

causes of refugee flows to neighbouring countries; fulfil its obligations to end the impunity of perpetrators of human rights violations, including members of the military; and to investigate the circumstances that led to the death of James Leander Nichols while detained and to prosecute those responsible. The commission extended the mandate of the SR for a further year.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Arbitrary detention, Working Group on:
(E/CN.4/1998/44, paras. 4, 5, 19, Annex III)

The report notes that cases were transmitted to the government and that an urgent appeal was sent on behalf of 300 persons. No details of the cases were provided.

Opinion No. 20/1997 was adopted by the Working Group (WG) at its November/December 1997 session related to the re-arrest of a member of the National League for Democracy (NLD) in July 1996 on a charge of recent activities in support of the opposition, possibly related to membership in the NLD. The person had been previously arrested, in August 1993, and sentenced to 20 years in prison on charges of destabilizing national unity, printing and publishing material without official registration, and improper use of official secret documents. The WG, by its Decision No. 13/1994, had declared his previous detention to be arbitrary.

The government provided the WG with details concerning the charges under which the individual had been sentenced to 20 years' imprisonment and the law under which he was granted amnesty — section 401 (1) of the Criminal Procedure Code — after he had given a solemn pledge to the authorities that he would henceforth abide by the law. The government stated that the man had not abided by his pledge and, as a consequence, the amnesty was revoked and he resumed serving the remainder of the original sentence.

The WG noted that the government did not specify the way in which the pledge was not honoured, what the activities were that led to the revocation of the amnesty, and in what way the activities constituted a violation of the pledge. The WG decided that the renewed detention, just like the first one, was linked to the fact that he peacefully exercised his right to freedom of opinion and expression, guaranteed by article 19 of the Universal Declaration. With that in mind the WG declared the deprivation of liberty to be arbitrary.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1998/68, paras. 14, 17, 39, 57, 63, 72; E/CN.4/1998/68/Add.1, paras. 283–288)

Cases addressed by the Special Rapporteur (SR) related to deaths due to attacks or killings by security forces, paramilitary groups or private forces cooperating with or

tolerated by the state, and violations of the right to life of women, refugees and villagers belonging to the Shan ethnic minority.

The report refers to attacks on refugee camps in Thailand by members of the armed forces and by members of the Democratic Karen Buddhist Army (DKBA), a Karen militia group reportedly backed by the government. The government replied that the armed forces never violated the territorial integrity of neighbouring countries. It also stated that it cannot be held accountable for the behaviour and activities of the Karen National Union (KNU) or its splinter group, the Democratic Kayin Buddhist Organization, both considered to be armed groups which remain outside the framework of the law.

Freedom of opinion and expression, Special Rapporteur on: (E/CN.4/1998/40, paras. 41)

In the section dealing with new information technologies, the report 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. The plan by the authorities to establish a Myanmar Computer Science Council to approve the type of equipment to be restricted is noted. The Special Rapporteur cites a report in the government-controlled newspaper, *New Light of Myanmar* (NLM), referring to punishment 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.

Religious intolerance, Special Rapporteur on:
(E/CN.4/1998/6, paras. 48, 58, 63, 64)

The report refers to violations of the principle of non-discrimination in the matters of religion and belief involving discriminatory policies and/or legislation. It notes that Christians in the state of Chin are alleged to be victims of a discriminatory policy. Specific reference is made to information indicating that the army has tried to conduct campaigns to convert Christians to Buddhism and that, in one monastery, children were forced to repeat Buddhist prayers every day, with some parents being paid sums of money in exchange. Information was also received related to violations of the freedom to manifest one's religion or belief, as well as the freedom to dispose of religious property. In terms of the latter, the report refers to information that construction of a church was stopped by the authorities despite the fact that a building permit had been obtained.