

ขับทะมิตเพื่อปะຂາທິປະໄຕໃນລາວ ALLIANCE FOR DEMOCRACY IN LAOS Alliance pour la Démocratie au Laos

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## Human Rights violations in the Lao PDR ADL Questions and recommendations for UPR 2015

**Summary:** Laos is one of the five remaining communist countries in the world and Lao is one of the poorest countries in the world. In 1975, the Lao communist party in violation of the ceasefire agreement under the Vientiane Peace Treaty of 1973 took over power and control of the country and replaced the existing legitimate constitutional monarchy with a single-party Communist regime under the name of 'Lao People's Democratic Republic'.

In the immediate aftermath, more than eighty- thousands of Laotians, including the King, Queen, the Crown Prince and other members of royalty, ministers and other leaders of the government, civil servants, military and police officials, civilians and ordinary citizens were rounded up and sent off to so-called 're-education camps' which were in reality concentration camps. There, many thousand's perished under brutal prison conditions, disease, starvation, torture or execution. Most are still missing and unaccounted for.

The political upheaval and horrors of the concentration camps terrorized hundreds of thousands of Laotians. More than 500.000 people, that's 14% of the population, has to escape into seek safety and freedom in other countries, breaking up families and communities on a scale that had never been seen in all the centuries of Lao history. The rest of the populace who remained in the country was stripped of their basic human rights, including their freedoms of speech, assembly, association, freedom of the press and others.

A major problem under the dictatorial regime in the Lao PDR is the rampant corruption at every level of government. Laos is essentially a dependency of Viet Nam, militarily and politically. China's influence over the country is also on the rise. The controll by Vietnam is guaranteed by the "Lao- Vietnam special treaty" from July 18 1977 for 25 years and automatically renewed every 10 years. The government of the Laos PDR made long time land leases in many provinces, in the south to Vietnam and in the north, to China, 30% of the land is owned by foreign investors. These lands are now populated by hundred thousand of Chinese people with their own administration. More than 2 Million settlers are from Vietnam. This is a new kind of colonialism.

**1. Issue:** On December 15, 2012, Mr. Sombath Somphone, respected and popular civil society leader, was abducted at a police outpost on outskirt of Vientiane. The incident was captured

	by the government's CCTV.( https://www.youtube.com/watch?v=GSZzzk3Ay1M ) It's almost two years on and he still has not been seen or heard from. The government's third and latest official report on the case does not yield any knowledge or relevant information on the case. The Government of Laos has not accepted the help of the EU and the United States on the grounds that internal security was endangered as a result. <b>Question:</b> Why did the Lao government rejected international assistance for the investigation into Sombath's disappearance, including a U.S. offer to provide technical help to enhance the quality of some blurry images of the surveillance video footage? <b>Recommendation:</b> Since the case is not about the security of the country and if the Lao government has nothing to do with the disappearance of Sombath Somphone, there is no plausible reason why the Lao government should not allow international investigative assistance to take place. We recommend that the Lao government adopt and implement all
2.	necessary concrete measures to determine verifiably Sombath Somphone's whereabouts and to ensure his safe speedy return to his family within a specific time frame. Issue: The Sombath case has put the issue on the world radar but it is by no means isolated.
2.	Other cases include: the hauling off to the 'seminar camps' of the King, Queen, Crown Prince, members of the aristocracy, high government officials, civil servants, military and police officers, soldiers and tens of thousands of ordinary citizens at the time of the takeover by the Lao communist party in the mid-1970's and may others.
	<ul> <li>Question: What's going on with the disappeared people in Laos? Why is it possible that so many people in Laos disappears?</li> <li>Recommendation: Immediately ratify the International Convention for the Protection of all Persons from Enforced Disappearance to which Lao PDR is a signatory.</li> </ul>
3.	Issue: On 26 October 1999 and in November 2009, more than 300 people, mostly students and teachers, had protest non-violent for democracy and freedom in Vientiane. Several hundred were arrested. Mr. Thongpaseuth Keuakoun, Mr. Sengaloun Phengphanh, Mr. Bouavanh Chanmanivong, Mr. Khamphouvieng Sisaath and Mr. Keochay known as leaders of the protest were jailed and tortured in 1999 until this day, meanwhile Mr. Khamphouvieng Sisaath was killed by torture in the jail and Mr. Keochay disappeared. (source: Laos: an overview of human rights violations, FIDH 2012) Lao government do not allow Amnesty International into the country to take further investigation to this case. Sources: <u>http://www.amnestyusa.org/research/reports/annual-report-laos-2013</u> , <u>http://ireport.cnn.com/docs/DOC-350292</u>
	<b>Question:</b> Why does the government not allow Amnesty International into the country to take further investigations and why does the government not release all arrested people?
	<b>Recommendation:</b> Urgently and unconditionally release the prisoners of consciene Thongpaseuth Keuakoun, Bouavanh Chanhmanivong and Sengaloun Phengphanh and all prisoners of belief and to make a resolution giving Amnesty International access into Laos to investigate the fates and conditions of the political prisoners.
4.	<b>Issue:</b> Non-profit organizations Global Witness and Environmental Investigation Agency (EIA), report that Vietnamese companies are involved in illegal logging and land grabbing

	negative impact of the Vietnamese company Hoang Anh Gia Lai (HAGL) is accountable for the ecological destruction of the Mekong basin. Source:
	http://www.laoalliance.org/upload/EIA-Crossroads-report-FINAL-low.pdf
	https://www.youtube.com/watch?v=kzJaitMxEhk
	https://www.youtube.com/watch?v=3epgpR9OBhY
	<b>Question:</b> Is the government of Laos not aware that the sale of the natural resources of Laos jeopardizes not only the livelihood of its own people but also the livelihoods of other peoples in the region? Has the government conducted studies on the impact of deforestation on the overall ecological system? Is the government monitoring the impact o the overall ecological system of the country like soil erosion, loss of soil nutrients, wildlife flora and fauna, flooding and other deteriorations
	<b>Recommendation:</b> The Lao government should declare unauthorized logging as a crime against Lao society as well as an international crime. It should immediately stop the illegal logging and put the problem under international control.
5.	
	<b>Question:</b> Why is the Vietnamese language considered more important than the Lao Language in Laos? Why does the Lao government allow scholastic discrimination which puts the discriminated students at a disadvantage?
	<b>Recommendation:</b> For Lao students the languages of all neighboring countries and those international languages used in global communications and world trade are all important. There should be a uniform funding for other languages and the Lao government should stored educational and other forms of discrimination immediately.
6.	<b>Issue:</b> On 27/01/12 a contract for the construction of a Ho Chi Minh statue in the village Xiengvang in the city Nongbock province Kamuan was concluded between Laos and Vietnam. More statues are planned for the Savanakhet province and the capital Vientiane despite protestations by the population. This indicates Vietnam's symbolically solidifying it domination of Laos.
	<b>Question:</b> Why were the popular objections of the Lao people against the installation of He Chi Minh's statues ignored by the Lao government? Is the government not aware of the far that the installation of Vietnamese symbols is to show the Lao people that they are more valuable than and superior to the Lao symbols?
	<b>Recommendation:</b> The Lao government should promote Laos' own symbols more intensively and extensively than ever in order to inspire national integrity, unity and sovereignty. This should begin by stopping the installation Ho Chi Minh's statues and

	symbols of poople and countries that have done pathing for Laos
7.	symbols of people and countries that have done nothing for Laos
7.	<b>Issue:</b> For reasons of internal security and because of the fear of unrest in the country,
	which could be directed against the Vietnam's control and influence, Laotian military units
	were exchanged for Vietnamese units in southern Laos. The move is apparently to
	intimidate and deter the population from expressing their discontent. It is feared, however,
	that in reality this may only lead to further unrest in the population.
	Question: If Laos is an independent country why does the Lao government allow the use of
	Vietnamese military force to intimidate the Lao people?
	Recommendation: The Lao government should effect an immediate and complete
	withdrawal of the Vietnamese military units and restore the regular Lao units.
8.	Issue: The government of the Lao PDR makes land leases with soft terms for Vietnam
	irrespective of the many complaints and protests from the people in Laos.
	This following is only one example:
	The county government under vice Major Mr. Liang Khamphoun has made a soft land lease
	with the LVF- Company essentially selling the agricultural lands of 55 families. Officially it
	was promoted as investment for the development of Laos. In fact is it an investing for a
	foreign company's income and profits. As compensation, the affected families were offered
	a land area of 100 ha in another location which was completely unsuitable for agricultural
	use. So six representatives of the village went to the capital Vientiane and appealed to the
	central government to help them. The central government told to the county government
	that they had to give back the land to the people, but the county government said that the
	land had already been sold to the company and it was not possible to get it back. The
	county government told to the people that they had to change their agriculture from
	planting to pig breeding, but the people shared with the authorities that this alternative was
	also not possible in this land. On June 13 2012, the following people were imprisoned: Mr.
	Bountia, Mr. Bounxou, Mr. Phonesavay, Mr. Vikham, Mr. Sombath(t), Mr. Khamsavanh. On
	June 26 the seven men came free after Mr. Souvanh, another representative of the village,
	had signed a confession of guilt, and agreed to end the protests. He had been tortured in
	the prison. On July 10 2012 Mr. Souvath was released after the Lao National Assembly had
	intervened. Since then he's been on the run. The other ex-prisoners were harassed by the
	authorities after their release, so they went out of the county.
	Question: Why does the Lao government allow the people in the provinces to be deprived
	of their livelihoods, by the confiscation and sale of their lands?
	Recommendation: The government should immediately put an end to the policy and
	practice of land grabbing in Laos. The Lao authorities should stop pursuing the land
	protesters immediately and allow them to live openly and free of harassment. Make just
	compensation for all the people in the country who have similarly lost their lands. Provide
	financial, technical, material, training and educational assistance for their alternative
	employment opportunities and livelihoods.
9.	Issue: Protests by other villages forcibly expropriated by Lao officials. In collaboration with a
	Chinese company, the King Romans (Dok Ngiew Kham) Group seized farmlands in six
	villages (Sibounheuang, Phiengnyam, Mokajok, Phonhom, Donmoun, and Khwan ) in the

special economic zone of Bokeo province in the Golden Triangle for the construction of a casino-serving airport, although there is already an airport. In addition, more lands have been grabbed for a golf course.

On January 17, 2014 the farmers from these villages stood in defiance and blocked the Chinese bulldozers that came to clear the lands. They refused to back down even when the Chinese called for the Lao police, armed with AK-47 rifles. The farmers refused to be evicted from their lands and refused the extremely low compensation for their ancestral farm land. It would not be sufficient for them to secure a livelihood and build a new life. They would never be able to buy new rice fields with the offered compensation. The farmers argued with the police as to why they were not on the side of the people, instead of helping the authorities whose land deals with King Romans are questionable. The police retreated and the standoff continued without resolution for months. While both sides continued to talk about compensation the farmers kept up vigil over their lands.

On April 25, 2014, the Lao government applied its dictatorial power against its citizens instead of protecting them. The local officials arrested Ms. Khanhkham, a sixty-year-old farmer from Sibounheuang village as reported by Radio Free Asia and confirmed by local villagers via Facebook contact. The official reason for the arrest was that she tried to halt King Romans from conducting its operations when in fact she was standing on her own land, just protecting her land rights. The authorities instructed the rest of the protesting villagers that, unless they signed an agreement to allow King Romans to proceed with the land surveys, other measurement works, and clearing of the fields, Khanhkham would not be released. In addition, the authorities threatened to bulldoze all their lands without any compensation. Based on sources from inside Laos, at least six other farmers had been arrested after the officials call them to a conference. After these farmers have signed a paper at the police station that they have to stop their protests, they came free. Now the King Romans Company owns the property.

Sources: <u>http://www.rfa.org/english/news/laos/landgrab-01222014215351.html</u>; video: <u>http://www.youtube.com/watch?v=Cy7\_WHfaZAs</u>

**Question:** How does the government justify carrying out land leases on the lands of the villagers against their will and without just compensation? How is it that a local government can act in contradiction to the national parliament? Why did the central government not apply the proper instituted jurisdictions?

**Recommendation:** The Lao government should allow to the villagers to rebuild their lives free of harassment and with unconditional enjoyment of their constitutional human rights as Lao citizens. Lao citizens affected by land grabs must be given back their ancestral lands, or just compensation based on a market value that is acceptable to the people. There must be free, prior and informed consent with the affected farmers. The government should decree special guarantees to protect their legal rights, rights of ownership

**10 Issue:** A stated aim of the Decree on Association (Mo. 115/PM, Aril 2009) is to assist and enhance civil society in the promoting and protecting human rights but in practice no domestic and international NGO's relating to human rights are permitted to operate in the country

		Question: Following the expulsion of Anne-Sophie Gindroz of Helvetas (Dec. 7, 2012) and
		the abduction of Sombath Somphone, what urgent measures has the government
		undertaken to push back the atmosphere of trepidation, the silence and self-censorship of
		NGO actors and workers and the shrinking interactive space of civil society?
		<b>Recommendation:</b> The government of the Lao PDR has to guarantee that NGO'S and other
-	11	civil society organizations are able to work independently and without restrictions.
	11	<b>Issue:</b> Lao soldiers were sent to destroy the houses of 16 families so that their lands could be sold to foreign investors. The soldiers had destroyed two of the houses when they were
		secretly filmed by Ms. Latdavanh Manivanh. After the video was shown on Lao Overseas TV
		and on Facebook, the soldiers stopped the destruction of the remaining houses while the
		authorities pursued the woman who took the video. She had to escape.
		https://www.facebook.com/video.php?v=609096385879308
		Question: On what constitutional and legal ground were the soldiers ordered to destroy the
		properties of citizens? Has the government investigated the incident as well as the pursuit
		of the eyewitness? What facts and findings has the government obtained? Does the
		government intend to punish the soldiers for any wrongdoings in this case?
		Recommendation: The Lao government should fairly and adequately indemnify and make
		whole the damages and suffering of the owners whose homes were destroyed and to
		compensate the other owners for their emotional pains. The government should declare
		such acts as crimes against society and to decree special guarantees prevent other similar
		acts.
	12	
		association. But in practice these rights are severely curtailed by government infringements,
		by latitude in the application of the laws by corrupt judges and by abusive police and security forces.
		security forces.
		Question: Can the government explain the reasons for the difference between the written
		constitution and the instituted laws and their applications in practice in reality? Can the
		government justify why the government does not tolerate any opposition when the
		constitution guarantees the freedom of expression?
		Recommendation: The Lao PDR should reform the system to ensure the separation of
		powers by establishing the respective independence of the executive, legislative, and
		judicial branches of government with checks and balances. Reforms should be made to
		ensure transparency for the people.
	13	Issue: The party, through the ministry of information and culture (MIC), owns, controls and
		directs all the domestic press and media which serve as a mouthpiece for reflecting and
		touting the party line and touting the party leaders' activities. Information, even in non-
		touting the party line and touting the party leaders' activities. Information, even in non- political material, is closely scrutinized in advance of airing or publication. Lack of legal
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		touting the party line and touting the party leaders' activities. Information, even in non- political material, is closely scrutinized in advance of airing or publication. Lack of legal protection and fear of disapproval and punishment by the government punishment has propagated endemic self-censorship, which is likely the reason why reporters do not languish in prison as they do in Vietnam or China. The government also controls the internet
		touting the party line and touting the party leaders' activities. Information, even in non- political material, is closely scrutinized in advance of airing or publication. Lack of legal protection and fear of disapproval and punishment by the government punishment has propagated endemic self-censorship, which is likely the reason why reporters do not

	(http://www.indexoncensorship.org/2014/05/laos-crony-scheme-control-press-civil-society http://www.rfa.org/english/news/laos/social-media-10242013192732.html )
	When a call-in radio program received numerous popular complaints about land grabs and corruption it was ordered off the air in January 2012. The host, Ounkeo Souksavanh, has since left the country.
	The government banned the Australian film "The Rocket," about a poor family forced from their home into a shantytown to make way for a dam.
	video <a href="https://www.youtube.com/watch?v=yeY53QF1QiY">https://www.youtube.com/watch?v=yeY53QF1QiY</a>
	<b>Question:</b> Can the government clarify why it owns, suppresses, and censors all the press and media? How can there be any freedom of speech or expression under such absolute controls? Is the government aware of the prevalent self-censorship by the press and media for fear of reprisal and punishment?
	<b>Recommendation:</b> Stop the control and the censorship of the press immediately. It should allow third-party independent press to base their operations in Laos and to gather and disseminate information and opinions freely without restrictions, harassment, and intimidation. Rescind the recent decree to restrict the use of online social media.
14	<b>Issue:</b> The government of the Lao PDR had constructed massive hydroelectric dams in 27 locations throughout Laos and you also have plans to construct even more hydroelectric dams.
	<b>Question:</b> Has the government shared with the people the findings of its own studies and research by independent international experts on the risk of damage and destruction to the country, its environment, and the people's way of life? Can the government explain the extent to which the needs and concerns of the people are taken into account in making decisions to build the mega-dams? Is the government monitoring the impact on fisheries, watershed farming, the fates and living conditions of those displaced by the building of dams? Can the government elaborate on the measures taken to redress the negative effects? What's the benefit of construction so many dams when the monthly electricity bill for the people continues to increase dramatically?
	<b>Recommendation:</b> The government should consider a reorientation of national development from mega-dams, massive plantations, and mining operations towards a balanced people-oriented focus. National development policy should ensure sustainability and compatibility with the Lao environment. The government should involve people in development and consult more closely with international experts.
15	<b>Issue:</b> Transparency international and other NGO's reports all over the years, that Laos is one of the most corrupt countries in the world. The range changes from rank 140 to 168, up and down. http://www.laoalliance.org/Corruption.html
	http://www.laoalliance.org/upload/13 b .Documents engl. Korruption laot.Regierung.pdf
	<b>Question:</b> What are the basic causes of the rampant corruption within the Lao PDR government? Does the government conduct systematic audits of the use of foreign aid? Does the government share the audit findings with the people or with the donors? Why

	does the Lao government constantly request financial aid from the international community in the face of uncontrolled corruption? Can the government demonstrate that the goodwill of the people of the world has not been mismanaged and misused instead of developing the country's infrastructure and feeding the people as intended?
	<b>Recommendation:</b> Corruption can be reduced when constitutional institutions are separate, independent and transparent. Laos needs genuine constitutional reforms including a multiparty system, independent justice. It needs free speech and free press and media to ensure transparency. These reformed institutions should have built-in mechanisms and processes for mutual controls, checks and balances.
16	<b>Issue:</b> At least two hundred thousand young Lao, men and women, boys and girls, have been traded into Thailand for forced labour or prostitution. http://www.youtube.com/watch?feature=player_embedded&v=204gJuiRubY
	<b>Question:</b> Has the government investigated possibility that official corruption in the Lao PDR may facilitate and enhance the flow of human trafficking or specifically how underage boys and girls can obtain official passports to go abroad? Why do the Lao Embassy officials in Thailand not try to provide legal and other assistance to the Lao traffic victims even after the Thai authorities rescue them?
	<b>Recommendation:</b> The problem of rural poverty, the lack of income opportunities, the poor education and training, and youth unemployment should be incorporated as key priorities in the national development policy. Meanwhile, the Lao government should take measures to clamp down on the official corruption related to human trafficking. A Lao-Thai taskforce should be formed to identify the extent and scope of the problem and identify the elements of a comprehensive plan to combat human trafficking. The expertise of ILO and UNICEF should be engaged.
17	
	Question: Why is not adequately taken care of the problems in the education system?
	<b>Recommendation:</b> The education is made available to a common good and the people! The fees for the primary and general-forming schools are immediately to abolish! The international development must be controlled, that the people can enjoy this aid.
18	

10	controlled by the UN.
19	Issue: On November 2 2013, the Lao People's revolutionary Army has made a invasion is the
	areas of:
	- Long Beng Village, Tasseng Angkam (border Laos- Vietnam) of Phine district;
	- North Houalane, Thamouang, Phang Ho villages, Tasseng Phone Phang
	- Nong Phu, Houa Na villages, Tasseng Keng Chip;
	- Phone baeng, Tawark, Naxao, Na Te villages, Tasseng Napang of Boualapa district,
	Savanakhet province
	The early invasion was made regularly as once a year before their national liberation day, Dec. 2 2013, because they believed that there are still some guerillas remaining in those
	areas.
	Several Brigades surrounded from village to village, then they shot mortars into the jungle
	and caves nearby. Villagers in these areas are minority's Lao theung who scattered in small
	villages, inhabited nearly the jungles, hills, caves and their own rice fields. In some
	suspicious areas like deep forests and caves, the soldiers shot chemical war fare to. The
	chemical war fare is bombs shells shot from mortar B40. When they explode, it is yellow
	fumes stuck on leaves, bushes and on the ground. The fumes remained for 3 days.
	Since villagers have no permanent jobs, they have to go out to look for food for the daily
	survive, that's why some of them were struck by chemical war fares and this year two
	people were dead, many injured and one seriously. He had to be sent urgently to cure into
	hospital in Thailand
	http://www.laoalliance.org/Human-rights.html
	<b>Question:</b> it is possible to explain why the government of Laos has used chemical weapons against the population?
	<b>Recommendation:</b> The Lao government has to declare that they stick on the Convention or
	the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons
	and on their Destruction, by the UN.
20	<b>Issue:</b> Christians are being incarcerated because of their belief. Religion is also under tight
	state control particularly the beliefs of the ethnic minorities who continue to suffer harsh
	persecutions like banishment, church confiscation, forced renouncement or reversion to
	animism, arrest and incarceration in shackles and wooden stocks.
	Religious persecution continues as we speak. As recently as August 30, 2012, 50 Christians
	in central Bolikhamsai province were ordered to reconvert to their traditional animist
	religion. Earlier in the same province, the police arrested a Christian for converting 300
	Laotians to Christianity in accordance with UCAnews
	Laotians to Christianity in accordance with UCAnews ( <u>http://www.ucanews.com/news/christian-leader-arrested-for-converting-300-</u>
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	(http://www.ucanews.com/news/christian-leader-arrested-for-converting-300-
	( <u>http://www.ucanews.com/news/christian-leader-arrested-for-converting-300-people/59216</u> ).
	<ul> <li>(http://www.ucanews.com/news/christian-leader-arrested-for-converting-300-people/59216).</li> <li>The brunt of the religious crackdowns falls on Christians, with the Protestants being hit</li> </ul>

	<b>Recommendation:</b> Freedom of believe is guaranteed at the constitution. Laos has to stop the religious restrictions by law. The dialogue between the religious leaders must be intensify
21	intensify.
21	<b>Issue:</b> The drug problem in Laos grows up rapidly, because the problem has been neglect the government, Lao youth who should be regarded as the backbone of the country have come to lose their potentialities and become useless methamphetamine addicts. Corrup officials protect this business and allow the production of methamphetamines. We think that more than 30% of the young people in Laos are addicted by drugs. Example: According to the close of the police in their Champasak, where upstream go to
	informed in February 2014 that the House of Champasak, lessons on right with ATS filled
	a room than many varieties and many colors together closer, saw the dollar index filled
	completely mad. This shows that the illegal drug trade is a person of authority in his ownership.
	http://www.hrw.org/news/2011/10/11/laos-drug-users-undesirables-detained-abused
	obviously failed in controlling the drug problem?
	<b>Recommendation:</b> Call upon the UN concerned to investigate the manufacturing of
22	Recommendation: Call upon the UN concerned to investigate the manufacturing of methamphetamines in the Lao PDR, the large-scale trafficking of young Lao people to Thailand which is enabled by the corruption of the ruling power in the Lao PDR. Issue: Many Lao people has diet into the so called "re-education-camps" during the 1970 and 1980's nobody knows where their remains are. Many thousands of political prisoners were killed by torture in the prisons. To this day no one knows where their bodies are still
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