

Urgent Action In Focus

An insight into the stories behind UAs

External
January 2004
AI Index: ACT 60/004/2004

LAOS Two Systems of Justice

In June and July 2003, members of the UA network repeatedly urged the Lao authorities to respect the rights of two journalists and their five colleagues who had been arrested after researching a story on rebel fighters and their families from the Hmong ethnic group.

Although three of those arrested – all foreign nationals – were released following overwhelming international pressure, concerns remain for the health and welfare of the Lao nationals detained with them.

AI's initial appeal on the case was launched on 11 June (UA 165/03), when the Urgent Action network was called upon to campaign on behalf of Belgian national Thierry Falise; French photographer Vincent Reynaud; their interpreter Pastor Naw Karl Mua, a US national from the Hmong ethnic group; their companions ethnic Hmong Lao nationals Thao Moua and Pa Fue Khang; and two other local guides.

It was feared that the men were at risk of torture following their arrest by Lao security services in Phoukout district, Xieng Khouang province, a week earlier.

The arrest was finally acknowledged by the Ministry of Foreign Affairs on 20 June, following worldwide protests. Ten days later, however, five of the men were tried together in a hastily arranged hearing in the northern Lao town of Phonsavanh. The trial lasted less than three hours, having been delayed, according to Naw Karl Mua, by the inability of officials to remove the leg shackles of the two Lao prisoners. Unlike their hand-cuffs, the shackles were made by fellow prisoners, had no key, and needed to be cut off by specialist tools. It later emerged that Thao Moua and Pa Fue Khang were reportedly badly beaten by police after their arrest.

Thierry Falise is quoted as saying, "The trial was a farce and when it came to the reading of the conclusion of the sentences... It was a text of five or six pages, which was type-written; we only had a fifteen minute pause before that so it was obvious that this text was typed up in advance".

The embassies of the foreign nationals ensured that they received legal representation of sorts, but the Lao nationals had no representation whatsoever. The outcome of the trial was clearly pre-determined by the Lao authorities. Thierry Falise added, "I would call it an injustice system, there was no justice, no fair trial in this case and I think it is the same for



Thao Moua © Private

others"

Despite all the accused being given prison sentences ranging from 12 to 15 years, negotiations between US, Belgian and French diplomats and the government of Laos resulted in the release of the three foreigners within days of the trial.

This came as no surprise to Falise who reported, "We were summoned the day before the trial in Vientiane by some Lao big shot and he told us there will be a trial tomorrow. You will be sentenced to something. Don't worry diplomacy will take over very quickly and actually that's what happened".

Following the release of the foreigners from Vientiane's notorious Phontong prison, the two Lao nationals were transferred to the even harsher conditions of Samkhe prison in the capital. Amnesty International has information indicating that ethnic Hmong prisoners receive particularly harsh treatment from their jailers and are at increased risk of torture, denial of medical treatment and poor detention conditions including the use of solitary confinement in small dark cells for those who fail to carry out their assignments.

Amnesty International is continuing to campaign on behalf of the Lao nationals who remain in detention.

Background

The Hmong ethnic group have a long history of resistance and aspirations of independence from Lao government control. Following the creation of the Lao People's Democratic Republic in 1975 and the fall of the former government, as many as a third of the Hmong ethnic minority are believed to have fled the country. Most of these refugees resettled in the USA, but a large number spent many years in refugee camps in Thailand.

Sporadic Hmong resistance continues, with groups of rebel fighters, who are lightly armed with ancient weapons, reported to be too frightened of official Lao government retribution to put down their arms. They are accompanied by elderly people, women and children, and reportedly have no access to desperately needed medical attention, sufficient food or other basic services.

There are ongoing allegations of serious human rights abuses against those Hmong perceived as still being opposed to the Lao government. Amnesty International has recently called on the Lao authorities to give all groups of Hmong fighters' access to UN specialist agencies and others to provide these services in line with Laos's obligations under international humanitarian law. It is widely believed that Vietnamese forces are assisting in military operations against Hmong opposition at the invitation of the Lao authorities.