

Joint statement

Laos: Nine years on, civil society worldwide still demands answers on Sombath's enforced disappearance

(15 December 2021) On the ninth anniversary of the enforced disappearance of Lao civil society leader Sombath Somphone, we, the undersigned organizations, reiterate our calls on the Lao government to determine his fate and whereabouts, and deliver justice to him and his family.

We condemn the Lao government's ongoing failure to solve Sombath's disappearance, and its refusal to provide any updates on his case. In previous years, the government made occasional statements to claim it was still investigating Sombath's disappearance. However, over the past year a curtain of silence has fallen on Sombath's case. The government's last public remarks on Sombath's case were made on 28 September 2020, during the UN (United Nations) Human Rights Council's adoption of the third Universal Periodic Review (UPR) of Laos. During that review, the government did not accept all five recommendations that called for an adequate investigation into Sombath's enforced disappearance, despite stating that it recognized that "the search for missing Lao citizens, including Sombath Somphone, is the duty of the Lao government."

On 5 February 2021, four UN Human Rights Council's Special Procedure mandate holders wrote to the Lao government to reiterate their concern regarding the lack of progress in the investigation into Sombath's disappearance. In their communication, the UN human rights experts noted an "absence of evidence to indicate that efforts have been made to further the search for his [Sombath's] fate and whereabouts."¹ To date, the government has not replied to this communication.

Even more troubling is the government's ongoing failure to meet with Sombath's wife, Shui Meng Ng, and provide her with any updates on his case since December 2017, despite her repeated requests. It is evident that the government's protracted and deliberate silence is aimed at consigning the case of Sombath to oblivion.

Our organizations condemn the government's inaction and silence, and remain steadfast in supporting Sombath's family in its quest for truth and justice. Until Sombath's fate and whereabouts are revealed, we will continue to demand the Lao government answer the question: "Where is Sombath?"

We also stand in solidarity with all the other victims of enforced disappearances in Laos, and we reiterate our demand that all cases be effectively investigated in accordance with international standards, the perpetrators of such serious crimes be identified and held accountable in fair trials, and victims be afforded an effective remedy and full reparations.

¹ UN special procedures, *Alleged enforced disappearance of human rights defender Sombath Somphone*, 5 February 2021; <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26000>

Enforced disappearance is a serious human rights violation and is unequivocally prohibited under international law. Relatives of people who are forcibly disappeared are themselves victims of enforced disappearance and have the right to an effective remedy for violations of international human rights law.

We are also extremely concerned at what appears to be a retreat by diplomats and donors in Laos from interventions to uphold and protect the rights of all people in Laos. We urge Laos' donor and diplomatic community to continuously and publicly highlight to the Lao government the importance and urgency of meeting its human rights commitments and obligations.

Lastly, we urge the Lao government to ratify without further delay the International Convention for the Protection of All Persons from Enforced Disappearance, which Laos signed in September 2008, and incorporate the Convention's provisions into the national legal framework, implement them in practice, and recognize the Committee on Enforced Disappearance's jurisdiction to receive and consider communications from or on behalf of victims or other states parties.

Background

Sombath Somphone was last seen at a police checkpoint on a busy street of the Lao capital, Vientiane, on the evening of 15 December 2012. Footage from a CCTV camera showed that Sombath's vehicle was stopped at the police checkpoint and that, within minutes, unknown individuals forced him into another vehicle and drove him away in the presence of police officers. CCTV footage also showed an unknown individual driving Sombath's vehicle away from the city center. The presence of police officers at Sombath's abduction and their failure to intervene strongly indicates state agents' participation in Sombath's enforced disappearance.

Signed by:

1. Alternative ASEAN Network on Burma (ALTSEAN-Burma)
2. Amnesty International
3. ARTICLE 19
4. ASEAN Parliamentarians for Human Rights (APHR)
5. Asian Federation Against Involuntary Disappearances (AFAD)
6. Asian Forum for Human Rights and Development (FORUM-ASIA)
7. Asian Network for Free Elections (ANFREL)
8. Asian Resource Foundation (ARF)
9. Association of Women for Awareness and Motivation (AWAM)
10. Banglar Manabadhikar Suraksha Mancha (MASUM)
11. Cambodian Human Rights and Development Association (ADHOC)
12. Cambodian League for the Promotion and Defense of Human Rights (LICADHO)
13. Center for Prisoners' Rights
14. Centre for Civil and Political Rights
15. CETRI - Centre tricontinental
16. CIVICUS: World Alliance for Citizen Participation

17. Commission for Disappeared and Victims of Violence (KontraS)
18. Commonwealth Human Rights Initiative (CHRI)
19. Cross Cultural Foundation (CrCF)
20. CSW
21. Defenders of Human Rights Center (DHRC)
22. FIDH – International Federation for Human Rights, within the framework of the Observatory for the Protection of Human Rights Defenders
23. Focus on the Global South
24. Fortify Rights
25. Fresh Eyes
26. Hawai'i Center for Human Rights Research & Action
27. Human Rights Commission of Pakistan (HRCP)
28. Human Rights Watch
29. International Commission of Jurists (ICJ)
30. International Rivers
31. Internet Law Reform Dialogue (iLaw)
32. Justice for Peace Foundation (JPF)
33. Karapatan Alliance Philippines
34. Lao Movement for Human Rights (LMHR)
35. League for the Defence of Human Rights in Iran (LDDHI)
36. Maldivian Democracy Network (MDN)
37. Manushya Foundation
38. MARUAH
39. Mekong Watch
40. Mother Nature Cambodia
41. Nonviolence International
42. Odhikar
43. People's Solidarity for Participatory Democracy (PSPD)
44. People's Watch
45. Persatuan Sahabat Wanita Selangor
46. Programme Against Custodial Torture and Impunity (PACTI)
47. Rotary Peace Fellowship Alumni Association (RPFAA)
48. Stiftung Asienhaus
49. Suara Rakyat Malaysia (SUARAM)
50. Task Force Detainees of the Philippines (TFDP)
51. Thai Lawyers for Human Rights (TLHR)
52. The William Gomes Podcast
53. Transnational Institute
54. Union for Civil Liberty (UCL)
55. Vietnam Committee on Human Rights (VCHR)
56. Women's Peace Network (WPN)
57. Women's Rehabilitation Centre (WOREC)
58. World Organisation Against Torture (OMCT), within the framework of the Observatory for the Protection of Human Rights Defenders
59. World Rainforest Movement (WRM)

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