

AMNESTY INTERNATIONAL

Index: ASA 26/001/2014
Ref: TG ASA 26/2014.001

Choummaly Sayasone
President
Presidential Palace
Thanon Setthathirat
Vientiane
Lao People's Democratic Republic

30 August 2014

Your Excellency

SEEKING JUSTICE FOR 'DISAPPEARANCE' VICTIM, SOMBATH SOMPHONE

As the world marks the International Day of the Victims of Enforced Disappearances on 30 August, Amnesty International is writing to reiterate our calls to your government to ensure the safe return of prominent Lao civil society leader Sombath Somphone to his family. Sombath Somphone was last seen on the evening of 15 December 2012 when he was taken away in the presence of security personnel at a police post in Vientiane.

Sombath Somphone's disappearance was recorded on close-circuit television (CCTV) footage that his family was able to copy. Footage from a traffic camera appears to show that he got out of his car to speak with police. A motorcyclist arrived and drove off with Sombath Somphone's car, leaving his motorcycle behind. A truck with flashing lights then arrived, and Sombath Somphone was taken into the truck and driven away. A passenger on a motorcycle driving ahead of the truck appears to fire a gunshot in the air before driving away.

The Lao authorities have denied arresting Sombath Somphone and deny any responsibility for his enforced disappearance, saying that he may have been abducted as part of a private dispute after being stopped by police for a routine document check. Several statements issued by the police on the matter provide little information or detail.

There appears to have been a failure by your government to conduct a prompt, thorough, competent, and impartial investigation. In addition, other countries' offers of external assistance, including analysis of the original CCTV footage, have been rejected.

Amnesty International has examined in detail the circumstances of Sombath Somphone's disappearance. This is documented in the organization's report *Laos: Caught on Camera - The Enforced Disappearance of Sombath Somphone*, Index ASA 23/2013.002, published in June 2013. The report concludes that Lao officials are responsible for Sombath Somphone's disappearance, whether through direct perpetration or through complicity, support or acquiescence. It sets out a series of recommendations to help ensure his safe return. Since the report was published, no progress has been made to resolve the enforced disappearance.

The case has been marked throughout by flawed investigations, a wilful refusal to adequately address key questions, inconsistencies and the rejection of international assistance – in short, by the Lao government's failure to remedy a serious human rights violation and persistence in ignoring its international human rights obligations.

Laos signed the International Convention for the Protection of All Persons from Enforced Disappearance (CPED) in September 2008. While Laos has not ratified the Convention, it is expected to act according to the letter and spirit of its provisions and has an obligation to refrain from any actions that may defeat the object and purpose of the Treaty. Laos is also a state party to the International Covenant on Civil and Political Rights

(ICCPR), which states that governments must provide an 'effective remedy' for violations of rights guaranteed by the Covenant, including the rights to liberty and security of person.

In the context of the International Day of the Disappeared, Amnesty International once more offers recommendations which, if implemented, will hopefully contribute to ensuring the safe return of Sombath Somphone, and ensuring that his family is provided with truth and justice. We urge the Lao government to:

- Ensure the immediate and unconditional release of Sombath Somphone and safe return to his family.
- Establish without delay an independent commission to undertake an impartial and thorough investigation into Sombath Somphone's disappearance and ensure that all steps are taken to locate, rescue him from his captors and return him safely to his family as soon as possible, in accordance with Laos' obligations under international law.
- Ratify the CPED at the earliest opportunity, making declarations under Article 31 and Article 32 recognizing the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of individuals claiming to be victims of enforced disappearance or abduction, incorporate its provisions into domestic law and implement it in policy and practice.
- Take necessary measures to ensure that the crime of enforced disappearance is defined as a criminal offence with appropriate penalties under Lao law.
- Invite the UN Working Groups on enforced and involuntary disappearances and on arbitrary detentions to Laos to investigate and report on the situation. Recommendations of these working groups should be promptly implemented.

Amnesty International urges you to use all means within your remit to ensure implementation of these recommendations by the relevant authorities without delay. Until Sombath Somphone is back safely with his family, his case will not be resolved and calls for his return will persist.

Copies of this letter are being sent to His Excellency Prime Minister Thongsing Thammavong and to His Excellency Dr Thongloun Sisoulith, Minister of Foreign Affairs. A copy will also appear on Amnesty International's website.

We look forward to receiving your response.

Yours sincerely

Salil Shetty
Secretary General