

LAO PEOPLE'S DEMOCRATIC REPUBLIC

Religious imprisonment

Recent developments in the Lao People's Democratic Republic (LPDR) suggest a growing intolerance of individuals choosing to worship in churches which do not have state approval. This government intolerance is particularly noticeable when the individuals concerned have had contact with foreign organizations. Amnesty International believes that at least 11 people are currently imprisoned as a result of this policy, all of whom are prisoners of conscience who should be released immediately and without conditions. The organization is also concerned at unconfirmed reports that a further 19 people may have been arrested because of their religious beliefs since the beginning of 1998. The Universal Declaration of Human Rights (UDHR) states that:

"Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."

(Article 18)

Amnesty International calls on the Lao Government to uphold this right, for all people within its borders.

Background

The predominant religion in the Lao People's Democratic Republic is Buddhism, which is represented by the official Lao Unified Buddhists' Association. All religious organizations are required to register with the communist party-run Lao Front for National Construction. The authorities claim that churches of all religions, including Protestant and Catholic Churches, the Baha'i Faith and Islam are "*allowed by law to practice their beliefs and maintain houses of worship within the bounds of the laws and the Constitution*"¹. While some guarantees for freedom of religion are contained in Articles 9 and 30 of the 1991 Lao Constitution, these are narrower in scope than guarantees included in international human rights instruments. Article 9 in particular appears to be open to restrictive interpretation.

¹ Press Release issued by the Embassy of the Lao People's Democratic Republic in Washington DC, USA, dated 23 April 1998

"The state respects and protects all lawful activities of the Buddhists and of other religious followers; mobilises and encourages the Buddhist monks and novices as well as the priests of other religions to participate in the activities which are beneficial to the country and people. All acts of creating division of religions and classes of people are prohibited."

Article 30 simply states that *"Lao citizens have the right and freedom to believe or not to believe in religions"* without any reference to being allowed to *"manifest religious belief in worship, observance, practice and teaching, in public or in private, individually or in the community"*, as specified in Article 18 of the International Covenant on Civil and Political Rights, and in the UDHR.

In practice it appears that members of some religious groups, and in particular those who have had contacts with foreigners, foreign organizations or churches face official disapproval and suspicion, which in recent months has led to some worshippers being imprisoned.

Members of the Church of Christ

On 30 January 1998 police raided the house of Sy Yilatchai in Phonkheng village, Vientiane Municipality, where a group of people were taking part in a week-long Bible study meeting organized by the evangelical Church of Christ. Forty-four people were arrested -- 39 Lao nationals, three USA nationals, one French national, and one Thai national. Property seized at the same time included Bibles and related written material. The USA, French and Thai nationals were released on 4 February and told that they must leave the country within seven days. Six of the Lao nationals, including three children and a pregnant woman, were also released within a few days of their arrest. The remaining 33 men and women were held incommunicado in two separate detention facilities in Vientiane until 20 of them were released from Wattay prison between 12 and 14 February. On 25 March the remaining 13 detained at Thatdam prison were brought to trial before the People's District Court of Vientiane Municipality. All 13 were accused of organizing meetings to create disorder under Article 66 of the Lao Criminal Code. Three of them were released after being given a one year suspended sentence, while 10 others were sentenced to between one and three years' imprisonment.

Members of the Phonkheng Church of Christ have been meeting regularly for Bible study and religious activities since at least July 1997. Those organizing the meetings which took place in the home of Sy Yilatchai believed that they had received permission from the village authorities to do so, and had received no warning that the meetings or their activities were regarded as unlawful. Some of those arrested and sentenced worked for the American humanitarian organization Partners in Progress

which is part of the Churches of Christ and which had been carrying out health and sanitation projects in Laos, approved by the Lao authorities. The three US nationals arrested and asked to leave the country led these projects since 1996 and were active in the local activities of the Church of Christ in Laos. The Lao authorities accused them of using Christianity to slander the government and against other religions, of interfering in the internal affairs of the country, and carrying out unauthorized activities. They and the French and Thai nationals were deported and declared *persona non grata*.

The court judgement

Trials in the LPDR generally fall far short of minimum international standards, with insufficient opportunity to be represented by independent legal counsel, to present and prepare an adequate defence, or to call and examine witnesses. Amnesty International has obtained a copy of the court judgement in Lao. According to an unofficial translation of the judgement all 13 were accused of organizing meetings to create social disorder under Article 66 of the Lao Criminal Code. On the basis of available information, Amnesty International has seen no evidence to support this charge.

Sy Yilatchai, 62 years old, in whose house the meetings were held, is the head of the Phongkheng village church. He is reported to have spent eight years in "re-education" following the establishment of the LPDR in 1975. **Bounleut Yilatchai** is the 27-year-old son of Sy Yilatchai. He was employed as a Project Coordinator for Partners in Progress and taught children's Bible classes at the Phongkheng church. Others who worked on the Partners in Progress well project are **Kongmani Soukkaseum**, 30, from South Somvang village, Vientiane, employed as a driver and worker; **Ket Inthavong**, 37, married with three children, employed as a driver and mechanic; 24-year-old **Khamsaweng Songvatsana**; **Pheng Saichaleum**, 27, a health trainer; and **Chan Yilatchai**, 28, another son of Sy Yilatchai. **Ku (or Keo) Chaleunsouk**, 43 years old, was a farmer and leader of his local church in Nabon village, but was not employed by Partners in Progress. The court judgement describes these eight men as having variously engaged in proselytizing activities, attending religious meetings, holding Bible study classes and, except for Ku (or Keo) Chaleunsouk, receiving a salary and expenses from Partners in Progress. The judgement states that the eight were found to have sought out people for Bible study classes in the provinces of Vientiane, Khammouane, Savannakhet, Bolikhamsai and others, without authorisation. All eight were sentenced to three years' imprisonment.

The court judgement alleges that **Khamphin Suliyaten**, a 50-year-old widow with several children, **Viengkham Volakada**, a 45-year-old woman, and **Khampho Simmavong**, a 59-year-old widow, "confessed" to attending religious meetings of the Phonkheng church and holding small Bible study classes in their homes, under the

direction of foreigners. The three women were released after being given a one year suspended sentence.

Khammieng, a 47-year-old farmer from Nabon village, Vientiane Province, and **Duangmani Yilatchai**, the 19-year-old daughter of Sy Yilatchai, are said in the judgement to have actively sought members for their church. Khammieng was a leader of the local church in Nabon. As well as attending meetings of the Phonkheng church, he held meetings in his own house, and received expenses for these from the Phonkheng Church. Duangmani Yilatchai taught Bible classes for children and attended meetings of the Phonkheng church. Both Khammieng and Duangmani Yilatchai were sentenced to two years' imprisonment with one year suspended.

Most of those arrested converted to Christianity between the early 1990s and 1997. Amnesty International believes that their peaceful activities in practising their chosen religion have been criminalised by the accusations against them of causing social disorder. The 10 are reported to be appealing against their sentences. Amnesty International believes that they are prisoners of conscience who should be released immediately and unconditionally.

Khamtanh Phousy

Amnesty International is deeply concerned by information recently received about the imprisonment and ill-treatment of Khamtanh Phousy. Khamtanh Phousy is a 40-year-old army Captain who was a director of a military mapping factory under the Ministry of Defence. He submitted his resignation in December 1995 so that he could more freely practice his religion as a civilian. He converted to Christianity in 1992 and is reported to have been warned by his superior to stop his religious activities or he would lose his job and even be imprisoned. However, he was still in the army when he was arrested on 7 March 1996 in Xieng Khouang, a town in northern Laos where he had been sent to carry out some work.

The initial charges against him reportedly included contact with and receiving payment from foreigners, organizing a group to overthrow the government, contact with a reactionary group, involvement with Christian organizations and betraying his country. Some of these charges are presumed to relate to work he had been ordered to carry out with a foreign mapping company and for which he was legally paid according to a contract. He is believed to have been chosen for this work because of his language proficiency; having studied in the former Soviet Union, he speaks English, French, Russian, Thai and Vietnamese.

Some of the charges also obviously relate to his activities in the practice of his religion. After his conversion in 1992 Khamtanh Phousy joined with a small group of family and friends in practising their religion weekly at one of their homes. In late 1992, the Lao authorities ordered the weekly meetings to stop. The authorities may have also disapproved of his involvement in helping to get funds from an overseas church for a village project; because he had family in the USA, he was able to help a local village obtain funds from the Presbyterian Church USA to build a school. He then helped the village to get permission from the Lao authorities to use these funds; the school was completed in late 1995.

Amnesty International believes that Khamtanh Phousy was imprisoned because the authorities were suspicious of his religious activities and his contacts with foreigners, neither of which are internationally recognized criminal offences. The charges against him were reportedly dropped in October 1997, yet Khamtanh Phousy was not released. Amnesty International believes that he is a prisoner of conscience, detained without charge or trial solely for exercising his rights to freedom of religion and freedom of association.

The fact that Khamtanh Phousy should never have been imprisoned is compounded by the appalling treatment he has since suffered. In January 1998 he wrote an appeal to the Military Supreme Court protesting about his treatment in prison. In this appeal he stated that he had been detained in C-156 prison in Xieng Khouang since his arrest, and that he had not been tortured but had been held in leg chains. On 4 December 1997 he was told by prison officials that he was being sent back to Vientiane, but instead he was flown to Sam Neua, in Houa Phan province. From there he was taken to Prison Camp No 7 at Ban Sophao. Other prisoners there were told that he was a serious political prisoner and that they should not talk to him. His legs were chained together and locked into a wooden stock so that he was unable to stand or walk; he was not even unchained to bathe, use a toilet or eat. After being kept like this for 20 days, two other prisoners broke his chains and the stocks and they unsuccessfully tried to escape. Following the escape attempt, his legs were again chained together and placed this time in an iron stock.

Amnesty International has no further information about Khamtanh Phousy's situation since January 1998 and given the conditions under which he was reportedly held fears for his health. Conditions of detention generally at Prison Camp No 7 are harsh. Three prisoners of conscience detained there since November 1992 have suffered ill-treatment, poor diet and no medical treatment which resulted in the death of one of them, Thongsouk Saysangkhi, in February 1998 and the remaining two in desperate need of medical treatment which is being denied them.²

² For more information on prisoners of conscience Thongsouk Saysangkhi, Feng

Sakchittaphong and Latsami Khamphoui see Lao People's Democratic Republic: Prisoners of conscience left to die (ASA 26/07/98, May 1998).

Other unconfirmed arrests

Amnesty International has received other reports of the arrest of around 19 people in different parts of the country for their religious beliefs since the beginning of 1998. As independent human rights monitors are not allowed access to Laos, confirmation of such reports is difficult to obtain. Although the organization has been unable to independently confirm the information received, it is concerned that the authorities in some provinces are reluctant to allow people to practice their religion freely.

For example, **Father Tito Banchong Thopayong**, a Catholic priest, is reported to have been arrested on 24 January 1998 at Houei Sai airport, Bokeo province in northwestern Laos. He was about to return to Vientiane after visiting Christian families in 14 villages in the area. Reports claim that the official reason for his arrest was that he had taught religion without permission in the villages he had visited. In April it was reported that he had been released from prison but placed under "house arrest" at an unknown location in Houei Sai. Father Tito Banchong Thopayong, about 50 years old, studied and was ordained in Italy in the 1970's. He is reported to have spent several years in prison in Laos during the 1980's, and to have been working for the last five years as the assistant parish priest in the Catholic Cathedral in Vientiane. Amnesty International welcomes recent reports that Father Tito Banchong Thopayong has been allowed to return to his position in June, but believes that he should not have been arrested and restricted in the first place.

Another unofficial source reports the arrest of six Christian men of the Khmu ethnic minority while meeting together in Nam Tuam village, Luang Prabang province on 28 April 1998. In May the six men -- Sisamut, Chai, Noh, Saeng, Chanpeng and Nuamchan were reported to be detained in the Luang Prabang provincial prison. The same report refers to the arrest of 10 people in Savannakhet province in January, one Protestant lay person in Attapeu province, and a Catholic priest in Oudomsay province. All are said to have been arrested because of their religious activities.

Recommendations

Amnesty International calls upon the Government of the Lao People's Democratic Republic to:

- ◆ release immediately and unconditionally the nine men and one woman arrested at a Bible study meeting in January and sentenced to between one and three years' imprisonment in March solely for practising their chosen religion, and for their contact with foreigners;
- ◆ release immediately and unconditionally Khamtanh Phousy, detained without charge or trial in circumstances amounting to cruel, inhuman and degrading conditions; pending his release to immediately ensure that he is not ill-treated and that he is provided with all the medical treatment he may need; investigate reports of ill-treatment and hold to account any official found responsible;
- ◆ investigate the reports of others believed to be detained because of their religious activities, clarify their situation and make public any charges against them;
- ◆ guarantee the right to freedom of all religions and beliefs and their manifestation in practice to all people in the Lao People's Democratic Republic;
- ◆ allow independent monitoring of the human rights situation in the Lao People's Democratic Republic, including by the UN Special Rapporteur on Religious Intolerance.