

Laos: Statement on the 3rd year of Sombath's enforced disappearance

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A SIA-E UROPE P EOPLE'S F ORUM

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Lao People's Democratic Republic – Sombath Somphone's enforced disappearance and demands for his safe return

The Asia Europe People's Forum International Organizing Committee remains deeply concerned about the safety and wellbeing of Mr. Sombath Somphone. **It is now three years today since his enforced disappearance.**

Sombath is one of the most respected and influential voices for sustainable people-centred and just economic and social development in Laos. He is the founder and former Director of the Participatory Development Training Centre (PADETC), and the winner of the 2005 Ramon Magsaysay Award for community leadership. He was the most prominent Lao co-organizer of the Asia Europe People's Forum 9 (AEPF9), which was held in October 2012 in the Lao capital Vientiane, before the Asia-Europe Meeting, ASEM9.

On 15th December 2012 Sombath Somphone disappeared, taken away in a truck by unknown persons after being stopped by police in Vientiane. Nobody has seen or heard from him since.

Despite sustained appeals from his wife and many hundreds of individuals, numerous governments and international organizations, including the Asia Europe People's Forum, and widespread media coverage, the Lao PDR government has yet to conduct an adequate investigation into Sombath's disappearance or provide a satisfactory explanation for his abduction.

On June 2013, Amnesty International issued a major briefing document on Sombath's disappearance which stated that "Based on the evidence, the most plausible conclusion is that Sombath Somphone is a victim of an enforced disappearance, for which Lao officials are responsible."

It has been noted that during consideration of Laos under the UN Universal Periodic Review in March 2015, the Lao delegation clarified:

"that the Investigation Committee was always open to views or suggestions to help the investigation, and was ready to receive suggestions from any interested parties with regard to the ongoing investigation. The delegation gave assurances that the authorities were still conducting its investigations and would continue to conduct a thorough investigation into this case in order to find the truth and bring perpetrators to justice in accordance with the law."

This is the result of repeated demands on the Lao government to conduct a thorough, transparent and impartial investigation into Mr. Somphone's disappearance. After nearly two and a half years the above is formal acceptance of this by the Lao government.

However this claim and others by the Lao authorities that there is an ongoing investigation are barely credible. Responsible government ministries have revealed no information that transparently and concretely demonstrates that an in-depth and thorough police investigation is taking place. Instead, the Lao authorities and government officials have given inadequate and often dismissive responses to requests for information, as well as attempting to silence or avoid mentions of concern about Sombath Somphone among civil society in Laos and the region.

Laos takes over the Chair of ASEAN during 2016, an increased spotlight will be on the country. It is regrettable that the ASEAN People's Forum, traditionally hosted by the country holding the Chair, will not be held there. The Forum is an opportunity for civil society groups and organizations in ASEAN to come together and hold a range of events and meetings on topics of concern to everyone living in the region. Many of them have voiced concerns over Sombath Somphone's disappearance. It is a sad indictment that restrictions and obstacles on freedom of expression and peaceful assembly prevent Laos and particularly Lao civil society from benefiting from this gathering.

There have been repeated enquiries through diplomatic channels and five delegations of parliamentarians to Laos; two from the Association of Southeast Asia Nations (ASEAN), two from the Europe Union (EU) and one joint European and ASEAN delegation.

On 6th February 2013, and then on 16th January 2014 the European Parliament unanimously passed a resolution on Laos and Sombath Somphone.

At the 14th November 2014 12th Round Table Meeting, a high-level dialogue on Official Development Assistance between the Lao government, Development Partners and other related stakeholders the European Union made a clear statement,

"At last year's RTM we raised the issue of the unexplained disappearance of Mr. Sombath Somphone. We were re-assured by the government that it had taken all steps to continue the investigation and to bring the perpetrators to justice. One year later (and almost two years after the disappearance occurred), we note with grave concern that no progress has been made and Mr. Sombath has still not returned to his family. Once again, we urge the government to resolve this case urgently. We also suggest inviting the UN Working Group on Enforced or Involuntary Disappearances with regard to this specific case. Continued uncertainty around this case will not reflect well on the Lao PDR in the upcoming Universal Periodic Review (UPR) process."

European development partners have committed approximately USD 550 million in support of the implementation of the Government's 7th NSEDP. This represents over 30 percent of all the ODA received by the Lao Government to date. Nearly all of the European ODA is provided in grants.

International Human Rights organisations and the Asia Europe People's Forum are of the opinion that the Lao Government is in breach of its human rights commitments, due to the enforced nature of Sombath's disappearance and its failure to ensure the safe return of Sombath. There are also significant concerns about the restrictions on civil society.

Notwithstanding the clear statement of the European Union quoted above, it would appear that the ODA support given by the EU and other donors continues and that formally there have not been moves to suspend or change the flow of ODA in spite of human rights abuses by the Lao PDR.

We believe that it is now the time to review the grants and flow of ODA to Laos in the light of the Lao Government's breach of its human rights commitments and of these being in breach of the principles and commitments by which ODA is agreed and disbursed bi-laterally and through The European Union and The United Nations.

Trade and Foreign Direct Investment is a significant component of the Lao Government's national Development Strategy.

We believe that it is time and essential for the Governments and multi-lateral institutions to reassesses their trade and investment facilitation and promotion policies and practices with Laos.

Laos has been a member of the WTO since October 2012. Chinese Ambassador YI Xiaozhun, who chaired the working party of members negotiating with Laos, welcomed the decision: "Lao PDR's WTO accession is a strong, positive and clear signal for its commitment to engaging with the global economy in the framework of the rules-based trading system." Ambassador Yi said.

We believe that the Government of Laos is in breach of its obligations and commitments required following its membership of the WTO since October 2012. The European Union speaks with one voice on trade matters. The European Commission represents the European Union and its 28 Member States in the WTO and negotiates on their behalf. We request the EU Member States to begin representations to the EU's representative on the WTO to raise this concern and request you begin discussions with the EC Trade Commissioner Cecilia Malmström to this end.

Sombath's disappearance has created a climate of fear in Laos's fledgling civil society. There is an increasing realisation that the 'spaces' for dialogue, discussion and debate on how to achieve more sustainable economic and social development are shrinking, with reports of harassment of civil society groups and individuals. This is in sharp contrast to the climate of positive and constructive dialogue that AEPF9 sought to engender.

Enforced disappearance of Sombath Somphone is a grave human rights violation and heinous crime. We will continue to work vigorously and continue to raise his case at any and every opportunity and to press other governments and institutions to do the same, including during this coming year. As long as Sombath has not been returned safely to his family, many organisations and individuals are committed to continuing, for as long as necessary, international activity. We are asking that until Sombath's safe return, his disappearance should dominate bi-lateral, multi-lateral and international discussions with and about Laos.

Given the enforced nature of Sombath's disappearance we are urging government and multi-lateral institutions to take the following actions :

□ Demand that the Lao Government uses its extensive resources to enable the safe return of Sombath Somphone to his family, and offer technical assistance for the same;

□ Continue, in coordination with the EU and other international partners, to call on the Lao Government to conduct a comprehensive and transparent investigation of the case of Sombath Somphone, including urging the Lao government to heed previous calls to establish a new independent commission to undertake an impartial and thorough review of all the evidence, including of the detailed CCTV footage of his abduction, identifying and questioning all those present, and details pertaining to the white pick-up truck in which Sombath Somphone was last seen.

□ Continue, in coordination with the EU and other international partners, to call on the Lao Government to fully cooperate with UN bodies such as the Working Group on Enforced Disappearances in Geneva;

□ As a members of the multi-lateral institutions, including The European Union, that are donors to Laos, European Governments should actively engage in, and if necessary initiate, discussions to suspend the flow of ODA to the Lao PDR.

□ Initiate a review and reassessment of trade and investment facilitation and promotion policies and practices with Laos.

□ Begin representations to the EU's representative on the WTO to raise this concern that Laos is in breach of its obligations and commitments required following its membership of the WTO since October 2012 and request you begin discussions with the EC Trade Commissioner Cecilia Malmström to this end.

□ Insist that the Lao Government ensures a secure, enabling environment that encourages learning and reflection and provides space for open, respectful, diverse and constructive debate for people committed to sustainable development in Laos;

□ Inform the Lao Government that while Sombath remains missing, there will be a growing negative perception of Laos at a time when the country is seeking to integrate further into the world economy and attract foreign direct investment; and

□ As human rights commitments underpin and are integrated into many of the bi-lateral and multilateral agreements with Laos, share, and continue to share, your concerns about the disappearance of Sombath with the EU, the UN, the Asian Development Bank, the World Trade Organization and others, and request that they too demand the safe return of Sombath.

International Organizing Committee (AEPF-IOC)

Asia Europe People's Forum

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