

Laos: Sombath's "disappearance" must be properly investigate!

Thursday 11 December 2014, by [ICJ](#) (Date first published: 11 December 2014).

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Lao PDR: properly investigate Sombath's "disappearance", ICJ report says

December 11, 2014

Two years after prominent Laotian activist Sombath Somphone was last seen at a police checkpoint, the Laotian government must do more to investigate his suspected enforced disappearance, said the ICJ in a new report released today.

In the report, *Missed Opportunities: Recommendations for Investigating the Disappearance of Sombath Somphone*, which was co-authored by Michael Taylor QPM, a leading international investigator, the ICJ noted that despite the passage of two years since Sombath Somphone's apparent enforced disappearance on December 15, 2012, very little information about the progress of investigation has been released to the public or his family.

"The fact that the Lao PDR government's last report on the progress of the investigation was released over 18 months ago raises serious concerns as to whether the Laotian authorities are in fact carrying out an effective investigation into this case as they are required to do under international law," said Sam Zarifi, ICJ's Regional Director for Asia and the Pacific.

"It is not enough for the Laotian government simply to assert it is investigating this case. International law obliges Lao PDR authorities to conduct an investigation that is credible and effective, along the lines suggested in ICJ's report."

Among other recommendations, the ICJ's report suggests a range of investigative steps that should be addressed by the authorities of Laos PDR including establishing a relationship with Sombath Somphone's family, carrying out a proper technical assessment of the Closed circuit Television (CCTV) footage of his abduction, analyzing relevant cell phone information from telephone cells and towers, and mandating an independent expert body to review the results of the investigation to date and make recommendations.

The Lao PDR government has denied any involvement in Sombath Somphone's abduction.

But reports released by police reveal a wholly inadequate investigation that has not come any closer to a credible explanation as to his fate or whereabouts.

"The ICJ hopes that this report will assist the Laotian authorities to identify potential leads in the case so that the truth as to the whereabouts and fate of Sombath Somphone can finally be established and those who are responsible for criminal conduct and violations of his rights can be brought to justice," said Zarifi.

"One of the conclusions of the ICJ's review of the publicly available material regarding this case is that this case remains 'eminently solvable' if proper investigative methodology is followed."

Key recommendations in the report include:

- Formulate a sensitive family liaison strategy that ensures that their right to be regularly provided with information about the progress and results of the investigation are respected in a manner that also ensures the effectiveness of the investigation.
- Implement a CCTV strategy that ensures the capture and systematic analysis of all relevant material and the submission of material to accredited independent and expert laboratories that will provide the best opportunity for enhancement of critical detail.
- Seek the assistance of appropriate agencies in other countries in the forensic examination and analysis of crime scenes, vehicles, phone and CCTV data, and any physical or other evidence.
- Ensure an independent comprehensive review of the scope, methodology and results of the investigation to date is carried out by a competent, independent and relevantly expert body. Such a body should have the authority to request and receive all relevant information, question individuals and make recommendations. All officials and experts who have been involved in the investigation to date should cooperate and provide information to the independent body carrying out the review.

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Background:

Sombath Somphone, Lao PDR's most prominent community development advocate and a Ramon Magsaysay Award winner, was last seen on December 15, 2012, on a road in the capital Vientiane.

Closed circuit Television footage showed him being stopped at a police checkpoint, exiting his vehicle, and after his vehicle was driven away by an unidentified man, getting into another vehicle with unidentified men and being driven away. He has not been seen since.

As a State Party to the International Covenant on Civil and Political Rights (ICCPR and Convention Against Torture and Other, Inhuman or Degrading Treatment or Punishment (CAT), the Government of Lao PDR has the duty to carry out independent, impartial and effective investigations into cases of alleged enforced disappearance.

Download the report in PDF:

<http://icj.wpengine.netdna-cdn.com/wp-content/uploads/2014/12/Lao-Somphone-disappearance-Publications-report-2014-ENG.pdf>

Lao PDR: government must tackle enforced disappearance case

June 16, 2014

The ICJ today called on the Lao PDR government to carry out a thorough and impartial investigation into the 'disappearance' of prominent development activist Sombath Somphone to clarify his fate or whereabouts.

It also demanded that authorities ensure that the perpetrators are held to account and that he or his family members are afforded redress.

On 15 June 2014, the ICJ filed a submission to the 21st session of the Working Group on Universal Periodic Review (UPR), raising Lao PDR's failure to fulfill its obligations under international law in cases of alleged enforced disappearance.

The ICJ also highlighted Lao PDR's failure to respect its commitment in its 2010 UPR to "enhance the level of cooperation with treaty bodies and special procedures mandate holders".

"Despite the passage of more than 18 months since Sombath Somphone's 'disappearance,' the authorities have yet to carry out an effective investigation," said Sam Zarifi, ICJ Asia-Pacific Regional Director. "They have even declined to seek available international assistance with the examination of CCTV footage showing the abduction, which may lead to the identification of the perpetrators."

CCTV footage records police stopping Sombath at a checkpoint on 15 December 2012, and unidentified men driving him away.

To date, Lao authorities have issued only three reports on the investigation, which revealed a complete lack of progress in locating Sombath or identifying the perpetrators of his abduction.

In accordance with international law, including the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel (CAT), treaties which Lao PDR has ratified, the government has a duty to effectively investigate cases of alleged enforced disappearances and to keep family members of the victim informed.

It also is required to prosecute perpetrators in a competent, independent and impartial tribunal.

These principles are also echoed in the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), which the Lao government has signed and is committed to ratifying.

The ICCPR and CAT set out States' duty to criminalize acts constituting serious crimes, including offences of torture, cruel inhuman and degrading treatment, summary and arbitrary killing as well as enforced disappearances.

At present, such acts have yet to be incorporated into the Laotian Penal Code or Criminal Procedure Code as punishable offences.

Recommendations

Some of the key recommendations highlighted in the submission include:

- (a) implement the commitments made during the 2010 UPR, including by becoming a party to the ICCPED and incorporating all provisions of the various international human rights treaties to which Lao PDR is a party;
- (b) amend domestic law to provide for criminal liability for all acts of enforced disappearance and to afford effective remedy and reparation in line with ICCPR, CAT and ICCPED;
- (c) request the public prosecutor to launch a credible, prompt, thorough, impartial and effective investigation into the fate and whereabouts of Sombath Somphone;
- (d) cooperate with treaty bodies and human rights mechanisms by accepting visit requests of Special Rapporteurs and to provide without delay periodic reports under CAT, ICCPR, International Covenant on Economic, Social and Cultural Rights and Convention on the Rights of Persons with Disabilities.

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ICJ submission on the Universal Periodic Review of Lao

June 15, 2014

The ICJ has made a stakeholder submission for the second cycle Universal Periodic Review (UPR) of Lao's compliance with international human rights.

In January/February 2015, the Human Rights Council's Working Group on the UPR will consider the situation of human rights in Lao's People's Democratic Republic. Ahead of the Working Group's review, the ICJ has made a submission in which it has identified suggested recommendations concerning:

- Lao's failure to implement its obligations under international law in cases of enforced disappearances; and
- Lao's party status to and engagement with international human rights instruments and mechanisms.

The recommendations of the UPR Working Group will be considered, alongside Lao's acceptance or otherwise of those recommendations, during the Human Rights Council's 29th regular session in June 2015.

Lao-UPR21-ICJStakeholderSubmission-LegalSubmission-2014

<http://icj.wpengengine.netdna-cdn.com/wp-content/uploads/2014/06/Lao-UPR21-ICJStakeholderSubmissi>

