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Brussels, 25 October 2013

EU MUST MAINTAIN EFFORTS TO SECURE SAFE RETURN OF SOMBATH SOMPHONE

Dear Member of Parliament,

In view of your participation in the upcoming European Parliament (EP) delegation to Laos on October 28, we call on you to maintain your efforts to secure the safe return of prominent Lao civil society leader Sombath Somphone, a victim of enforced disappearance.

Sombath disappeared on 15 December 2012 in Vientiane, the Lao capital.¹ Closed-circuit television (CCTV) footage obtained by his family shows Sombath was last seen with local police at the Thadeau police post. The Lao authorities' potential involvement in Sombath's disappearance has been compounded by their failure to conduct thorough investigations and their rejection of external assistance, including to analyse the original CCTV footage.

Enforced disappearances are defined under international law as the arrest, detention or abduction of a person by state officials or their agents followed by a refusal to acknowledge the deprivation of liberty or by concealing the fate or whereabouts of the person, placing the person outside the protection of the law. As one of the first countries in Southeast Asia to sign (though not yet ratify) the International Convention for the Protection of All Persons from Enforced Disappearance in September 2008, Lao authorities bear the responsibility of preventing and remedying any enforced disappearance and are bound under international law to refrain from acts that would defeat the object and purpose of this treaty.

It is unacceptable that Sombath remains unaccounted for in the ten months since his disappearance—in spite of widespread international calls for his return. These include the EP resolution of February 7, 2013, as well as an appeal from High Representative Catherine Ashton in December 2012 and EU calls for Sombath's return after the 4th Lao PDR-EU Working Group on Human Rights and Governance held in Vientiane in February 2013. We also note the more recent efforts on Sombath's case made by members of an EP delegation to visit Laos in August.

At the same time, Laos receives millions of Euros in international development aid annually, including 12 million Euro in EU general budget support for the Lao government from 2008-2012. As per the EU Guidelines on Budget Support to third countries, the recipient countries' "commitment to fundamental values", including human rights and the rule of law, must remain a "key determinant of EU development

¹ This case has been documented in detail, see Amnesty International, "Laos: Caught on Camera: The Enforced Disappearance of Sombath Somphone," June 2013, http://www.amnestyusa.org/sites/default/files/laos_-_caught_on_camera_-_the_enforced_disappearance_of_sombath_somphone.pdf. See also Joint Open Letter by 65 NGOs to Lao Prime Minister on the "Disappearance" of Sombath Somphone, January 2013, <http://www.fidh.org/en/asia/Laos,230/Joint-Open-Letter-by-65-NGOs-to-12770>, FIDH press release "Laos: Keep pressing Laotian authorities for the safe return of Sombath!", 11 February 2013, <http://www.fidh.org/en/asia/Laos,230/Laos-Keep-pressing-Laotian-12877>, and HRW press release, "Laos: End Cover-Up in Activist's 'Disappearance,'" 14 June 2013, <http://www.hrw.org/news/2013/06/14/laos-end-cover-activist-s-disappearance>.

cooperation, including general...budget support.”²

The EU should use all its leverage to ensure Sombath’s safe return. The EU must also urge the Lao government to answer the many outstanding questions around Sombath’s disappearance and to establish an independent commission, ideally with international involvement or support, to investigate the case.

Sombath’s disappearance has focused international attention on the disturbing lack of freedom of expression, association and peaceful assembly in Laos, and has sent a chilling, intimidating message to the country’s already fragile civil society. In its engagement with the Lao authorities, the EU should therefore highlight the wider issues of the lack of respect for basic civil and political rights, including freedoms of expression, association and peaceful assembly, and religion or belief. The EU should demand that the Lao government guarantee a more enabling environment for human rights defenders including those working on economic, social and cultural rights, and development activists such as Sombath.

In view of the Lao government’s recently expressed ambitions to join the Human Rights Council in 2016-2018, Sombath’s enforced disappearance represents a key test of its commitment to promote and protect human rights. In the country demonstrating the fastest growth in Southeast Asia in 2012, the work of civil society, including individuals like Sombath, is critical in ensuring human rights are not sidelined during Laos’ rapid development. The EU should stress to the Lao government that significant progress in the Sombath case must be a prerequisite of Laos’ candidacy for the UN Human Rights Council.

In line with the EU’s commitments to promote human rights through all its external actions, we call on you during your upcoming EP delegation visit to urge the Lao government to:

- Ensure the safe and immediate return of Sombath Somphone.
- Answer the many outstanding questions around Sombath’s disappearance and establish an independent commission to investigate the case.
- Fully investigate the enforced disappearance of Sombath Somphone in a timely and transparent manner, appropriately prosecuting those responsible.
- Address repression of civil and political rights, including freedom of expression, association and peaceful assembly in Laos and ensure an enabling environment for civil society and human rights defenders.

Until Sombath Somphone is back safely with his family, his case will not be forgotten and calls for his return will persist. Thank you for your attention to our serious and continued concerns about his fate.

Sincerely,

Amnesty International
Christian Solidarity Worldwide
Fédération Internationale des Ligues de droits de l’homme
Human Rights Watch

² European Commission, “Budget Support Guidelines. Part II: Programming, Support and Management,” September 2012, p. 4-5, cf. 17ff, http://ec.europa.eu/europeaid/how/delivering-aid/budget-support/documents/bs_guidelines-part_ii-programming_design_management_en.pdf