
amnesty international

Lao People's Democratic Republic

Thao Moua and Pa Fue Khang: Hmong imprisoned after unfair trial

June 2007

AI Index: ASA 26/008/2007

Thao Moua (pictured right) and Pa Fue Khang (left), both ethnic Hmong Lao nationals, are serving prison sentences of 12 and 15 years respectively following an apparently politically motivated unfair trial which Amnesty International suspects was because of their involvement in researching a news story about the plight of the Hmong hiding in the jungles of Laos.

© Private



Pa Fue Khang and Thao Moua

Thao Moua, Pa Fue Khang, and Char Yang, ethnic Hmong Lao nationals, were arrested around 4 June 2003 in Xieng Khouang province with two European Bangkok-based journalists, Thierry Falise and Vincent Reynaud, and Pastor Naw Karl Mua, their Hmong-American interpreter. Thao Moua, Pa Fue Khang and Char Yang were working with the journalists as their assistants and guides; Pa Fue Khang was also their driver. They had just emerged from the jungle in Xieng

Khouang province where the journalists had been researching a news story on ethnic Hmong hiding in the jungle. Char Yang managed to escape detention and eventually fled to Thailand where he sought asylum and was resettled to a third country. The others were taken to Vientiane, the capital, where they were held in pre-trial detention in Phontong prison.

The trial

On 30 June 2003 the five men were taken back to Xieng Khouang province and were brought to trial in a court in the town of Phonsavan. Char Yang was tried *in absentia*.

The trial lasted less than three hours, having been delayed by half a day, according to Naw Karl Mua, because of the inability of officials to remove the leg shackles of the two Hmong prisoners. Unlike their hand-cuffs, there was no key to the shackles which had been made by fellow prisoners; they had to be cut off with special tools.

Thao Moua and Pa Fue Khang were not provided with any legal representation, while the foreign nationals had representation due to the efforts of their embassies. The outcome of the trial appears to have been pre-determined by the Lao authorities. Thierry Falise is quoted as saying, "The trial was a farce and when it came to the reading of the conclusions of the

sentences ... it was a text of five or six pages, which was type-written; we only had a 15 minute pause before that so it was obvious that this text was typed up in advance.”

All six were handed down sentences of between 10 and 20 years. Diplomats from the embassies of the foreign nationals negotiated their release shortly afterwards and the three were deported 10 days later, on 9 July. Their notes and film material were confiscated by the Lao authorities. Thao Moua and Pa Fue Khang were transferred to Samkhe prison in Vientiane, the capital. It is not known if they were allowed to lodge an appeal against their convictions.

The charges against them included collaboration in the commission of an offence, possession of firearms and explosives, possession of drugs and destruction of evidence. Amnesty International believes that the unfair trial was apparently politically motivated because of their involvement in researching a news story about the plight of the Hmong hiding in the jungle, a sensitive issue which the Lao authorities deny.

Conditions of detention

Conditions of detention in Laos in both police custody and prisons are harsh, with reports of torture and ill-treatment, lack of adequate food, medical care and visiting rights. Those who fail to carry out difficult work assignments risk solitary confinement in small dark cells. Ethnic Hmong prisoners are at increased risk of torture, denial of medical treatment and harsh punishments.

Following their arrest and while in pre-trial detention, the three Hmong men were reportedly shackled in leg irons and beaten with sticks and bicycle chains; one of them was repeatedly knocked unconscious. Following their transfer to Samkhe prison, Thao Moua and Pa Fue Khang were reportedly held in solitary confinement for several months.

Hmong hiding in the jungles in Laos

Laos tightly restricts the right to freedom of expression and association, with the state retaining control of the media. There are no independent domestic non-government organizations and international human rights monitors are not permitted unfettered access to the country. The authorities have attempted to conceal the situation of a few thousand Hmong people, including women and children, hiding in the jungles of Laos, who are subjected to serious human rights violations. However in recent years their fate has occasionally been highlighted by clandestine visits of a few foreign journalists to document their desperate plight.

The Hmong who hide in jungle areas are remnants and descendants of an armed resistance which in 1975 was drawn from a CIA-funded faction that fought the Communist Lao forces alongside the USA in the Viet Nam war. These former fighters and their descendants come under regular attack by the Lao military, and are forced to live on the move, fighting starvation and disease. Individuals who have assisted visiting journalists and who have connections with Hmong groups in the jungle, either by providing material help such as food and clothing, or video cameras and satellite phones donated by family members and Hmong political groupings abroad, are themselves at risk of serious human rights violations in the hands of the authorities.

Take Action!

Write:

- Express concern that in June 2003 Thao Moua and Pa Fue Khang were sentenced to 12 and 15 years imprisonment respectively after a trial which did not meet international human rights standards of fairness;
- Express concern that their trial appeared to have been politically motivated because of their role in assisting foreign journalists who had been researching a news story on Hmong in the jungle in Xieng Khouang province;
- Urge the authorities to conduct a review of their cases and give the two men a prompt retrial which meets international fair trial standards, including the presumption of innocence and the right to legal counsel;
- Call on the authorities to ensure that Thao Moua and Pa Fue Khang are not subjected to torture and ill-treatment, and that their conditions of detention meet international human rights standards for the treatment of prisoners;
- Call on the authorities to end restrictions on the rights to freedom of expression and association and to ensure that these rights are fully protected in Laos;
- Express concern about human rights violations committed against individuals who have assisted or are perceived by the authorities as supporting groups of Hmong hiding in the jungle, and call for these to end.

Write to:

Bouasone Bouphavanh
Prime Minister
Prime Minister's Office
Rue Sisavat
Vientiane

Lao People's Democratic Republic
Fax: + 856 21 213560
Salutation: Dear Prime Minister

Chaleuan Yapaoher
Minister of Justice
Ministry of Justice
Rue Phone Xay
Vientiane

Lao People's Democratic Republic
Fax: + 856 21 414009
Salutation: Dear Minister

Send copies of your letters to the diplomatic representative of the Lao People's Democratic Republic in your country.

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 0DW, UNITED KINGDOM