

LAO PEOPLE'S DEMOCRATIC REPUBLIC

The October Protestors: Where Are They?

"The movement began in Laos. It is [about] our ideas."

Words of a member of the Lao Students Movement for Democracy

Introduction

On the morning of 26 October 1999, in an unprecedented public demonstration, a group of about 30 young people assembled in Vientiane, the capital city of the Lao People's Democratic Republic, and attempted to unfurl some posters they had made calling for political change in the country. Before they had managed to hold up the posters for public view, they were quickly surrounded by policemen, and at least five were arrested. Across the city, people were celebrating the annual boat festival and there were crowds of people on the streets, enjoying the public holiday. Amongst these crowds, people who had intended to join the public protest mingled with the revellers, and made themselves as inconspicuous as possible. The Lao Students Movement for Democracy which had organised the attempted protest was crushed before it even had an opportunity to articulate its ideas. Thongpaseuth Keuakoun, who founded the group in February 1998 was among those arrested. His fate and whereabouts, and that of at least four of his colleagues remains unknown. The Lao authorities have denied that the attempted protest ever occurred, in spite of eye-witness accounts of what took place in Vientiane. Amnesty International fears for the safety of Thongpaseuth Keuakoun, Kamphouvieng Sisaath, Seng-Aloun Phengphanh, Bouavanh Chanhmanivong and Keochay, as it has received credible reports of torture and ill-treatment in Lao prisons. If these five men are still detained, solely for their involvement in the Lao Students Movement for Democracy, Amnesty International believes they are prisoners of conscience and calls for their immediate and unconditional release.

Background

Laos is a very poor country, ranked 136 in the United Nations Development Program (UNDP) human development index of 1998. Access to education and healthcare is restricted, and life expectancy at birth very low, compared with developed countries. After independence from France in 1954, conflict between the communist Pathet Lao forces and the armed forces of the Royal Lao Government ended in a cease-fire in February 1973. A Provisional Government of National Union was formed in April 1974 and the Lao People's Democratic Republic was proclaimed on 2 December 1975. Tens of thousands of people were detained for "re-education" without charge or trial, some of them for more than 10 years, in extremely harsh conditions. An unknown number of people died whilst in such detention, with unconfirmed reports of the unlawful killing of some, including members of the former royal family. Tens of thousands of others fled the country as refugees.

The attempted public demonstration by the Lao Students Movement for Democracy 26 October 1999 was notable because there have been no such protests permitted in Laos since the founding of the Lao People's Democratic Republic. The Lao government greatly restricts the fundamental rights to freedom of expression, association and assembly. The only legal political party in Laos is the Lao People's Revolutionary Party, the communist party which controls the government. Opposition to the government is not permitted, even in the form of peaceful public meetings. The state retains control of institutions such as the media, religious organizations and trade unions. There are no independent domestic non-governmental organizations in Laos and international human rights monitors are not allowed access to the country. The Lao People's Democratic Republic has not signed or ratified several key international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). However, the Lao People's Democratic Republic is a member of the United Nations, and therefore must accept the principles of the Universal Declaration of Human Rights, which include: no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment (Article 5); everyone has the right to freedom of opinion and expression (Article 19); and everyone has the right to freedom of peaceful assembly and association (Article 20).

In 1990, three men who had all held quite senior positions in the government and the Lao People's Revolutionary Party, wrote letters to the then head of state, and leaders of the government, calling for peaceful change in the country. Thongsouk Saysangkhi, Latsami Khamphoui and Feng Sakchittapong were arrested and held without trial for two years, before being sentenced at an unfair trial to 14 years' imprisonment. Held in appalling conditions in a remote prison camp in the north of the country, Thongsouk Saysangkhi died in February 1998, after having been denied adequate medical care. Appeals to the Lao authorities to release Thongsouk Saysangkhi on humanitarian grounds were ignored, and they refused for several weeks even to confirm to his family that he had died. It was against this background of economic hardship and lack of fundamental freedoms that the Lao Students Movement for Democracy was formed and attempted to make its protest.

Origins of the protest

Thongpaseuth Keuakoun is 39 years old, and a father of seven. He had studied at university in Vientiane, but lack of money had prevented him from completing his course and he lived in poverty, making a small living to support himself and his family as a street vendor. In early 1998, Thongpaseuth Keuakoun decided to form a group of like-minded people, who were concerned about issues of social welfare, including access to health care and free education. He recruited young people to his group, operating in secret because of the government's restrictions on freedom of expression and association. In the first year of its existence, the group appeared to do very little, other than agree that living conditions in Laos were very difficult and that they

believed the government needed to do more to assist the people. One person who spoke to Amnesty International about the early aims of the group said:

“We only wanted to ask the government to listen to the people. We didn’t want to make violence and cause problems to the authorities.”¹

Another said:

“The people don’t have the chance to change ideas, and the government doesn’t help the people in the field of education, and the taxes are quite high, while public health is poor.”²

During 1998, the group appeared to be little more than a loosely connected set of people, united in their worries about being unable to complete their education. Many of those who had been approached by Thongpaseuth Keuakoun to “join” the group had in fact had no contact with him since their original expression of interest. It was not until early 1999 that the group became a more coherent movement, and began to hold regular meetings at various secret locations in Vientiane. The majority of those attending the meetings were students and former students like Thongpaseuth Keuakoun, who had been unable to finish their university studies because of lack of money. It was during these meetings in 1999 that the idea to hold a public protest was first proposed and agreed upon. Apparently learning from what they had heard from various international sources about the tradition of public protest for democracy and political change, including the campaign for democracy waged by Burmese students, the group’s stated aims broadened from basic social welfare issues to a wider political platform. An initial plan to hold a public protest on 9 September 1999 (9.9.99) was postponed, as the group believed that some Burmese students in Thailand were already planning their own public action for that day, which would attract media attention.

Organizing the protest

Thongpaseuth Keuakoun and his supporters had no experience of initiating or organizing public protest. Such activities are not part of the everyday lives of people in the Lao People’s Democratic Republic. Amnesty International’s research into the origins and organization of the Lao Students Movement for Democracy revealed that individuals from outside Laos became involved in the group by mid-1999. There is little doubt that the group began as a genuinely domestic initiative, and all its early members were Lao citizens, none of whom had ever travelled abroad. The group then attracted several people who had spent time outside Laos, and who had new ideas about how to articulate the discontent felt by the members of the group against the

¹Amnesty International interview, December 1999

²Amnesty International interview, December 1999

social conditions in the country. The group became more organized, and individual members who had been linked to the group from the outset were assigned responsibilities, such as making posters and banners, recruiting people to participate in the demonstration and organizing transport on the day of the planned protest. The group made several posters, in Lao and English stating "Freedom for Laos" and "21st Century for Democracy and Peace in the country." They also typed up small leaflets, setting out their aims and objectives. These included a call for multi-party democracy in Laos, the holding of free and fair elections, and the release of political prisoners.

Preparations for the public protest took place in the weeks leading up to 26 October 1999. It appears that many people were willing to join the protest, and arrangements were made to assemble in small groups along a planned route in Vientiane. The intention was for the groups to join together as they made their way along a main thoroughfare in the capital, towards the Vientiane monument, a European-style triumphal arch. (A map is attached on the last page of this document). One person borrowed a vehicle and collected supporters from various pick-up points around the city. The crowds of people arriving in Vientiane to enjoy the Boat Festival meant that there were many such vehicles on the streets, and one more did not attract any undue attention. Small groups of would-be protestors gathered at pre-arranged places along the planned route, ready to participate in the demonstration at 11.00am. At 10.45am, the 30 people in the first group - located very close to the river, where the boat racing was taking place - attempted to unfurl their posters, in preparation for the protest. The police arrived at the scene almost immediately, and arrested at least five people - Thongpaseuth Keuakoun, Kamphouvieng Sisaath, Seng-Aloun Phengphanh, Bouavanh Chanhmanivong and Keochay. It is thought that most of those assembled at this starting point were arrested, but Amnesty International does not have their names. The five people named above were all members of the organizing committee for the protest.

As the police surrounded the first group of protesters, several of the supporters ran to warn the people gathered at other points along the planned route. One person who was there told Amnesty International:

"On 26 October 1999, I was one of the participants in the demonstration. There were five in my group, but we didn't know each other. When Thongpaseuth was arrested, someone told us and we all ran away. After Thongpaseuth's group were stopped from demonstrating, another group tried, but the police tried to make them move on towards the Festival, and not to allow people to see it, as they were worried that if people saw, others would join the group. The authorities were worried as lots of foreigners were around for the Festival and they could see what was

happening. The police wanted to stop us before we could lift the posters up.”³

In the confusion that followed the crushing of the protest, Amnesty International believes that dozens and possibly several hundred people were either arrested, or called in for questioning by the Vientiane police, including relatives of people they suspected were involved in organizing the protest. One person who had tried to join the demonstration told Amnesty International that after it failed, he had gone home, and following the public holidays had returned to his university class as normal. It was not until he got to the university that he realised how many people had been arrested. Students at the university whose parents had government jobs were talking about how many students had been arrested around the time of the Festival, and how the police were still looking for others. Another student told Amnesty International that he had returned to his rented room after classes and the landlord had asked him why the police had been around earlier, looking for him. It was then that he knew he was under suspicion.

Conditions in detention

No concrete information is available about what has happened to Thongpaseuth Keuakoun (39), Kamphouvieng Sisaath (39), Seng-Aloun Phengphanh (28), Bouavanh Chanhmanivong (39) and Keochay (34) since they were arrested, but the treatment of all detainees in Laos, both common criminals and political prisoners is often very harsh.

When individuals are arrested in Laos, they are usually taken to a police station for initial interrogation. Amnesty International’s investigations into treatment in police custody in Laos are necessarily restricted as the organization is not allowed into the country. However, recent interviews conducted with relatives of people in detention in Laos confirmed that torture and ill-treatment in police stations is indeed widespread. One person described what happened to a relative arrested on common criminal charges:

“He was taken to the police station in That Dam [area of Vientiane]. A friend of his went to find him and saw the police beating him, kicking and punching him. If you don’t confess, then you’ll be beaten. Everyone knows this. People who are innocent confess just because of the pain. For weeks our family were not allowed to see him. When he was transferred to Samkhe [the main prison in Vientiane] we managed to see him, three months after he was arrested. He didn’t dare say anything, but

³ Amnesty International interview, December 1999

he was very thin, and had a bruise on his face, a tooth broken and swollen lips.”⁴

It is likely that Thongpaseuth Keuakoun, Kamphouvieng Sisaath, Seng-Aloun Phengphanh, Bouavanh Chanhmanivong and Keochay are still in detention, and that they are being held in Samkhe prison. Between 1990 and 1992, when former ruling party members Thongsouk Saysangkhi, Latsami Khamphoui and Feng Sakchittapong were detained without trial in Samkhe prison, they were held in solitary confinement cells, and denied access to adequate medical care. They also had no access to legal counsel. Amnesty International knows that common criminals are often held in solitary confinement cells in Samkhe prison, and fears that the five men (and possibly others unknown to the organization) from the Lao Students Movement for Democracy may be held in conditions amounting to cruel, inhuman or degrading treatment. Prisoners of conscience in other prisons in the country have been held in stocks or shackles for 24 hours a day, denied adequate food and medical treatment, refused access to their families, and kept in darkness at all times.

The reaction of the Lao authorities

News of the attempted protest and the arrests that followed was published in Thailand by an English-language daily paper, *The Nation*.⁵ The Lao authorities quickly denied that any protest had taken place, in spite of the detailed information published by the newspaper. On 5 November 1999, news reports quoted a spokesman for the Lao Foreign Ministry again denying that anything had happened. The spokesman was quoted as saying “I have checked the report thoroughly and stand firm that there was no protest or arrest of anyone in the past two weeks. There might have been some drunken people scuffling or making a noise that caused outsiders visiting Vientiane to think they were protesting.”⁶

Amnesty International has interviewed eye-witnesses who were at the attempted demonstration and who were involved in planning the protest. There is no doubt that the Lao Students Movement for Democracy existed and that the group attempted to hold a peaceful demonstration in Vientiane on 26 October 1999, in support of their non-violent political beliefs. Amnesty International believes that at least five men, and possibly more persons unknown remain in detention since the attempted protest. The organization believes these people are at risk of torture and ill-treatment, and will be denied their basic rights to see their families, have adequate medical care, and access to legal counsel of their choice. The risk of torture and ill-

⁴ Amnesty International interview, March 2000.

⁵ See reports in *The Nation*, 3 and 4 November 1999.

⁶ *Reuters* 5 November 1999.

treatment greatly increases when prisoners are held incommunicado, and Amnesty International fears for the safety of Thongpaseuth Keuakoun, Kamphouvieng Sisaath, Seng-Aloun Phengphanh, Bouavanh Chanhmanivong and Keochay, whose arrest and detention - to which many people were witnesses - has been denied by the Lao authorities. Independent human rights monitors are denied access to the Lao People's Democratic Republic, and domestic human rights groups are not permitted to exist. Detainees do not have access to lawyers of their choice, and are often held without trial for years. There is no system of legal aid, where someone who cannot afford a lawyer is automatically assigned one. One person with a relative in prison in Laos told Amnesty International:

“People don't even know about the court or where it is. If you are arrested, you are in prison, unless you have money. If you have money, you can change many things. Bail is only available to people with lots of money, or to relatives of high-ranking people.”⁷

Thongpaseuth Keuakoun, Kamphouvieng Sisaath, Seng-Aloun Phengphanh, Bouavanh Chanhmanivong and Keochay could be in unacknowledged detention in Laos for months without even being charged with a recognisably criminal offence. In the cases of former ruling party members Latsami Khamphoui, Feng Sakchittapong and the late Thongsouk Saysangkhi, the men were held in pre-trial detention without charge for two years, in violation of international standards and domestic laws.

Recommendations

In the past, Amnesty International has made many appeals to the Lao authorities, on behalf of prisoners of conscience, including Latsami Khamphoui, Feng Sakchittapong, the late Thongsouk Saysangkhi, and others. These appeals have gone unanswered in almost every case. The Lao authorities state publicly that there are no political prisoners in Laos, and that people are only imprisoned for breaking Lao laws. But the Lao penal code criminalizes the exercise of some fundamental human rights, including the right to peaceful association and assembly, and the right to freedom of expression. Under such laws, anyone who seeks to express ideas which run counter to official government policy risks being arrested and imprisoned, in conditions which are often appalling.

More than six months have passed since Thongpaseuth Keuakoun, Kamphouvieng Sisaath, Seng-Aloun Phengphanh, Bouavanh Chanhmanivong and Keochay were arrested in Vientiane. Amnesty International appeals to the Lao authorities:

⁷ Amnesty International interview, March 2000.

- to account for the fate and whereabouts of Thongpaseuth Keuakoun, Kamphouvieng Sisaath, Seng-Aloun Phengphanh, Bouavanh Chanhmanivong and Keochay;
- if they are detained solely for their participation in the peaceful demonstration of 26 October 1999, or for their involvement in the Lao Students Movement for Democracy to release them immediately and unconditionally;
- to ensure that, while they are in detention they are treated humanely, in accordance with international standards, and that they have access to their families, to adequate medical care and to legal counsel of their choice.

Amnesty International also asks all countries which have diplomatic relations with Laos to seek information about the fate and whereabouts of Thongpaseuth Keuakoun, Kamphouvieng Sisaath, Seng-Aloun Phengphanh, Bouavanh Chanhmanivong and Keochay in their dialogue with the Lao authorities.



