

Burma, including political leaders deprived of their liberty, their families and their lawyers, with a view to examining the situation of human rights in Burma and following any progress made towards the transfer of power to a civilian government and the drafting of a new constitution, the lifting of restrictions on personal freedom and the restoration of human rights in Burma. The SR in 1997 was Mr. Rajsmoor Lallah.

The report of the Special Rapporteur (SR) on the situation in Myanmar (E/CN.4/1997/64) notes that three requests for permission to visit Burma to conduct a field mission were made and that none was granted. Nonetheless, the SR's report includes commentary on: the impact of law on human rights; extrajudicial, summary or arbitrary executions; torture and cruel, inhuman or degrading treatment or punishment; due process of law; rights pertaining to democratic governance; measures adversely affecting democratic governance; and, remedial measures. The report also includes a section on a mission undertaken to Thailand which includes commentary on: the problem of displacement; the main causes of displacement; patterns and consequences of displacement; issues of humanitarian law; rights particularly relevant to displaced persons in Burma; and remedial measures.

The report identifies four priority areas of concern: the failure of the State Law and Order Restoration Council (SLORC) to complete the electoral process begun in 1990 and meet commitments to establish democracy on the basis of the outcome of the elections; the continued detention and imprisonment of political leaders, many of whom were elected in 1990 to represent their constituencies and establish a permanent democratic system of government; serious violations of human rights, including torture, summary/arbitrary executions, forced labour, forced portering, abuse of women, politically motivated arrests and detentions, forced displacement, restrictions on freedom of expression and association and oppressive measures directed against ethnic and minority groups; and continued armed conflict with ethnic and other groups which, coupled with human rights violations, have resulted in refugee outflows to neighbouring countries.

Given that Burma has ratified only two of the six international human rights and neither of the International Covenants, the report emphasizes the norms in the Universal Declaration of Human Rights in terms of assessing the state of human rights in the country. Particular reference is made to: articles 2 and 11 — related to the exercise of political rights without distinction on any grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status; articles 13, 18, 19 and 20 — related to freedom of movement, thought, opinion and expression, the right to seek, receive and impart information and freedom of assembly and association; articles 7, 10 and 11 — related to equality before the law, right to fair trial by an independent and impartial tribunal and right to procedural guarantees necessary to one's defence; and articles 5 and 9 — related to the right not to be subjected to torture, cruel, inhuman or degrading treatment or punishment or arbitrary detention or arrest.

The SR examined areas where internal law severely contradicts international standards. Among the laws considered and criticized were: the 1923 Official Secrets Act; the 1950

Emergency Provisions Act; the 1957 Unlawful Associations Act; the 1962 Printers' and Publishers' Registration Law; the 1975 State Protection Law; and Law No. 5/96 Protecting the Stable, Peaceful and Systematic Transfer of State Responsibility and the Successful Implementation of National Convention Tasks Free from Disruption and Opposition. It was also noted that these laws are reinforced by various orders and other emergency laws still in force. These are listed as including orders prohibiting: civil servants from participating in politics and prohibiting family members or anyone close to them from participating directly or indirectly in activities aimed at opposing the government; the assembly of five or more persons; criticism of the authorities or defence forces and insults to SLORC; and all Buddhist monk organizations except for the nine sects of the Sanghas.

In his report to the Commission, the SR stated that he had analysed the question of the legitimacy of the assumption and continued retention of martial law powers after the elections of 1990, its break with constitutionality and legal continuity, its non-conformity with international norms and the adverse impact of Burmese law on the respect and protection of human rights. In this regard, the SR mentioned the most commonly employed laws banning the enjoyment of civil and political rights and suppressing dissent against the State Law and Order Restoration Council (SLORC). He came to the conclusion that various laws, by themselves, criminalize or adversely affect freedom of thought, information, expression, association and assembly through fear of arrest, imprisonment and other sanctions. In addition, where they do not criminalize them, executive acts or orders greatly restrict those rights.

The report also refers to the Computer Science Development Law of 27 September 1996, which makes the unauthorized import, possession and use of certain types of computer equipment (for example, computers with networking capability) punishable with sentences of 7 to 15 years in prison and/or a fine. Reference is also made to the proposed establishment of a "Myanmar Computer Science Council" to approve the type of equipment to be restricted. According to the government-controlled newspaper *New Light of Myanmar* (NLM), punishment is prescribed for anyone setting up links with a computer network without permission, or who uses computer networks or information technology for undermining state security, law and order, national unity, the national economy or national culture, or who obtains or transmits state secrets. Members of unauthorized computer clubs may, according to reports, be sentenced to prison terms of a minimum of three years. A punishment of 5 to 10 years' imprisonment is prescribed for anyone who imports or exports computer software or information banned by the Myanmar Computer Science Council.

The report documents cases and incidents arising from specific types of violations, including: summary/arbitrary execution — although no evidence has been received of a systematic policy of such executions, numerous allegations of the practice by the military have been received; torture — commonly reported as carried out against villagers by agents of the government and the military; unacceptably low standards with regard to prison conditions and refusal of SLORC to allow the Red Cross to visit prisoners as provided for in the