

Laos: After 10 years, civil society worldwide is still asking: “Where is Sombath?”

13 December 2022: Ahead of the 10-year anniversary of the enforced disappearance of Lao civil society leader Sombath Somphone, we, the undersigned civil society organizations and individuals, renew calls on the Lao government to determine his fate and whereabouts and deliver justice, truth, and reparation to his family. We deplore the Lao authorities’ repeated failure to act on their human rights obligations to thoroughly investigate Sombath’s disappearance and provide adequate, effective, and prompt reparation for Sombath and his family over the past decade.

Since Sombath, a pioneer in community-based development and youth empowerment, was abducted from a busy street in Vientiane on 15 December 2012, numerous United Nations (UN) member states and human rights monitoring mechanisms have repeatedly expressed their concern over his enforced disappearance and urged the Lao government to conduct a prompt and effective investigation into this grave human rights violation and crime under international law.

In December 2014, three UN human rights experts urged the Lao authorities to “release more information about the progress of [the] investigation, especially to his family,” and to request international assistance to determine Sombath’s fate and whereabouts.¹

During the Universal Periodic Review (UPR) sessions examining the human rights performance of Laos in 2015 and 2020, a total of 11 UN member states made 15 recommendations that called on the Lao government to investigate Sombath’s disappearance.²

In July 2018, following the review of Laos’ initial report under the International Covenant on Civil and Political Rights (ICCPR), the UN Human Rights Committee regretted “the paucity of relevant information” provided by the government regarding its investigation into Sombath’s case, and called on the government to “step up efforts to conduct a thorough, credible, impartial and transparent investigation” into his enforced disappearance.³

Following his official visit to Laos in March 2019, then-UN Special Rapporteur on extreme poverty and human rights Philip Alston urged the government to “finally allow a meaningful investigation” into Sombath’s disappearance.⁴

Four special procedures of the UN Human Rights Council have sent three communications to the Lao government to demand it provide information on Sombath’s fate and whereabouts and about any investigations carried out into his enforced disappearance, one as recently as 2021.⁵

¹ Office for the United Nations High Commissioner for Human Rights, *Laos: UN experts appeal for international help two years after the enforced disappearance of leading rights defender*, 23 December 2014

² The 11 recommending UN member states were: Australia; Canada; Finland; Germany; Luxembourg; New Zealand; Poland; Portugal; Sweden; Switzerland; and the United Kingdom.

³ UN Human Rights Committee, 123rd session, *Concluding observations on the initial report of the Lao People’s Democratic Republic*, 23 November 2018; UN Doc. CCPR/C/LAO/CO/1

⁴ UN Human Rights Council, 41st session, *Visit to the Lao People’s Democratic Republic - Report of the Special Rapporteur on extreme poverty and human rights*, 24 May 2019; UN Doc. A/HRC/41/39/Add.2, para. 76.

⁵ The four UN special procedures were: the Working Group on Enforced or Involuntary Disappearances (WGEID); the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the Rights to Freedom of

Regrettably, the Lao government's response to the international community's extraordinary expressions of deep concern has been characterized by a catalogue of apparent inaction, negligence, cover-ups, and misleading statements, and an overall lack of political will to effectively address Sombath's enforced disappearance.

The Lao authorities have completely failed to uphold their international legal obligations to investigate Sombath's disappearance and to bring those suspected of criminal responsibility to justice in fair trials before ordinary civilian courts, including under the ICCPR and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Laos is a state party. While Laos is yet to ratify the International Convention for the Protection of all Persons from Enforced Disappearance (ICPPED), which it signed in 2008, under international law it is obliged not to defeat the treaty's object and purpose.

The impact of enforced disappearances on the relatives of the disappeared often also constitutes torture. The UN Working Group on Enforced and Involuntary Disappearances has recognized that official denial of information to relatives of the disappeared about the truth of their fate and whereabouts adds to the "continuous torture" enforced disappearance inflicts upon relatives. The ICPPED further requires officials to ensure family members are informed on the progress and results of all appropriate measures authorities are obliged to take to search for, locate, and release disappeared persons.

Since December 2012, the Lao authorities have met with Sombath's wife, Shui Meng Ng, only four times – the last instance in December 2017. Officials have not provided her with any updates on her husband's situation since then, despite her repeated requests. The government's last public remarks on Sombath's case were made during the third UPR of Laos in September 2020, when a government representative merely said the search for Sombath was "the duty of the Lao government."

Now, more than ever, we stand in solidarity with Sombath's family and all other victims of enforced disappearances in Laos. We reiterate our call on the Lao authorities to determine the fate or whereabouts of all victims of enforced disappearances in Laos, identify the perpetrators of such serious crimes, and provide victims with an effective remedy and full reparations. We also urge the government to accelerate the process of ratification of the ICPPED without making any reservations and to implement it into national law.

We have been pressing for justice and accountability for 10 years. We will not stop demanding the truth until Sombath is found and justice is delivered for him and his family. Once again, we are united in asking a simple and straightforward question to the Lao government: "Where is Sombath?"

Background

Sombath Somphone was last seen at a police checkpoint on a busy street of Vientiane on the evening of 15 December 2012. Footage from a CCTV camera showed that police stopped Sombath's vehicle at the checkpoint and that, within minutes, unknown individuals forced

Peaceful Assembly and of Association; and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. The three communications were sent in December 2012, December 2013, and February 2021.

him into another vehicle and drove him away in the presence of police officers. CCTV footage also showed an unknown individual later arriving, and driving Sombath's vehicle away from the city center. The presence of police officers at Sombath's abduction and their failure to intervene is *prima facie* evidence of the involvement of state agents' participation in Sombath's fate, rendering it a presumptive case of enforced disappearance.

For further information, please visit: <https://www.sombath.org/en/>

Organizations:

1. 11.11.11-Belgium
2. ACAT Belgium
3. ACAT Germany (Action by Christians for the Abolition of Torture)
4. Ain o Salish Kendra (ASK)
5. Amnesty International
6. Armanshahr|OPEN ASIA
7. ARTICLE 19
8. Asian Federation Against Involuntary Disappearances (AFAD)
9. Asian Forum for Human Rights and Development (FORUM-ASIA)
10. Bytes for All
11. Cambodian League for the Promotion and Defense of Human Rights (LICADHO)
12. Center for Prisoners' Rights (CPR)
13. Centre for Civil and Political Rights (CCPR)
14. Centre for Human Rights and Development (CHRD)
15. CIVICUS: World Alliance for Citizen Participation
16. Coalition Against Enforced Disappearances (ICAED)
17. Committee on the Administration of Justice (CAJ)
18. Community Resource Centre
19. Defence of Human Rights
20. East Timor and Indonesia Action Network (ETAN)
21. Europe solidaire sans frontières (ESSF)
22. Federal Association of Vietnamese Refugees in the Federal Republic of Germany
23. FIAN International
24. FIDH - International Federation for Human Rights
25. Finnish League for Human Rights
26. Focus on the Global South
27. Fortify Rights
28. Forum for Dignity Initiatives (FDI)
29. Hawai'i Center for Human Rights Research & Action
30. Human Rights Commission of Pakistan (HRCP)
31. Human Rights Movement "Bir Duino"
32. Human Rights Watch
33. iLaw
34. International Commission of Jurists (ICJ)
35. International Rivers
36. Karnali Integrated Rural Development And Research Centre (KIRDARC)
37. Lao Movement for Human Rights (LMHR)
38. League for the Defence of Human Rights in Iran (LDDHI)
39. MADPET (Malaysians Against Death Penalty and Torture)

40. Maldivian Democracy Network (MDN)
41. Manushya Foundation
42. National Commission for Justice and Peace (NCJP)
43. NGO Forum on ADB
44. Odhikar
45. Organisation guinéenne de défense des droits de l'homme et du citoyen (OGDH)
46. Pakistan Fisherfolk Forum
47. Peace Women Partners, Inc.
48. People's Empowerment Foundation (PEF)
49. People's Watch
50. People's Solidarity for Participatory Democracy (PSPD)
51. Philippine Alliance of Human Rights Advocates (PAHRA)
52. Protection International
53. Public Association "Dignity"
54. Regional Watch for Human Rights
55. Safety and Risk Mitigation Organization (SRMO)
56. Society for the Protection of the Rights of the Child (SPARC)
57. Stiftung Asienhaus
58. Suara Rakyat Malaysia (SUARAM)
59. Task Force Detainees of the Philippines (TFDP)
60. Thai Lawyers for Human Rights (TLHR)
61. The GOOD Group
62. The William Gomes Podcast
63. Think Centre
64. Transnational Institute
65. Vietnam Committee on Human Rights (VCHR)
66. World Organisation against Torture (OMCT)

Individuals

1. Anuradha Chenoy
2. Corazon Valdez-Fabros
3. David J.H. Blake, Independent researcher and environmental activist, UK
4. Dominique Van der Borgh, Belgium
5. Dorothy Guerrero
6. International Peace Bureau
7. Peter Rosset, Mexico
8. Randall Arnst
9. William Nicholas Gomes, Human rights activist and freelance journalist, UK