

DECISION No. 49/1992 (LAO PEOPLE'S DEMOCRATIC REPUBLIC)

Communication addressed to the Government of the Lao People's Democratic Republic on 3 February 1992.

Concerning: Patrick Khamphan Pradith on the one hand and the Lao People's Democratic Republic on the other.

1. The Working Group on Arbitrary Detention, in accordance with the methods of work adopted by it (E/CN.4/1992/20, chapter II), and in order to carry out its task with discretion, objectivity and independence, forwarded to the Government concerned the above-mentioned communication received by it and found to be admissible, in respect of allegations of arbitrary detention reported to have occurred.

2. The Working Group notes with concern that to date no information has been forwarded by the Government concerned in respect of the case in question. With the expiration of more than ninety (90) days from the transmittal of the case by the Working Group it is left with no option but to proceed to render its decision in respect of the case of alleged arbitrary detention brought to its knowledge.

3. (Same as in Decision No. 1/1992.)

4. In the light of the allegations made, the Working Group would have welcomed the cooperation of the Lao Government. In the absence of any information from the Government, the Working Group believes that it is in a position to take a decision on the facts and circumstances of the case, especially since the facts and allegations contained in the communication have not been challenged by the Government.

5. It is alleged in the communication from the source that Patrick Khamphan Pradith, born in 1934, Vice-Governor of the province of Luang Prabang under the former Royal Government of National Unity, was arrested in 1975, following the establishment of the Lao People's Democratic Republic. It is alleged that, at that time, the new Government announced that all civilian officials and military personnel who had worked for the former Government should attend political re-education classes if they wished to be employed by the new Government. Reportedly, most officials attended of their own free will, but those who did not were arrested. According to the source, it is not known whether Patrick Khamphan Pradith attended of his own accord or whether he was arrested. Patrick Khamphan Pradith is said to have been detained since 1975 without charge or trial in 12 re-education camps or prisons. He is said to be currently held in the re-education camp at Soppane, province of Houa Phan, where, according to the source, prisoners are given permission to go out during the day and to travel within the province.

6. It is clear from the facts as reported that Patrick Khamphan Pradith has been held in detention since 1975 without charge or trial, solely for the purpose of political re-education, following the establishment of the Lao People's Democratic Republic; that, in principle, the basic aim of such political re-education is to induce the person who undergoes it to change views; and that, because of the objectives it pursues, it thus appears to be contrary to the right guaranteed by article 19 of the Universal Declaration of Human Rights and by articles 18 (2) and 19 of the International Covenant on Civil and Political Rights. It should also be noted that the Working Group sent a message to the Government concerning Patrick Khamphan Pradith, urgently appealing to the Government to ensure that Mr. Khamphan Pradith receives the necessary medical care and to guarantee his right to physical integrity. The Government has not responded to this appeal.

7. In the light of the above, the Working Group decides:

The detention of Patrick Khamphan is declared to be arbitrary, being in contravention of article 19 of the Universal Declaration of Human Rights and articles 18 (2) and 19 of the International Covenant on Civil and Political Rights and falling within category II of the principles applicable in the consideration of the cases submitted to the Working Group.

8. Consequent upon the decision of the Working Group declaring the detention of Patrick Khamphan Pradith to be arbitrary, the Working Group requests the Government of the Lao People's Democratic Republic to take the necessary steps to remedy the situation in order to bring it into conformity with the norms and principles incorporated in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights.