

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1998/68, paras. 12, 17, 27, 83, 94; E/CN.4/1998/68/Add.1, paras. 361–364)

The Special Rapporteur (SR) reiterated concern about the existence of laws, particularly those relating to drugs offences, in which the presumption of innocence is not fully guaranteed as the burden of proof lies partially on the accused. Note was made of the fact that because of their strict formulation, these laws do not leave any discretion to judges to personalize the sentence or to take into account mitigating circumstances. As a result of the legislation judges have no other option than the mandatory imposition of the death penalty once it is concluded that the defendant is guilty.

An urgent appeal was sent on behalf of one person who was reportedly sentenced to death in October 1996 for trafficking in drugs, and had decided not to appeal against the sentence. The government replied that the procedure for lodging appeals, and particularly the time limit for filing of notices of appeal, are carefully explained to every prisoner by the prison authorities immediately upon admission. As a matter of practice, every prisoner who has been sentenced to death is asked by the prison authorities to file a notice of appeal but no person is forced to prosecute an appeal or to continue with an appeal. The government stated that the person named had had the benefit of legal advice at the time when he decided to discontinue his appeal.

The government also commented on information contained in the SR's report to the 1997 session of the Commission on Human Rights (E/CN.4/1997/60/Add.1, para. 438), stating that the Misuse of Drugs Act conformed with international standards, including the Safeguards guaranteeing protection of the rights of those facing the death penalty. In this context, the government explained that drug trafficking is considered by the international community as a "most serious crime". The government further stated that it was not factually correct to state that the Misuse of Drugs Act does not provide sufficient guarantees for the presumption of innocence for persons charged with trafficking in drugs.

The SR restated the view that the presumption of trafficking in drugs in the Misuse of Drugs Act, resulting in a partial shifting of the burden of proof on the accused, does not provide sufficient guarantees for the presumption of innocence. As a consequence, implementation of the Act may lead to violations of the right to a fair trial and the right to life, bearing in mind that the crime of drug trafficking carries a mandatory death sentence. The SR also recalled ECOSOC resolution 1989/64 of 24 May 1989 entitled "Implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty", calling on states to take steps to ensure mandatory appeals in all cases of death penalty.

Religious intolerance, Special Rapporteur on: (E/CN.4/1998/6, paras. 48, 50, 64, 69, 87, 94)

The report refers to violations of freedom of religion and belief against Jehovah's Witnesses, and refers to information indicating their literature is banned and members have been convicted for possession of the confiscated literature.

In its reply to allegations, the government stated that the Jehovah's Witnesses were banned because of their refusal to perform military service as required by national legislation. Consequently, the organization of meetings and distribution of literature were prohibited and punishable by fines, or even imprisonment if the accused refused to pay the fines. The government pointed out that the Jehovah's Witnesses who were arrested in February 1995 had been decently treated and released on bail after having made statements. According to the authorities, the imprisoned Jehovah's Witnesses had been dealt with fairly, imprisoned under humane conditions, and had not lodged any complaints with the visiting justices of the peace during their custody.

Sale of children, child prostitution, child pornography, Special Rapporteur on the: (E/CN.4/1998/101, para. 106)

In the section dealing with children as viewers of sexually explicit material on the Internet, the report notes that the government has attempted to regulate the content of the Internet through a Class Licence Scheme, where Internet Service Providers (ISPs) and Internet Content Providers (ICPs) are required to block out objectionable sites as directed by the Singapore Broadcasting Authority. Schools, libraries and other ISPs which provide Internet access to children are required to institute a tighter level of control, although options as to how this could be implemented have not yet been identified. The Special Rapporteur referred to concerns related to the scope and vagueness of the Internet Content Guidelines, and the effect that they might have on the right to freedom of expression.



SOLOMON ISLANDS

Date of admission to UN: 19 September 1978.

TREATIES: RATIFICATIONS AND RESERVATIONS

Land and People: Solomon Islands has not submitted a core document for use by the treaty bodies.

Economic, Social and Cultural Rights

Succeeded: 17 March 1982.

The initial and second periodic reports of Solomon Islands were due 30 June 1990 and 1995 respectively.