



P.O. Box 7113,
1007 JC AMSTERDAM
The Netherlands
info@lawyersforlawyers.org
www.lawyersforlawyers.org

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations
Promoting human rights by protecting those who defend them
www.lrwc.org – lrwc@portal.ca – Tel: +1 604 738 0338 – Fax: +1 604 736 1175
3220 West 13th Avenue, Vancouver, B.C. CANADA V6K 2V5

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Date: 10 March 2014
HRC section: Agenda Item 3
Speaker: Ms. Vani Selvarajah

Oral Statement to the 25th Session of the UN Human Rights Council from Lawyers' Rights Watch Canada (LRWC) & Lawyers for Lawyers (L4L), non-governmental organizations in special consultative status

Human Rights Defenders under threat in Bangladesh and Cambodia

Mr. President:

Lawyers' Rights Watch Canada and Lawyers for Lawyers thank the Special Rapporteur on the Situation of Human Rights Defenders for her contributions since 2008 and for her final report to Council.¹ LRWC and L4L share all concerns raised, including: abuse of legislation to harass human rights defenders; particular risks faced by lawyers and by defenders working on environmental issues or land rights; impunity for those who attack defenders; and reprisals against defenders who cooperate with the United Nations.

In Bangladesh, staff of Odhikar, an NGO in special consultative status with ECOSOC, have been harassed, arbitrarily detained, intimidated and subjected to surveillance by authorities. Odhikar Secretary, Adilur Rahman Khan, a lawyer, and Odhikar director ASM Nasiruddin Elan were held in arbitrary detention² for 62 and 25 days respectively before receiving pretrial release pending trial of charges under the Information and Communication Technology Act, 2006, laid as retaliation for reporting details of alleged extra-judicial killing of 61 protestors by security forces on 5-6 May 2013.

In Cambodia, authorities continue to fail to properly investigate the 2012 shooting death of Mr. Chut Wutty, an environmental and human rights activist investigating illegal logging.³ Despite government promises of reform after the July 2013 election, there has been no improvement in the independence of the legal profession or judiciary, and human rights defenders continue to experience official harassment through abuse of legislation. On 11 February 2014, three human rights defenders⁴ were among 21 people denied pre-trial release because freeing them "might compromise security and social order." They had been arrested at demonstrations on 2 and 3 January, 2014 where authorities shot and killed four people and injured 25 others.⁵ LRWC and L4L are alarmed by the marked deterioration of human rights in Cambodia since last year's election, which independent observers described as flawed with irregularities resulting in significant disenfranchisement.⁶

These are just two examples of the many States generating the daunting number of cases brought to the attention of the Special Rapporteur. We join the Special Rapporteur in urging that States "refrain from criminalizing defenders' peaceful and legitimate activities," combat impunity by ensuring prompt and impartial investigations and holding perpetrators accountable, and ensure that reprisals against defenders are "firmly and unequivocally condemned." To that end, we urge all members to support the Council's resolution 24/24 of 27 September 2013 on cooperation with the United Nations, its representatives and mechanisms in the field of human rights. We ask Council to urge States to ensure safe and enabling environments for human rights defenders, to end official harassment and impunity, and curtail reprisals against human rights defenders who cooperate with the United Nations. Thank you Mr. President.

¹ Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, A/HRC/25/55, 23 December 2013, http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Documents/A-HRC-25-55_en.doc

² Opinions of the Working Group on Arbitrary Detention at its sixty-eighth session 12-13 November 2013, No. 37/2013 Bangladesh, A/HRC/WGAD/2013, December 2013.

³ Cambodian police shoot dead leading anti-logging campaigner, The Guardian, 26 April 2012, <http://www.theguardian.com/world/2012/apr/26/cambodia-police-shoot-dead-antilogging-activist>; "Cambodia: Escalation of Serious Human Rights Violations by Government Authorities," Letter from LRWC 12 May 2013.

⁴ Mr. Vorn Pao, Independent Democracy of Informal Economy Association; Sokun Sombath Piseth, Labor union networking officer at Center for Labor Rights of Cambodia (CLaRi-Cambodia); Theng Savoeun, Coordinator of Coalition of Cambodian Farmer Community (CCFC). More detail, LICADHO:

⁵ FIDH and its member organisations, LICADHO and ADHOC, have prepared a briefing paper Cambodia: deteriorating human rights situation calls for urgent EU action, which documents the deteriorating situation in Cambodia, available FIDH: <http://www.fidh.org/en/asia/cambodia/14865-cambodia-deteriorating-human-rights-situation-calls-for-urgent-eu-action>

⁶ Transparency International Cambodia. Final Election Observation Report on Cambodia's 2013 National Election. Phnom Penh: TIC, September 2013, http://www.sithi.org/temp.php?url=publication_detail.php&mid=9586.