

OPINION No. 26/2000 (LAO PEOPLE'S DEMOCRATIC REPUBLIC)

Communication addressed to the Government on 18 August 1999

Concerning Pa Tood, Mr. Sakua, Mr. Laria, Mr. Kwang Ya, Mr. Chan, Mr. Tamuay, Mr. Thadaeng, Mr. Amok, Mr. Khamsaen, Mr. Bhoon Thai, Mr. Lerm, Mr. Duan, Mr. Boun Thong, Mr. Koom, Mr. Kone, Mr. Sanguan, Mr. Khammuan, Mr. Sinh, Mr. Kaew, Mr. Kham Seuk, Nuang, Mr. Sawat, Mr. Virakorn, Mr. Lang, Mr. Hamuan

The State is not a party to the International Covenant on Civil and Political Rights

1. The Working Group on Arbitrary Detention was established by resolution 1991/42 of the Commission on Human Rights. The mandate of the Working Group was clarified by resolution 1997/50 and reconfirmed by resolution 2000/36. Acting in accordance with its methods of work, the Working Group forwarded to the Government the above-mentioned communication.
2. The Working Group regrets that the Government has not replied within the 90-day deadline.
3. The Working Group regards deprivation of liberty as arbitrary in the following cases:
  - (i) When it manifestly cannot be justified on any legal basis (such as continued detention after the sentence has been served or despite an applicable amnesty act) (category I);
  - (ii) When the deprivation of liberty is the result of a judgement or sentence for the exercise of the rights and freedoms proclaimed in articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and also, in respect of States parties, in articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights (category II);
  - (iii) When the complete or partial non-observance of the international standards relating to a fair trial set forth in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned is of such gravity as to confer on the deprivation of liberty, of whatever kind, an arbitrary character (category III).
4. In the light of the allegations made, the Working Group would have welcomed the cooperation of the Government. In the absence of any information from the Government, the Working Group believes that it is in a position to render an opinion on the facts and circumstances of the cases, especially since the facts and allegations contained in the communication have not been challenged by the Government.
5. According to the source of the communication, at least 25 Christian evangelists were arrested in Laos for practising their religion. The arrests are said to have occurred in Savannakhet, Champassak and Attapoeu provinces. Most of the arrested individuals belong to

ethnic minorities, and the majority of them had previously been incarcerated for the same reason. It is contended that those practising the Christian faith operate in quasi-“underground” conditions under the present political regime in Laos, and that arrests of pastors and evangelists are a common occurrence.

Arrests that occurred in Savannakhet province

6. Fifteen Christian evangelists were arrested in this province and are currently detained at Savannakhet city jail and at Sepone district jail. All of the arrested individuals are active evangelists teaching the Christian doctrine. They belong to Churches of various denominations and reportedly had already been arrested and then released, allegedly by paying bribes, during the last year. They have been repeatedly accused of not following the rules of the Government and the Communist Party, and that they maintain contacts with foreigners.

7. It is reported that the detainees were offered freedom if they signed a declaration that they renounced Christianity. Police officers from Sepone allegedly came to Savannakhet jail and announced that detainees from Sepone had been freed after they signed the declaration, with a view to persuading those in Savannakhet to do the same. They did the same to those detained at Sepone. To date, all the detainees have refused to sign.

8. According to the source, the families of the 15 detainees at Savannakhet jail were driven out of Ban Daen Sawan village by order of the village chairman, who is said to have told them that those who “believe in Jesus” are not allowed to live there. In 1994, however, the Christian villagers had obtained an official authorization to settle there. The 15 detainees at Savannakhet jail are identified as follows:

Pa Tood (age 45), arrested on 7 March 1999. Relatives who have visited him in jail have reported that he is kept in solitary confinement in wooden stocks attached to the wall, and that his legs are injured because of the stocks;

Mr. Sakua (age 66), arrested on 31 January 1999;

Mr. Laria (age 43), arrested on 31 January 1999;

Mr. Kwang Ya (age 35), arrested on 31 January 1999;

Mr. Chan (age 38), arrested on 31 January 1999;

Mr. Tamuay (age 41), arrested on 31 January 1999;

Mr. Thadaeng (age 35), arrested on 31 January 1999;

Mr. Amok (age 38), arrested on 31 January 1999;

Mr. Khamsaen (age 35), arrested on 25 March 1999;

Mr. Bhoon Thai (age 36), arrested on 25 March 1999;

Mr. Lerm (age 40), arrested on 31 January 1999;

Mr. Duan (age 40), arrested on 25 March 1999;

Mr. Boun Thong (age 50), arrested on 25 March 1999;

Mr. Koom (age 40), arrested on 25 March 1999;

Mr. Kone (age 38), arrested on 25 March 1999.

Arrests that occurred in Champassak province

9. Three active evangelists are said to have been arrested at their homes in Huay Namsai Theung village in Uthumphorn district, Champassak province, on 25 February 1999. They all belong to the Km 29 church and one of them is a pastor at Huay Namsai Theung village. They reportedly were arrested after they had travelled to Attapoeu province to visit the relatives of two Christian leaders imprisoned in Attapoeu jail. The police allegedly told a relative that these three individuals were accused of converting people to Christianity through the use of propaganda, and that they would be tried and sentenced. The three individuals are:

Mr. Sanguan (age 33);

Mr. Khammuan (age 42); and

Mr. Sinh (age 37).

Arrests that occurred in Attapoeu province

10. The following Christian evangelists from Attapoeu province have been arrested and continue to be detained. Some of them are said to be permitted to leave the prison during daytime, but they are required to report back at sunset:

Mr. Kaew (age 50), arrested on 9 August 1998;

Mr. Kham Seuk (age 49), arrested on 25 February 1999;

Nuang (age 49), arrested on 25 February 1999;

Mr. Sawat (age 45), arrested on 25 February 1999;

Mr. Virakorn (age 38), arrested on 13 July 1998;

Mr. Lang (age 49), arrested on 25 February 1999; and

Mr. Hamuan (age 25), arrested on 25 February 1999.

11. The allegations, which have not been rebutted, clearly established that all the detainees are Christian evangelists and belong to Churches of various denominations whose activities are disliked by the Government. They are under threat for practising their faith and religion. The accusations against them that they do not follow the rules of the Government and maintain contacts with foreigners are merely excuses to detain them and thereafter “free” them, on condition that they renounce Christianity. This is applicable at least to the detainees at Savannakhet city jail and at Sepone district jail. Three of the evangelists in Champassak province are allegedly detained for attempting to convert people to Christianity. The real reason for their arrest is on account of their visit to their relatives in Attapoeu jail.

12. The Working Group is of the opinion that the detention of each of these individuals is arbitrary and in violation of articles 9, 10, 18 and 19 of the Universal Declaration of Human Rights, and falls within category II of the categories applicable to the consideration of cases submitted to the Working Group.

13. Consequent upon the opinion rendered, the Working Group requests the Government to take the necessary steps to remedy the situation and to bring it into conformity with the standards and principles set forth in the Universal Declaration of Human Rights, and to take the appropriate initiatives with a view to becoming a State party to the International Covenant on Civil and Political Rights.

Adopted on 14 September 2000