

Mandates of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the right to food; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the rights of indigenous peoples; the Special Rapporteur on extreme poverty and the Special Rapporteur on the human rights to safe drinking water and sanitation

REFERENCE:
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Excellency,

We have the honour to address you in our capacity as Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the right to food; Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; Special Rapporteur on the rights of indigenous peoples; Special Rapporteur on extreme poverty and human rights and Special Rapporteur on the human rights to safe drinking water and sanitation, pursuant to Human Rights Council resolutions 45/3, 37/8, 44/5, 32/8, 43/14, 42/20, 44/13 and 42/5.

In this connection, we are bringing to the attention of your Excellency's Government information we have received concerning alleged reprisals by the Laotian Military against the relatives of four individuals who were forcibly disappeared in March 2020, and who were the subject of an earlier communication to Your Excellency's government. These apparent reprisals include the reported extrajudicial killing of another elderly man on 21 March 2021 and further intimidation against the community.

Previous communication:

Special Procedures concerns regarding the enforced disappearance of Mr. Vacher Her (80), Ms. Zoua Her (18); [REDACTED]; and [REDACTED], members of the Hmong indigenous community, were communicated to your Excellency's Government in a Joint Allegation Letter (LAO 3/2020) on 31 August 2020. The letter included allegations of indiscriminate attacks against the community, enforced disappearances and the denial of their right to access food, adequate housing, medical care and safe drinking water.

We regret that to date, no reply to this communication has been received from your Excellency's Government, and we reiterate our urgent request to shed full light on these allegations, and in particular to clarify the fate and whereabouts of the four disappeared individuals.

We further draw attention to the fact that the cases of Mr. Vacher Her, Ms. Zoua Her, [REDACTED], and [REDACTED] are under consideration by the United Nations Working Group on Enforced or Involuntary Disappearances and remain outstanding

under its humanitarian individual case procedure. The cases were transmitted to your Excellency's Government on 11 June 2020.

According to the information received:

Reprisals

Following the issuance of a Joint Allegation Letter from several Special Procedures mandates addressed to the Government of Lao People's Democratic Republic on **31 August 2020**, relatives of the disappeared individuals have been living in an atmosphere of continuous fear of and reprisals from the Government authorities.

Relatives of the disappeared persons, including women, have been the subject of threats and intimidation by the military immediately following the submission of the cases of disappearances to the Special Procedures.

Furthermore, there are a number of indigenous Hmong who are residing in the Phou Bia mountain forest. Coinciding with the publication of the abovementioned Special Procedures communication to the Government (28 October 2020), it is alleged that there has been an escalation of violence against them by the Lao Military.

In particular, it was reported that on 8 March 2021, Mr. Chue Youa Vang, a 63-year-old male, and a relative of two of the disappeared girls, was killed in the forest by the army. Mr. Vang had been attempting to escape persecution from the army, together with three other villagers. Mr. Vang had walked away from the place where he was hiding in search of wild food, when he was shot and killed by a group of Laotian soldiers. A disturbing photo of Mr. Vang's body was taken by the soldiers and disseminated among the Hmong community.

These serious allegations of threats, intimidation and pressure on these villagers, and the alleged killing by the army of one of them, tend to accredit our concern that they are acts of reprisals for having complained to UN human rights mechanisms, specifically the Special Procedures.

Possible presence of three disappeared female minors in a detention facility

We have received credible allegations that the two disappeared girls and young woman were seen in a detention centre in the Phou Bia region in early July 2020, but due to fears of further reprisals, the source is unwilling to provide any further information.

Further restrictions and military escalation:

Additional information has also been received indicating that on 14 March 2021, authorities in Xaisomboun (Saysombun in Lao) province issued a decree, circulated via a letter sent to 26 villages in the area, forbidding all Hmong villagers to access to the Phou Bia mountain forests. The letter stated that access to the area was permitted only to military personnel from the province and soldiers of Tha Thom District; all access roads were closed from 14 to 30 March 2021. It was further reported that these restrictions were extended until May 2021.

This decision appears to be intended to isolate the individuals who have taken refuge in the Phou Bia mountain forest from the rest of their community. The increased military operations into the forested areas of Phou Bia mountain, where Hmong villagers have fled, has made it increasingly difficult for local communities who are mountain rice and corn growers to grow crops, forcing them to relocate under army control and to rely on scarce resources to sustain themselves, including wild food sources. Villages and crops have allegedly been burned or destroyed, forcing villagers into difficult living conditions, under military control, with limited access to food, housing, water, hygiene and health care.

While we do not wish to prejudge the accuracy of the information received, we are **reiterating our serious concerns about the disappearance of Mr. Vacher Her (80), Ms. Zoua Her (18); [REDACTED]; and [REDACTED] since March 2020.** We are also expressing our additional **serious concern about what appears to be reprisals against the relatives of the disappeared in apparent retribution for having complained about their disappearance to UN Special Procedures.** These reprisals seems to have pushed into the forest several members of the families of the victims, forcing them to hide out of fear of being arrested by the military, and possibly, similarly disappeared. We are **particularly concerned that one of them Mr. Chue Youa Vang may have been extrajudicially executed in that context,** while looking for wild food in the forest; and that a graphic photograph of his corpse was reportedly spread among the villagers which may have been intended as a warning to further scare them. In this regard, **it is also a matter of concern that the fear that the army is spreading among the Hmong population in the area appears to be deliberately intended to isolate these communities, many of whom are already living living in militarised villages, under tight security surveillance, to sever links with their members who have fled in the forest, and with the outside world, including UN human rights protection mechanisms.**

We are distressed by credible allegations and testimonies indicating that **cases of extrajudicial killings, torture and other serious violations of human rights, including sexual abuse, have been perpetrated by army soldiers.**

The allegations contained in this letter do not appear to be isolated events. Rather they seem to be part of an ongoing and escalating pattern of violence by government forces characterised by a disproportionate use of force, against Hmong individuals and communities, including elderly, women and children.

Should these allegations prove to be accurate, they would constitute serious violations of the main international human rights conventions which the State of Lao PDR has ratified or signed including the International Convention on Civil and Political Rights (ICCPR) ratified by Lao PDR in 2009, notably articles 6 (right to life), 7 (protection against torture or illtreatment), 9 (liberty and security of persons), 10 (humane treatment while in detention), 16 (right to recognition before the law), 19 (freedom of expression, including to communicate freely with UN), 24 (right of child to protection) and 26 (equality before the law). They would also violate provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, ratified on in 1974 by Lao PDR, notably Art. 5, which guarantee the equality of every human being before the law in the enjoyment of all the rights contained in the Universal Declaration of Human Rights (UDHR), and the ICCPR and

the International Covenant on Economic, Social and Cultural Rights (ICESCR), both ratified by Lao PDR; the provisions of the international Convention against Enforced Disappearances (CED), signed by Lao PDR in 2008; as well as those of the Convention on the Rights of the Child ratified by Lao PDR in 1991 (in particular Art. 3, 6, 9, 19, 34 and 37). They may also contravene the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), approved by Lao PDR (in particular Article 7); and the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

We also wish to reiterate our concern that the Hmong indigenous community do not enjoy an adequate standard of living as per article 25(1) of the UDHR and article 11(1) and 12 of the ICESCR, including the human rights to adequate food, housing and health. In its General Comment No. 15 interpreting the provisions of the Covenant, the Committee on Economic, Social and Cultural Rights affirmed that the right to water falls within the category of guarantees essential for securing an adequate standard of living, and is therefore within the scope of article 11(1) of the Covenant.

The full texts of the human rights instruments and standards referred to above and which are binding on the state of Lao PDR, are available on www.ohchr.org or can be provided upon request.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please urgently provide credible information on the fate and whereabouts of Mr. Vacher Her, Ms. Zoua Her, [REDACTED] and [REDACTED];
3. Please provide detailed information on any investigation that may have been conducted into the disappearance of these four individuals. If no investigation has taken place, please explain why and how this is compatible with the Government's human rights obligations under ICCPR, CAT and CED.
4. Should these four individuals be alive and detained, please clarify the factual and legal grounds for their arrest and detention since March 2020, including details about their current place of detention, and the reason for their prolonged secret detention. Please also provide detailed information about the charges and judicial proceedings against them. Should this be the case, have they been afforded the right to prepare their defence with a lawyer of their choice and are they being visited by their relatives? In the case they have not been charged or tried, on what ground do they continue to be detained ?
5. Please provide detailed information about the reason, the cause, the circumstances and the responsibilities, direct and supervisory, of the alleged killing of Mr. Chue Youa Vang.

6. Please provide detailed information on any investigation, judicial or otherwise, carried out into the alleged killing of Mr. Chue Youa Vang. If no investigation has been conducted, please explain why and how this is compatible with Lao PDR human rights obligations under ICCPR.
7. Please provide information about the measures in place, legally and institutionally, protecting individuals or groups in Lao PDR, to communicate with United Nations entities to provide information, including to file complaints about alleged violations of their human rights. If no such measures exists, what prevents laotian nationals to communicate with UN instituions? Should such communications be prohibited under domestic law, please explain the grounds for such prohibition, and how this is compatible with Lao PDR's international human rights obligations under the UDHR and ICCPR.
8. Following reception of this letter, please provide detailed information about the steps taken to investigate the allegations that the relatives of the four disappeared individuals have been subjected to ongoing reprisals by local authorities accusing them of having communicated the disappearance of their relatives to the United Nations special procedures, and the UN Working group on disappearances in particlar.
9. In this connection, and if the allegations of reprisals are confirmed, please provide detailed information about the measures taken by the Government to protect these individuals against reprisals for the suspected communication of their concerns to United Nations, and for their efforts to seek international protection for their disappeared relatives.
10. Please provide information about the allegations that members of the Hmong indigenous community in Phou Bia, which may include several villages, have been forcibly relocated and displaced in villages under military control and strict surveillance.
11. Please provide information on the measures taken by your Government to ensure that the Hmong indigenous community have access to the rights to food, housing, health, and safe drinking water and sanitation.

In view of the urgency of the matter, and while awaiting a reply to this and our previous communications, we respectfully urge the Government of Lao PDR to investigate the allegations of reprisal by the army against the family members of the four disappeared individuals, to ensure their protection against any further intimidation; to clarify as soon as possible the fate and whereabouts of these four individuals; to investigate the alleged killing of Mr. Chue Youa Vang and, if proven true, to bring to justice those responsible for his death.

In light of the allegations of reprisals for cooperation with the United Nations, its representatives and mechanisms in the field of human rights, we reserve the right to share this communication – and any response received from your Excellency's Government - with other UN bodies or representatives addressing intimidation and reprisals for cooperation with the UN in the field of human rights, in particular the

senior United Nations official designated by the Secretary General to lead the efforts within the United Nations system to address this issue.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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

Tae-Ung Baik
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

David R. Boyd
Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment

Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary or arbitrary executions

Michael Fakhri
Special Rapporteur on the right to food

Balakrishnan Rajagopal
Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

José Francisco Cali Tzay
Special Rapporteur on the rights of indigenous peoples

Olivier De Schutter
Special Rapporteur on extreme poverty and human rights

Pedro Arrojo-Agudo
Special Rapporteur on the human rights to safe drinking water and sanitation