

dates by the Minister of Justice; failure to ensure security of tenure for judges; difficulties by the courts in implementing their decisions, particularly with respect to cases against members of the army and the police; failure always to respect the right of the accused to have an attorney present during the investigative phase and during an appeal against investigative detention; possible control by the Minister of Justice over disciplinary sanctions on lawyers and the apparent absence in law of a provision for independent judicial review; arrest and detention of lawyers who had publicly criticized a law regulating relations between landowners and tenants; a strike of most the nation's lawyers in order to draw the attention of the government to the lack of human and financial resources of the justice system, resulting in a large backlog of cases in the courts; allegations of interference by the executive in political and criminal trials and politically sensitive trials; reports indicating that judges practised self-restraint in order to retain their jobs; and the practice of sentences in politically sensitive cases being handed down by the Supreme Court acting as a court of first instance with the right of appeal to a higher court denied.

The SR also sent cases and appeals related to: amendments to the Criminal Code which reportedly restrict the rights of lawyers in defending their clients and limit a defence lawyer's access to important documents; frequent allegations of harassment and intimidation of lawyers by the police and security forces; use of a little-invoked provision in the Criminal Procedure Code related to "judicial review" to overturn an acquittal and threats against defence counsel in that case; dismissal of a lawsuit against the government reportedly because judges had received direction from government officials on how such lawsuits should be dismissed on technical grounds; incommunicado detention and the holding of a closed trial as well as denial of choice of legal counsel; under-funding of the judicial system; public comments by the President predicting the outcome of pending cases and the subsequent order by the former Chief Justice to all magistrates to follow the President's directive; allegations that sensitive political cases were not allocated to judges who are regarded as being either pro-human rights or completely independent; harassment of and economic sanctions against lawyers supporting human rights or opposition parties; and, challenges to the constitutionality of a Law Society which defends judicial independence and human rights.

Concerns were also registered with governments with regard to: threats and intimidation against a human rights lawyer; a number of lawsuits for defamation arising from a published article critical of the justice system; harassment and death threats against members of a group of independent lawyers that undertakes cases involving labour and indigenous rights; death threats against a judge; the murder of a retired judge who had acquitted two individuals accused of blasphemy; drive-by shootings and assassination of judges and lawyers who had provided legal aid to people accused of blasphemy;

death threats against a senior advocate of the Supreme Court and the demand that he be tried for high treason and sedition; cases involving lawyers and judges as a result of the states of emergency declared by the government in the context of efforts to combat terrorism; harassment and death threats against judges, human rights lawyers and lawyers working for a legal aid organization; the failure of the authorities to take fully into account provisions in international instruments relating to a fair trial; allegations that statements in the press made by some members of the government could potentially affect the independence of the court; intimidation and harassment of a lawyer engaged in work in defence of victims of torture and other human rights violations; cases in which lawyers were equated with the defendants' cause and, as such, were termed "terrorist lawyers" by the police, the public prosecutors and by the courts; charges against lawyers following the filing of complaints related to the death of a civilian at the hands of police agents; and assault and injury of a lawyer and human rights activist who had spoken out publicly against the authorities' policy of ethnically motivated evictions.

Resolution of the Commission on Human Rights

Under agenda item 8 the Commission adopted by consensus a resolution (1998/35) in which the Commission, *inter alia*: stated that an independent and impartial judiciary and legal profession are prerequisites for the protection of human rights and the prevention of discrimination in the administration of justice; recalled General Assembly resolution 40/32 endorsing the Basic Principles on the Independence of the Judiciary; recalled General Assembly resolution 45/166 welcoming the Basic Principles on the Role of Lawyers and the Guidelines on the Role of Prosecutors; recognized the important role of non-governmental organizations, bar associations and professional associations of judges in the defence of the principles of the independence of judges and lawyers; noted with concern the increasingly frequent attacks on the independence of judges, lawyers and court officers and the link between the weakening of safeguards for such individuals and the frequency and gravity of human rights violations; and, invited the High Commissioner to continue to provide technical assistance to train judges and lawyers and to involve the SR in the drafting of a manual on human rights training for judges and lawyers.



INDIGENOUS ISSUES

Issues of concern to indigenous peoples were addressed by both the Commission on Human Rights and the Sub-Commission on the Prevention of Discrimination and Protection of Minorities.