

Joint Open Letter by 59 NGOs to Lao Prime Minister on the « Disappearance » of Sombath Somphone

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H.E. Mr. Thongsing Thammavong
Prime Minister, Lao People's Democratic Republic
Prime Minister's Office
Ban Nahai Dious, Muang ChanthaburVientiane, Lao People's Democratic Republic
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17 January 2013

Your Excellency,

Re : "Disappearance" of Mr. Sombath Somphone

We, 59 national, regional and international human rights organizations, express very grave concern over the lack of progress and information regarding investigations into the fate and whereabouts of Mr. Sombath Somphone. He has been missing for over three weeks and to date, the investigations on in this respect appear to be lacking or ineffective. Our organizations fear that he may have been subjected to enforced disappearance.

The Government has so far only released two statements which were mere denials and were not helpful to the efforts to find Sombath. The first statement was released by Laos' Ministry of Foreign Affairs last 19 December 2012. The second statement was a response by Laos' Ambassador to queries from the UN Human Rights Council's Special Procedures about Sombath's fate and whereabouts, and was released last 4 January 2013. In both statements the government maintained that it had no knowledge or involvement in the "disappearance" of Sombath.

We wish to reiterate that the CCTV footage obtained by his family shows that Sombath was last seen with local police at the Thadeau police post on 15 December 2012, shortly after he left his office at around 5pm. The claim of the Government that Sombath's "disappearance" is a private affair involving personal or business conflict is unacceptable. The Government must look closely into the circumstances of Sombath's disappearance, considering that he went missing within a short time after he was stopped by police authorities and within the vicinity of a police outpost. The Government should fully disclose all information relating to the interface and interaction that any government officials, security personnel, have had with Sombath. This includes all information regarding the events of 15 December 2012.

On 26 December 2012, Sombath's wife, Shui-Meng Ng, was questioned by police on basic information regarding his background and lifestyle during preliminary investigations. When she was called in again on 15 January 2013 to further assist in investigations, the police officers again queried her on similar procedural questions, such as when they got married and when they moved into their current home. This apparent stagnation in the status of investigation is clearly

unacceptable after Sombath's "disappearance" for over a month. There are critical questions which remain unanswered, such as whether Sombath's jeep has been found, the identity of the motorcyclist who took Sombath's jeep and whether the police personnel in the CCTV have been identified and investigated.

Sombath's work has been profoundly integral to the lives of ordinary people in Laos. He has been deeply involved in educating and building the capacity of the youth, initiating alternative sustainable development models and tackling rural poverty. His work is clearly important in a country which posted the fastest growth in 2012 in Southeast Asia. In the relentless pursuit of growth and development, the work of groups and individuals like Sombath is especially critical in ensuring that growth is inclusive and equitable.

The "disappearance" of Sombath creates a climate of fear and sends a chilling message to the still-fledgling civil society of Laos. It is therefore important that an enabling environment for human rights defenders working on economic, social and cultural rights, including development workers, is created and cultivated.

The "disappearance" of Sombath is a test of the commitment of the government of Laos to promote and protect human rights in the country. We remind the Government of its commitment under the Article 13(1) of the Declaration on the Protection of All Persons from Enforced Disappearance (Declaration), which provides that in instances where there is an allegation that a person has been subjected to an enforced disappearance, the State shall ensure that the complaint is promptly, thoroughly, and impartially investigated by a competent and independent State authority. The Declaration also obliges the State to promptly refer the matter to a competent and independent State authority whenever there are reasonable grounds to believe that an enforced disappearance has been committed, even if there has been no formal complaint. Furthermore, as a signatory to the International Convention for the Protection of All Persons from Enforced Disappearance (CPED), it must refrain, in good faith, from acts that would defeat the object and purpose of the treaty. We also urge the Lao Government to ratify and implement the Convention to prevent future cases of enforced disappearances and to acknowledge the competence of the UN Committee on Enforced Disappearances.

We therefore demand justice and the immediate safe return of Sombath.

Signed by :

1. Advocacy Forum, Nepal
2. Aliran Kesedaran Negara (ALIRAN), Malaysia
3. Alternative ASEAN Network on Burma (ALTSEAN-Burma)
4. Asia Indigenous Peoples Pact (AIPP)
5. Asian Center for the Progress of Peoples
6. Asian Federation Against Involuntary Disappearances (AFAD)
7. Asian Forum for Human Rights and Development (FORUM-ASIA)
8. Asia-Pacific Solidarity Coalition (APSOC)
9. Banteay Srei, Cambodia

10. Boat People SOS
11. Cambodian Human Rights and Development Association (ADHOC), Cambodia
12. Cambodian Volunteers for Society (CVS), Cambodia
13. Cambodian Women Caucus (CWC), Cambodia
14. Center for Human Rights and Development (CHRD), Mongolia
15. Center for Migrant Advocacy, Philippines (CMA-Phils)
16. Commission for the Disappeared and Victims of Violence (KontraS), Indonesia
17. Dignity International
18. Families of Victims of Involuntary Disappearance (FIND)
19. Focus on the Global South
20. Front Line Defenders
21. Globe International, Mongolia
22. Housing Rights Task Force, Cambodia
23. Human Rights Defenders-Pilipinas (HRDP), the Philippines
24. Human Rights Education Institute of Burma (HREIB), Burma
25. iLaw, Thailand
26. IMPARSIAL, Indonesia
27. Indigenous Community Support Organization (ICSO), Cambodia
28. INDIGENOUS
29. Indonesia for Humans, Indonesia
30. International Coalition Against Enforced Disappearances (ICAED)
31. International Commission of Jurists (ICJ)
32. International Federation for Human Rights (FIDH)
33. Institute for Essential Services Reform (IESR), Indonesia
34. Justice for Peace Foundation, Thailand
35. Koalisyon ng katutubo at Samaham ng Pilipinas (KASAPI, Inc), the Philippines
36. Lao Movement for Human Rights (MLDH)
37. Law and Society Trust (LST), Sri Lanka

38. LICADHO Canada
39. Messenger Band, Cambodia
40. Migrant Forum in Asia (MFA)
41. Odhikar, Bangladesh
42. Pax Romana - ICMICA Asia
43. Peace Institute, Cambodia
44. People's Action for Change (PAC), Cambodia
45. People's Empowerment Foundation (PEF), Thailand
46. People's Solidarity for Participatory Democracy (PSPD), South Korea
47. People's Watch, India
48. Pusat Komnas, Malaysia
49. Reality of Aid Network Asia Pacific
50. SILAKA, Cambodia
51. Social Action for Change (SAC), Cambodia
52. South East Asian Committee for Advocacy (SEACA)
53. Southeast Asia Monitor for Action
54. Suara Rakyat Malaysia (SUARAM), Malaysia
55. Taiwan Association for Human Rights (TAHR), Taiwan
56. Think Centre, Singapore
57. Women's Network for Unity (WNU), Cambodia
58. Workers' Information Centre (WIC), Cambodia
59. Youth for Peace, Cambodia

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