

# Lawyers' Rights Watch Canada

*NGO in Special Consultative Status with the Economic and Social Council of the United Nations*

## *Check Against Delivery*

Organization: Lawyers' Rights Watch Canada  
Item: Item 10 – Interactive dialogue on the Report of the Special Rapporteur on the situation of human rights in Cambodia  
Date: 27 September 2017  
Speaker: Catherine Morris

## **Oral Statement to the 36th Session of the UN Human Rights Council from Lawyers' Rights Watch Canada (LRWC), NGO in special consultative status**

### **Cambodia: Cooperate with Human Rights Council Special Procedures mandate holders towards independence of the judiciary and respect for rights to freedoms of expression, association and assembly**

Mr. President:

Lawyers' Rights Watch Canada appreciates the Special Rapporteur's report, including remarks on the administration of justice. We share her concern about the pretrial detention of lawyer Mr. Ny Chakrya and four other rights defenders for over a year, in contravention of conclusions of the Working Group on Arbitrary Detention that the detentions were arbitrary.<sup>1</sup> While they were released in June, charges have not been dismissed.

This case exemplifies injustices imposed by courts that do not operate independently from the executive.

Establishing human rights, and an independent judiciary, are key obligations of the 1991 Paris Peace Agreements to end years of conflict and atrocities that destroyed millions of lives and all of Cambodia's institutions. Since then, Cambodia has ratified numerous human rights treaties, and its 1993 Constitution incorporates international human rights and an independent judiciary.

Despite these legal obligations and recommendations of UPRs, Treaty Bodies,<sup>2</sup> and every Special Representative and Rapporteur since 1994, Cambodia has no independent courts. This enables Cambodia to continue and increase violations of its international human rights law

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<sup>1</sup> Opinions adopted by the Working Group on Arbitrary Detention at its seventy-seventh session, 21-25 November 2016, Opinion No. 45/2016 concerning Ny Sokha, Nay Vanda, Yi Soksan, Lim Mony and Ny Chakrya (Cambodia), available at: [http://www.ohchr.org/Documents/Issues/Detention/Opinions/Session77/A-HRC-WGAD-2016-45\\_en.pdf](http://www.ohchr.org/Documents/Issues/Detention/Opinions/Session77/A-HRC-WGAD-2016-45_en.pdf).

<sup>2</sup> E.g. UN Human Rights Committee, Concluding observations on the second periodic report of Cambodia, CCPR/C/KHM/CO/2, 27 April 2015, available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/KHM/CO/2&Lang=En](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/KHM/CO/2&Lang=En); Consideration of reports submitted by States parties under article 19 of the Convention Concluding observations of the Committee against Torture, CAT/C/KHM/CO/2, 20 January 2011, available at

obligations by creating and misapplying laws and procedures that restrict or criminalize legitimate, peaceful activities of political dissenters, civil society, rights defenders, and independent journalists.

We share all concerns expressed in the draft resolution to renew the Special Rapporteur's mandate and ask all Council members to support it. We urge Cambodia to cooperate with all Special Procedures mandate holders and to institute a genuinely independent judiciary that will uphold protected rights to freedoms of peaceful expression, association and assembly.

Thank you, Mr. President.