

- ♦ make available resources to remedy the poor conditions in prisons; provide human rights training to prison officers; recruit a sufficient number of female officers to ensure that only such officers are in charge of female prisoners; make alternatives to a sentence of imprisonment more widely available to the courts; encourage the judiciary to use these alternatives, in appropriate cases, when passing sentence;
- ♦ abolish imprisonment for inability to pay a debt and carry out a study of alternative means of enforcing judgement debts;
- ♦ take suitable measures to eliminate the backlog of pending cases before the High Court and adopt a more expeditious procedure to determine electoral disputes;
- ♦ bring laws into conformity with article 17 of the Covenant in order to ensure the freedom of an adult individual's sexual conduct;
- ♦ introduce legislation to provide civil and criminal remedies in cases of domestic violence;
- ♦ take further steps to eliminate the employment of children in industrial and agricultural activities; and
- ♦ establish an independent body to oversee respect for, and to disseminate knowledge of, human rights.

## THEMATIC REPORTS

### Mechanisms of the Commission on Human Rights

**Extrajudicial, summary or arbitrary execution, Special Rapporteur on:** (E/CN.4/1998/68, paras. 12, 13, 14, 17, 44, 45, 64; E/CN.4/1998/68/Add.1, paras. 409–412)

Two urgent appeals were sent to the government. The first was sent on behalf of Burundi refugees in Tanzania when fears for their life were expressed if they were to be repatriated. Information received indicated: 48 refugees, reportedly forcibly returned to Burundi in January 1997, were arrested upon their arrival in Burundi and extrajudicially executed the following day; also in January 1997, 126 Burundi refugees were reportedly forcibly returned from Tanzania to Burundi and 122 of them were allegedly shot and killed the same day by members of the Burundi armed forces. The second appeal was sent on behalf of approximately 100 Zairian nationals when fears were expressed that their life and physical integrity might be at risk if they were to be returned to DR Congo (Zaire). Some of them were reported to be prominent members of President Mobutu's political party and others were reportedly known as political opponents or critics of the Alliance of Democratic Forces for the Liberation of Congo (AFDL). In both urgent appeals, the Special Rapporteur (SR) requested the government to refrain from returning these persons.

The government replied that no Zairians had been repatriated and approximately 4,000 Zairians — believed to be mostly members of militias — had voluntarily requested to be repatriated.

**Torture, Special Rapporteur on:** (E/CN.4/1998/38, para. 197; E/CN.4/1998/38/Add.1, para. 449)

Referring to a case included in the Special Rapporteur's (SR) report to the 1997 Commission on Human Rights (E/CN.4/1997/7/Add.1, para. 540), the SR transmitted, in response to a request by the government, copies of the medical reports in a case that had involved torture at the camp of the anti-smuggling squad (KMKM). The government submitted its observations on the medical reports, stating: the medical officer who had filled in the medical examination report was not the one who had treated the person named; not all injuries described in the medical reports corresponded with each other; the person named had been treated and discharged from hospital at his own request; despite a referral for further examination at another hospital, he had delayed going there; the type of medical treatment given to him was only given in cases of minor injuries, suggesting that he was not seriously hurt, nor could he have sustained brain damage. On that basis, the government stated the allegations of torture were unreliable.

**Violence against women, Special Rapporteur on:** (E/CN.4/1998/54, Section III.E)

In the section on projects to protect women refugees from gender-based violence, the report refers to crisis intervention teams in Ngara camp and notes, *inter alia*: in view of the extreme sensitivity of the topic of sexual violence, UNHCR considered it crucial to involve refugees themselves in identifying an appropriate response mechanism to sexual violence and rape; participatory discussions indicated that during the first few months a degree of security against assault was offered due to extreme overcrowding in the camps and lack of privacy; and, in subsequent months sexual violence increased. The crisis intervention teams (CITs) were established in March 1995. The Special Rapporteur (SR) noted: the CITs were composed of refugees and supported by NGOs, to provide community service in each camp; implementation of the programme was motivated by the belief that victims would be more willing to report an assault to someone who shared the same language and culture and understood the social ramifications and significance of the event; CIT members, who were constantly present in the community, could offer more sustained support for victims; CIT members could act as advocates for the victims during the process of gathering relevant information, thereby sparing them the ordeal of answering the same questions from many different professionals.

The SR also referred to the Refugee Information Network (RIN) which was created in late 1994 after it became apparent that the existing channels of communication between humanitarian organizations and the refugees were too narrow. RIN consisted of newsletters, radio