

Geneva Convention of 1949; irregularities in due process — related to the failure to guarantee the right of accused persons to cross-examine witnesses during trial; censorship of publications, provision for a crime of spreading false news; the banning of political parties and restrictions making it increasingly difficult for remaining opposition parties to function; and, compulsory membership in associations — including the requirement that all hotels in Burma join the Hotel and Tourism Committee.

The report comments on a number of statements related to the role of teachers and an educational system that more accurately reflects one of indoctrination rather than education. In the view of the SR, it is evident that the Basic Education courses for teachers, which take place on a regular basis, are used as important forums for senior SLORC officials to impart national policy and demand cooperation on the part of the teachers. The speeches are clearly aimed at controlling the student population which, as in the past, seems to be an integral part of the democratic movement.

In the section of the report summarizing the findings of the field mission to Thailand, the SR gave considerable attention to the phenomenon and causes of displacement. In doing so, three reasons are suggested for the lack of more precise information on the number of displaced persons. These are: to date, SLORC's failure to acknowledge that displacements have occurred and assemble statistics; the fact that internally displaced persons tend to flee in small groups and the areas of expulsion are numerous and spread throughout the country; and, displaced persons tend to flee in absolute silence not wishing in most instances to be identified as displaced, in order to avoid persecution and fearing execution. The causes of displacement are identified as including forced relocation arising from counter-insurgency measures, forced conscription and recruitment of porters and confiscation of land without compensation for development and industrial projects. Displacement as a result of these and other causes is noted as leading to violation of the rights to freedom of movement and freedom to choose one's own residence, the right to basic food, housing and health and the rights to life, physical security and public freedoms.

In light of these and other issues and concerns, the SR stated that the absence of respect for the rights pertaining to democratic governance, as exemplified by the absence of meaningful measures towards the establishment of a democratic order, is at the root of all major violations of human rights in Burma. Further, it is most unlikely that these violations will not cease as long as the democratic process initiated by the general elections of 1990 is not re-established. The SR also stated that the National Convention, because of its mandate, composition and procedures, including its protracted proceedings, has not proved a positive step and is devoid of democratic credibility.

On the basis of virtually unanimous reports and other information, the SR concluded that: there is essentially no freedom of thought, opinion, expression or association in Burma; the absolute power of SLORC is exercised to silence opposition and penalize those holding dissenting views or beliefs; because of both visible and invisible pressures, the people live in a climate of fear in which whatever they or their family members may say or do, particularly in the area of

politics, involves the risk of arrest and interrogation by the police or military intelligence; NLD leaders cannot assemble in a group, cannot freely discuss, and cannot publish or distribute printed material; and, in the prevailing situation, it is difficult to assume that open discussion and free exchanges of views and opinions can possibly take place in Burma, unless they support the present military regime.

Based on these conclusions and observations, the report ends with a number of recommendations, including that:

- ▶ the Universal Declaration of Human Rights be adopted as one of the basic constitutional principles;
- ▶ the text of the Universal Declaration be made widely available in the Burmese language;
- ▶ the government consider accession to the International Covenants on civil, cultural, economic, political and social rights, the Convention against Torture and the two protocols additional to the 1949 Geneva Conventions;
- ▶ laws in Burma be brought into conformity with international standards with regard to physical integrity rights, protection against disappearance, prohibition of torture, humane conditions of detention and implementation of minimum standards of judicial guarantees;
- ▶ the process of democratic transition be accelerated and a substantive dialogue with the NLD and other political leaders elected in 1990 be established;
- ▶ all restrictions on the NLD be lifted immediately;
- ▶ trials by a properly constituted and independent civilian court be held for all political detainees, in conformity with international standards of fair trial and due process with, where a verdict of guilty is determined, guarantees of sentences proportionate to offences;
- ▶ all laws legitimizing human rights violations be repealed immediately;
- ▶ the government take all necessary steps to improve prison conditions and allow international humanitarian organizations access in order to communicate freely and confidentially with prisoners;
- ▶ steps be taken to decriminalize expression of opposition views and relinquish government control over media and literary and artistic works;
- ▶ all restrictions on the right to leave and return be removed as well as restrictions on movement within the country;
- ▶ equal enjoyment of property rights be guaranteed and protected;
- ▶ steps be taken to ensure compliance with ILO Conventions No. 87 and No. 29;
- ▶ steps be taken to put an end to forced displacement;
- ▶ training in international human rights law and protections be given to all military and law enforcement personnel; and
- ▶ measures be implemented to eradicate impunity for perpetrators of human rights violations and to subject all officials to strict disciplinary control and punishment when required.