

PUBLIC

AI Index: ASA 26/003/2004

08 July 2004

UA 218/04 Fear of torture/Fear for safety/Unfair trial

LAO PEOPLE'S DEMOCRATIC REPUBLIC

Lorm Chalihom (m), aged 47
Kham Sayavong (m), aged 42
Som Sayavong (m), aged 31
Sirina Samart (m), aged 29
Visay Sayachak (m), aged 40
Thongly Homneuan (m), aged 47
Pharin Sayboonya (m), aged 20
Seng Champa (m), aged 62
Terv Phomthevi (m), aged 24
Prasarn Rinthang (m), aged 27
Seng Saybunya (m), aged 35
Keobuathong Vongphacharn (m), aged 38
Kaen Singkhomkhong (m), aged 32
Naphar Phophibandith (m), aged 35
Boonlord Khensookvan (m), aged 59
Suang Sengsoura (m), aged 52

The 16 Lao nationals named above, who were seeking asylum in Thailand, were forcibly returned to Laos on 4 July 2004. Amnesty International fears that they are at serious risk of torture and ill-treatment, and face unfair trial.

All are members of a group opposed to the Lao government, who took part in an armed attack on the Lao customs and immigration offices in the border village of Vang Tao, Champassak province, in southern Laos, on 3 July 2000. Six of the group were killed in the attack, and the remainder fled over the border into Thailand, where they were immediately arrested.

They were charged with illegal entry and illegal possession of firearms, and on 19 March 2002 they were sentenced to prison terms, which were reduced to time served so that they could be released on 30 March 2002 and handed over to the custody of immigration officials in Bangkok. All had reportedly applied for asylum in Thailand in 2002, but the United Nations High Commissioner for Refugees (UNHCR) was repeatedly denied access to them.

The Lao authorities had persistently called for the men to be extradited, and the men remained in custody while the Thai courts were ruling on the extradition request. Thai authorities have reportedly said that they returned the men to Laos under immigration laws. However, forcibly returning them to Laos was a breach of the customary law principle of *non-refoulement*, which prohibits the return of a person to a country where he or she would be at grave risk of human rights violations. The Thai criminal court rejected the Lao government's extradition request in June 2003, and this decision was upheld by an appeal court in December, but the 16 were not released.

The men are now held in a prison in Champassak province. The Lao authorities have said that they will be tried for "robbery and using weapons of war in the robbery", for which they could face long prison terms. Amnesty International does not condone the use of violence by opposition groups.

BACKGROUND INFORMATION

Amnesty International has documented extremely harsh prison conditions and widespread use of torture and ill-treatment in detention facilities in Laos. It is believed that these 16 prisoners are particularly at risk of torture and ill-treatment because of their opposition to the Lao government. Trials in Laos routinely fail to meet international standards for fair trial: the judiciary is not independent, defendants are not provided with adequate legal counsel, and the outcomes of trials are often predetermined.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, French or your own language:

- expressing concern for the safety of the 16 men (naming them), who were forcibly returned to Champassak province in Laos on 4 July 2004;
- stating that Amnesty International does not condone the use of violence by opposition groups;
- urging the authorities to make known the men's exact whereabouts and to immediately give them access to lawyers, relatives and appropriate medical care;
- urging the authorities to ensure that the 16 men are treated humanely, in accordance with international standards, and are not tortured or ill-treated in detention;
- calling on the authorities to permit access to all detention facilities by independent humanitarian and human rights organizations;
- urging the authorities to ensure that the men are tried in full accordance with international standards for fair trial.

APPEALS TO:

Bounyang Vorachit

Prime Minister

Office of the Prime Minister

Rue Sisavat

Vientiane

Lao People's Democratic Republic

Fax: + 856 21 212408 (c/o Ministry of Information)

Salutation: Dear Prime Minister

Somsavat Lengsavat

Deputy Prime Minister & Minister of Foreign Affairs

Ministry of Foreign Affairs

That Luang

Vientiane

Lao People's Democratic Republic

Fax: + 856 21 414009

Salutation: Dear Minister

Kham-ouan Boupoua

Minister of Justice

Ministry of Justice

Rue Phone Xay

Vientiane

Lao People's Democratic Republic

Fax: + 856 21 414009 (c/o Ministry of Justice)

Salutation: Dear Minister

COPIES TO: diplomatic representatives of the Lao People's Democratic Republic accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 20 August 2004.