

Civil society groups urge Laos, Thailand to investigate enforced disappearances, reveal fate of Sombath Somphone and Od Sayavong

15 December 2019: On the seventh anniversary of the enforced disappearance of Lao civil society leader Sombath Somphone, we, the undersigned organizations, urge the Lao and Thai governments to investigate enforced disappearances, and demand Vientiane finally reveal Sombath's whereabouts and ensure justice for him and his family.

Considering the Lao police's protracted failure to effectively investigate Sombath's enforced disappearance, a new independent and impartial investigative body tasked with determining Sombath's fate and whereabouts should be established without delay. The new body should have the authority to seek and receive international technical assistance in order to conduct a professional, independent, impartial, and effective investigation in accordance with international standards.

Sombath was last seen at a police checkpoint on a busy street of the Lao capital, Vientiane, on the evening of 15 December 2012. Footage from a CCTV camera showed that Sombath's vehicle was stopped at the police checkpoint and that, within minutes, unknown individuals forced him into another vehicle and drove him away in the presence of police officers. CCTV footage also showed an unknown individual driving Sombath's vehicle away from the city center. The presence of police officers at Sombath's abduction and their failure to intervene strongly indicates state agents' participation in Sombath's enforced disappearance.

Lao authorities have repeatedly claimed they have been investigating Sombath's enforced disappearance but have failed to disclose any new findings to the public since 8 June 2013. They have met with Sombath's wife, Shui Meng Ng, only twice since January 2013 – the last time in December 2017. No substantive information about the investigation has been shared by the police with the family, indicating that, for all intents and purposes, the police investigation has been *de facto* suspended.

We also call on the Lao and Thai governments to resolve all cases of enforced disappearances in their countries. The most recent case is that of Od Sayavong, a Lao refugee living in Bangkok, who has been missing since 26 August 2019. Over the past several years, Od engaged publicly in drawing attention to human rights abuses and corruption in Laos, and met with the United Nations (UN) Special Rapporteur on Extreme Poverty and Human Rights on 15 March 2019 in Bangkok, prior to the latter's mission to Laos. The concerns regarding Od's case were expressed in a joint statement that the UN Working Group on Enforced or Involuntary Disappearances and three Special Rapporteurs issued on 1 October 2019.¹

We would also like to draw particular attention to reports that Ittiphon Sukpaen, Wuthipong Kachathamakul, Surachai Danwattananusorn, Chatcharn Buppawan, and Kraidej Luelert, five Thai critics of the monarchy and Thailand's military government living in exile in Laos, went missing between June 2016 and December 2018. In the case of the latter three, the bodies of Chatcharn and Kraidej were found about two weeks later on the Thai side of the Mekong River, mutilated and stuffed with concrete, while a third body - possibly Surachai's - reportedly surfaced nearby and then disappeared. DNA tests carried out in January 2019 confirmed the identity of Chatcharn and Kraidej.

¹ OHCHR, *Thailand/Lao PDR: UN experts concerned by disappearance of Lao human rights defender*, 1 October 2019, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25087&LangID=E>

We call on the Lao and Thai governments to investigate these cases in line with international legal standards with a view towards determining their fate and whereabouts.

Both the Lao and Thai governments have the legal obligation to conduct such prompt, thorough and impartial investigations and to bring all individuals suspected of criminal responsibility for crimes under international law and gross human rights violations to justice in fair trials.

We also urge the Lao and Thai governments to promptly ratify the International Convention for the Protection of All Persons from Enforced Disappearance, which Laos and Thailand signed in September 2008 and January 2012 respectively, to incorporate the Convention's provisions into their domestic legal frameworks, implementing it in practice, and to recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other states parties.

Finally, we call on the international community to use the upcoming Universal Periodic Review (UPR) of Laos to demand the Lao government promptly and effectively investigate the enforced disappearance of Sombath Somphone. The third UPR of Laos is scheduled to be held on 21 January 2020 in Geneva, Switzerland.

During the second UPR of Laos in January 2015, 10 United Nations member states (Australia, Canada, Finland, Germany, Luxembourg, Poland, Portugal, Sweden, Switzerland, and the United Kingdom) recommended the Lao government conduct an adequate investigation into Sombath's enforced disappearance.

Until the fate and whereabouts of those who are forcibly disappeared are revealed, the international community should not stop demanding that they be safely returned to their families. The Lao government should be under no illusion that our demands will go away, we will persist until we know the real answer to the question: "Where is Sombath?"

Signed by:

1. 11.11.11
2. Action from Ireland (Afri)
3. Alliance Sud
4. Alternative ASEAN Network on Burma (ALTSEAN-Burma)
5. Alyansa Tigil Mina (Alliance to Stop Mining)
6. Amnesty International
7. Armanshahr / OPEN ASIA
8. Article 19
9. ASEAN Parliamentarians for Human Rights (APHR)
10. Asia Europe People's Forum
11. Asian Federation Against Involuntary Disappearances (AFAD)
12. Asian Forum for Human Rights and Development (FORUM-ASIA)
13. Asian Resource Foundation
14. Association of Women for Awareness and Motivation (AWAM)
15. Awaz Foundation Pakistan – Centre for Development Services
16. Banglar Manabadhikar Sutaksha Mancha (MASUM)
17. Cambodian Human Rights and Development Association (ADHOC)
18. CCFD-Terre Solidaire
19. Center for Human Rights and Development (CHRD)
20. Centre for the Sustainable Use of Natural and Social Resources (CSNR)

21. China Labour Bulletin (CLB)
22. CIVICUS: World Alliance for Citizen Participation
23. Civil Rights Defenders
24. Commission for the Disappeared and Victims of Violence (KontraS)
25. Community Resource Centre (CRC)
26. Community Self-Reliance Centre (CSRC)
27. DIGNIDAD Coalition
28. Dignity – Kadyr-kassiyet (KK)
29. Equality Myanmar
30. Europe solidaire sans frontières (ESSF)
31. Families of Victims of Involuntary Disappearance (FIND)
32. FIAN International
33. FIDH – International Federation for Human Rights
34. Focus on the Global South
35. Fresh Eyes - People to People Travel
36. Front Line Defenders
37. Global Justice Now
38. Globe International
39. Human Rights and Development Foundation (HRDF)
40. Human Rights Commission of Pakistan (HRCPP)
41. Human Rights in China (HRIC)
42. Human Rights Watch (HRW)
43. Indonesian Legal Aid Foundation (YLBHI)
44. INFORM Human Rights Documentation Centre
45. International Commission of Jurists (ICJ)
46. Internet Law Reform Dialogue (iLaw)
47. Justice for Iran (JFI)
48. Karapatan Alliance Philippines (Karapatan)
49. Kazakhstan International Bureau for Human Rights and the Rule of Law (KIBHR)
50. Korean House for International Solidarity (KHIS)
51. Land Watch Thai
52. Lao Movement for Human Rights (LMHR)
53. Lawyers' Rights Watch Canada (LRWC)
54. League for the Defence of Human Rights in Iran (LDDHI)
55. MADPET (Malaysians Against Death Penalty and Torture)
56. Maldivian Democracy Network (MDN)
57. Manushya Foundation
58. MONFEMNET National Network
59. National Commission for Justice and Peace (NCJP)
60. Nomadic Livestock Keepers' Development Fund
61. Odhikar
62. People's Solidarity for Participatory Democracy (PSPD)
63. People's Empowerment Foundation (PEF)
64. People's Vigilance Committee on Human Rights (PVCHR)
65. People's Watch
66. Philippine Alliance of Human Rights Advocates (PAHRA)
67. Programme Against Custodial Torture & Impunity (PACTI)
68. Psychological Responsiveness NGO
69. Pusat KOMAS
70. Right to Life Human Rights Centre (R2L)
71. Rights Now Collective for Democracy (RN)

72. South India Cell for Human Rights Education and Monitoring (SICHREM)
73. Stiftung Asienhaus
74. STOP the War Coalition - Philippines (StWC-Philippines)
75. Sustainability and Participation through Education and Lifelong Learning (SPELL)
76. Taiwan Association for Human Rights (TAHR)
77. Tanggol Kalikasan – Public Interest Environmental Law Office (TK)
78. Task Force Detainees of the Philippines (TFDP)
79. The Corner House
80. Think Centre
81. Transnational Institute
82. Union for Civil Liberty (UCL)
83. Vietnam Committee on Human Rights (VCHR)
84. Vietnamese Women for Human Rights (VNWHR)
85. WomanHealth Philippines
86. Women’s Rehabilitation Centre (WOREC)
87. World Organisation Against Torture (OMCT)
88. World Rainforest Movement (WRM)

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