

Organization: Lawyers' Rights Watch Canada
Item: Item 3: Interactive Dialogue: Special Advisor on the Prevention of Genocide
Date: 28 June 2021
Speaker: Catherine Morris

Oral Statement to the 47th Session of the UN Human Rights Council from Lawyers' Rights Watch Canada (LRWC), NGO in Special Consultative Status

Mme President;

Lawyers' Rights Watch Canada thanks the Special Advisor for her work. LRWC is disturbed by the lack of international political will to prevent genocide. This international law duty arises as soon as a State learns of a serious risk of genocide.¹ States – and UN bodies – must not wait until genocide is in progress to take action.

Genocides do not erupt suddenly. Atrocities are fostered by impunity for other violations.² Prevention of genocide requires States to ensure an independent judiciary,³ a legal profession free to advocate clients' rights without harassment,⁴ and a strong civil society.⁵

For decades, Myanmar authorities have persecuted lawyers,⁶ defenders, and journalists, and have fostered discrimination and hatred against Rohingya people. NGOs and UN Special Procedures warned of escalating violations for years prior to the 2017 atrocities.⁷ Genocide is reportedly ongoing.⁸

For years, China has suppressed information about rights violations. China thwarts access to remedies by persecuting lawyers, defenders, and journalists.⁹ China's suppression of truth facilitates its persecution and vilification¹⁰ of ethnic and religious minorities. NGOs, scholars¹¹ and several States¹² are alleging genocide against Uyghur people.

There has been no lack of warning. What is missing is action. We urge Council members and observer States to apply targeted economic sanctions, arms embargos, and other concrete measures to halt these atrocities.

Thank you.

¹ Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, I.C.J. Reports 2007, p.43, at para 431, available at: <https://www.icj-cij.org/public/files/case-related/91/091-20070226-JUD-01-00-EN.pdf>.

² United Nations Office on Genocide Prevention and the Responsibility to Protect, *Framework of Analysis for Atrocity Crimes: A tool for prevention*, UN, 2014, available at: https://www.un.org/en/genocideprevention/documents/about-us/Doc.3_Framework%20of%20Analysis%20for%20Atrocity%20Crimes_EN.pdf.

³ *Ibid*, page 12.

⁴ United Nations, Basic Principles on the Role of Lawyers, 7 September 1990, available at: <https://www.ohchr.org/en/professionalinterest/pages/roleoflawyers.aspx>.

⁵ Resolution adopted by the Human Rights Council on 22 June 2020, Prevention of genocide, A/HRC/43/29., available at: <https://undocs.org/A/HRC/RES/43/29>. While the intersessional meeting requested by the Resolution was held in February 2021, the stipulated report of the meeting was not prepared due to UN financial constraints.

⁶ Since the 1 February 2021, more than a dozen lawyers have been arbitrarily detained in Myanmar. See Myanmar: Lawyers detained, charged, and threatened after military coup, Statement, 24 March 2021, available at: <https://www.lrwc.org/myanmar-lawyers-detained-charged-and-threatened-after-military-coup-statement/>. Since then, other lawyers have been arbitrarily detained. See a current list by the Assistance Association for Political Prisoners at <https://aappb.org/>.

⁷ LRWC notes the March 2021 joint statement by the Special Advisor and the High Commissioner condemning serious human rights violations by the Myanmar military since its February 1st coup and calling for protection from atrocity crimes and an end to impunity for past crimes. Joint Statement by UN Special Adviser on the Prevention of Genocide and UN High Commissioner for Human Rights - on Myanmar, 28 March 2021, available at: <https://www.un.org/sg/en/content/note-correspondents-joint-statement-un-special-adviser-the-prevention-of-genocide-and-un-high-commissioner-for-human-rights-myanmar>.

⁸ See the order of the International Court of Justice, Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar). Order of 23 January 2020, available at: <https://www.icj-cij.org/public/files/case-related/178/178-20200123-ORD-01-00-EN.pdf>.

⁹ China: Human rights advocates suffer detention, ill-treatment and trials in violation of international law, Written Statement to the 38th Session of the UN Human Rights Council, , June 2018, available at: <https://www.lrwc.org/china-human-rights-advocates-suffer-detention-ill-treatment-and-trials-in-violation-of-international-law-written-statement-to-the-38th-session-of-the-un-human-rights-council/>. See the statement by the UN Special Rapporteur on Human Rights Defenders endorsed by seven additional Special Procedures mandate holders, OHCHR, “China: Shock at continued crackdown on human rights defenders and lawyers – UN expert,” 16 December 2020, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26612&LangID=E>.

¹⁰ See, e.g. the interventions of the China Mission at: <https://media.un.org/en/asset/k11/k11pwrzdxj>.

¹¹ Newlines Institute for Strategy and Policy, *The Uyghur Genocide: An Examination of China’s Breaches of the 1948 Genocide Convention*, Washington D.C.: Newlines Institute for Strategy and Policy, Fairfax University, March 2021, available at: <https://newlinesinstitute.org/wp-content/uploads/Chinas-Breaches-of-the-GC3.pdf>.

¹² As of 23 June 2021, parliaments of Belgium, Canada, Czech Republic, Lithuania, Netherlands, United Kingdom, and the United States have declared that China’s treatment of Uyghur people amounts to genocide.