

World Public Information Campaign on Human Rights, Report of the S-G to CHR: (E/CN.4/1997/36, paras. 85, 98)

The report notes that the UN Information Centre (UNIC) in Dhaka organized a discussion in observance of Human Rights Day which was attended by the editors and chief reporters of daily newspapers and news agencies. UNIC has also been in contact with the Curricula Committee of the Bangladesh Text Book Board in order to persuade them to incorporate UN themes in the primary- and secondary-level school curricula. In terms of the International Decade of the World's Indigenous People the report notes that a seminar was hosted by UNIC, and a UN film shown, for a group of 40 tribal/indigenous students and leaders from Chittagong who were briefed on the role of the UN in promoting the Decade.

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BHUTAN

Date of admission to UN: 21 September 1971.

TREATIES AND REPORTS TO TREATY BODIES

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

Racial Discrimination

Signed: 26 March 1973.

Discrimination against Women

Signed: 17 July 1980; ratified: 31 August 1981.

Bhutan's initial through fourth periodic reports were due 30 September 1982, 1986, 1990 and 1994 respectively.

Rights of the Child

Signed: 4 June 1990; ratified: 1 August 1990,

Bhutan's initial and second periodic report were due 1 September 1992 and 1997 respectively.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Arbitrary detention, Working Group on: (E/CN.4/1997/4, paras. 12, 17, 21, 22, 36, 37, 40, 41)

The main report notes that one urgent appeal was transmitted to the government on behalf of one person and that the government had replied. No details of the case were given. The report also refers to the mission undertaken to Bhutan as well as the visit to camps in eastern Nepal to interview refugees who began to leave Bhutan in 1990.

The Working Group (WG) refers briefly to its visit to Bhutan to follow-up the 1994 mission. The report includes a short summary of the WG's visit to refugee camps in eastern Nepal where Bhutanese nationals or former residents in Bhutan of Nepalese origin have settled. Some of the refugees interviewed by the WG had previously been detained in Bhutan. The first addendum to the WG's main report (E/CN.4/1997/4/Add.1, Decision 3) summarizes decisions taken on a case previously considered.

Decision 3 (1996) related to a detention that, in 1994, had been declared non-arbitrary. Based on information received, the case involved: an arrest in Nepal and extradition to Bhutan

without an extradition order; the failure of the authorities to notify the family of the arrest within a reasonable period of time; lack of access for family members to the man arrested until the second year of detention; refusal of permission for the detainee to correspond with his wife, either officially or unofficially; failure of the authorities to inform the detainee of his right to be assisted by a lawyer and failure to provide him with a lawyer during his prolonged custody; charging the detainee under the National Security Act, promulgated in October 1992, when the man was arrested in 1989; keeping the detainee in handcuffs for two years; failing to provide him with medical care until one year after imprisonment; and detaining the man for three years without charge or trial.

The government provided the WG with information, arguing that the facts as stated were not true. On that basis, a number of concerns were dismissed. The WG did find, however, that the detention from 17 November 1989 to 29 December 1992 was arbitrary and in violation of principles 11, 37 and 38 (the right to a prompt hearing and trial within a reasonable period of time) of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. The WG decided that the imprisonment between the detainee's first appearance before the Court and his sentencing on 16 November 1993 was not arbitrary.

The report of the WG's visit to Bhutan in May 1996 (E/CN.4/1997/4/Add.3) notes that the mission was organized with three objectives in mind: to follow up on recommendations made during the first field mission; to visit courts, prisons and police stations in the capital and in the provinces; and, to evaluate a case the WG had previously declared to be non-arbitrary (as above).

A review of actions taken by the government to implement recommendations arising from the 1994 visit is provided and the report notes that:

- ▶ a review of all cases related to persons detained under the National Security Act was conducted; common law cases were set aside for six months and all trials of "anti-national cases" were conducted by the High Court within a six-month period;
- ▶ regarding the institution of *Jabmi* (a substitute for a lawyer), steps had been taken by prison authorities and the courts to ensure that persons being tried were aware of their right to engage a *Jabmi* or have other legal representation of choice and, further, to explain the provision of engaging a *Jabmi* during the preliminary hearing;
- ▶ persons detained but not yet convicted under the National Security Act are periodically brought before the High Court and given the right personally to state before a judge any grievances they may have;
- ▶ all common law prisoners are regularly brought before a judge and given the assistance of a *Jabmi* of choice;
- ▶ a review of the cases of common law prisoners who had not been formally charged was conducted and resulted in the release of a number of detainees;
- ▶ those detained for years without formal charge or appearance before a judge were released on bail, with the conditions of bail commensurate with the individuals' economic conditions;