



The Rt. Hon. Amanda Milling MP  
Minister for Asia and the Pacific

Parliamentary Under Secretary of State for the Foreign, Commonwealth and Development Office

15<sup>th</sup> December 2021

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 nine years since his enforced disappearance.**

We express our continuing outrage at the Lao government's failure to independently, impartially, effectively, and transparently investigate Sombath Somphone's disappearance on 15<sup>th</sup> December 2012, 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 nine 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 15<sup>th</sup> 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<sup>th</sup> 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. The presence of police officers at Sombath's abduction and their failure to intervene strongly indicates state agents' participation in Sombath's enforced disappearance.

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."*

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<sup>th</sup> June 2013.

The government's ongoing failure to thoroughly, independently and impartially investigate the cases of Sombath and other alleged victims of enforced disappearance is compounded by its total lack of commitment to address this issue.

In June 2020, during the third Universal Periodic Review (UPR) of Laos at the United Nations Human Rights Council, the government refused to accept all five recommendations calling for an adequate investigation into Sombath's enforced disappearance. The government also refused to accept another eight recommendations calling for investigations into all cases of alleged enforced disappearance.

Despite the government accepting that "the search for missing Lao citizens, including Sombath Somphone, is the duty of the Lao government", it failed to demonstrate any will to effectively execute or fulfil this duty. The government stated that investigations into cases of enforced disappearances were "considered on a case by case basis," but did not reveal how many investigations it had conducted, for which cases, or any updates on developments in the alleged investigations. They also failed to provide any information about their efforts to determine the fate and whereabouts of Sombath Somphone.

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<sup>th</sup> 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 recognised 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."<sup>1</sup> To date, the government has not replied to this communication.

In addition, the government failed to commit to ratifying the International Convention for the Protection of All Persons from Enforced Disappearance - a treaty signed by Laos in September 2008.

We renew our call for the establishment of an independent and impartial investigative body tasked with determining Sombath's fate and whereabouts. The new body should receive international technical assistance in order to conduct a professional and effective investigation in accordance with international standards.

We also urge the Lao government to ratify the International Convention for the Protection of All Persons from Enforced Disappearance without delay, incorporate its provisions into the country's legal framework, implement it in practice, and recognize the competence of the UN Committee on Enforced Disappearances to receive and consider communications from or on behalf of the victims in accordance with Article 31 of the Convention.

We thank the UK government through the letter from The Rt. Hon Nigel Adams MP of 5<sup>th</sup> January 2021 reconfirming:-

- Your deep and continuing concern about the disappearance of Sombath Somphone;
- Your continuing commitment to monitor his case closely and work alongside your international partners to urge the Lao PDR Government to undertake a full and proper investigation into Sombath Somphone's enforced disappearance;
- at the Universal Periodic Review of Laos, held at the UN in Geneva in January 2020, the UK called on Laos to undertake impartial, thorough and transparent investigations into all enforced disappearances, including Sombath Somphone.
- That you raised the case with Vice Minister of Foreign affairs, Mr, Sengphet Hounboungnuang and with Mr Phoukhong Sisoulath, Director General for the Department of International Treaties and laws at the Ministry of Foreign Affairs;
- that the UK Ambassador to the Lao PDR
  - continues to offer technical support to the investigation into Sombath's enforced disappearance;
  - has continued to regularly raise his case both bilaterally and via coordinated lobbying with the EU;
  - has raised his disappearance with the Lao Prime Minister's Office.

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

We welcome confirmation that UK representatives have met with Shui Meng Ng, Sombath's wife, have lobbied for the Lao PDR to officially recognise Sombath as a 'missing person' and have attended the annual commemoration of his enforced disappearance.

Despite sustained appeals from his wife and many hundreds of individuals, numerous governments and international organisations, 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 organisations 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 13th annual UNDP coordinated Round Table Implementation Meeting took place virtually on 17<sup>th</sup> November 2021 [The 13th High Level Roundtable Meeting in Lao PDR | United Nations in Lao PDR](#) under the theme: *"enhancing partnership to improve the effective implementation of the 9th five-year National Socio-Economic Development Plan aiming to accelerate the country's achievement of the Sustainable Development Goals and graduation from the Least Developed Country status in the mid of COVID-19 recovery."*

It appears that at this meeting UN Representatives shared that that *"The 9th National Socio-Economic Development Plan presents an opportunity for Lao PDR to pursue a smooth graduation" "The meeting comes at an important moment for Lao PDR as the country enters its first year of the implementation of the 9th National Socio-Economic Development Plan and is beginning the preparatory period for graduation from the Least Developed Country status" At a previous roundtable it was stated that "The initial concept of the 9<sup>th</sup> NSEDP (2021-2025) will ... then contribute to its formulation, taking into account measures necessary for acceleration of the SDGs implementation and sustainable graduation from the Least Developed Country (LDC) status by 2024."*

In 2018, Lao PDR began to be reviewed against markers for graduation, including respect for and adherence to human rights, from LDC status as a beginning of the process of assessing Lao PDR's aspiration to graduate from LDC status by the 2024. This is a deep concern.

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.”*

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.

**We believe that it is now the time to review the grants and flow of ODA to Laos, including any from the United Kingdom, 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 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 reassess 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. We request the UK government to raise this concern with the WTO.

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 climate of fear 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, again, 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 sincerely thank the UK Government and the UK Embassy in Laos for their continuing initiatives and collaboration in this regard.

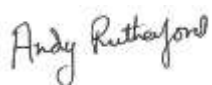
**Minister, given the enforced nature of Sombath's disappearance we respectfully request that you take the following actions:**

- 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 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 of details pertaining to the white pick-up truck in which Sombath Somphone was last seen;
- Continue, in coordination with 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 UNDP, 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 15<sup>th</sup> December each year of the UK trade and investment facilitation and promotion policies and practices with Laos;
- Begin representations to 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 WTO to this end;
- Ensure that as part of the discussions, that have apparently begun in 2018 for Lao PDR's aspiration to graduate from LDC status by 2024, 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 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 sincere and urgent requests.

Yours sincerely,



Andy Rutherford,  
International Organising Committee, Asia Europe People's Forum  
[andyfresheyes@gmail.com](mailto:andyfresheyes@gmail.com)