

- ▶ in cases of monetary claim the government is taking steps through amendments to the 1981 Loan Act to expedite cases and considering placing these cases under civil remedy;
- ▶ efforts are being made to expedite completion of investigations within reasonable time-limits and the government is considering a draft on civil and criminal procedures that provides for a minimum/maximum period for completion of investigations related to all kinds of offences;
- ▶ efforts are being made to ensure that all persons arrested and accused are brought before a magistrate within 24 hours, bearing in mind difficulties encountered by the remoteness of some villages and the time needed to bring the accused to a district court, as well as delays related to arrests made during weekends and on national holidays; and,
- ▶ the process of record-keeping related to persons held at the Thimphu Detention Centre and Chamgang Central Jail has been improved and includes information such as name of prisoner, date of arrest, date of first appearance before a magistrate, date of formal charge, date of commencement of trial, information on means of defence (e.g. *Jabmi*) and date of conviction.

In the section of the report dealing with administration of justice, brief commentary is provided on the government's efforts to improve procedures related to arrest and custody, first appearance before a judge, rights of the defence, close of an investigation and the appeals procedure, including appeal to the High Court.

In terms of continuing problems in the implementation of recommendations made following the 1994 visit, the report recommends that:

- ▶ to address problems arising from geography and difficulties in travel that impede adherence to the stipulation of a maximum 24-hour period in police custody before court appearance, the period of custody may be calculated from the time of arrival at the police station, with the time needed to make the journey recorded in the register of the detainee's legal status now being kept at each detention centre;
- ▶ to differentiate between custody following arrest and detention pending trial, limitations on custody be clearly set out and the bases for possible renewal of the custodial order be clearly stipulated to assist judges and, work be undertaken towards a uniform approach by the courts in this matter;
- ▶ more flexibility be introduced into the penalty system by reform of the Code of Criminal Procedure so that judges may, for example, suspend sentences or authorize probation;
- ▶ steps be taken to allow for the gradual development of the practice of *Jabmi* into that of lawyer; and,
- ▶ greater efforts be made to inform those arrested or detained of their right to legal assistance through the institution of *Jabmi*, and further legal training be given to *Jabmi* to ensure their capacity to work effectively within a legal system undergoing modernization.

The report concludes that the 15 recommendations made following the 1994 visit have generally been implemented by the government. On that basis, further recommendations are made, including that the government:

- ▶ adopt as soon as possible the draft law reforming the Code of Criminal Procedure; ensure that the Code calculates police custody from the time of arrival at the place of detention; and provide alternative non-custodial measures such as suspended sentences or probation;
- ▶ implement the technical cooperation programme related to the administration of justice which was agreed in principle with the Office of the High Commissioner for Human Rights;
- ▶ give high priority to the training of judges;
- ▶ make greater efforts to publicize the function of *Jabmis*; and,
- ▶ to the extent possible, appoint and pay *Jabmis* to assist persons who lack the financial means to pay for their own legal defence.

**Religious intolerance, Special Rapporteur on:**  
(E/CN.4/1997/91, paras. 9, 17, 21, 22, 26)

The report refers to violations of religious freedom in Bhutan against all religions and religious groups other than the official religion. Reference is also made to prohibitions related to the freedom to change one's religion as well as a ban, through special legislation, on the freedom to manifest one's religion or belief and to proselytize.

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## BRUNEI DARUSSALAAM

**Date of admission to UN:** 21 September 1984.

### TREATIES AND REPORTS TO TREATY BODIES

**Land and People:** Brunei has not submitted a core document for use by the treaty bodies.

#### Rights of the Child

Acceded: 27 December 1995.

Brunei's initial report was due 25 January 1998.

*Reservations and Declarations:* General reservation and articles 14, 20 and 21.

### THEMATIC REPORTS

#### *Mechanisms of the Commission on Human Rights*

**Religious intolerance, Special Rapporteur on:**  
(E/CN.4/1997/91, paras. 9, 17, 19, 26, 29)

The report notes violations of religious freedom against all but the state religion as well as the ban on some religions on proselytizing. The government informed the Special Rapporteur that it is committed to peace and harmony and that restrictions in the religious field, regardless of the religion in question, were designed to maintain peace, order and harmony. The government stated that non-Muslims could practise their religion and had sufficient places of worship.