

Vientiane Municipality People's Court or Provincial Court in Vientiane
Beungkhayong village,
Sisatnak district,
Thadeua road,
Vientiane Capital, Lao PDR.

Tel: 856 21 353749

3 September 2013

Re: Application pursuant to article 6 of the Lao People's Democratic Republic Constitution of 2003

Your Honor,

I write to you today to file an application with your Court seeking protection of the rights of my husband, Mr. Sombath Somphone, under Article 6 of Constitution of the Lao People's Democratic Republic (Lao PDR). I believe that the investigations being conducted by the Vientiane Police Department on my husband's case have been severely hindered by acts of bureaucratism which is detrimental to my husband's life, honour, and well-being.

The facts of the case of the disappearance of my husband, Mr. Sombath Somphone, are as follows:

1. Mr. Sombath Somphone, 62 years old, is a citizen of Laos PDR. I have been married to him since 26 July 1983. Since 1986, we have been residing in Vientiane, Lao PDR.
2. In 1996, he was given permission by the Ministry of Education to establish the Participatory Development Training Center (PADETC). Through this Centre, he trained young people and local government officials in community-based development.
3. In 2001, Mr. Sombath Somphone received the Human Resource Development Award from the UN Economic and Social Council for Asia and the Pacific (UNESCAP). In 2005, he was awarded the prestigious Ramon Magsaysay Award for Community Leadership, which recognized his "hopeful efforts to promote sustainable development in Lao PDR, by training and motivating its young people to become a generation of leaders."
4. On 15 December 2012, (Saturday) at around 5:30pm, my husband left PADETC Office after his usual ping pong game and met me in town to go home together for dinner. We were driving in separate vehicles. I drove my car ahead and he followed in his jeep. Mr. Sombath Somphone was driving a old green jeep with plate number 2624.
5. I reached home at around 6:15pm, and waited for my husband. He never returned that night. Concerned for his well-being, my niece and we drove around looking for him and checked different hospitals, but still could not find him.

6. On 16 December 2012 (Sunday), we filed a missing person's report with the village office and district police station (copy of police report attached)
7. On 17 December 2012 (Monday), we requested the Vientiane Municipality Police Station to view the close circuit television (CCTV) footages on the evening that my husband disappeared. The Vientiane Municipality Police Station granted our request and we were able to view the footage of my husband stopped by the police at the police outpost on KM 3 on Thadeua Road.
8. On the CCTV footage recorded at 6:03pm. we saw the police stopped my husband's jeep. He was then seen stepping out of his vehicle. He walked towards the traffic police stationed at the outpost. Shortly thereafter, an unidentified man riding a motorcycle arrived at the scene. The unidentified man parked his motorcycle in front of my husband's jeep and ran towards the police outpost. After a few minutes, what looked like the same man coming from the police outpost got into my husband's jeep and drove it away. Thereafter, a white pick-up truck with flashing hazard lights pulled in front of the police outpost. On the footage, I saw that some unidentified men and my husband hurriedly boarded the white pick-up truck. After the men and my husband boarded, the white pick-up truck sped away, followed by two unidentified men on a motorcycle.
9. We requested to be given copies of the CCTV footages, but the police said, that was not possible. Then we requested to replay the CCTV footages and recorded the footages on our digital phone and video camera. (A CD Rom of the footages are attached here.)
10. After seeing this footage, I immediately contacted the Ministry of Foreign Affairs, Mrs. Khamphao Ernthavanh to inform them that my husband has been taken at the police post. Mrs. Khamphao asked me to send a copy of what we recorded from the CCTV to her at the Ministry of Foreign Affairs. I immediately went to the Ministry of Foreign Affairs. Mrs. Khamphao met me at the Ministry of Foreign Affairs and I gave a CD Rom copy of the CCTV footages, and she immediately took the CD and went upstairs to show to her superiors.
11. Since reporting my husband's disappearance to the Vientiane Police Department, I have only been called to their office three times (on: 16/1/2013; 8/2/2013; 24/4/2013). However, during each visit, the interrogating officers mainly asked basic background information about me and my husband and his family, and how we met and where we got married, etc.
12. Since Mr. Sombath's disappearance more than eight months ago, the Government of Lao PDR has only issued three formal statements informing the public on the progress of the case. They are as follows:
 - (i) 19 December 2012 - Lao spokesperson informs public that investigations are underway and is of the view that the incident could have been due to "personal conflict or a conflict in business". No further developments on the case. (Attach as Annex a copy)

- (ii) 4 January 2013 – Response by the Ambassador of the Permanent Representative of the Lao PDR to the United Nations in Geneva where he stated that investigations are being accelerated. No further updates on the case is given. (Attach as Annex a copy)
- (iii) 11 January 2013 – First police report summarized that no persons or vehicles from the CCTV could be identified. The traffic police at the police post was interrogated but he claims that the situation was normal on the evening of 15 December 2012. No witnesses have approached the police. (Attach as Annex a copy)
- (iv) 17 January 2013 – Response by the Government of Lao PDR to the ASEAN delegation. Mr. Phongsavath denied any of the government’s involvement and highlighted that Mr. Somphone’s disappearance was not the first to happen in Lao PDR. (Attach as Annex a copy)
- (v) 2 March 2013 – Second police report on the case. Colonel Dr. Pongsavanh Thipvongxay explained that the jeep has not been found and developments have been made with regards to the CCTV video. He also informed that Lao PDR had informed ASEANPOL and INTERPOL. Also the police claimed that the footages were blurry and it is unable to zoom in and out, but at the same time the police said it would not be necessary to seek foreign assistance for the investigations. (Attach as Annex).
- (vi) 6 June 2013 – Third police report on the case. Colonel Dr. Pongsavanh Thipvongxay reported that the Lao police had contacted a number of foreign countries to check whether Mr. Sombath Somphone had recently visited them. They has received response from Korea that Sombath had left Korea on 9 November 2012 for Thailand. Some other countries like Japan, India, and France, requested further information.

Based on the facts above, I believe that the Vientiane Police Department have not done enough to find my husband. It exercised acts of bureaucratism and because of these acts, it is endangering the life and well-being of my husband, Mr. Sombath Somphone. Specifically, the Vientiane Police Department displayed acts of bureaucratism by:

- Failing to extensively question those police officers who were stationed at the police outpost on KM 3 on Thadeua Road on the date and time my husband disappeared;
- If they did extensively question the said police officers, the Vientiane Police Department did not document details of the explanations given by these police officers;
- Failing to exhaust all resources available to it by not accepting expertise offered by foreign groups to examine further the abovementioned CCTV footage;
- Failing to gather evidence that would support the identification of suspects and the initiation of a prosecution; and
- Failing to identify, obtain, and pursue credible leads on my husband’s disappearance.

As expressly stated in Article 6 of the Constitution, “all acts of bureaucratism and harassment that can be detrimental to the people’s honour, physical well-being, lives, consciences and property are prohibited.”

In light of the facts above, I therefore humbly request this Court to:

- Order the Vientiane Police Department to hasten investigations on the disappearance of my husband, Mr. Sombath Somphone;

- Order the Vientiane Police Department to hasten investigations on the disappearance of my husband, Mr. Sombath Somphone;
- Order the Vientiane Police Department to accept expertise offered by foreign groups (e.g. the examination of the said CCTV footage) to accelerate the gathering of evidence that would lead to ascertaining the whereabouts of my husband;
- Order the Vientiane Police Department to release as soon as possible its findings to me, as wife and next of kin of Mr. Sombath Somphone; and
- Order the release of my husband, should there be a finding that he is being held in detention by any person or entity, including any governmental agency.

Respectfully yours,

Ms. Ng Shui-Meng
Ban Khok Nin
Sisathanak District
Vientiane

