

# 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 3 – Clustered Interactive Dialogue with Special Rapporteur on human rights defenders and Special Rapporteur on torture  
Date: 2 March 2017  
Speaker: Mr. Abdul Hamid KHAN

## **Oral Statement to the 34th Session of the UN Human Rights Council from Lawyers' Rights Watch Canada (LRWC), NGO in special consultative status**

Mr. President:

Lawyers' Rights Watch Canada appreciates the reports of both Special Rapporteurs. We share the views of the Special Rapporteur on Human Rights Defenders about the appalling increase of attacks on defenders worldwide<sup>1</sup> and lack of effective protection of defenders from criminalization of human rights advocacy, arbitrary detention, enforced disappearance and murder.

We are shaken by recent murders of defenders in Guatemala,<sup>2</sup> Myanmar<sup>3</sup> Pakistan<sup>4</sup> and the Philippines.<sup>5</sup> We are disturbed by the lack of credible investigations of murders or threats against defenders in Cambodia,<sup>6</sup> Colombia,<sup>7</sup> Honduras,<sup>8</sup> Kenya,<sup>9</sup> Pakistan<sup>10</sup> and Thailand,<sup>11</sup> as well as

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<sup>1</sup> UN Human Rights Council, *Report of the Special Rapporteur on the situation of human rights defenders*, 23 January 2017, A/HRC/34/52, para 1, <http://www.refworld.org/docid/58ada43d4.html>.

<sup>2</sup> LRWC, Guatemala: Ensure Effective Investigation and Remedy for Murder of 22-Year Old Jeremy Barrios, Letter, 22 November 2016, <http://www.lrwc.org/guatemala-ensure-effective-investigation-and-remedy-in-murder-of-22-year-old-jeremy-barrios-letter/>.

<sup>3</sup> Myanmar: Immediately Investigate and Remedy Murder of Lawyer U Ko Ni. Letter, LRWC, 2 February 2017, <http://www.lrwc.org/burma-immediately-investigate-and-remedy-murder-of-lawyer-u-ko-ni-letter/>.

<sup>4</sup> Pakistan: Investigate and Remedy Murder of Lawyer Bilal Anwar Kasi and Sandeman Civil Hospital Quetta Bomb Attack, Letter, LRWC, 9 December 2016, <http://www.lrwc.org/pakistan-investigate-and-remedy-murder-of-lawyer-bilal-anwar-kasi-and-sandeman-civil-hospital-quetta-bomb-attack-letter/>.

<sup>5</sup> The Philippines: Investigate and Remedy Unlawful Killing of Veronico L. Delamente, LRWC, 15 February 2017, <http://www.lrwc.org/philippines-investigate-and-remedy-unlawful-killing-of-veronico-l-delamente-letter/>.

<sup>6</sup> Cambodia: International Law Duties to Investigate Serious Human Rights Violations, Report, LRWC, 18 August 2017, <http://www.lrwc.org/cambodia-international-law-duties-to-investigate-serious-human-rights-violations-report/>.

<sup>7</sup> Colombia Caravana, LRWC et al, Colombia: Immediately Implement Protections for Human Rights Defenders, Joint Letter, 14 December 2016, <http://www.lrwc.org/colombia-immediately-implement-protections-for-human-rights-defenders-joint-letter/>.

<sup>8</sup> Honduras: International Law Duties to Investigate Serious Human Rights Violations, LRWC, June 2016, <http://www.lrwc.org/honduras-international-law-duties-to-investigate-serious-human-rights-violations-report/>.

enforced disappearances in Syria<sup>12</sup> and Thailand.<sup>13</sup> Also disturbing is the increased criminalization or arbitrary detention of defenders whose work exposes serious rights violations, including in Bahrain,<sup>14</sup> Cambodia,<sup>15</sup> China,<sup>16</sup> Kashmir in India,<sup>17</sup> Saudi Arabia,<sup>18</sup> Sudan,<sup>19</sup> Syria,<sup>20</sup> Thailand,<sup>21</sup> Turkey,<sup>22</sup> Viet Nam,<sup>23</sup> and Zambia.<sup>24</sup>

And these are just a few examples. We share the Special Rapporteur's concern about States' lack of response to his past observations<sup>25</sup> and failure to implement international standards of protection.<sup>26</sup> We agree that "bolder and more creative"<sup>27</sup> approaches are required to encourage States to protect defenders.

In his 2016 report, the Special Rapporteur on human rights defenders mentioned the Model Law for protection of defenders developed by an international network of defenders and civil society

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<sup>9</sup> Kenya: Guarantee Protection of Lawyer Simon Lilan and Investigate and Remedy Enforced Disappearances and Extra-Judicial Killings, Letter, 31 January 2017, <http://www.lrwc.org/kenya-guarantee-protection-of-lawyer-simon-lilan-and-investigate-and-remedy-enforced-disappearances-and-extra-judicial-killings-letter/>.

<sup>10</sup> Pakistan: Letter to investigate enforced disappearances, 18 January 2017 and Letter to investigate murder of Bilal Anwar Kasi and others, 9 December 2016, <http://www.lrwc.org/category/countries/pakistan-letters/>.

<sup>11</sup> Thailand: 110 Signatories Condemn Conviction of Human Rights Defender Andy Hall and Call Upon Thailand to Protect Human Rights Defenders, Joint letter, 10 December 2016, <http://www.lrwc.org/thailand-110-ngos-condemn-conviction-of-human-rights-defender-andy-hall-and-call-upon-thailand-to-protect-human-rights-defenders-joint-letter/>.

<sup>12</sup> Joint Statement, Syria: NGOs Renew Call for Release of Douma 4, Human Rights Activists Missing for Three Years, 9 December 9, 2016, <http://www.lrwc.org/syria-ngos-renew-call-for-release-of-douma-4-human-rights-activists-missing-for-three-years-joint-statement/>.

<sup>13</sup> Thailand: Official Impunity for Enforced Disappearances of Human Rights Defenders, Statement, LRWC, 19 June 2016, available <http://www.lrwc.org/thailand-official-impunity-for-enforced-disappearances-of-human-rights-defenders-statement/>.

<sup>14</sup> Bahrain: Free Unlawfully Imprisoned Human Rights Defender Ghada Jamsheer, Joint Statement, 16 November 2016, <http://www.lrwc.org/bahrain-free-unlawfully-imprisoned-human-rights-defender-ghada-jamsheer-joint-statement/> (LRWC notes that Ms. Jamsheer was released on 20 December 2016 after more than four months in arbitrary detention) ; Bahrain: Urgent Appeal for the Release of Human Rights Defender Nabeel Rajab, Joint Letter, 2 September 2017, <http://www.lrwc.org/bahrain-urgent-appeal-for-the-release-of-human-rights-defender-nabeel-rajab-joint-letter/>.

<sup>15</sup> LRWC and ICJ, Criminal Case Number 18 Dated 12 January 2017: Amicus Brief regarding certain criminal charges against Mr. Ny Chakrya; Oral Statement to the 33rd Session of the UN Human Rights Council from Lawyers' Rights Watch Canada (LRWC), NGO in special consultative status, 28 September 2017, <http://www.lrwc.org/ws/wp-content/uploads/2016/09/LRWC-Oral-Statement-General-Debate-ITEM-10-28-September-2016-FINAL.pdf>.

<sup>16</sup> China: Cease and Remedy Widespread Human Rights Violations Against Human Rights Defenders and Activists, Joint Letter, 16 February 2017, <http://www.lrwc.org/11399-2/>.

<sup>17</sup> LRWC, HRW and ICJ call for Release of Human Rights Defender Khurram Parvez, Joint Letter, 3 October, <http://www.lrwc.org/india-lrwc-and-international-commission-of-jurists-call-for-release-of-human-rights-defender-kurram-parvez-joint-letter/> (We note that Mr. Parvez was released on 25 November 2016 after more than two months in arbitrary detention).

<sup>18</sup> Saudi Arabia: Immediately Release Wrongfully Detained Sudanese Social Justice Activists Waleed Imam and Algasim Mohamed Sidahmed, Letter, 19 January 2017, <http://www.lrwc.org/saudi-arabia-immediately-release-wrongfully-detained-sudanese-social-justice-activists-waleed-imam-and-algasim-mohamed-sidahmed-letter/>; LRWC, Saudi Arabia: Immediately and Unconditionally Release Waleed Abu al-Khair, Letter, 20 December 2016, <http://www.lrwc.org/11162-2/>; LRWC, Saudi Arabia: Hands off Samar Badawi, Letter, 17 February 2017, <http://www.lrwc.org/saudi-arabia-hands-off-samar-badawi-says-lrwc-letter/>.

organizations.<sup>28</sup> We would welcome an update about States' adoption of the Model Law and more detail on what measures by Council he believes will further the Model Law's implementation.<sup>29</sup> We urge Council to renew the mandate of the Special Rapporteur on human rights defenders and to ensure adequate support for his mandate.

Thank you, Mr. President.

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19 Sudan: Immediately Release and Cease Judicial Harassment of Six Arbitrarily Detained Human Rights Defenders, Letter, LRWC, 23 January 2017, <http://www.lrwc.org/sudan-renewed-call-for-immediately-release-of-six-arbitrarily-detained-human-rights-defenders-letter/>.

20 Syria: NGOs Renew Call for Release of Douma 4, Human Rights Activists Missing for Three Years, Joint Statement, 9 December 2016, <http://www.lrwc.org/syria-ngos-renew-call-for-release-of-douma-4-human-rights-activists-missing-for-three-years-joint-statement/>; Syria: Human Rights Organizations Renew Calls for Release of Lawyer Khalil Ma'touq, Joint Letter, 4 October 2016, <http://www.lrwc.org/syria-human-rights-organizations-renew-calls-for-release-of-lawyer-khalil-matouq-joint-letter/>.

21 Thailand: Cease judicial harassment of human rights lawyer Ms. Sirikan "June" Charoensiri, LRWC, 27 October 2016, <http://www.lrwc.org/thailand-cease-judicial-harassment-of-human-rights-lawyer-ms-sirikan-june-charoensiri/>.

22 Turkey: Immediately and Unconditionally Release Arbitrarily Detained Dr. İstar Gözaydın, Letter, LRWC, 31 December 2016, <http://www.lrwc.org/turkey-immediately-and-unconditionally-release-arbitrarily-detained-dr-istar-gozaydin-letter/>; The Human Rights Committee of the Law Society of England and Wales, Update on Trial of Kurdish Lawyers, Report, November 2016, <http://www.lrwc.org/turkey-law-society-of-england-and-wales-update-on-trial-of-kurdish-lawyers-report/>.

23 Joint letter of Seven NGOs, Viet Nam: Organizations Renew Call for Release of Human Rights Lawyer Nguyen Van Dai, Arbitrarily Detained for One Year, Joint Statement, 16 December 2016, <http://www.lrwc.org/viet-nam-organizations-renew-call-for-release-of-human-rights-lawyer-nguyen-van-dai-arbitrarily-detained-for-one-year-joint-statement/>; Vietnam: LRWC and Other NGOs Petition UN Working Group on Arbitrary Detention to Recommend Release of Nguyen Van Dai, Petition, November 2016, [http://www.lrwc.org/ws/wp-content/uploads/2016/11/UNWGAD.Nguyen-Van-Dai-25.Nov\\_.16.pdf](http://www.lrwc.org/ws/wp-content/uploads/2016/11/UNWGAD.Nguyen-Van-Dai-25.Nov_.16.pdf).

24 Zambia: Drop Charges and Remedy Wrongful Arrest and Detention of Lawyer Oliver Holland, Letter, LRWC, 17 February 2017, <http://www.lrwc.org/zambia-drop-charges-and-remedy-wrongful-arrest-and-detention-of-lawyer-oliver-holland-letter/>.

25 UN Human Rights Council, *Report of the Special Rapporteur on the situation of human rights defenders*, 23 January 2017, A/HRC/34/52, para 2, <http://www.refworld.org/docid/58ada43d4.html>.

26 Ibid, para 4.

27 Ibid, para 2.

28 International Service for Human Rights (ISHR), *Model Law for the Recognition and Protection of Human Rights Defenders*, [https://www.ishr.ch/sites/default/files/documents/model\\_law\\_full\\_digital\\_updated\\_15june2016.pdf](https://www.ishr.ch/sites/default/files/documents/model_law_full_digital_updated_15june2016.pdf).

29 UN Human Rights Council, *Report of the Special Rapporteur on the situation of human rights defenders*, 23 January 2017, A/HRC/34/52, Recommendations, para 85, <http://www.refworld.org/docid/58ada43d4.html>.