



**FIDH - International Federation for Human Rights**  
*and its member organization for Laos*  
**Lao Movement for Human Rights (LMHR)**

**UPDATE FOR THE 9TH EUROPEAN UNION (EU)-LAOS HUMAN RIGHTS DIALOGUE**

**7 March 2019, Vientiane, Laos**

**KEY HUMAN RIGHTS ISSUES OF CONCERN**

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**Political prisoners remain behind bars**

Political prisoners remain incarcerated in jails across the country. Despite the release of about 1,700 prisoners on the occasion of the National Day on 2 December 2018, no political prisoners were freed in the amnesty.<sup>1</sup> Political prisoners who remain behind bars include:

- Government critics Somphone Phimmason, Soukan Chaithad, and Lodkham Thammavong, detained since early 2016 and serving prison terms of up to 20 years under Articles 56 ('Treason to the nation'), 65 ('Propaganda against the Lao People's Democratic Republic') and 72 ('Gatherings aimed at causing social disorder') of the Criminal Code. The three criticized the Lao government on Facebook in relation to alleged corruption, deforestation, and human rights violations, and participated in a protest in front of the Lao embassy in Bangkok.<sup>2</sup>
- Lao-born Polish citizen Bounthanh Thammavong, detained since June 2015 and serving a sentence of four years and nine months under Article 65 of the Criminal Code for "disseminating propaganda against the government with the intention of undermining the state." The charges stemmed from a Facebook post that allegedly "criticized the guidelines and policies of the party and government."<sup>3</sup>

<sup>1</sup> RFA, *Lao Prisoner Pardons Leave Political Detainees Behind Bars*, 7 December 2018

<sup>2</sup> RFA, *Lao Police Publicly Confirm Arrest of Trio of Workers For Criticizing State*, 27 May 2016

<sup>3</sup> RFA, *Lao Court Jails Polish Activist Following Online Criticism of Government*, 1 October 2015; RFA, *Wife of Jailed Lao Activist Asks Poland's Justice Ministry For Help With Extradition*, 8 October 2015

- 10 villagers in Ban Yeup, Thateng District, Sekong Province, detained without trial since July 2017 for cutting down rubber trees on land that had been confiscated by the government and leased to the Vietnamese-owned Lao-Vietnam Friendship Rubber Company in 2006.<sup>4</sup>

#### Recommendations to the Lao government:

- End the arbitrary arrest, detention, and imprisonment of all individuals who peacefully criticize the government and immediately and unconditionally release those who remain detained.
- Repeal vague clauses of the Criminal Code, including Article 56 ('Treason to the nation'); Article 65 ('Propaganda against the Lao People's Democratic Republic'); and Article 72 ('Gatherings aimed at causing social disorder'); Article 94 ('Defamation and libel'); and Article 95 ('Insult'), and other laws that threaten the rights to freedom of opinion and expression and freedom of peaceful assembly.
- Ensure that restrictions on the rights of freedom of expression and peaceful assembly comply with the "strict requirements" set out under the International Covenant on Civil and Political Rights (ICCPR).

#### **Enforced disappearances remain unaddressed**

December 15, 2018 marked the six-year anniversary of the enforced disappearance of prominent civil society leader Sombath Somphone. Sombath was last seen at a police checkpoint on a busy street of the Lao capital, Vientiane, on the evening of 15 December 2012. During Laos' review by the United Nations (UN) Human Rights Committee (CCPR) in July 2018, the Lao government delegation failed to provide any information concerning its investigation into Sombath's disappearance. The government delegation merely said that the Investigation Committee had been "trying very hard" to investigate Sombath's disappearance, without providing any details. The government also rejected the idea of seeking international assistance in the investigation, and claimed police had the "capacity and techniques" to conduct the probe.<sup>5</sup>

The fate and whereabouts of at least 13 other individuals remain unknown. In November 2009, security forces detained nine people (two women, Kingkeo Phongsely and Somchit, and seven men, Soubinh, Souane, Sinpasong, Khamstone, Nou, Somkhith, and Sourigna) in various locations across the country for planning peaceful pro-democracy demonstrations. On 23 January 2007, Somphone Khantisouk, the owner of an eco-tourism business in Luang Namtha Province, disappeared after men wearing police uniforms pulled over his motorcycle and forced him into an SUV.

Five Thai monarchy critics living in exile in Laos are also known to have disappeared under suspicious circumstances. At least two among the five have been confirmed dead and their bodies found.

- On 22 June 2016, **Ittiphon Sukpaen** (aka DJ Sunho), an exiled political activist living in Laos who had broadcast anti-monarchy radio programs, went missing after he left a restaurant in

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<sup>4</sup> RFA, *Lao Police Beat Villagers Arrested in Lengthy Land Dispute in Sekong Province*, 27 September 2017

<sup>5</sup> FIDH, *Government slanders Sombath Somphone, issues "blanket denials" on enforced disappearances during rights review*, 18 July 2018

Vientiane. His motorcycle and one of his shoes were reportedly found nearby.<sup>6</sup> To date, his fate or whereabouts remain unknown.

- According to eyewitnesses, on 29 July 2017, a group of 10 armed men wearing black balaclavas confronted **Wuthipong Kachathamakul** (aka Ko Tee), who was with his wife and a friend near his home in Vientiane. The masked men reportedly beat and shocked the three with stun guns, handcuffed Wuthipong, and put him into the back of a car and drove away. According to Wuthipong's wife and his friend, the assailants spoke Thai among themselves.<sup>7</sup> Wuthipong, a political activist and radio DJ,<sup>8</sup> fled to Laos following the 22 May 2014 coup d'état to escape lèse-majesté charges.<sup>9</sup> While in Laos, Wuthipong continued to broadcast online radio programs critical of the Thai military junta and the monarchy.<sup>10</sup>
- Prominent Thai monarchy critic **Surachai Danwattananusorn**, 78, and two close aides, **Chatchan Buphawan**, 56, and **Kraidej Luelert**, 46 (aka Phu Chana and Kasalong, respectively) were last seen in Vientiane on 12 December 2018.<sup>11</sup> The three had operated online radio stations in Laos that had been critical of the ruling military junta and the Thai monarchy. On 27 and 29 December 2018, the bodies of Chatchan and Kraidej were found by the Mekong River in Nakhon Phanom Province.<sup>12</sup> Their faces were disfigured, their bodies bound, and concrete blocks were found in their stomachs.<sup>13</sup> Unconfirmed reports also emerged of a third body that had been found on 27 December in the Mekong in Nakhon Phanom Province.<sup>14</sup> To date, the fate or whereabouts of Surachai remain unknown.

During Laos' review by the CCPR in July 2018, the government delegation also rejected all other allegations of cases of enforced disappearances as "baseless, groundless, and untrue" and "misinformation the committee received from unreliable outside sources."<sup>15</sup> In June 2018, in its reply to the CCPR's List of Issues, the Lao government claimed authorities had "taken all steps to find out the truth," about Wuthipong's disappearance, but had "found no information or evidence" in relation to his presence in Laos, or his disappearance.<sup>16</sup>

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<sup>6</sup> Khaosod English, *Military Denies Knowledge of Missing Anti-Monarchy Dissident*, 11 July 2016

<sup>7</sup> Asia Times, *Nowhere safe for Thailand's anti-junta activists*, 1 August 2017; Khaosod English, *Junta Won't Ask Laos About 'Disappeared' Monarchy Critic*, 1 August 2017

<sup>8</sup> ThaiRath, *ตายจริงหรือ!? เปิดประวัติ โกตี๋ วุฒิพงษ์ กษชกรรมคุณ กับ ฉายา แดงนอกคอก*, 8 August 2017, [in Thai]

<https://www.thairath.co.th/content/1031455>

<sup>9</sup> Bangkok Post, *Laos agrees to tackle threats to Thai govt*, 21 December 2017

<sup>10</sup> Prachatai, *Military accuses Isaan red-shirt leader of lèse majesté*, 27 March 2017

<sup>11</sup> Reuters, *Bodies of exiled Thai activists 'stuffed with concrete'*, 23 January 2019; BBC, *Mutilated Thai bodies on Mekong shore are activist's aides*, 22 January 2019

<sup>12</sup> Nation, *Bodies of anti-monarchy activists found in Thailand*, 23 January 2019; BBC, *Mutilated Thai bodies on Mekong shore are activist's aides*, 22 January 2019

<sup>13</sup> BBC, *Mutilated Thai bodies on Mekong shore are activist's aides*, 22 January 2019

<sup>14</sup> Khaosod English, *Photos Suggest Third Mekong Corpse Was Found, Then Lost*, 22 January 2019

<sup>15</sup> FIDH, *Government slanders Sombath Somphone, issues "blanket denials" on enforced disappearances during rights review*, 18 July 2018

<sup>16</sup> UN Human Rights Committee, *List of issues in relation to the initial report of Lao People's Democratic Republic, Addendum, Replies of Lao People's Democratic Republic to the list of issues (Advance Unedited Version)*, 8 June 2018, UN Doc. CCPR/C/LAO/Q/1/Add.1, Para. 35

#### Recommendations to the Lao government:

- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED).
- Criminalize enforced disappearance in accordance with international standards.
- Establish a new commission tasked with carrying out a prompt, thorough, independent, and impartial investigation aimed at determining the fate and whereabouts of Sombath Somphone.
- Thoroughly investigate all cases of enforced disappearance in the country, provide regular updates to victims' families on the status and progress of the investigations, and hold the perpetrators accountable.

#### **Religious persecution continues**

Authorities continued to harass and arrest Christians in various parts of the country.

On 18 November 2018, police officers arrested four Lao Christians in a raid conducted during a Christian church service in Keovilai Village, Vilabouly District, Savannakhet Province, for conducting religious services without permission from the authorities. The four individuals included a 78-year-old woman named Bounlam, and three men, identified by their surnames Duangtha, Khampan, and Ponsawan.<sup>17</sup> All four were released a week later.<sup>18</sup>

Reports of persecution of Christians increased towards the end of 2018, in connection with Christmas celebrations. In December 2018, Christians in Vientiane celebrated Christmas in local churches with state officials present to check for possible anti-government messaging.<sup>19</sup>

On 29 December 2018, police stormed a Christmas church service in Nakanong Village, Phin District, Savannakhet Province, and arrested seven Lao Christians (Akeo, Kert, Somwang, Boulai, Champee, Agàe, and Ayong). According to Lao human rights group Human Rights Watch for Lao Religious Freedom (HRWLRF), police planned on charging the seven individuals with "illegal gathering for a Christmas church service without state permission."<sup>20</sup> All seven were released on 2 January 2019.<sup>21</sup>

#### Recommendations to the Lao government:

- End the persecution of individuals exercising their religious beliefs.
- Repeal Decree 315 on the Management and Protection of Religious Activities and ensure the right to freedom of religion or belief is respected.

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<sup>17</sup> Morning Star News, *Police in Laos Arrest Grandmother, Three Other Christians During Worship*, 14 December 2018

<sup>18</sup> Morning Star News, *Police in Laos Arrest Grandmother, Three Other Christians During Worship*, 14 December 2018; RFA, *Lao Christians Celebrate the Christmas Holiday Under State Scrutiny*, 26 December 2018

<sup>19</sup> RFA, *Lao Christians Celebrate the Christmas Holiday Under State Scrutiny*, 26 December 2018

<sup>20</sup> BosNewsLife, *Laos Detaining Seven Christians For 'Illegal' Christmas Service*, 1 January 2019

<sup>21</sup> RFA, *Lao Christians Detained at New Year are Freed*, 2 January 2019

## Government's inadequate response to deadly dam collapse

A dam collapse that occurred in July 2018 in southern Laos exposed the government's the Lao government's slow, inadequate, and non-transparent response to the disaster. The dam collapse also raised serious questions over the government's flawed policy of generating revenues from the production and sale of electricity to neighboring countries through the construction of numerous hydropower projects. In most cases, these projects are being developed without an adequate prior assessment of their impact on local communities.

On 23 July 2018, the rupture of a saddle dam (one of the five auxiliary dams) of the Xe-Pian Xe-Namnoy hydropower project under construction in Attapeu Province resulted in the inundation of 13 villages downstream in Attapeu and Champasak Provinces.<sup>22</sup> Despite damage on the dam that had been reported a day prior, authorities did not issue any warnings to villagers living downstream and did not tell them to evacuate until hours before the collapse.<sup>23</sup>

The dam collapse and ensuing flooding displaced more than 7,000 people from their homes.<sup>24</sup> Despite the apparent severity and magnitude of the disaster, the Lao government immediately sought to downplay the death toll. On 28 July, the state-run newspaper *Vientiane Times* set the death toll to five, contradicting earlier official reports that had put the death toll at 27.<sup>25</sup> On 3 August, the *Vientiane Times* reported statistics of the thousands of animals lost in the disaster but maintained that as few as 13 people had been killed.<sup>26</sup> In late January 2019, the government said 49 people had been confirmed dead and 22 were still missing.<sup>27</sup> Activists and local villagers believed the death toll may be significantly higher, as hundreds of residents remained unaccounted for.<sup>28</sup>

In the days following the dam collapse, Lao authorities tried to block independent reporting about the disaster. On 26 July 2018, the Lao Press Department issued a statement to foreign media, in which it stated they were "not ready" to provide journalist visas to cover the news of "an accident of the Xe-Pian Xe-Namnoy's construction."<sup>29</sup> On 28 July 2018, the *Vientiane Times* warned of "fake news" posted on social media and reported by some foreign news outlets. Prime Minister Thongloun Sisoulith also urged Laotians to follow only official sources for updates.<sup>30</sup> The government also warned foreign news

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<sup>22</sup> The Xe-Pian Xe-Namnoy project is being developed by the Lao government in cooperation with companies from South Korea (Korea Western Power and SK Engineering & Construction) and Thailand (Ratchaburi Electricity Generating Holding).

<sup>23</sup> RFA, *Exclusive Report: Bureaucratic Chaos Rife in Hours Before Laos Dam Burst*, 31 October 2018; International Rivers, *Dam collapse in Laos displaces thousands, exposes dam safety risks*, 23 July 2018; New York Times, *In Laos, a Boom, and Then, 'The Water Is Coming!'*, 25 July 2018

<sup>24</sup> *Vientiane Times*, *Attapeu calls for urgent provision of housing for flood victims*, 3 January 2019

<sup>25</sup> *Vientiane Times*, *Sanamxay flood search, rescue effort sees 30 per cent reached*, 28 July 2018; BBC, *Laos dam collapse: Survivors and NGOs query official toll*, 26 July 2018

<sup>26</sup> *Vientiane Times*, *Sanamxay flood's impact immense, official figures still unavailable*, 8 August 2018

<sup>27</sup> *Vientiane Times*, *Victims of dam collapse receive compensation*, 29 January 2019

<sup>28</sup> BBC, *Laos dam collapse: Survivors and NGOs query official toll*, 26 July 2018; Asia Times Online, *Lao dam disaster raises suspicions of a cover-up*, 30 July 2018; Asia Times Online, *New questions asked about Lao dam toll, builder's role*, 19 October 2018

<sup>29</sup> Bangkok Post, *Dam bust floods hit Cambodia*, 27 July 2018

<sup>30</sup> *Vientiane Times*, *PM warns of unofficial news sources for flood disaster information*, 28 July 2018

organizations not to report on the accident independently,<sup>31</sup> and imposed a ban on international organizations that were providing relief from speaking to the media.<sup>32</sup> On 31 July, a local government official said foreign journalists had to register with the authorities if they wanted to report on the dam collapse.<sup>33</sup>

Compensation and assistance awarded to survivors and families of the victims of the dam collapse has been thoroughly inadequate. The government offered a meager 1.5 million kip (about US\$175) to each of the families of the 40 people authorities confirmed had died in the disaster to cover funeral expenses.<sup>34</sup> The government also pledged to give each family affected by the dam collapse 500,000 kip (about US\$58) per household in emergency assistance, in addition to a monthly allowance of 100,000 kip (about US\$12) per person, a daily allowance of 5,000 kip (about US\$0.60) per person, and 20 kg of rice per month per person.<sup>35</sup> However, in late November, a local official in Sanamxay District, Attapeu Province, revealed that many survivors had not received any financial assistance for almost two months, and that they complained the rice they received was of low quality or rotten.<sup>36</sup> At the end of December, a local official said that due to rice shortages, many survivors in Sanamxay District had not received their rations.<sup>37</sup>

No accountability for the disaster has yet been established. On 8 August, Prime Minister Thongloun Sisoulith set up two committees, both headed by Deputy Prime Minister Bounthong Chitmany, to investigate the causes and responsibilities of the dam collapse. The committees were required to make regular progress reports on the investigation.<sup>38</sup> However, almost six months since the creation of the two committees, no updates concerning the probe have been made public.<sup>39</sup>

Reports also emerged of a lack of transparency and potential corruption on the part of the authorities in connection with the relief effort, particularly in relation to the procurement and construction of 'temporary houses' for survivors.<sup>40</sup> In early January 2019, the *Vientiane Times* reported that while the construction of temporary houses had been slated for completion by November 2018, it was still ongoing in many affected villages more than five months after the dam collapse.<sup>41</sup> Six months after the disaster, many survivors were still living in tents in temporary shelters.<sup>42</sup> Some villagers also complained

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<sup>31</sup> New York Times, *Laos Dam Failure Exposes Cracks in a Secretive Government's Agenda*, 29 July 2018

<sup>32</sup> Guardian, *Laos dam collapse: work continues on huge projects despite promised halt*, 21 August 2018

<sup>33</sup> Vientiane Times, *Foreign media personnel welcome to register, report fatal flooding*, 1 August 2018

<sup>34</sup> RFA, *Lao Government's Compensation For Villagers Affected by Dam Disaster 'Inappropriate'*, 22 August 2018;

Vientiane Times, *Multimillion-dollar assistance for Lao dam collapse victims*, 18 October 2018

<sup>35</sup> Vientiane Times, *Committee amasses aid relief for flood victims in Laos*, 1 August 2018; Vientiane Times, *Committee claims accountable management of donated relief aid*, 22 September 2018; Nation, *Left to fend for themselves*, 21 January 2019

Vientiane Times, *Committee announces cash donation for flood victims*, 5 August 2018

<sup>36</sup> RFA, *Government Fails in Promise to Deliver Assistance to Victims of Laos Dam Burst*, 27 November 2018

<sup>37</sup> RFA, *Rice Shortages Hamper Recovery Efforts in Laos*, 31 December 2018

<sup>38</sup> Vientiane Times, *Steps taken to investigate dam failure*, 10 August 2018

<sup>39</sup> Vientiane Times, *Govt presses for progress in dam collapse enquiry*, 23 October 2018

<sup>40</sup> RFA, *Lao Governor Walks Back Projected Costs For Housing in Flood-Hit Attapeu*, 23 October 2018

<sup>41</sup> Vientiane Times, *Attapeu calls for urgent provision of housing for flood victims*, 3 January 2019

<sup>42</sup> Nation, *Left to fend for themselves*, 21 January 2019

that their new houses were being built on hilly terrain unsuitable for farming and where water was scarce.<sup>43</sup>

In response to the dam collapse, on 7 August 2018, the Lao government suspended the consideration of new investment proposals for hydropower projects, pending a review of its hydropower development strategy.<sup>44</sup> However, on 12 September 2018, at the World Economic Forum in Hanoi, Prime Minister Thongloun Sisoulith reaffirmed his government's intention to continue to build hydropower dams.<sup>45</sup> In early October 2018, it was reported that Ratchaburi Electricity Generating Holding had announced that the new date for commercial operations of Xe-Pian Xe-Namnoy hydropower project would be in late 2019 (instead of February 2019).<sup>46</sup>

#### Recommendations to the Lao government:

- Conduct a swift, thorough, independent, and impartial investigation to identify the causes of the Xe-Pian Xe-Namnoy dam collapse, those responsible for the disaster, and make the findings of the investigation public.
- Ensure that all victims and survivors of the Xe-Pian Xe-Namnoy dam collapse receive adequate compensation for the loss and harm suffered and that their rights to livelihood, adequate housing, food, health, work, and education are fully guaranteed.
- Allow full and unfettered access to aid organizations, United Nations agencies and experts, and independent journalists and media outlets to areas affected by the Xe-Pian Xe-Namnoy dam collapse.
- Suspend all planned hydropower projects pending a comprehensive, independent, and transparent review of such projects and an assessment of alternative options for energy planning and development revenue.

#### **No compensation for land confiscated for Laos-China railway project**

Concerns remain over the ongoing lack of compensation for communities whose land has been confiscated by the authorities to make way for the construction of the 417km high-speed railway connecting the Laos-China border town of Boten to Vientiane.

Construction of the railway began in December 2016 and is expected to be completed by December 2021. The project affects over 3,830 hectares of land and 3,346 buildings along with crops and forestry in 167 villages in 13 districts in five provinces.<sup>47</sup>

In November 2018, it was reported that 94% of the land required for the railway had been acquired and that the project was more than 40% complete.<sup>48</sup> As of January 2019 – more than two years after the

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<sup>43</sup> Nation, *Dam disaster victims stare at uncertain future*, 28 January 2019

<sup>44</sup> Vientiane Times, *Govt to inspect all dam standards, shelve new hydro projects*, 8 August 2018

<sup>45</sup> Vientiane Times, *Development of hydropower 'must be safe', PM tells World Economic Forum*, 14 September 2018

<sup>46</sup> Bangkok Post, *Ratch pushes back start date of Laos dam*, 4 October 2018

<sup>47</sup> Vientiane Times, *Compensation payments for Laos-China railway slated for completion in 2019*, 15 November 2018

start of the project – many of the 4,400 families affected by the railway construction had not received compensation for their loss of land, livelihood, and income.<sup>49</sup> As a result, some dispossessed farmers have migrated to neighboring Thailand in search of jobs.<sup>50</sup>

The government planned to complete the payment of all compensations by 2019.<sup>51</sup> However, in November 2018, Public Works and Transport Deputy Minister Rattanamong Khounnivong said that only US\$156 million of the US\$300 million that the government had to pay out in compensation for losses related to the project had been paid.<sup>52</sup>

#### Recommendations to the Lao government:

- Immediately ensure fair and adequate compensation is awarded to all families affected by the construction of the railway project, including compensation for their loss of land, livelihood, and income.
- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR).

#### **Key human rights issues remain unaddressed despite greater engagement with UN rights bodies**

Despite increased engagement with UN human rights mechanisms, the Lao government has made little progress in addressing key human rights issues. In 2018, Laos was reviewed by three UN treaty bodies, namely: the Human Rights Committee (CCPR),<sup>53</sup> the Committee on the Elimination of Discrimination against Women (CEDAW),<sup>54</sup> and the Committee on the Rights of the Child (CRC).<sup>55</sup> All three committees raised their concerns over numerous issues pertaining to their mandate and made recommendations for improvement.

In addition, the UN Special Rapporteur on extreme poverty and human rights Philip Alston is set to conduct an official country visit to Laos from 18-28 March 2019.

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<sup>48</sup> Vientiane Times, *Laos govt to pay compensation to families displaced by railway*, 25 November 2018

<sup>49</sup> RFA, *Chinese Railway Project in Laos Leaves Farmers in the Lurch*, 10 January 2019; Nikkei Asian Review, *China's Belt and Road rail project stirs discontent in Laos*, 15 March 2018

<sup>50</sup> RFA, *Chinese Railway Project in Laos Leaves Farmers in the Lurch*, 10 January 2019

<sup>51</sup> Vientiane Times, *Compensation payments for Laos-China railway slated for completion in 2019*, 15 November 2018

<sup>52</sup> RFA, *Chinese Railway Project in Laos Leaves Farmers in the Lurch*, 10 January 2019

<sup>53</sup> UN Human Rights Committee, *Concluding observations on the initial report of the Lao People's Democratic Republic*, 23 November 2018, UN Doc. CCPR/C/LAO/CO/1

<sup>54</sup> UN Committee on the Elimination of Discrimination against Women, *Concluding observations on the combined eighth and ninth periodic reports of the Lao People's Democratic Republic*, 14 November 2018, UN Doc. CEDAW/C/LAO/CO/8-9

<sup>55</sup> UN Committee on the Rights of the Child, *Concluding observations on the combined third to sixth periodic reports of the Lao People's Democratic Republic*, 1 November 2018, UN Doc. CRC/C/LAO/CO/3-6