



**Submission by Human Rights Watch
to Australian Department of Foreign Affairs and Trade (DFAT)
on Australia-Lao PDR Bilateral Human Rights Dialogue
November 2021**

We write on the occasion of the forthcoming 7th Australia-Laos human rights dialogue. Australia should raise human rights issues in an unambiguous manner, set clear benchmarks for improvements, and make the outcome of the discussions public. Human Rights Watch recommends that Australia focus on the outstanding issues related to the Lao government's failure to address enforced disappearances.

Enforced Disappearances

Laos has signed, but not ratified, the International Convention for the Protection of All Persons from Enforced Disappearance. Enforced disappearances violate a range of fundamental rights protected under international law, including prohibitions against arbitrary arrest and detention, torture and other cruel, inhuman or degrading treatment, and extrajudicial execution. The Lao government has an obligation to conduct a transparent, thorough, and impartial investigations in all cases of alleged enforced disappearances, to resolve them, and bring those responsible to justice.

The Lao government has failed to seriously address or make progress on at least 10 cases of enforced disappearance. Emblematic of the government's failure to meet its international obligations is the case of prominent Lao civil society activist Sombath Somphone. Sombath was detained at a police checkpoint and subsequently disappeared on the evening of December 15, 2012. CCTV footage obtained by Sombath's family from the Vientiane police shows that Sombath's car was stopped by the police at a police post. The police then took Sombath into the checkpoint, after which he was escorted to a different vehicle and driven away. Subsequent information found by the family revealed Sombath was held in a police detention facility at least on the night of December 15. Despite such compelling evidence, Lao authorities have repeatedly denied that the government took Sombath into custody, but claimed they are investigating the case. However, the Lao government has failed to conduct a serious investigation into Sombath's enforced

disappearance or provide any other credible information on his fate or whereabouts, and actively stonewalled international and local efforts to find out more about what happened to Sombath or his current location.

There has also been no progress in the investigation of the enforced disappearance of five Thai nationals in Laos: Ittiphon Sukpaen, Wuthipong Kachathamakul, Surachai Danwattananusorn, Chatcharn Buppawan, and Kraidej Luelert. All five were active critics of the Thai monarchy who had fled arrest and persecution in Thailand, and were living in exile in Laos. All five went missing between June 2016 and December 2018. In the case of the latter three, the bodies of Chatcharn and Kraidej were found floating in the Mekong River about two weeks after their disappearance. The bodies, which were recovered on the Thai side of the river, were mutilated and stuffed with concrete. A third body—possibly Surachai’s—reportedly surfaced nearby and then disappeared.

Laos is obligated under international human rights law to prevent and remedy any enforced disappearances. Despite widespread calls for accountability, both regionally and internationally, questions about these and other enforced disappearances have been met with denial or silence by the Lao government.

During the upcoming dialogue, Australia should call on the government of Laos to:

- Conduct a transparent, thorough, and impartial investigation into all pending cases of enforced disappearances and ensure that those responsible for disappearances are fully held to account.
- Disclose the fate or whereabouts of Sombath Somphone and others forcibly disappeared.
- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance and enact appropriate implementing legislation.