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ALLIANCE FOR DEMOCRACY IN LAOS

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Report to the UN Human Rights Council for its Universal Periodic Review (UPR/Second Cycle) on the violations of Human Rights in The Lao People's Democratic Republic (Lao PDR)-Jan-Feb 2015

OVERVIEW

Laos is one of the five remaining communist 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.

The main problem of the Lao PDR, in addition to the dictatorship is the massive corruption in every stage of the administration. Laos depends first and foremost by Viet Nam, particularly militarily and politically, and secondarily the influence by China. The government of the Laos PDR made long time land leases in many provinces, mainly in the north, with China; populated by hundred thousand of Chinese people with their own administration, this is a new kind of colonialism.

As chronicled by the annual reports of the United States Department of State and Commission on International Religious Freedom, Amnesty International and by the findings of Human Rights Watch and other international and Lao human rights organization, the Lao PDR has maintained a poor human rights record. The human rights issues of the Lao PDR were raised by the UN Human Rights Council at its 15th session in June 2010 (A/HRC/15/5, Report of the Working Group on the Universal Periodic Review, http://lib.ohchr.org/HRBodies/UPR/Documents/Session8/LA/A.HRC.15.5.Add.1_LAO_en.pdf).*1 and by the Committee on the Elimination of Racial Discrimination at its Eightieth Session in February 2012.

The UPR Mid-term Implementation Assessment of the performance of the Lao PDR (Geneva, 11 February 2013) proved less than encouraging: 37 recommendations were not implemented, 7 recommendations were partially implemented, only 4 recommendations were fully implemented and no response was received for 97 out of a total of 150 recommendations. (Lao PDR MIA, p.3, <http://www.upr-info.org/followup/assessments/session21/laos/MIA-Laos.pdf>).*2

Despite billions of dollars in multilateral and bilateral assistance over the decades and the regime's integration into the international community and the accession to ASEAN and WTO, the hosting of prestigious international events and high-profile visits by world leaders, the abuse and violation of basic freedoms and human rights of the people continue unabated in contravention of the UN treaties and conventions to which the Lao PDR is a signatory.

AREAS OF CRITICAL CONSERN

Political rights

-The law allows only one political party and forming other political parties is absolutely illegal. The Lao communist party, the ruling party, which accounts for 2% of the population, continues to controls all political life from the national government down to the village authority.

-The people have no right to choose their own government or to change the government. There is no free election: the people cannot elect the representatives of their choice since the candidates for the legislature are all handpicked by the state-party from among the well-connected party members.

-There is no separation of powers. Power is concentrated in the executive branch run by the leadership of the party. The National Assembly, the legislative branch, merely serves to rubberstamp the decisions of the executive branch. For questioning the relevance of Marxism-Leninism to Laos in the National Assembly, Representative Khamphuey Panemalaythong, was stripped of all his positions in the state-party in May 2012. (Video <https://www.youtube.com/watch?v=iV3TH1DKygc>

*3 Radio Free Asia, <http://www.rfa.org/laos/news-about-laos/laos-senior-official-suspended-criticizing-party-06072012110954.html> *4

Though he did not advocate a multi-party system for Laos, but he demands more freedom. Dr. Khamphuey was subjected for number days to an inquisition with the threat and intimidation that he would be responsible for the consequences to follow. He was further ordered to retrieve all the copies of the journal sold. (See Exhibit 5: [Letter from a reliable inside source](#).)

Similarly, the judiciary is not independent but subservient to the dictates of the party leadership particularly in the prosecution of dissidents.

-The people have no say in governance. In mid-2012, the National Assembly put up a hot line for the people to call the members, by the end of the year the line was scrubbed when it turned out that of the 300 calls received from the people 280 complained about the land deals. Lack of popular participation coupled with a muzzled domestic press and media is shutting the people, particularly those with the most critical needs like the rural poor and the ethnic minorities, out of the development and political decision-making process.

-Political opposition and dissenting opinions are strictly forbidden, swiftly dealt with and brutally repressed. Dissidents are subjected to intimidation, abduction, arrest, incognito detention, trial and imprisonment with no due process and face death from starvation, sickness, torture or execution in the prisons.

(US Department of State, Country Reports on Human Rights Practices for 2013: Laos, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220206#wrapper> ; *6

Professor Martin Stuart Fox, Freedom House, Countries at the Crossroads 2011: Laos http://www.freedomhouse.org/sites/default/files/inline_images/LAOSFINAL.pdf; *7

US Library of Congress, Laos : a country study, https://archive.org/details/laoscountrystudy00sava_0)*7

Civil rights

The law provides for freedoms of speech, of the press, of assembly, and of association. But in practice these rights are severely curtailed by government infringements, by a latitude in the application of the laws by corrupt judges and by abusive police and security forces.

- **Freedom of expression:** Political speech and writing critical of the party lines or state positions and policies is prohibited. Since the day in 1990 when Thongsouk Saysangkhi, former deputy minister of science and technology died in prison for expressing his opposition to the authoritarian regime little has

changed for freedom, at the parliament. Dr. Khamphuey Panemalaythong has also made critics at the parliament to the Marxist-Leninist system in June 2011 (see [political rights §3](#)) after that he lost all his party offices.

- **Freedom of the press:** 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-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 in Laos. In its 2013 World Press Index, Reporters Without Borders ranks Lao PDR 168 out of 179 countries. (<http://en.rsf.org/press-freedom-index-2013,1054.html>).^{*8}
(<http://www.indexoncensorship.org/2014/05/laos-crony-scheme-control-press-civil-society/>)^{*9}
<http://www.rfa.org/english/news/laos/social-media-10242013192732.html> ^{*10}

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 https://www.youtube.com/watch?v=Olcnr2Zc_dY&feature=youtu.be ^{*11}

- **Freedom of assembly:** The government forbids public demonstrations and protest marches. Anyone who is even perceived to violate this ban will suffer the fate of a political prisoner and is subject to enforced disappearance, false accusations, arbitrary arrest, unlawful judicial procedures without legitimate qualified legal defense and recourse, and, in the end, permanent or indefinite imprisonment in harsh conditions without visitation as had happened to the student protesters of October 1999 three of whom still remain in prison (<http://www.amnestyusa.org/research/reports/annual-report-laos-2013>) ^{*12} In November 2009, more than 300 pro-democracy advocates were arrested and detained even before they could gather for a demonstration. (<http://ireport.cnn.com/docs/DOC-350292>) ^{*13}

- **Freedom of association:** The government continues in practice to restrict the people's right to join or organize associations. Party control covers all the national mass organizations and even reaches some non-political organizations. Political organizations other than those that belong to the government are forbidden. No democracy or rights-related NGO's exist in the country. Even the word 'rights' is censored from their documentation.

The stated aim of the 2009 Decree on Associations is to provide a legal basis for the establishment of local NGO's or NPA's (non-profit associations, which nomenclature in itself reflects the party's aversion to all things non-governmental). In practice, it is used as control mechanism for reining in civil society. The government selectively allows Lao NPA's through a system of registration that involves a highly intrusive screening process including comprehensive in-home police background checks of NPA applicants most of whom have been told to change their organization name, objectives, board members, and to water down their position. (No democracy or rights-related NGO's exist in the country. The word 'rights' is censored from their documentation.) Even registered NPA's cannot choose to represent themselves at major events and meetings, which privilege is reserved for well-placed retired government officials.

Ms. Gindroz writes in a personal letter to development partners in Lao PDR that the NPA's at AEPF9 "who supported [farmers and villagers] to participate are being investigated still to this day." (Quoted by Simon Creak and Keith Barney in New Mandala, <http://www.rfa.org/english/news/laos/expulsion-12072012153813.html?searchterm:utf8:ustring=Anne-Sophie+Gindroz+>) ^{*14} This set the stage for the pall of fear that fell across the nascent civil society landscape following the expulsion of Gindroz and the forced abduction of Sombath Somphone. (The impact is felt even overseas where many Lao expatriates are thinking twice about plans for visiting their homeland.)

Rights of 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 (<http://www.ucanews.com/news/christian-leader-arrested-for-converting-300-people/59216>) *15

The brunt of the religious crackdowns falls on Christians, with the Protestants being hit harder than Catholics. So in May 2014 as the police arrested Lao Christians in the city of Paksong (south Laos) <https://www.youtube.com/watch?v=smTc6TkIrs> *16

Land and property rights

The government of the Lao PDR has made concessions of land to foreign investors, as a part of their economy politics, in many provinces in the country where, under the guise of a special economic zone, Lao people hasn't any right to object. The government of the Lao PDR has allowed foreign businesses to invest substantially in the country from north to south by taking over land properties of the population forcibly without fair compensation and those landowners who protest have been arrested, incarcerated and tortured without due process. <http://www.youtube.com/watch?v=3epqpR9OBhY>,

The government of the Lao PDR has made concessions of land to China under soft leases with terms up to as long as ninety-nine years in many provinces in the north of the country where, for example in the area of the golden triangle, Bokeo province, under the guise of a special economic zone, China built 'Chinatowns' and casinos to be populated by 200.000 of Chinese without Lao people having any right to object. <https://www.youtube.com/watch?v=P3OPZUjZa5c> *17

The land conflict incidents at the Tonpheung district, Bokeo province, reflect the growing desperation of the people affected by the government-brokered land. In April 2014, Ms. Khanhkhham, a sixty-year old farmer of Tonpheung district in Bokeo province in northern Laos, was arrested and detained for refusing to be evicted from her land by blocking the bulldozers of the Chinese company that had come to seize and flatten the lands. She was not released until her fellow protesters were threatened and intimidated into agreeing to stop resisting, essentially being forced into giving up their time-honored land rights. (RFA, 'Lao farmers defy police orders to give up land.. <http://www.rfa.org/english/news/laos/landgrab-01222014215351.html>, *18; video: http://www.youtube.com/watch?v=Cy7_WHfaZAs, *19

This incident was preceded earlier in June 2012 by the detention of seven villagers of Kaleum district in Sekong province in the South for requesting better compensation from the Vietnamese company which was given the land concession for rubber plantation. They were released only after authorities had detained the man who they thought had encouraged the villagers to stand up for their land rights. Meanwhile some 130 farmer families in another district of Sekong were still waiting after six months of displacement for the farmlands they were promised as compensation. Their food assistance from the government had run out in August 2013. (RFA, <http://www.rfa.org/english/news/laos/land-dispute-06292012155600.html?searchterm:utf8:ustring=sekong>), *20 (UN Office for the coordination of Humanitarian Affairs <http://www.irinnews.org/report/100116/laos-land-grabs-drive-subsistence-farmers-into-deeper-poverty>) *21

In 2011 the Lao government has made a contract for new special economy zone in Bueng That Luang, Vientiane with a Chinese. The treaty contains a settlements project for more than 55.000 people from China. China can lease the land for 99 years.

Rights to habitat, livelihood and food security

The mining and logging operations are depleting the natural resources of the country which Laotians regard as national treasures, causing in the process devastating and irreparable damages to the environment. (<https://www.youtube.com/watch?v=3epqpR9OBhY>; *22 [http://www.youtube.com/watch?v=kzJaitMxEhk](http://www.youtube.com/watch?v=kzJaitMxEhk;);) *23.

Along with the multitude of dams that will clog the length of the Mekong river and its tributaries, they have already scarred the once pristine beauty of Laos' natural landscape. They will end up destroying the biodiversity and ecosystem of the country. The giant Xayaburi dam is being built despite the protestations of the people of riparian neighboring countries and despite the reservations and warnings of international environmental groups. It will adversely affect not only the people of Laos but also of Thailand, Cambodia

and Vietnam. It is estimated that the food supply (from fishing, rice farming and other watershed farming) of 50 million people will be at risk along with their habitat.

Human trafficking

Despite their contribution to the fast economic growth in recent years, the government's mega-development projects have not helped ameliorate the deep chronic lack of employment opportunities (exacerbated by substantial inflows of immigrants from Vietnam and China), and the widening income gap between the rich and the poor and between the urban centers and the rural areas.

The government of the Lao PDR neglects the youth, girls and boys, in the hundreds of thousands, who become victims of the black market as slave laborers and prostitutes in Thailand and instead of being concerned and seeking solutions to the problem the government manufactures narcotics like methamphetamines for sale in neighboring countries while affecting also the youth in Laos (videos, girls, passports, <http://www.youtube.com/watch?v=nzEehdA6ail#t=64> *24 (Thai docu <https://www.youtube.com/watch?v=P3WT99b9FM8>, *25 Lao docu <https://www.youtube.com/watch?v=F1kT9lFfOOY#t=46> *26

Drug problem in Laos

The drug problem in Laos grows up rapidly, because the problem has been neglect by 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. Corrupt 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 in 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> *27

Enforced Disappearance: Sombath Somphone and other cases

A year and a half on, after the vanishing of Sombath Somphone, Lao civil society leader and Magsaysay Award recipient, we still know no more about his fate than on December 15, 2012 when he was spirited off from a police outpost in Vientiane. No one has seen or heard from him since.

The circumstances surrounding the incident which were recorded by the government's own CCTV ('caught on camera', as Amnesty International puts it) are evident and self-explanatory pointing to a case of enforced abduction. The spokesperson of OHCHR said then that the incident appeared to be an enforced disappearance related to Sombath's human rights work.

(<http://webcache.googleusercontent.com/search?q=cache:0FwOPxDmZ7UJ:www.un.org/apps/news/story.asp%3FNewsID%3D43833%26Cr%3Denforced%2Bdisappearance%26Cr1+%&cd=1&hl=en&ct=clnk&gl=us#.U4-aEyhzcCE>) *28

The Sombath case has put the issue on the world radar but it is by no means isolated. 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.

The human rights developments and the specific incidents of abuse and violation cited in this report illustrate why in some rights groups and media, the Lao PDR is described as the most repressive country in South-East Asia following Myanmar's rights progress.

Freedom House on July 4, 2013 ranks the Lao PDR as one of the least free 17 countries country in the world. In East Asia, it is second only to North Korea as a least free regime.

Alliance for Democracy in Laos and its allied organizations appeal to the UN Human Rights Council to urge the government of Lao PDR to:

1. Urge the United Nations to review the actual performance of the government of the Lao PDR in applying the human rights standards and norms of the United Nations, to ensure that the requirements of its human rights agreements and conventions are complied with.
2. Immediately ratify the International Convention for the Protection of All Persons from Enforced Disappearance to which Lao PDR is a signatory. Adopt and implement all necessary concrete measures to determine verifiably Sombath Somphone's whereabouts and to ensure his safe speedy return to his family.
3. Urgently and unconditionally release the prisoners of conscience Thongpaseuth Keuakoun, Bouavanh Chanhmanivong and Seng-Aloun Phengphanh and journalists' guides Thao Moua and Pa Fue Khang 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. Call upon the United Nations to pressure the Lao PDR to stop a new form of colonization of Laos through land concessions to China and other countries, through large-scale immigration and settlement of Chinese people in Laos and to protect the rights of Laotians to be the owner of their country.
5. Appeal to the United Nations to help put pressure on the ruling power of Vietnam to cease control of Laos, repeal as a matter of urgency the Treaty of Friendship and Cooperation of July 18, 1977 (respecting the Sovereignty), end the plunder and hijack of Laos' natural resources towards Vietnam, and let Laotians govern themselves democratically and real independently with Lao sovereignty under free and fair elections under the control of the UN.
6. 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.
7. Appeal to the UN to press the Lao government to halt and terminate the rampant dam projects, which destroy the environment and the livelihood and way of life of the people. Stop the massive illegal logging supported by corrupt Lao forces.
8. We demand to the government of the Lao PDR, as a humanitarian consideration make available to the remaining members of the Lao royal family the remains of King Savang Vatthana, Queen Khamphoui, and Crown Prince Vong Savang and all the other political prisoners who diet into the jails and concentration camps, for appropriate funeral services with the bereaved, in accordance with the traditions of Laos.

*1-30 ranking numbers of sources on DVD

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