

**Statement by Phil Robertson<sup>1</sup>**  
**Deputy Director, Asia Division**  
**Human Rights Watch**  
**Third Anniversary of the**  
**Enforced Disappearance of Sombath Somphone**  
**Foreign Correspondent Club of Thailand (FCCT)**  
**December 14, 2015**

- My name is Phil Robertson, and I'm Deputy Director of the Asia Division of Human Rights Watch. I want to thank you all for coming today to this important event marking the 3<sup>rd</sup> anniversary of the enforced disappearance of our friend, Sombath Somphone.
- I'd like to take this opportunity to expand a little bit on Laos' human rights record because they are now chair of ASEAN and will be throughout the coming year 2016.
- Many observers have said over the years that ASEAN is a club of dictators and rights abusers, and sadly, Laos is proof positive of just how true that is. It's a one party dictatorship where harassment, intimidation, arrest, incarceration and disappearance are the norm for human rights defenders.
- And over the past two to three years, Laos' human rights record is certainly getting even worse – they are becoming what I would call aggressively regressive in their outlook on human rights across the board, and towards NGOs.
- We can see that decline in respect for human rights especially since the Asia-Europe People's Forum meeting in Vientiane in November 2012.
- At that meeting, people from local communities raised issues about sensitive issues like land seizures, a lack of government transparency in development, restrictions on participation, and of course, corruption.
- And for some of leaders in Vientiane – especially I think from the security forces – it was if they decided right then and there that human rights and NGOs are the enemy. Those who spoke up at that People's Forum were intimidated, told to keep quiet, or in some cases forced out of the meeting and forced to return to their homes.

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<sup>1</sup> Contact information: [RobertP@hrw.org](mailto:RobertP@hrw.org), mobile phone +66-85-060-8406, follow on Twitter @Reaproy

- Many believe that Sombath, as co-chair of the Forum, was blamed for what happened by those same security forces in the army, the Ministry of Interior and of course, close to the ruling Lao People's Revolutionary Party (LPRP).
- This was despite the fact that the other co-chair of the People's Forum organizing committee was from the Ministry of Foreign Affairs (MFA) and the MFA was involved in every step of the provincial and local level consultations with civil society leading up to the Forum.
- Obviously, people were excited by the People's Forum consultations – some finally thought that at last, they had an opportunity to express concerns and grievances that they had long held, and that perhaps the government was prepared to listen.
- But clearly the Lao government was not. And the hopes of the people was met by the hammer of the LPRP and the Lao government, which systematically represses civil and political rights.
- So freedom of expression is not allowed, newspapers, radio and TV are controlled and censored by the government, and there is a new draconian internet law that goes after online expression.
- Freedom of association is very restricted, and no organization is permitted to exist or operate unless it has the permission of the authorities.
- And of course, there is no freedom for peaceful public assembly, no protests are allowed – and those that dare protest are locked away for years.
- With the disappearance of Sombath Somphone three years ago, on December 15, 2012 – a message was sent to the Lao people by their government. That message is that we can take anyone at any time so shut up, sit down, and only do what we tell you.
- As the levels of surveillance and intimidation have increased, there has now been a wall of silence that has fallen over Vientiane about Sombath's case.
- People who know things about the case have stopped talking.
- Officials who were there at the time, or know something have been transferred away to unknown posts.
- International NGOs working on development in Laos say that they are sympathetic, but they can talk about it, much less do anything.

- And the official investigation into what happened to Sombath is a farce, nothing but a bad joke told to newly arrived diplomats in Vientiane.
- Quite clearly, the Lao government is playing for time, trying to stretch this all out so that we and the other friends of Sombath get tired and discouraged, and we forget and move on to something else. That's clearly the strategy in Vientiane, repeat the same lies again and again until people stop asking.
- So it falls to us – the international community, the diplomats, the UN officials, the human rights NGOs and the activists to continue the drumbeat of demands for answers, truth and accountability for Sombath.
- We must and we will continue to ask here in Bangkok, and on stages and at events around the world – “Where is Sombath?”
- Let me say a few words about ASEAN because Laos is now chair and the next big ASEAN meeting of leaders is in Vientiane in November 2016.
- ASEAN says in its pronouncements, and in its charter and its documents, that it is all about the “people of ASEAN.”
- Over the past ten years, people's movements and civil society organizations in ASEAN have tested that assertion on an annual basis by organization an ASEAN People's Forum (APF) in parallel with the ASEAN leaders meeting, and developing and delivering their demands to the leaders of ASEAN member states and ASEAN officials.
- The reception has varied in country to country, and in some cases, they got meetings with the leaders themselves to hand over their statements calling for changes in policy and approach in ASEAN. But in every country where the ASEAN meetings were organized – in Brunei, Myanmar, Cambodia, Vietnam, Indonesia, Thailand, the Philippines – an ASEAN People's Forum meeting has been organized and had some degree of engagement with the governments.
- But there will be no ASEAN People's Forum meeting next year in Laos.
- Why?
- Because the Lao government and its GONGOs – that's Government Organized NGOs – said that the APF meeting could only happen if the organizers agreed that certain issues would not be discussed.

- Not content in just censoring the Lao people, now the leaders in Vientiane want to censor the regional dialogue of civil society in ASEAN.
- So what were the topics that they didn't want to discuss?
- Well, Sombath Somphone, of course.
- But also they said there could be no comments on dams, despite the fact that Laos is damming the Mekong River (with Thai government encouragement) that will damage or destroy the livelihoods of people downriver in Cambodia and Vietnam.
- They also set as off limits any discussion of land issues and forestry policy – obviously not wanting people to talk about the plunder of Laos' forests by well-connected Lao elites and government officials, often working in cahoots with Vietnamese and Chinese investors.
- They also said that there should be no discussion of indigenous persons or ethnic minorities because the official government line in Vientiane is the implausible assertion that 'we are all Lao' – basically national front propaganda masquerading as a serious policy that condones denial of rights.
- And finally, the powers that be in Vientiane wanted no discussion of LGBT rights.
- The Lao government and its GONGOs were also unwilling to discuss or address concerns and fears that if Lao people and civil society groups showed up at the APF and spoke their minds that they would not also face problems or disappear like Sombath.
- So obviously, the organizations of the APF was not going to accept those terms which would gag their discourse and they were planning to boycott holding an event in Vientiane during ASEAN – which would be the first time that civil society has decided to do this.
- But because the civil society groups believe in engagement, they went to Vientiane in October anyways to discuss and consult with the Lao government and the GONGOs.
- And it was then that the Lao government and the GONGOs said they can't do the APF meeting because they "lack budget" and "capacity."
- This was an excuse that is almost as much of a farce as the official Sombath investigation – but that made it all official.

- So the next ASEAN People's Forum will be held in November in Timor Leste, which is a democratic state that has applied to and wants to be part of ASEAN. There will likely be some preparation meetings before that, perhaps at the Thai-Lao border, and in Jakarta, where the ASEAN headquarters is located.
- It's worth noting, in conclusion that the ASEAN People's Forum statement adopted in Malaysia in 2015 specifically mentioned Sombath Somphone by name and demanded the Lao government explain where he is and what has happened to him.
- So we'll keep pursuing answers here, and at ASEAN level, and around the world – so that the leaders in Laos that we are not going away, and we're not giving up, until they answer Where is Sombath?
- Thank you for your attention and I look forward to your questions.