



The Rt. Hon. Mark Field MP
Minister for Asia and the Pacific
Parliamentary Under Secretary of State for the Foreign and Commonwealth Office

15th December 2017

Dear Minister,

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

We write to you again as we remain deeply concerned about the safety and wellbeing of Mr. Sombath Somphone. **It is now five years today since his enforced disappearance.**

On this fifth anniversary of the enforced disappearance of Lao civil society leader Sombath Somphone we express our outrage at the Lao government's failure to independently, impartially, effectively, and transparently investigate Sombath's disappearance, reveal his whereabouts, and return him to his family.

The Lao government's continued silence and obfuscation of the facts around Sombath's enforced disappearance have subjected his family to five years of fear and uncertainty over his fate and whereabouts, which remain unknown to this day

As you are aware, 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.

Sombath was last seen at a police checkpoint on a busy street of the Lao capital, Vientiane, on the evening of 15 December 2012. His abduction was captured on a CCTV camera near the police checkpoint. The footage strongly suggests that police stopped Sombath's vehicle and, within minutes, unknown individuals forced him into another vehicle and drove him away in the presence of police officers. CCTV footage also appears to show an unknown individual driving Sombath's vehicle away from the city centre before returning sometime later.



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."

We thank the UK government for its recommendation, calling on the Lao government to conduct a thorough, transparent and impartial investigation into Mr. Somphone's disappearance and note that the statement 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.

The fact that police officers appeared to have witnessed Sombath's abduction and failed to intervene strongly indicates state agents' involvement in, or acquiescence to, Sombath's disappearance. Despite this evidence, the Lao authorities have not presented any new findings with regard to their investigation of the case. Despite claiming in various international fora that the investigation is "ongoing", the government has not issued an official report on the investigation's progress since 8 June 2013.

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.

Laos was the Chair of ASEAN during 2016, an increased spotlight was on the country. It is regrettable that the ASEAN People's Forum, traditionally hosted by the country holding the Chair, was not 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 which took place in East Timor instead of Laos.

There have been repeated enquiries through diplomatic channels, including by the British Ambassador to Laos 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.

The annual UNDP coordinated Round Table Implementation Meeting took place this year in Pakse, Champasak province on 22th -23rd November 2017.

In 2018, Lao PDR will be reviewed against markers for graduation from LDC status as a beginning of the process of assessing Lao PDR's aspiration to graduate from LDC status by the 2020s.

On 6th February 2013, and then on 16th January 2014 the European Parliament unanimously passed a resolution on Laos and Sombath Somphone. They also passed resolution of on Laos, notably on the cases of Sombath Somphone and disappearances of Somphone Phimmasone, Lod Thammavong and Soukane Chaithad (2017/2831(RSP) on 14 September 2017

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 8th NSEDP (2016-2020). 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 by The United Kingdom, 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 for the UK Government to reassesses its 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. As you are aware, 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 UK government 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.

Sombath's case is not the only case of an unsolved enforced disappearance in Laos. Lao authorities have failed to provide information on the fate or whereabouts of many other individuals, including community activists, who have been victims of enforced disappearance.

The Lao government's failure to undertake adequate investigations into all cases of enforced disappearances violates its obligations under international human rights law, including Article 2(3) of the International Covenant on Civil and Political Rights, to which Laos is a state party.

We urgently call on the UK government to demand that the Lao government immediately provide information on Sombath's fate or current whereabouts, and other details surrounding Sombath's enforced disappearance, as well as all other cases of enforced disappearance, in order to determine the victims' fate or whereabouts. Lao authorities should commit to making the findings available to family members of the disappeared, and provide regular public updates on their progress on all cases of enforced disappearance. The Lao government should also ensure that those responsible for enforced disappearance, regardless of title or rank, are held accountable in trials that comply with international fair trial standards.

Lastly, we strongly urge the Lao government to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, incorporate its provisions into the country's domestic legislation, and implement it in practice.

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.

We are fully aware of the continuing and recognised actions of the UK Government, and the continuing and recognised actions of the UK Embassy in Laos and their collaboration with international partners. We would like to thank the UK Government and the UK Embassy in Laos for their continuing initiatives and collaboration in this regard.

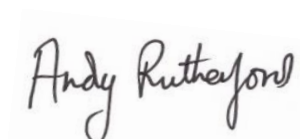
Minister, given the enforced nature of Sombath's disappearance we respectfully request that you take the following actions:

- Demand that the Lao Government uses its extensive resources to enable the safe return of Sombath Somphone to his family, and, again, **offer Britain's 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 member of the multi-lateral institutions, including The European Union, that are donors to Laos, The United Kingdom 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 UK trade and investment facilitation and promotion** policies and practices with Laos. To this we request a comprehensive written statement presented on 15th December each year of the UK 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.
- Ensure that as part of the discussions, planned to begin in 2018 for Lao PDR's aspiration to graduate from LDC status by the 2020s, that there are explicit and transparent statements that conditional review markers for graduation from LDC status include human rights commitments and practice. This respects the Istanbul Declaration <http://www.unohrrls.org/UserFiles/File/IPoA.pdf> It is the view of many organisations that Lao PDR **graduation from LDC status is not acceptable** given its consistent record of human rights violations , including the enforced disappearance of Sombath Somphone.
- Should suspend support for Lao citizens through the **Chevening** Fellowships and Scholarships Programme.
- 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 multi-lateral 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.

Thank you very much for considering our requests.

Yours sincerely,



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