

Laos: Five Months On, Demand for Accountability and Action in Sombath Somphone's Disappearance Intensifies

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Bangkok/Manila/Jakarta (15 May 2013) - The Asian Forum for Human Rights and Development (FORUM-ASIA), Focus on the Global South, The Asian Federation Against Involuntary Disappearances (AFAD) and the Commission for the Disappeared and Victims of Violence (KontraS) reiterated their call on the ASEAN Intergovernmental Commission on Human Rights (AICHR) and ASEAN governments to break the silence and take action on the disappearance of Laotian development worker, educator and Magsaysay award winner Sombath Somphone. The appeal was made as civil society organizations, respected world leaders and the diplomatic community, friends and family marked the fifth month of Sombath Somphone's disappearance today.

Despite the recent conclusion of the 22nd ASEAN Summit (25-26 April) and the 12th AICHR Meeting (6-10 May), no concrete headway has been made in addressing or tackling Sombath's disappearance and human rights abuses in the region. During the 12th AICHR Meeting, the regional human rights body reportedly discussed the implementation of the recently-adopted ASEAN Human Rights Declaration (AHRD), but fell short of taking a position on Sombath's case, as well as the issue of enforced disappearances in the region. This was despite a recent open letter by the Solidarity for Asian People's Advocacy - Task Force on ASEAN and Human Rights (SAPA TFAHR), among the many calls from numerous groups and individuals, urging the regional body to do so.

"We deplore the AICHR's continued silence on the case of Sombath. We understand that the AICHR discussed the AHRD in its latest meeting, but even the AHRD, a document which is below international human rights standards, provides guarantees to the rights to personal liberty and security and prohibits arbitrary deprivation of that right. In this regard, Sombath's disappearance is an opportunity for the AICHR to act," said Haris Azhar, Coordinator, KontraS.

During the recent AICHR meeting, a fax campaign was launched by concerned groups and individuals, aimed at sending a mass number of faxes and statements of concern to the ASEAN Secretariat to convey the message that Sombath's disappearance will not be consigned to oblivion despite the inaction of ASEAN leaders and the AICHR thus far.

"The AICHR cannot continue to hide behind the excuse that it lacks the ability to receive and investigate individual cases. The AICHR can certainly take action that is prescribed within their mandate, such as to obtain information from ASEAN Member States on the promotion and protection of human rights, to formulate common positions and approaches and to promote the effective implementation of international human rights treaty obligations undertaken by ASEAN Member States. Instead, the AICHR has chosen to shirk from responsibility and remain silent. The lack of response to groups and individuals who appealed to the AICHR also demonstrates a lack of sincerity by the body," noted Giyoun Kim, Acting Executive Director, FORUM-ASIA.

This fax campaign came in the wake of a public solidarity event held in front of the Philippine Department of Foreign Affairs in Manila last month ahead of the ASEAN Summit in Brunei. A similar

fax campaign was also conducted in March to target Lao missions around the world. Despite these efforts, ASEAN and AICHR still have refused to act. The theme for ASEAN 2013 “Our People, Our Future Together” will ring hollow if a culture of impunity is allowed to continue without any accountability or justice. “Sustainable development cannot be attained in a climate of fear,” said Clarissa Militante from Focus on the Global South.

The groups reminded the ASEAN governments that the disappearance of Sombath is not simply a matter of domestic concern. “Enforced disappearances and abductions have similarly occurred in other ASEAN countries, and it is time for ASEAN to take immediate and decisive action. One possible action is to authorize the AICHR to conduct inquiries on cases such as Sombath’s. It should not be misconstrued as an infringement of Lao PDR’s sovereignty but a legitimate expression of concern and relevance as a regional body,” pointed out Shalmali Guttal from Focus on the Global South.

“More than two years after the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearances (ICPAPED), it is time for the ASEAN member states to accede to the said treaty and recognize the competence of the United Nations Committee on Enforced Disappearance (UN CED). Doing so, will prevent future cases and will facilitate the resolution of past and present cases.” said Mary Aileen Bacalso, AFAD Secretary-General.

The groups pledged to continue their demands for ASEAN to pursue accountability in the disappearance of Sombath, as well as other cases of enforced disappearance in the region, and to guarantee an enabling environment for human rights defenders, including development workers.

For inquiries, please contact:

- John Liu, East Asia Programme Officer, FORUM-ASIA, +66802828610 or johnliu@forum-asia.org;
Jose Kuan, East Asia Programme Associate, FORUM-ASIA, +66835445166 or joses [a] forum-asia.org (Bangkok)

- Mary Aileen D. Bacalso, Secretary General, AFAD: +639177924058 (Manila)

- Clarissa Militante, Philippines Programme Coordinator, Focus on the Global South, +6324331676 or cvmilitante [a] focusweb.org (Manila)

- Haris Azhar, Coordinator, KontraS, +6281513302342 or harisazhar [a] kontras.org (Jakarta)

P.S.

* Asian Forum for Human Rights and Development (FORUM-ASIA) is a Bangkok-based regional human rights group representing 47 organizations in 16 countries across Asia

The Asian Federation Against Involuntary Disappearances (AFAD) is composed of human rights organizations campaigning against enforced disappearance and demanding for truth, justice, redress and the reconstruction of the collective memory of the disappeared.

Focus on the Global South is a development policy research organisation with offices in Thailand, the Philippines and India.

The Commission for Missing Persons and Victims of Violence (KontraS) is a human rights NGO based in Jakarta working on issues of impunity and state accountability.