

£LAOS

(Lao People's Democratic Republic)

@More information on three prisoners of conscience

Amnesty International has recently obtained more details about the treatment in detention and backgrounds of three Lao prisoners of conscience arrested on 8 October 1990: Thongsouk Saisangkhi¹, Latsami Khamphoui² and Feng Sackchittaphong³. As Amnesty International has stated⁴, they are imprisoned for peacefully exercising the rights to freedom of expression and assembly by criticizing Laos' political and economic systems and holding meetings at which the replacement of the country's one-party regime by a multi-party one was advocated. The organization has learned that they have been officially accused of "treason" and other serious offences such as "insurrection", but that the authorities have apparently not presented any evidence to substantiate such allegations. Because Amnesty International believes they are prisoners of conscience⁵, it has called on the authorities in Laos to release them immediately and unconditionally.

Amnesty International has also noted that the original basis in Lao law for their detention appeared to be Article 50 of the country's Law of Criminal Procedure, which allows up to one year's administrative detention without charge or trial. Such temporary confinement can be ordered by a public prosecutor or a court while investigation and interrogation related to a possible criminal case continues. Article 50 specifies, however, that if after one year "there is still not sufficient evidence to bring charges in court, the public prosecutor must issue an order freeing the accused person immediately." As Thongsouk Saisangkhi, Latsami Khamphoui and Feng Sackchittaphong have now been held for more than a year and evidently still have not been charged, their detention not only continues to be contrary to international human rights standards, it is also now apparently illegal under Lao law. Amnesty International is therefore strongly reiterating its call that Thongsouk Saisangkhi, Latsami Khamphoui and Feng Sackchittaphong be immediately and unconditionally released.

¹ His name is also written Thongsouk Saisangkhi.

² His name is also written Latsamy Khamphoui.

³ His name is also written Feng Sakchittaphong.

⁴ See *Lao People's Democratic Republic: Political Prisoners Still Held* (AI Index ASA 26/04/91, published September 1991)

⁵ These are people detained anywhere for their beliefs, colour, sex, ethnic origin, language or religion, who have not used or advocated violence.

According to information received by Amnesty International, the three have repeatedly requested the opportunity to be brought before a court in order to contest the legality of their detention, but this request has been denied. They have reportedly pointed out that they have been interrogated only once since their arrest, thus suggesting that the investigation against them is completed.

Their requests to be allowed to exercise the right of defense are also said to have been denied. In particular, they have not been allowed to meet with legal counsel, although they are understood to have nominated three Laotian and four foreign lawyers with whom they would like to confer. They are said not to have been given access to documents which they say would be necessary in order to prepare their defense. They have reportedly pointed out that this is contrary to Article 18 of the Law of Criminal Procedure, which provides that accused persons, whether or not they have been charged, have the rights "to bring counsel to contest the case" and "to examine all documents in the case file after the investigation and interrogation is finished".

The three are said to be held in Samkhe⁶ prison, Laos' main national detention centre, in dark solitary confinement cells. In the year since their detention they have reportedly been allowed only one medical examination, and have been given no treatment for their medical complaints.

Details about the activities for which Thongsouk Saysangkhi, Latsami Khamphoui and Feng Sackchittaphong were arrested have been presented in the Amnesty International document cited above. The organization has now learned more about their background and what are believed to be their political views.

Thongsouk Saysangkhi was born on 4 July 1938 in Pakse, southern Laos. After earning a secondary education degree in mathematics in 1960, he attended a public works engineering school in Laos and then studied law and economic science in Paris, France from 1964 to 1965. Upon his return to Laos, he became chief of the Communication and Transport Service of the Royal Government of Laos (RLG). At the same time, however, he is said to have "participated in the revolution" on behalf of the opposition Lao People's Revolutionary Party (LPRP), which was then locked in a civil war with the RLG. It appears he worked as an "underground" activist opposing the RLG from within its ranks. Just before the LPRP came to power, he became the RLG's Director General of Public Works.

After the LPRP assumed power in 1975 and established the Lao People's Democratic Republic (LPDR), he worked as the Director for Materials and Equipment in the LPDR Ministry of Public Works and Transport, a post he held until 1981, when he was appointed

⁶ The name of this prison is also written Xamkhe.

to be Director General of the LPDR Representation at the Vietnamese port of Da Nang. In 1982, he returned to Laos to become Acting Minister of Equipment in the LPDR cabinet. He remained in this post until 1985, when he became Vice Minister of Communications, Transportation and Post. In 1990 he became Vice Minister of Science and Technology, a post from which he resigned shortly before his arrest. His letter of resignation contained many criticisms of LPRP policies and practices.

At the time of his arrest, he is said to have believed that a single-party system had become "impossible" for Laos. He was reportedly advocating general political reforms to "expand democracy", including a "reorganization of democratic institutions" to establish "genuine popular sovereignty", the promulgation of a "democratic constitution" and of new laws that would be properly enforced, and finally "free elections". He was also calling for "elimination of corruption" and "social injustice" and changes in the administrative system to ensure that the most competent people were appointed to civil service jobs. He is said to have concluded that the LPRP's economic policy of "taking agriculture and forestry as the basis for industrial development" was "a sham". He believed instead that "light industry must be used to develop heavy industry" and that in order to become "newly industrialized" a country must make industry the basis of national economic development; but that the peasantry must continue to be supported by state subsidies and not left in a position of economic weakness that would make it vulnerable to exploitation. As proof of the failure of the LPRP's economic policies, he was pointing to the country's budget deficit, trade imbalance, inability to repay foreign debts, "below-subsistence" wage scales and the degradation of its natural resources.

Latsami Khamphoui was born on 28 May 1940 in Pakse. He attended the elite Lycee Pavie in Vientiane, the capital, where as of 1960 he was President of the Royal Lao Students Association. In 1961 he began his "participation in the revolutionary movement" when he left Vientiane and went into zones of Laos controlled by the LPRP. In 1963 he went to Viet Nam to study at the University of Economics and Planning in Ha Noi and became President of the Association of Lao Students in Viet Nam. In 1968 he returned the LPRP's "liberated zone" in Laos, where he worked as a "cadre" until the LPRP took power in 1975. He returned to Vientiane to become the Director of the LPDR's Animal Husbandry and Veterinary Service. In 1981, he was appointed Vice Minister of Agriculture, Forestry and Irrigation, and in 1983 he became Vice Minister of Economics and Planning. He stayed in this post until 15 April 1984, when he was arrested for the first time. He is understood to claim the reason for this arrest was his "disagreement with the Party's economic policy" and in particular of "taking agriculture as the basis for industrial development". After his release in 1988, he sent a letter to LPRP leader Kaysone Phomvihane in which he briefly outlined his critique of the Party's economic policies and asked for a meeting to discuss them. In 1989, the late Sali Vongkhamhao, a member of the LPRP Politburo, reportedly invited him to a meeting at which he replied on Kaysone Phomvihane's behalf that his efforts to talk to the party leader were "pointless" and that he

should keep quiet. Later that year, however, the then Acting LPDR President Phoumi Vongvichit, now retired, reportedly invited him to a meeting at which he praised Latsami Khamphoui not only for his courage and patriotism, but also for his "openness".

Feng Sackchittaphong was born on 2 August 1940 in Khong, southern Laos. He attended secondary schools in Pakse and Vientiane. From 1959 to 1961 he attended the National Civil Aviation School in Orly, France. In 1961, he went to study at the International Institute of Diplomatic Research in Paris. Over the next several years he became increasingly active politically. He organized the movement of Lao Revolutionary Youth in Paris in Support of Laotian Neutrality and a Committee to Support a Policy of Neutrality. He also became the "coordinator" of the Neo Lao Haksat (Lao Patriotic Front) in Paris, an organization closely associated with the LPDR. He participated in student movements involving people from other Asian countries as well as Africa and Latin America, particularly in support of independence for Algeria. He also joined the French Communist Party.

In 1965 he left France and went into the LPPR's "liberated zone" in Laos, where he worked as a "revolutionary cadre" in the "political struggle cabinet" chaired by Prince Souphanouvong, who later became LPDR President but has now retired. From 1968 to 1971 he was a member of the Neo Lao Haksat representation in Viet Nam. From 1971 until the LPRP took power in 1975, he worked for the Foreign Relations Commission of the party Central Committee. After the foundation of the LPDR, he was assigned to a high-ranking civil service post in the Ministry of Justice, where he continued to work until his arrest.

Before the LPRP took power, he is said to have criticized its theories about "class struggle" and "dictatorship of the proletariat" and to have declined to join the party or its youth league. After 1975, he is said to have continued to criticize the LPRP for its "dictatorial methods", its rule by political "castes" and of its practice of having "the minority rule the majority". He is said to have called for a multi-party system, respect for human rights, free elections, the establishment of a democratic constitution and democratic institutions, and the abolition of the death penalty.