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Organization: Lawyers' Rights Watch Canada

Item: Item 4: Interactive Dialogue, Special Rapporteur on the situation of human rights in Myanmar

Date: 13 July 2020

Speaker: Joseph Doyle

**Oral Statement to the 44th Session of the UN Human Rights Council from Lawyers' Rights Watch Canada (LRWC) and Lawyers for Lawyers, NGOs in special consultative status**

Mme. President,

Lawyers' Rights Watch Canada and Lawyers for Lawyers thank the Special Rapporteur for his oral report.

We remain disturbed by reports of ongoing atrocity crimes in Rakhine, Shan, and Kachin States, and other severe rights violations throughout the country. Myanmar's unwillingness to hold the Tatmadaw accountable for grave crimes is a critical concern.

However, during the 30<sup>th</sup> anniversary of the UN Basic Principles on the Role of Lawyers, we draw the Council's attention to the legal profession. Despite Myanmar's acceptance of UPR recommendations in 2015,<sup>1</sup> Myanmar has not ensured an independent legal profession, and this failure thwarts access to justice and remedies for rights violations.

Impunity for the 2017 murder of human rights lawyer U Ko Ni continues, as the suspected intellectual author of the killing remains at large, and investigations to date have lacked the effectiveness, independence, and impartiality required by UN standards.<sup>2</sup> Impunity also continues for threats, attacks, surveillance, or judicial harassment of human rights lawyers.<sup>3</sup>

We ask the Council to urge Myanmar to:

- Protect lawyers from judicial harassment and other reprisals;<sup>4</sup>
- Ensure prompt, impartial, independent, and effective investigations and prosecutions in all cases of attacks against lawyers; and
- Amend the Bar Council Act to ensure independence and integrity of the legal profession.

Thank you Mme. President.

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<sup>1</sup> Report of the Working Group on the Universal Periodic Review of Myanmar, Addendum 1: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, A/HRC/28/16/Add.1, 10 March 2016.

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<sup>2</sup> The Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016), Office of the United Nations High Commissioner for Human Rights, New York/Geneva, 2017. Also see UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, A/HRC/26/36, 1 April 2014, para. 42, [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Documents/A-HRC-26-36\\_en.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Documents/A-HRC-26-36_en.doc).

<sup>3</sup> **Mr. Robert Sann Aung** has received death threats and has been subjected to monitoring by security forces. See Amnesty International statement at: <https://www.amnesty.org/download/Documents/ASA1660032017ENGLISH.pdf>; **U Kyi Myint** is being prosecuted for defaming the military during 2019 remarks at an assembly on Constitutional amendment. **U Khin Maung Zaw** and **Daw Su Darli Aung** are being subjected to threats and judicial harassment while representing a suspect they believe to be innocent of a serious criminal offence.

<sup>4</sup> UN General Assembly, Human rights defenders in the context of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms : resolution / adopted by the General Assembly, 10 February 2016, A/RES/70/161, available at: <https://www.refworld.org/docid/56dd31954.html>. Also see International Service for Human Rights (ISHR) Model National Law on the Recognition and Protection of Human Rights Defenders, 2017, available at: [https://www.ishr.ch/sites/default/files/documents/model\\_law\\_english\\_january2017\\_screenversion.pdf](https://www.ishr.ch/sites/default/files/documents/model_law_english_january2017_screenversion.pdf).