

Cambodia/Laos/Thailand/Vietnam: Address enforced disappearances, deliver justice for the victims and their families

BANGKOK, PARIS, PHNOM PENH, 30 August 2020 (FIDH, VCHR, ADHOC, LICADHO, iLaw, LMHR, Manushya Foundation, TLHR, UCL): On the occasion of **the International Day of the Victims of Enforced Disappearances**, our organizations call on the governments of **Cambodia, Laos, Thailand**, and **Vietnam** to adequately investigate all cases of enforced disappearances in their respective countries, determine the fate or whereabouts of the victims, and ensure the victims' families have effective access to justice and receive adequate reparations.

We are extremely disturbed by the dismal failure of the authorities in each of these four countries to adequately and effectively investigate cases of enforced disappearances, particularly those involving human rights defenders, activists, and government critics. In many cases, authorities professed ignorance of the disappearances, ignored appeals made by the victims' families, or refused to provide information to international human rights mechanisms. This inaction by government authorities has reinforced the perception that recent cases of enforced disappearances in Cambodia, Laos, Thailand, and Vietnam have occurred in a context of increasing efforts by these governments to pursue dissidents and critics beyond their national borders in order to punish them because of their peaceful and legitimate exercise of their rights, including the right to freedom of opinion and expression.

The latest case of enforced disappearance of an activist in one of the four countries was that of Thai activist **Wanchalearm Satsaksit**, who was last seen on the afternoon of 4 June 2020 in Phnom Penh. According to eyewitness testimonies, Wanchalearm was kidnapped in front of his condominium in Phnom Penh by a group of unidentified men dressed in black. Wanchalearm was taken away in a dark blue/black SUV. Wanchalearm was an outspoken critic of the military junta that ruled Thailand between 2014 and 2019 and was also reported to be on a list of individuals accused of violating Article 112 of the Thai Criminal Code (lèse-majesté), for whom the Thai police had issued arrest warrants. He had fled Thailand after the May 2014 military coup.

Another case of disappearance that has remained unaddressed in Cambodia is that of **Khem Sophath**, a 15-year-old boy who was last seen near an industrial zone on Phnom Penh's Veng Sreng Road on 3 January 2014, during the violent dispersal by government security forces of a demonstration of garment factory workers.

At least four workers were fatally shot by security forces and at least 39 were wounded in the crackdown. According to eyewitnesses, Khem Sophath was shot in the chest by security forces but his fate or whereabouts have remained unknown.

The disappearance of Wanchalearm Satsaksit occurred in the context of ongoing efforts by Thai authorities to pursue dissidents who fled to neighboring countries following the 2014 military coup. Since 2016, at least eight other Thai dissidents who fled to Thailand's neighboring countries are known to have disappeared under suspicious circumstances.

Five Thai political activists who fled to Laos after the May 2014 coup in Thailand are either dead or missing. **Ittiphon Sukpaen** and **Wuthipong Kachathamakul** disappeared on 22 June 2016 and 29 July 2017 respectively. **Surachai Danwattananusorn, Chatchan Buphawan,** and **Kraidej Luelert** were last seen in Vientiane on 12 December 2018. The bodies of Chatchan and Kraidej were found by the Mekong River in Thailand's Nakhon Phanom Province in late December 2018. The fate or whereabouts of the other three activists remain unknown.

In Laos, the fate or whereabouts of at least 11 other individuals remain unknown. They include: civil society leader **Sombath Somphone**, who was last seen on the evening of 15 December 2012 in Vientiane; seven persons (two women - **Kingkeo Phongsely** and **Somchit** and seven men - **Soubinh, Souane, Sinpasong, Khamson, Nou, Somkhit,** and **Sourigna**), who were detained by security forces in November 2009; and **Somphone**

Khantisouk, the owner of an eco-tourism business, who was abducted in Luang Namtha Province on 23 January 2017.

Three other Thai activists, **Siam Theerawut**, **Chucheep Chivasut**, and **Kritsana Thapthai**, who also fled Thailand after the May 2014 coup, sought refuge in Laos, before moving to Vietnam after their fellow Thai activists in Laos were found dead. According to a Thai organization in exile in the US, in early 2019, Vietnamese authorities arrested the three for illegal entry and use of fake travel documents and, on 8 May 2019, handed them over to Thai authorities. To date, the fate or whereabouts of all three activists remain unknown.

In Thailand, the most recent disappearance of an activist was that of **Od Sayavong**, who was last seen in Bangkok on 26 August 2019. Od, a political activist from Laos, had been awaiting resettlement to a third country since the United Nations High Commissioner for Refugees (UNHCR) in Bangkok had registered him as a person of concern in December 2017. Od was an outspoken critic of the Lao government and a member of “Free Lao”, an informal group of Lao migrant workers and activists based in Bangkok and neighboring provinces.



Trung Duy Nhat

Prior to Od's disappearance, on 26 January 2019, **Truong Duy Nhat**, a Vietnamese political activist, went missing in Thailand, where he had fled to from Vietnam to seek political asylum. It is suspected that Nhat was abducted by unknown individuals in Bangkok before being taken back to Vietnam against his will. In March 2019, he was revealed to be detained in a jail in Hanoi. In March 2020, Nhat was sentenced to 10 years in prison at the end of a trial that fell far short of international standards.

Enforced disappearances violate numerous rights, including the right to liberty and security of the person, and constitute a grave threat to the right to life. These rights are guaranteed by the International Covenant on Civil and Political Rights (ICCPR). The ongoing failure by these governments to adequately investigate all cases of enforced disappearances is in breach of their obligation to fulfill the right to an effective remedy, which is guaranteed by Article 2 (3) of the ICCPR. Cambodia, Laos, Thailand, and Vietnam are all state parties to the ICCPR.

We also urge the governments of Laos, Thailand, and Vietnam to ratify the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), incorporate its provision into their domestic legislation, and implement them. To date, Laos and Thailand have signed the ICPPED in September 2008 and January 2012 respectively, but have not yet ratified it. Vietnam has neither signed nor ratified the treaty. Cambodia became a state party to the ICPPED in June 2013.

Our organizations will continue to work to ensure that enforced disappearances no longer occur and that all the victims of enforced disappearances can safely return to their families. We will also continue to provide assistance to the victims' families in their quest for truth, justice, and accountability for this heinous crime.

Joint statement by:

Quê Me

Quê Me: Action for democracy in Vietnam & Vietnam Committee on Human Rights
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FIDH

- International Federation for Human Rights

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Cambodia

Human Rights and Development Association (ADHOC)

Cambodian League for the Promotion and Defense of Human Rights (LICADHO)

Internet Law Reform Dialogue (iLaw)

Lao Movement for Human Rights (LMHR)

Manushya Foundation

Thai Lawyers for Human Rights (TLHR)

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