

**Torture, Special Rapporteur on:** (E/CN.4/1998/38, paras. 135–141; E/CN.4/1998/38/Add.1, paras. 249–267)

The Special Rapporteur (SR) reported that he continued to receive information indicating that the army (Tatmadaw) tortured and ill treated members of ethnic minorities in the Shan and Mon States and in the Tanintharyi (Tenasserim) Division. Persons forced to perform portering duties for the army, and villagers suspected of having links with armed opposition groups, were said to be most vulnerable to such practices. Porters unable to carry their required loads of supplies and ammunition were allegedly beaten repeatedly with bamboo sticks or rifle butts and deprived of food, water, rest and medical treatment. The SR had also been informed that a number of persons, who were forced by the army to perform unpaid labour on construction projects, were subjected to ill treatment, which included being held in chains and receiving inadequate food and medical care. The SR also received information reporting that a number of persons were beaten by the police during student demonstrations in Yangon in December 1996.

The government variously responded that: with respect to the student demonstrations, there had been no single incident leading to bloodshed; concerning the general allegations of the treatment of porters by members of the armed forces, civilian labourers were sometimes employed by the army for transportation of supplies and equipment over difficult terrain in remote areas when launching operations against armed groups; the law provided for the hiring of civilian labourers to assist the armed forces on active duty and such recruitment was done after consultations with the local authorities, based on three criteria – the civilians had to be unemployed, physically fit to work as porters, and a reasonable amount of wages had to be fixed and agreed upon before recruiting; civilian labourers were never required to accompany the troops to the actual scene of battle, neither were they exposed to danger; the respective military unit had the responsibility of paying wages and transport charges and providing accommodation, food and medical coverage for the hired labourers; there were also volunteer porters and professional porters who earned their living by offering their services; and, the porters were treated well by the armed forces.

Responding to allegations transmitted in 1996 related to abuses attributed to the Democratic Kayin Buddhist Army (DKBA), the government stated that: the DKBA was the fighting unit of the Democratic Kayin Buddhist Organization (DKBO), which broke away from the armed group Kayin National Union (KNU) in 1994; since the aspirations of the DKBO had revealed the sincerity of their wishes for peace and stability of the region and coincided with those of the government, the army had provided the necessary logistical support; while the DKBA launched its assault on the KNU headquarters, army units secured the rear with the aim of protecting nearby villages from attack by KNU remnants; armed clashes had broken out at times between the forces of the

KNU and the DKBO; since the government had not yet held any official peace talks with the DKBO, and as the DKBO had yet to return to the legal fold, the authorities had no control over the DKBO and could not be held responsible for the group's activities.

Individual cases and urgent appeals transmitted to the government involved, *inter alia*: members of the Akha ethnic minority, reportedly forcibly taken for portering work and subsequently abused, mistreated and, in the case of girls, raped; forced labour with iron bars shackled across the legs; beatings by police during student demonstrations in Yangon involving not only participants but onlookers; the arrest of trade union leaders and members of the NLD and concerns over possible ill treatment while in detention; and, torture during raids by soldiers on villages.

**Toxic wastes and products, Special Rapporteur:** (E/CN.4/1998/10/Add.1, paras. 2, "Comments received from States")

The addendum to the 1998 report of the Special Rapporteur (SR) summarizes the responses received from governments to information contained in the 1997 report.

The government first stated that illicit traffic of toxic or dangerous products and wastes does not originate in the country and that such trafficked products are not received. In response to allegations related to human rights violations in the context of the construction of a natural gas pipeline, the government stated that: the route selected for the gas pipeline is the one that poses the least threat to the environment and does not pass through any village; the two foreign oil companies involved in the project are actually helping the people living along the route of the pipeline by providing new economic opportunities for the villagers; the government, with the active participation of the people and together with the companies concerned, has undertaken to provide facilities for independent media persons and concerned officials from Western countries to make extensive tours of the areas in question; these sources have not supported any of the allegations related to human rights; and, reports of such violations are, therefore, unfounded and totally untrue, emanating from opponents aimed at denigrating the government and its armed forces.

### **Mechanisms and Reports of the Sub-Commission**

**Systematic rape, sexual slavery and slavery-like practices during armed conflict, Special Rapporteur on:** (E/CN.4/Sub.2/1998/13, paras. 30, 67)

Noting that the term "sexual" is used as an adjective to describe a form of slavery and not to denote a separate crime, the report states that sexual slavery also encompasses situations where women and girls are forced into "marriage". Information is cited indicating that women and girls in Burma have been raped and otherwise sexually abused after being forced into "marriages" or forced to work as porters or minefield sweepers for the military.