.i. also received a separate allegation containing similar information concerning the same project.

12. On 9 April the Liaison Officer a.i. transmitted to the Convention 29 Implementation Committee three further allegations of forced labour that he had received. The first of these allegations was made by three individuals from Pantanaw township (Ayeyawaddy Division). These individuals alleged that villagers from one village tract in the area were currently being forced by the local authorities to carry out guard duty at a local official's house and at a nearby fish-breeding project being implemented by the local authorities. They also had to work clearing land for a football field.

13. The second allegation transmitted to the Committee on 9 April was made by an individual from Magu village tract in Bogale township (Ayeyawaddy Division). According to this allegation, two villagers were required by the local authorities at all times for general duties at the village tract office. Villagers carried out this duty on a rotation basis, and anyone who failed to be present was subject to a fine. Villagers were also forced to participate in other projects, such as constructing embankments and widening the access road. Copies of two orders from the local authorities requisitioning such labour were provided.

14. The third allegation transmitted to the Committee on 9 April was made by an individual from Ama village tract in Bogale township (Ayeyawaddy Division). According to this allegation, one person from each household had been forced by the local authorities for the previous three weeks to participate in the construction of 13 government offices as part of a project to upgrade Ama to a sub-township.

15. On 29 April the Liaison Officer a.i. transmitted to the Convention 29 Implementation Committee an allegation of forced labour that he had received from an individual from Monywa township (Sagaing Division). According to this allegation, villagers from five villages were being forced to work on the resurfacing with rocks of a five-mile section of road. In addition to the labour the villagers had to provide the rock chippings, which entailed financial costs.

16. On 20 May the Liaison Officer a.i. transmitted to the Convention 29 Implementation Committee a case of forced labour that had come to his attention during his recent visit to Chin State, including photographs he had taken showing the nature and scope of the work. The Liaison Officer a.i. had found that work was under way at the time of his visit to Tiddim and Falam towns to widen the main road passing through these towns. The households along these roads were required to carry out this work, which included considerable excavation of the steep hill into which the road

⁴ Section 374 of the Penal Code makes forced labour a criminal offence, in the following terms: "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".

was cut, as well as the construction of a high retaining wall and surfacing of the newly widened section with rock.

17. In letters dated 11 and 18 March, and 8, 23 and 30 April, the Liaison Officer a.i. transmitted to the Convention 29 Implementation Committee nine detailed allegations concerning forced recruitment into the army. Information concerning the alleged circumstances of the recruitment, together with copies of identification documents of the boys, was provided to the Committee. Seven of these allegations concerned the forcible recruitment of boys between the ages of 13 and 16. The Liaison Officer a.i. requested the Committee to ensure that urgent action was taken to verify these allegations in order that, if they were confirmed, these children could be returned to the care of their families as soon as possible and an urgent investigation then carried out into the circumstances of their recruitment so that any person found to have acted illegally could be prosecuted. Of the remaining two cases, one concerned a 15-year-old boy who it was alleged was forcibly recruited into the army, but then ran away after two months and resumed his education. He was subsequently arrested and sentenced by court martial to four years' imprisonment for desertion. The Liaison Officer a.i. requested the Committee to ensure that an urgent investigation was carried out in order that, if the information was confirmed, the court martial verdict would be reviewed and the individual released as appropriate. The other case concerned a 13-year-old boy who it was alleged was recruited into the military against his will. A few months later, after completing basic training and being posted to a battalion, he was allowed a home visit and subsequently did not return to his battalion. He was therefore now facing the possibility of being arrested and court-martialled for desertion. The Liaison Officer a.i. requested the Committee to ensure that urgent action was taken to verify this information in order that, if it was confirmed, the individual could be given a formal discharge from the military and assurances that no action would be taken against him. In both of these cases, the Liaison Officer a.i. also requested the Committee, if the information was confirmed, to ensure that investigations were carried out into the circumstances of recruitment so that any person found to have acted illegally could be prosecuted.

18. *Meeting with the Convention 29 Implementation Committee.* On 5 May the Liaison Officer a.i. met with the Implementation Committee and was briefed on the recent work of the Committee and the action taken in light of the various allegations, as detailed below. The Liaison Officer a.i. thanked the Committee for the information on its work and for the cooperation that he had received. The Liaison Officer a.i. noted the increasing number of allegations he was receiving from individuals, as well as the first complaint under section 374 of the Penal Code. This demonstrated not only a degree of confidence in the ILO, but also showed that complainants had a degree of confidence that the authorities would take action in cases of forced labour. It was important that the Committee continue to take concrete and credible action in response to allegations. In this regard, the Liaison Officer a.i. noted that most of the allegations transmitted in the last few months were still under investigation, and he was still awaiting written reports on those investigations that had been completed. So far, none of the allegations that had been brought to the attention of the Committee had been found by the Committee to be correct, and the Committee had not found any cases of forced labour through its field observation teams.⁵ The Liaison Officer a.i. was aware that in some cases forced labour practices had been stopped and administrative action had been taken against local officials as a result of allegations that he had transmitted. However, if the official position of the Committee continued to be that the allegations were unfounded, this would inevitably cast doubt on the credibility of the Committee and its work, particularly given the increasing number of allegations. These comments and concerns were reiterated by the Liaison Officer a.i. in a letter to the Committee following the meeting, and in subsequent meetings with the Minister for Labour and the Director-General of the Department of Labour.

19. *Detailed responses to allegations.* During the Implementation Committee meeting, the representative of the Ministry of Defence provided information on action that had been taken with regard to allegations concerning the military. He indicated that the allegation of forced labour in

⁵ No new visits by field observation teams had taken place since the last meeting with the Committee on 29 January. However, in a letter dated 26 May the Director-General of the Department of Labour (who serves as Joint Secretary of the Implementation Committee) indicated that he had held a two-day workshop for 120 participants, including a number of senior officials, on "Raising awareness of ILO Convention 29" in Myeik township, Tanintharyi Division.

Thandaung township (Kayin State) transmitted by the Liaison Officer a.i. after his visit to the area⁶ was still under investigation. As regards the nine allegations of forced recruitment, investigations had been completed in four cases. In three cases, the information transmitted by the Liaison Officer a.i. had been confirmed. However, no information was provided on any action that had been taken to return these boys to their families or to investigate the circumstances of their recruitment. In the fourth case, the investigation had found that the information was incorrect as no person fitting the description in the allegation had been located in the battalion mentioned. The other five cases were still under investigation. The representative of the Ministry of Defence then gave some details on the recruitment procedure used by the military. He underlined that all soldiers were recruited voluntarily and had to be over the age of 18. In 2003, 75 recruits had been rejected as they had been found to be under age. If information was subsequently received that recruitment procedures had been violated and a recruit had not been voluntarily recruited or was under age, the case was investigated and the recruit discharged as appropriate. As a result of such investigations, there had been 68 discharges in 2002, and 12 discharges in 2003. Officials found to have violated recruitment procedures had action taken against them. There had been 17 such cases in 2002 and five in 2003.

- (a) The Committee then provided information on action that had been taken on allegations concerning local authorities. As regards the allegation of forced labour in Twante township (Yangon Division),⁷ the Committee indicated that this allegation was unfounded, but that the district chairman had nevertheless been removed from his post for “being a burden to the people”. This was confirmed in a letter from the Director-General of the Department of General Administration received that day. The remaining allegations were still under investigation.
- (b) On 26 May the Liaison Officer a.i. received information from the Ministry of Defence, transmitted in a letter from the Department of Labour. According to this information, investigations had been carried out into five allegations of forced recruitment transmitted by the Liaison Officer a.i. In one case, it was found that the person was not serving in the battalion alleged, and in the other four cases the information in the allegations was confirmed, except as regards the dates of birth of the persons concerned, which in all cases were such that the persons would have been 18 or over at the time of recruitment.⁸ In three cases the information indicated that after interviewing the persons and confirming that they were voluntary recruits it had been learned that their parents “had been persuaded to make false allegations”. In the fourth case it was indicated that the person was serving a sentence for desertion. The Liaison Officer a.i. notes that he saw original identification documents (such as birth certificates and family registration lists) showing the age of the individuals in all these cases, and that copies of these were transmitted to the authorities together with the allegations. The evidence received thus contradicts the assertions of the authorities.

⁶ This allegation was transmitted to the Committee on 24 February. See GB.289/8, para. 18.

⁷ This allegation was transmitted to the Committee on 28 January. See GB.289/8, para. 15.

⁸ There were also some slight discrepancies in the dates of recruitment. Four of the five cases were those that the representative of the Ministry of Defence had provided information on in the Implementation Committee, although there were further discrepancies between his statement and the letter concerning the ages of the persons concerned.