

LAO PEOPLE'S DEMOCRATIC REPUBLIC

@Political prisoners still held

Amnesty International has been pleased to learn of the release in May 1991 of 24 Lao political prisoners, including prisoners of conscience¹, who had been detained for more than 15 years without charge or trial for "re-education" in Houa Phan province. The 24 were among 33 such detainees about whose long-term detention without charge or trial Amnesty International wrote on 11 March 1991 to Kaysone Phomvihane, Chairman of the Council of Ministers of the Lao People's Democratic Republic (LPDR). However, the organization is concerned that nine other Lao political prisoners, including at least two prisoners of conscience, are still restricted without charge or trial to the remote area of Sop Pan, in northeastern Houa Phan province. Amnesty International is also concerned at the continued detention without charge or trial of three prisoners of conscience arrested in October 1990 and believed held in Xam Khe prison in Vientiane, the Laotian capital.

Nine political prisoners detained arbitrarily in Sop Pan

The nine political prisoners still restricted to Sop Pan were, like the 24 released in May, originally detained in 1975 because of their positions under a former Laotian government. They are Khamphan Pradith, Thuck Chokbengboun, Boonlu Nammathao, Ly Teng, Pangtong Chokbengboun, Phan Nola, Tong Pao Song, Yong Ye Thao and a man named Sing whose surname is either Rattanaboukhong or Chanthakoummane.

In an interview with the Reuter news agency on 10 August, Soubanh Srithirath, a deputy minister of foreign affairs confirmed their continued detention, but gave no specific reason for it. Mr Soubanh is quoted as saying: "I don't remember, but maybe there are some who have committed some crime or committed some illegal action so we should keep them." He reportedly commented further, "Their detention depends on the gravity of their breach." However, to Amnesty International's knowledge, none of the nine have ever been charged with any recognizably criminal offence, although they have been held in detention for more than 15 years.

In the organization's view, the continued detention of the nine prisoners without charge or trial is contrary both to international human rights standards and Lao law. According to Article 9 of the Universal Declaration of Human Rights, "no one shall be subjected to arbitrary arrest, detention or exile"; and Article 9 of the International Covenant

¹ These are people detained anywhere for their beliefs, colour, sex, ethnic origin, language or religion, who have not used or advocated violence.

on Civil and Political Rights specifies that "anyone arrested or detained on a criminal charge shall be brought promptly before a judge or a judicial power and shall be entitled to trial within a reasonable time or to release". Until the promulgation in 1989 - 14 years after the foundation of the Lao People's Democratic Republic (LPDR) - of its first Criminal Code and Law of Criminal Procedure, there was apparently no basis in law for detention for "re-education". Article 50 of the Law of Criminal Procedure allows up to one year's "temporary confinement" of prisoners, but only according to the orders either of a court or a public prosecutor. To Amnesty International's knowledge, none of the nine have ever been brought before a court, and no order from a court or a public prosecutor to detain them exists. They have certainly been held for more than one year, even if their time in detention is counted only since the promulgation of the legislation mentioned above.

According to the organization's information, the nine prisoners have been told that they are being held because in the view of the authorities of the Houa Phan provincial police they are "counter-revolutionaries" and "backward socialists". Amnesty International believes at least two and perhaps all of them are still held merely because they are perceived as being particularly critical of the political system instituted by the LPDR since 1975. Their continued detention raises particular humanitarian concern in view of the fact that several of them are elderly and/or in poor health and may die in detention. The local authorities detaining them have reportedly recognized this danger and demanded that each prisoner deposit a sum of money with them sufficient to cover the costs of the disposal of their bodies should they die.

Three prisoners of conscience imprisoned in Vientiane

Latsami Khamphoui, Thongsouk Saysangkhi and Feng Sakchittaphong were all until recently high-ranking officials of the LPDR, and all are intellectuals. They were arrested on 8 October 1990 in Vientiane, and Amnesty International believes they are imprisoned solely for the exercise of the rights to freedom of expression and assembly.

Their arrests followed the circulation in Vientiane and elsewhere of letters that Latsami Khamphoui and Thongsouk Saysangkhi had addressed to the LPDR leadership criticising the country's political and economic systems. Latsami Khamphoui is a former Deputy Minister of Agriculture and Forestry. His letters, dated 9 and 12 January 1990, reportedly began circulating in June 1990. They were addressed to Kaysone Phomvihane, then Chairman of the LPDR Council of Ministers and General Secretary of the ruling Lao People's Revolutionary Party (LPRP)², and to other leading political figures.

² *Kaysone Phomvihane is now President of the LPDR and Chairman of the LPRP.*

In his letters, Latsami Khamphoui expressed his belief that Laotian intellectuals and other citizens were "despondent and no longer know to whom they can turn, in face of the failures and the crises of confidence and hopelessness that have befallen them, in the face of corruption and anarchy, the lack of order and discipline and the opportunism at every turn", which he said were "spreading everywhere and bringing about undreamed of deterioration" in the economic and political spheres. He wrote that "innumerable persons" who had challenged what he termed the leadership's "mistaken assessments" of Laos' situation had been imprisoned, felt obliged to flee the country or were otherwise "victimized". He accused the leadership of having forsaken the ideals of Marxism-Leninism and of having established a system of economic exploitation enforced through political authoritarianism. He said he believed that "a law of necessity" now "required the dismantling and oppressive apparatus of oligarchy" responsible for the country's plight. He also wrote that the current "atmosphere of fear due to irrationality should be changed and replaced with one" in which "everyone can enjoy the feeling of knowing they are genuinely human beings" and in which "every life" would "be protected and guaranteed". He recommended that Laos follow a path of political reform similar to that earlier carried out in the Soviet Union.

On 26 August 1990, Thongsouk Saysangkhi addressed a letter to Kaysone Phomvihane requesting to resign as a Deputy Minister of Science and Technology and from the LPRP. He declared he was resigning because of his opposition to "official malfeasance", "putrid old regimes that restrict popular liberties and democracy", and "the dictatorial power of personal cliques". He said he was "demanding the holding of free elections, the putting into practice of popular liberties and democracy, and the existence of democratic institutions opposed to the maintenance of a system of communist feudalism and Politburo dynasticism." He added it was his belief that "the history of humankind has now confirmed that a single-party system relying exclusively on coercion and deception is incapable of ever bringing prosperity and happiness to our people."

By the time of the arrests, Latsami Khamphoui had reportedly also begun speaking in favour of the establishment of a multi-party political system at meetings attended by other intellectuals, and Thongsouk Saysangkhi was trying to establish a "social democrat club" to promote the idea. It has been said that the two and Feng Sakchittaphong, an associate who was at the time the head of a department in the LPDR Ministry of Justice, had jointly authored an article in which they put forward their views about the preferability of a multi-party system.

On 3 November 1990 the official news media announced that Latsami Khamphoui, Thongsouk Saysangkhi and Feng Sakchittaphong had "committed propaganda against the policies of the Party and State". It also alleged that they had "conducted activities aimed at overthrowing the regime and creating political disturbances in Vientiane capital", and that they would be "interrogated and tried according to the country's law" under Article 51 of the Criminal Code. Article 51 proscribes treason which is defined as having "relations or

cooperated with foreigners or foreign organizations with the intention of damaging the independence, the sovereignty, the territorial integrity, or the vital national political, defence, economic, cultural or social interests" of the country. According to other reports, the authorities accused them of having violated Articles 52 and 59 of the Criminal Code, which proscribe "insurrection" and "propaganda against the Lao People's Democratic Republic", respectively. "Insurrection" is defined as acting "to create disturbances to overthrow or weaken" the country's "administrative authority". A charge of anti-state propaganda can be brought against "any person who slanders the Lao People's Democratic Republic; misrepresents the ideology of the party or the policies of the state; spreads negative information which causes confusion whether by word of mouth, writing, printed material, newspaper, movie, video, pictures or any other means, the content of which opposes the Lao People's Democratic Republic in such a way as to weaken the power of the State".

To Amnesty International's knowledge, the authorities have presented no evidence to substantiate any charge of treason or insurrection against Latsami Khamphoui, Thongsouk Saysangkhi or Feng Sakchittaphong. The organization believes that the language of the articles defining these offenses and that of anti-state propaganda is so sweeping and elastic as to allow the authorities to prosecute people for the peaceful exercise of their basic human rights, even if they have committed no recognizably criminal offence. Moreover, to Amnesty International's knowledge, no formal charges been brought against Latsami Khamphoui or Thongsouk Saysangkhi in court. In the interview he gave on 10 August 1991, Deputy Minister of Foreign Affairs Soubanh Srithirath reiterated the general allegation that they had "acted against the law to overthrow the administration" and added "of course we should arrest them". He confirmed they had not yet been brought to trial. He said they had been "interrogated and we have gathered evidence against them," but made no mention of any specific charges.

It appears that Latsami Khamphoui, Thongsouk Saysangkhi and Feng Sakchittaphong are held in "temporary confinement" according to the provisions of Article 50 of Law of Criminal Procedure. As mentioned above, this provision allows up to one year's detention according to the orders either of a court or a public prosecutor. At last report, they were believed held in Laos' main prison, at Xam Khe in Vientiane.

Amnesty International's recommendations

Amnesty International is calling on the LPDR to release Latsami Khamphoui, Thongsouk Saysangkhi and Feng Sakchittaphong immediately and unconditionally. It is urging that Khamphan Pradith, Thuck Chokbengboun, Boonlu Nammathao, Ly Teng, Pangtong Chokbengboun, Phanh Nola, Tong Pao Song, Yong Ye Thao and the ninth political prisoner restricted to Sop Pan (Sing Rattanabounkhong or Sing Chanthakoummame) be released unless there is substantial evidence that they have

committed a recognizably criminal offence for which they can legally be tried under Lao and international law.