



15 OCT 2012

LAO PEOPLE'S DEMOCRATIC REPUBLIC

Recipients: SPD

PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

Permanent Mission of the Lao PDR
to the United Nations Office and
other International Organizations
at Geneva
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No 221 /Lao. PM. GE.12

Dear Special Rapporteurs,

Referring to your joint letter dated 10 August 2012 addressed to the Lao Permanent Mission to the United Nations and other International Organizations in Geneva regarding the alleged arrest and maltreatment of the so-called "human rights defenders" especially of a person named "Mr. Souvanh" in Sekong province of the Lao PDR, I wish to provide the information pertinent to this issue as follows:

Laos is a small country and one of the least developed countries in the world. It has a long history of evolution and development. There were times where the country was a vassal state of a neighboring country and was under colonial rules for a long time. During those bitter periods in the history Lao people were deprived of their basic rights and freedoms, they were exploited by foreign aggressors. After the long struggle for national independence full of hardships and sacrifices in 1975 Lao people gained the victory and established the Lao People's Democratic Republic (Lao PDR) which has turned a new page in the history of the country. The birth of Lao PDR is a result of the exercise by the Lao people of their right to self-determination and national ownership, which is most fundamental for the enjoyment of all other human rights.

The history of the country tells of human rights as being rooted in the Lao society since the ancient time. In 1353 King Chao Fa Ngum, during the celebration of the victory in the wars to unite scattered townships into the Lanexang Kingdom, spoke of human dignity and worth as the King told his subjects to love and care for each other, to forge cohesion and solidarity to protect the newly unified Kingdom. He also told his soldiers, officials and ordinary people not to kill each other, not to kill or torture prisoners but to set them free when they have served their prison sentence. This teaching of the King have been deeply embedded in the hearts and souls of all Lao people from generation to generation. Lao people are among the most peaceful, caring and tolerant people who renounce discrimination, torture or other cruel treatment, and violence.

Since 1975, the Lao Government has concentrated all efforts to restore the country from the wounds of the aggressive wars and to pursue national socio-economic development in order to gradually improve the living conditions of Lao people of all ethnic groups. Over the past 37 years, tangible results in national development have been recorded, in particular economic growth in recent years has been sustained at the rate of 7-8 %. GDP per capita has increased to over 1,000 \$ in 2011. Poverty has reduced considerably compared to the time before 1975. The country has strived by all means to meet

the MDGs by 2015 and is on track to reach the goal of graduating from the least developed countries status by 2020.

Since 1991 the year when the National Constitution was promulgated the Lao Government has been focused on building the Lao PDR to be a State governed by the Rule of Law. The Constitution was amended in 2003 in order to meet the needs of national socio-economic development. Based on the Constitution, the National Assembly has legislated more than 90 laws and has a plan to double this number within the next five years. At the same time, a large number of sub-laws such as ordinances, decrees, orders, etc. have been issued by the Lao PDR's President, the Government, ministries and local administrations to implement the Constitution and laws. The Lao Government has increased its efforts in building a Rule of Law State by adopting the Legal Sector Master Plan on the Development of the Rule of Law by 2020 in order to create a conducive legal environment in support of the national socio-economic development.

In an effort towards the Rule of Law and with the appreciation of the importance of treaties and international law, the Lao Government has attached importance to its participation in the international legal system. To date, the Lao PDR is State Party to more than 100 multilateral treaties, 200 regional treaties and 300 bilateral treaties. Of the 9 core human rights treaties of the United Nations, the Lao PDR is party to 7 treaties: ICCPR, ICESCR, ICERD, CEDAW, CRC, CRPD, and CAT. The country is also party to CRC's 2 Optional Protocols. The country has successfully undergone the Universal Periodic Review and is currently in the process of translating the UPR recommendations into national policies and actions. The implementation of treaty obligations and the UPR recommendations involves officials all over the country. Workshops, seminars on human rights were organized at the central and local levels. Government officials of all levels appreciate the importance of the country's international obligations and commitments in human rights and the importance of their actions as agents of the State. Therefore, they try to behave in compliance with the country's obligations in the discharge of their official duties and responsibilities based on the National Constitution and laws.

In relation to officials' behaviors, Lao citizens have the right to submit complaints on acts of Government officials at all levels. Article 41 of the Constitution stipulates that Lao citizens have the right to make complaints, lawsuits or proposals to the competent bodies of the State regarding their [the people's] rights and interests. In 2005 the National Assembly adopted the Law on Complaints which not only provides for the right of individuals and organizations to file complaints but also provides for the duty of the competent authorities to receive and address complaints in a prompt manner and in accordance with the law. Other laws also form part of the legal basis for handling complaints such as Law on Criminal Procedure, Law on Civil Procedure, Law on People's Courts, Law on People's Prosecutors. Arbitrary arrest or detention is an act contrary to the Constitution and law. Article 6 of the Constitution provides for the duty of the State to protect the rights and interests of the people. Articles 5 and 62 of the Criminal Law stipulates that arrest, detention or search must have warrant from the prosecutor or the court. Article 99 of the Criminal Law sets out punishment for the violation: anyone who arrests or detains another person illegally will be prosecuted with a prison term from 2 months to 2 years and fined from 500,000 to 3,000,000 kip. In the Lao PDR's legal system, torture is prohibited in all circumstances. Torture is an offence under the Criminal Law according to which anyone who tortures or uses coercive measures or other acts contrary to the law on the suspect or the accused during the investigation or on the offender during his serving of sentence, will be imprisoned for 3 months to 3 years or imposed correctional measures without deprivation of liberty and fined from 300,000 to 3,000,000 kip.

In the implementation of the country's obligations and commitments under human rights treaties and the UPR, the Lao PDR has created necessary conditions for the Lao people to exercise their fundamental rights and freedoms, among others, the right to information, the freedom of opinion and expression, the freedom of peaceful assembly and association. Article 44 of the Constitution states

that Lao citizens have the right and freedom of speech, press and assembly and have the right to set up associations and to stage demonstrations which are not contrary to the laws. The constitutional guarantees on freedom of opinion, expression and association are implemented through the Law on Mass Media, the Prime Minister's Decree on Associations. Violation of these fundamental freedoms is a criminal offence. Article 93 of the Criminal Law provides that any individual violating individual freedoms of speech, writings, peaceful assembly, rallies and others is punishable of 3 months to 1 year imprisonment or of correctional penalty without deprivation of liberty.

Lao people have lived in harmony and solidarity on their beloved land. Since the ancient time, this land has belonged to the whole nation and every Lao citizen is the owner. The right to the mastery of the country has been enhanced by the adoption of the national Constitution and relevant laws. Article 7 of the Constitution provides that land is a national heritage, and the State ensures the rights to use, transfer and inherit it in accordance with the laws while Article 3 of the Land Law articulates that land is under ownership of the national community, of which the State is the representative in charge of unified administration throughout the country, in protecting and allocating land to multi-ethnic people for efficiently use and giving land to aliens, stateless people and foreigners on lease or concession but land can not be bought or sold. The state promotes the protection and development of land by setting up policies, methods and measures on management, protection and use of land. The state protects legitimate interests of land user by marking efficient and peaceful long term use of land, and ensures the rights of possession, use, fruits, transfer and inheritance.

Lao PDR, a least developed country, relies on foreign investment as a large source of capital for national socio-economic development in order to sustain the economic growth at 8% per annum in the years to come and thereby substantially reduce poverty of the people. Industrial plantation is one type of foreign investment because the Lao terrain and climate is suitable and investors are sure to yield returns while creating jobs, building infrastructure for the local people. In 2004 the Lao Government signed a concession agreement with Vietnamese Company, Cong Ty Cao Su Nghi Lao Viet, for rubber plantation on 8,000 hectares of land in Thateng district, Sekong province. Yeup village is one of the 52 villages in Thateng district. According to a survey, Yeup village has 102 hectares of empty land of which only 42 hectares were given to the concession while the remaining 60 hectares are reserved for the general use of the village. Some householders were affected by this concession and they all have been provided appropriate assistance in accordance with the Land Law and the Prime Minister Decree N.192 on compensation for people affected by development projects. Now they happily live in their village and with the foreign investment they have job and their livelihood has changed for the better. Assistance for affected people, mitigation of social and environmental impact is imperative conditions in the investment promotion policy of the Lao Government in order to ensure Corporate Social Responsibility based on the UN Global Compact which is being promoted by the Lao Government these days.

In Yeup village, because some villagers, including Mr. Souvanh at first did not understand the policy of the Government on the national development, they were invited by the village administration to hear explanations regarding the foreign investment, its benefits to the local people. They then did realize the importance of national development which is beneficial for themselves, their children, villagers and the nation as a whole. This factual information therefore does not support the information contained in the joint letter of the Special Rapporteurs regarding the alleged maltreatment and torture of Mr. Souvanh. Had there been torture or maltreatment of individuals committed by officials, the victim(s) would have lodged complaints to the competent authorities in accordance with the Law on Criminal Procedure and the Law on Handling of Complaints. After receiving the information on the alleged violation of human rights in relation to Mr. Souvanh and others in this case, the Ministry of Foreign Affairs Human Rights Division which is the focal point responsible for finding out the truth in relation to any allegations of human rights violations wasted no time by promptly contacted Sekong provincial administrative, judicial, police and military authorities to find out the truth. It was found

out that no arrest, detention and torture as alleged in the joint letter of the Special Rapporteurs happened on the ground. The provincial and district court and Office of Prosecutor confirmed that there was no warrant of arrest of Mr. Souvanh and the Provincial Police Department confirmed that no arrest or detention of Mr. Souvanh took place. To find out if the reply by the provincial authorities is true, the Government Office urgently convened a meeting attended by all concerned agencies and Sekong provincial administration. The Meeting which was organized on 30 August 2012 chaired by Vice-Minister, Deputy Head of the Government Office, who is responsible for handling of petitions from the people objectively heard a report by Sekong provincial administration about the factual information on what actually happened in their Yeup village.

Having taken all measures to investigate the allegation of torture and maltreatment of Mr. Souvanh, the Lao Government confirms to the Special Rapporteurs that the allegation in their joint letter was inaccurate and untrue. The information they received is merely a false allegation made by some ill-intentioned elements aiming at discrediting the good image of the Lao PDR in the international arena especially the achievements of the Lao PDR in its cooperation with the international community to promote and protect human rights. In 2012 major events of international importance will take place in Laos, namely the ASEM 9, ASEP7, AEPF, AEBF. The hosting of these important events reflects the trust and respect the international community has placed in and shown for the Lao PDR. The achievements of the Lao PDR in all aspects including the promotion and protection of human rights and its increased reputation regionally and internationally has displeased those who still have an unreasonably hostile attitude towards the Lao People's Democratic Republic.

The Lao Government is always committed to cooperate with the international community, the UN Human Rights System, including the Special Procedures and all stakeholders in the promotion and protection of human rights based on mutual understanding, mutual trust and respect, as well as objectivity and constructiveness. Only by way of this approach we all can make further contributions to the betterment of peoples on the globe and certainly the people in the Lao PDR.

Please accept, Excellency, the assurances of my highest consideration.

Geneva, 10 October 2012



Ambassador, Permanent Representative