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**INTERNATIONAL COMMISSION OF JURISTS' SUBMISSION TO THE UNIVERSAL
PERIODIC REVIEW OF LAO PEOPLE'S DEMOCRATIC REPUBLIC**

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Composed of 60 eminent judges and lawyers from all regions of the world, the International Commission of Jurists promotes and protects human rights through the Rule of Law, by using its unique legal expertise to develop and strengthen national and international justice systems. Established in 1952, in consultative status with the Economic and Social Council since 1957, and active on the five continents, the ICJ aims to ensure the progressive development and effective implementation of international human rights and international humanitarian law; secure the realization of civil, cultural, economic, political and social rights; safeguard the separation of powers; and guarantee the independence of the judiciary and legal profession.

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ICJ'S SUBMISSION TO THE UNIVERSAL PERIODIC REVIEW OF LAO PEOPLE'S DEMOCRATIC REPUBLIC

Introduction

1. The International Commission of Jurists (ICJ) welcomes this opportunity to contribute to the Human Rights Council's (HRC) Universal Periodic Review (UPR) of Lao People's Democratic Republic (Lao PDR).
2. In this submission, the ICJ wishes to draw the attention of the Human Rights Council's Working Group on the UPR (Working Group) and to the Human Rights Council (Council) issues concerning (1) Lao PDR's failure to implement its obligations under international law in cases of enforced disappearances; and (2) Lao PDR's engagement with international human rights instruments and mechanisms.

Failure to implement obligations under international law in cases of enforced disappearances

3. On 15 December 2012, Sombath Somphone, a prominent community organizer and proponent of sustainable development, in Lao PDR, went missing. Closed circuit television captured traffic police stopping him at a checkpoint in Vientiane and being taken away by unidentified men. Some have speculated¹ that his abduction was due to his role as co-chair of the Lao National Organizing Committee for the Asia-Europe People's Forum (AEPF), an event that took place from 16 to 19 October 2012 in Lao PDR for the first time which allowed civil society groups from all over the country to critically discuss issues regarding development and human rights.²
4. On the occasion of the first anniversary of Sombath Somphone's "disappearance", the ICJ released a legal memorandum, highlighting, among others issues, Lao PDR's obligations under international law in enforced disappearance cases and calling upon the Government of Lao PDR to undertake a prompt, thorough and impartial investigation, and to resolve the alleged enforced disappearance. In the legal memorandum, the ICJ stated its belief that circumstantial evidence in the case was sufficient to strongly suggest an incident of enforced disappearance, as it fell within the definition of enforced disappearance under article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), a treaty that Lao PDR has signed but not ratified.³
5. To date, the Lao Ministry of Public Security has issued only three "progress reports" on the investigations, in which they have effectively denied any knowledge of Sombath Somphone's whereabouts. Ng Shui Meng, the wife of Sombath Somphone, has not been given copies of the relevant investigation documents. The public prosecutor has also yet to open a prosecution case on the allegations. Notwithstanding the lack of meaningful progress, the Government of Lao PDR has declined to accept assistance from foreign experts to help analyze the closed circuit television video for further leads.⁴
6. On 4 September 2013, Ng Shui Meng filed a petition under article 6 of the Laotian Constitution with the Office of the Supreme People's Prosecutor, seeking relief from acts of "bureaucratism and harassment" by law enforcement authorities who have refused to provide her with a copy of the results of the investigation. During a follow-up on the status of the application in January 2014, she was informed that it had been misplaced. The current status of the application is unknown.⁵
7. In light of the above, Lao PDR has failed to comply with the following international law and standards:

- (i) *Duty to criminalize all acts of enforced disappearance, torture and ill-treatment, summary, extrajudicial killing, and arbitrary detention*
8. Article 2 of the International Covenant on Civil and Political Rights (ICCPR) and articles 4 to 7 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), core treaties to which Lao PDR is a party, provide that a State Party must criminalize acts constituting serious crimes. In particular, the UN Human Rights Committee, under General Comment 31, has affirmed that domestic law must recognize the offences of "torture, cruel, inhuman and degrading treatment, summary and arbitrary killing and enforced disappearance."⁶ Similarly, the Committee against Torture has underscored the obligation of State Parties to the CAT to criminalize and prosecute acts of torture or other ill-treatment.⁷ Other international instruments that focus solely on enforced disappearances, including the ICPPED and the UN Declaration on the Protection of All Persons from Enforced Disappearance (DPPED), also provide for States to ensure that all acts of enforced disappearances are criminal offences under the Laotian domestic law.⁸
9. As recognized in article 4 of the DPPED, as well as the ICPPED, Lao PDR is required to have a separate criminal offence for the act of enforced disappearance.⁹ It is not sufficient for States to make reference to criminal offences such as deprivation of liberty, torture, intimidation or excessive violence.¹⁰ Similarly, under article 4 of the CAT, Lao PDR must incorporate torture, as defined in article 1 of the Convention, in its domestic laws and ensure that it is a punishable offence.
10. According to the Working Group on Enforced or Involuntary Disappearances, the nature of an enforced disappearance is one of a continuous violation, which means that the act should not be fragmented even where certain aspects of the violation are complete.¹¹ Due to this continuous character, the principle of retroactivity is typically not engaged in cases of enforced disappearance.¹²
11. While Lao PDR has not yet ratified the ICPPED, as a signatory of the Convention, it is obliged to act in good faith and refrain from acts that would defeat its object and purpose.¹³ Even before the ICPPED's formal ratification, the signature of this Treaty represents an intention on the part of Lao PDR that all its agencies, including the General Police Department, will adhere to the ICPPED. As for the DPPED, although it is a declaratory instrument, and not a treaty, the General Assembly and the Human Rights Council have called on all UN member states, at minimum, to prevent and suppress the practice of enforced disappearances.¹⁴
12. Despite Lao PDR's commitment, during the 2010 UPR, to "concentrate its efforts on the effective and successful implementation of the ICCPR",¹⁵ as well as to "harmonize national legislation with the international obligations under the respective conventions",¹⁶ the ICJ notes that Lao PDR has failed to fully incorporate or amend its 2005 Penal Law and 2012 Criminal Procedure Code in accordance with the abovementioned obligations. The only offence under the Penal Law that touches upon elements contained in the definition of an enforced disappearance is that of unlawful arrest and detention, under article 99 of the Penal Law. Further, Lao PDR has also failed to make torture a specific offence under its domestic law or to introduce a definition that complies with article 1 of the CAT.
- (ii) *Duty to investigate*
13. As a State Party to the ICCPR and CAT, the Government of Lao PDR has the duty to conduct effective investigations in cases of human rights violations, including instances of torture and other ill-treatment, summary, arbitrary and extrajudicial executions, and arbitrary detention.¹⁷ This means that Lao PDR has a "general obligation to investigate allegations of violations promptly, thoroughly and effectively through independent and impartial bodies."¹⁸ To be more precise, both the ICPPED¹⁹ and the DPPED,²⁰ as well as the ICCPR and CAT, provide that States must conduct prompt and impartial investigations for all alleged cases of enforced disappearances,²¹ and that they should not take any measures to impede the investigation.²² The failure or undue delay of a State to investigate in a prompt, effective and impartial manner

amounts to the denial of a victim's right to obtain redress, including compensation and other forms of reparation.²³

14. In addition, the Committee against Torture has clarified that investigations should not be limited to persons whose direct conduct is at issue. Rather, "the responsibility of any superior officials, whether for direct instigation or encouragement of torture or ill-treatment or for consent or acquiescence therein, be fully investigated through competent, independent and impartial prosecutorial and judicial authorities".²⁴ Under the ICPPED, States must ensure that necessary measures are taken to hold superior officials criminally responsible.²⁵ No order from any public authority may be used to justify the offence of enforced disappearance.²⁶
 15. All investigations must continue for as long as the fate of the victim of the alleged enforced disappearance remains "unclarified".²⁷ In the event where ongoing investigations are insufficient, states should establish an independent commission of inquiry, consisting of impartial, competent and independent individuals, tasked to take over the investigations.²⁸ Investigations should result in a written report that is available for the public.²⁹
 16. Since Sombath Somphone's "disappearance", the police have spoken to Ng Shui Meng approximately three times. On each occasion, the interrogating officer merely asked about matters such as details of Sombath Somphone's education, his family background, the marriage and whether or not they have children. Nothing pertaining to the circumstances of the "disappearance" was discussed.
 17. As mentioned above, the progress of the investigation thus far has been slow, and Lao PDR has only issued three formal statements³⁰ and three police reports,³¹ none of which contained any substantial findings or leads related to the case.
 18. Further, Lao PDR has also publicly refused to accept the assistance of foreign experts to technically enhance the CCTV footage taken during the time Sombath Somphone "disappeared",³² despite the fact that it had earlier admitted that it did not possess the technical capacity to enhance the footage so that certain persons and vehicles visible in the footage may be properly identified.³³ Such a refusal arguably amounts to an impediment to the investigation, in contravention of its obligations under the ICCPR, the CAT and the standards of the ICPPED and DPPED.
- (iii) *Duty to prosecute and try perpetrators*
19. The duty to prosecute and try perpetrators in a competent, independent and impartial tribunal are crucial elements required for the criminalization and punishment of enforced disappearances, integral to both the ICCPR³⁴ and CAT³⁵.
 20. When suspects are identified, the Government should ensure that they are brought before competent civil authorities for the purpose of prosecution and trial before a competent, impartial and independent tribunal applying full fair trial guarantees.³⁶ These suspects should only be tried by competent ordinary courts and not by any other special tribunal, in particular military courts.³⁷ If found guilty, those responsible should be duly punished.³⁸
 21. The UN Guidelines on the Role of Prosecutors provide that "[p]rosecutors shall give due attention to the prosecution of crimes committed by public officials, particularly...grave violations of human rights and other crimes recognized by international law..."³⁹ The Istanbul Protocol has additionally specified that prosecutors should investigate and prosecute crimes involving torture committed by public officials.⁴⁰
 22. In fact, under article 5 of the Laotian Criminal Procedure Code, the public prosecutor has the power to open an investigation if he or she finds probable cause to do so.
 23. The ICJ is deeply concerned that, to date, no suspects have been identified and no formal investigation or criminal proceedings have been initiated by the prosecutor against any person allegedly responsible for the enforced disappearance of Sombath Somphone.

(iv) *Duty to keep family members of the victim informed*

24. Under article 24(1) of the ICPPED, Ng Shui-Meng, as the wife of a victim of an enforced disappearance, is herself a victim of an enforced disappearance. As such, according to article 18(1) of the ICPPED, she has a right to information, particularly relating to the identity of the authority or authorities responsible for ordering and supervising his deprivation of liberty or abduction and the whereabouts of Mr. Sombath Somphone.
25. In addition, pursuant to a number of international standards, particularly under the ICCPR⁴¹ and CAT,⁴² family members of a victim of enforced disappearance should also be entitled to regular updates on the progress of the investigation.⁴³ This right to be informed is also connected to the family's right to an effective remedy and reparation, as provided under article 2 of the ICCPR, articles 13 and 14 of the CAT, as well as articles 3, 12 and 24 of the ICPPED.⁴⁴
26. The ICJ has received credible information that Ng Shui Meng, on several occasions, has requested the police to provide her with copies of the investigation reports. All of her requests have thus far been refused. Moreover, the fact that Ng Shui Meng's application to the Office of the Supreme People's Prosecutor has been misplaced tends to suggest that Lao PDR has failed to carry out its international obligations, as set out above.

International Human Rights Instruments and Mechanisms

27. Lao PDR is a party to many of the core human right treaties. However, it has yet to become party to the first Optional Protocol to ICCPR, the second Optional Protocol to ICCPR, the third Optional Protocol to the Convention on the Rights of the Child (CRC), the Optional Protocol to International Covenant on Economic, Social and Cultural Rights (ICESCR), the Optional Protocol to CAT, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), Optional Protocol to the Convention on the Rights of Persons with Disabilities (CRPD) and the Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG).
28. Despite Lao PDR's commitment to "enhance the level of cooperation with treaty bodies and special procedures mandate holders" during its first UPR in 2010⁴⁵, Lao PDR has not adhered to periodic reporting deadlines to the treaty bodies, namely: the initial reports under CAT (due October 2013), ICCPR (due 25 March 2011), ICESCR (30 June 2009), and CRPD (due 25 October 2011); as well as the follow-up reports under the Convention on the Elimination of All Forms of Discrimination against Women (due 13 September 2014), the International Convention on the Elimination of All Forms of Racial Discrimination (24 March 2015), and the Convention on the Rights of the Child (due 6 December 2016).⁴⁶
29. In addition, Lao PDR has three pending requests for visits from three Special Procedures, namely the Special Rapporteur on summary executions (request made in 2006), the Special Rapporteur on adequate housing (request made in July 2009) and the Special Rapporteur on the rights to freedom of peaceful assembly and of association (requests made in 2011 and October 2013).⁴⁷

Recommendations

30. The ICJ therefore calls upon the Working Group and the Council to recommend the Government of Lao PDR to:
Concerning enforced disappearances
 - a) Implement the commitments made during the 2010 UPR, including by becoming a party to the ICPPED and incorporating all provisions of the various international human rights treaties to which Lao PDR is a party;

- b) Amend its Penal Law to provide for criminal liability for all acts of enforced disappearances and corresponding penalties accounting for the extreme seriousness of these acts;
- c) Amend both its Penal Law and Criminal Procedure Code to include a definition of torture in line with the CAT and to incorporate specific offences of torture and other ill-treatment;
- d) Amend domestic law to include specific provisions on effective remedy and reparation in line with ICCPR, CAT and ICPPED;
- e) Request foreign experts to assist in examining evidence, including the closed circuit television video taken on the evening Sombath Somphone "disappeared";
- f) Request the public prosecutor to open an investigation on the case, in accordance with international standards and article 5 of the Lao PDR Criminal Procedure Code. Should the public prosecutor be unable to do so, establish an independent and credible authority to undertake a prompt, thorough and impartial investigation, consistent with international standards, into the alleged enforced disappearance;
- g) Allow Ng Shui Meng to have access to files and findings of the investigation and other information to which she is entitled;
- h) If alleged perpetrators have been identified, promptly bring them before competent civil authorities for the purpose of prosecution and a fair trial under international standards; and
- i) Provide Ng Shui Meng with access to an effective remedy and reparation for the enforced disappearance of her husband and other serious human rights violations.

Concerning international human rights instruments and mechanisms

- j) Become party to: the ICRMW, the first Optional Protocol and second Optional Protocol to the ICCPR, the Optional Protocol to the ICESCR, the third Optional Protocol to the CRC, the Optional Protocol to CAT, the Optional Protocol to the CRPD, and the CPPCG;
- k) Accept the requests of the Special Rapporteur on summary executions, the Special Rapporteur on adequate housing and the Special Rapporteur on the rights to freedom of peaceful assembly and of association, and extend to them all reasonable cooperation and assistance to facilitate timely and effective country missions;
- l) Provide without delay periodic reports under CAT, ICCPR, ICESCR and CRPD.
- m) Present to the Council, as soon as possible after the adoption of the outcome document for the UPR of Lao PDR, a national plan of action for the implementation of accepted recommendations and voluntary pledges and commitments; and
- n) Present to the Council, two years after adoption of the outcome document, a mid-term progress report on the status of implementation of recommendations and voluntary pledges and commitments.

ENDNOTES

¹ Focus on the Global South, 'Where is Sombath Somphone', <http://focusweb.org/content/where-sombath-somphone> (Accessed 9 June 2014).

² International Commission of Jurists, *Legal Memorandum on the case of Sombath Somphone*, 14 December 2013, <http://icj.wpengine.netdna-cdn.com/wp-content/uploads/2013/12/Legal-Memorandum-annex-on-the-case-of-Sombath-Somphone.pdf>, paras. 1 and 5.

³ Ibid, paras. 8-12.

⁴ Ibid, para. 2.

⁵ Ibid, epilogue.

⁶ Human Rights Committee, General Comment 31, Nature of the general legal obligation imposed on State parties to the Covenant, UN Doc. CCPR/C/21/Rev.17/Add.13, 26 May 2004, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G04/419/56/PDF/G0441956.pdf?OpenElement>, para. 18.

⁷ Articles 4-7 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). See also Committee against Torture, General Comment 2, Implementation of article 2 by States parties, UN Doc CAT/C/GC/2, 24 January 2008, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fGC%2f2&Lang=en, para. 6.

⁸ Articles 4 and 7 of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) and Article 4.1 of the Declaration on the Protection of All Persons from Enforced Disappearance (DPPED).

⁹ Ibid; see also the Report of the Working Group on Enforced or Involuntary Disappearances, UN Doc. E/CN.4/1996/38, 15 January 1996, <http://documents-dds-ny.un.org/doc/UNDOC/GEN/G96/102/18/pdf/G9610218.pdf?OpenElement>, para. 54.

¹⁰ Ibid.

¹¹ Working Group on Enforced or Involuntary Disappearances, *General Comment on Enforced Disappearance as a Continuous Crime*, <http://www.ohchr.org/Documents/Issues/Disappearances/GC-EDCC.pdf>, in particular, paras. 2, 6 and 7.

¹² Ibid para. 5.

¹³ Article 18 of the Vienna Convention on the Law of Treaties.

¹⁴ UN OHCHR, Fact Sheet No. 6/Rev.3: Enforced or Involuntary Disappearances, <http://www.ohchr.org/Documents/Publications/FactSheet6Rev3.pdf>, page 6.

¹⁴ Human Rights Committee, General Comment 31, Nature of the general legal obligation imposed on State parties to the Covenant, UN Doc. CCPR/C/21/Rev.17/Add.13, 26 May 2004, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G04/419/56/PDF/G0441956.pdf?OpenElement>, para. 18.

¹⁵ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Lao People's Democratic Republic*, UN Doc. A/HRC/15/5/Add.1, para. 17.

¹⁶ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Lao People's Democratic Republic*, UN Doc. A/HRC/15/5, para. 96.5.

¹⁷ Article 2 of the ICCPR and Article 12 and 13 of the CAT. See also Human Rights Committee, General Comment No.20, 'Prohibition of torture, or other cruel, inhuman or degrading treatment or punishment', UN Doc HRI/GEN/1/Rev.9 (Vol.1), 1992, [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/6924291970754969c12563ed004c8ae5?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/6924291970754969c12563ed004c8ae5?OpenDocument), para. 14; Human Rights Committee, General Comment 31, Nature of the general legal obligation imposed on State parties to the Covenant, 2004, UN Doc. CCPR/C/21/Rev.17/Add.13, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G04/419/56/PDF/G0441956.pdf?OpenElement>, 26 May 2004, paras. 15 and 18; Committee Against Torture, General Comment No. 2, Implementation of article 2 by States parties, UN Doc CAT/C/GC/2, 24 January 2008, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fGC%2f2&Lang=en, paras. 9 and 26; Committee against Torture, General Comment No. 3, UN Doc CAT/C/GC/3, 13 December 2012, Implementation of article 14 by States parties, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fGC%2f3&Lang=en, para. 46(i).

¹⁸ Human Rights Committee, General Comment 31, Nature of the general legal obligation imposed on State parties to the Covenant, 2004, UN Doc. CCPR/C/21/Rev.17/Add.13, 26 May 2004, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G04/419/56/PDF/G0441956.pdf?OpenElement>, para. 15. See also articles 12 and 13 of CAT.

¹⁹ Article 12 of the ICPPED.

²⁰ Article 13 of the DPPED.

²¹ Ibid Article 13 (1). See also Principle 19 of UN Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity, UN Doc E/CN.4/2005/102/Add.1, 8 February 2005, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G05/109/00/PDF/G0510900.pdf?OpenElement>.

²² Article 13 of the DPPED.

²³ Committee Against Torture, General Comment No. 3, UN Doc CAT/C/GC/3, 13 December 2012, Implementation of article 14 by States parties, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fGC%2f3&Lang=en, para 17 and 25.

²⁴ Committee against Torture, General Comment No. 2, Implementation of article 2 by States parties, UN Doc CAT/C/GC/2, 24 January 2008,

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fGC%2f2&Lang=en, para. 26.

²⁵ Article 6 (1)(b) of the ICPPED.

²⁶ Ibid Article 6 (2).

²⁷ Article 13, para. 6 of the DPPED.

²⁸ Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, UN Doc. Resolution 1989/65, 24 May 1989, <http://www.unrol.org/files/PRINCI~2.PDF>, para. 11. See also para. 75 of the Istanbul Protocol.

²⁹ Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, UN Doc. Resolution 1989/65, 24 May 1989, <http://www.unrol.org/files/PRINCI~2.PDF>, para. 17.

³⁰ See Elise Mala, Vee Intarakratug, and Matthew Pennington, "Laos gov't denies kidnapping missing activist", in *Boston.com*, 20 December 2012. <http://www.boston.com/news/world/asia/2012/12/20/laos-gov-denies-kidnapping-missing-activist/oTxriVsPhhPMqd4J3WvFCK/story.html> (Accessed 9 May 2014); Rachel Vandenberg, "Laos clarifies activist case to UN", in *Radio Free Asia*, 4 January 2013, <http://www.rfa.org/english/news/laos/sombath-somphone-01042013170238.html> (Accessed 9 May 2014); and "Laos gov't response to ASEAN delegation", in *Vientiane Times*, 17 January 2013, <http://sombath.org/2013/01/17/lao-govt-response-to-asean-delegation> (Accessed 9 May 2014).

³¹ See "Police report on the disappearance of Mr Sombath Somphone", in *Vientiane Times*, 4 February 2013, <http://sombath.org/2013/02/04/police-report-on-the-disappearance-of-mr-sombath-somphone/#more-895> (Accessed 9 May 2014); "Police report on Sombath Somphone's disappearance", in *Lao Times*, 2 March 2013, <http://www.laotimes.com/content/police-report-sombath-somphone-s-disappearance> (Accessed 9 May 2014); and "Sombath Somphone: Investigation progress report no.3", in *Vientiane Times*, 8 June 2013, http://www.vientianetimes.org.la/FreeContent/FreeContent_Sombath.htm (Accessed 9 May 2014).

³² Jonah Fisher, "Fears grow for abducted Laos campaigner Sombath", in *BBC News*, 30 April 2013, <http://www.bbc.co.uk/news/world-asia-22338101> (Accessed 17 August 2013).

³³ Nirmal Ghosh, "Lao gov't 'lacks will' to find missing activist", in *Asia News Network*, 17 January 2013, <http://www.asianewsnet.net/Lao-govt-lacks-will-to-find-missing-activist-41548.html> (Accessed 9 May 2014).

³⁴ Article 2 of the ICCPR and Human Rights Committee, General Comment 31, Nature of the general legal obligation imposed on State parties to the Covenant, 2004, UN Doc. CCPR/C/21/Rev.17/Add.13, 26 May 2004, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G04/419/56/PDF/G0441956.pdf?OpenElement>, para. 18.

³⁵ Articles 4, 5, 6 and 7 of the CAT and Committee against Torture, General Comment No. 2, Implementation of article 2 by States parties, UN Doc CAT/C/GC/2, 24 January 2008, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fGC%2f2&Lang=en, para. 6.

³⁶ Article 14 of the DPPED. See also Article 7 of CAT; Principle 4 of the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of International Human Rights Law and Serious Violations of International Humanitarian Law, UN Doc A/RES/60/147, 21 March 2006, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx>; Committee Against Torture, General Comment No. 3, Implementation of article 14 by States parties, UN Doc CAT/C/GC/3, 13 December 2012, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fGC%2f3&Lang=en, para. 22.

³⁷ Article 11(3) of the ICPPED and Article 16(2) of the DPPED.

³⁸ Principle 19 of UN Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity, UN Doc E/CN.4/2005/102/Add.1, 8 February 2005, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G05/109/00/PDF/G0510900.pdf?OpenElement>.

³⁹ Guideline 15 of the UN Guidelines of the Role of Prosecutors, U.N. Doc. A/CONF.144/28/Rev.1, 1990, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/RoleOfProsecutors.aspx>.

⁴⁰ Para 49 of the Istanbul Protocol.

⁴¹ Human Rights Committee, General Comment No.20, Prohibition of torture, or other cruel, inhuman or degrading treatment or punishment, UN Doc. HRI/GEN/1/Rev.9(Vol.1), 10 March 1992, http://ccprcentre.org/doc/ICCPR/General%20Comments/HRI.GEN.1.Rev.9%28Vol.I%29%28GC20%29_en.pdf, para. 11

⁴² Committee on Torture, General Comment No.3, Implementation of article 14 by States parties, UN Doc. CAT/C/GC/3, 9 November 2012,

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fGC%2f3&Lang=en, para. 30.

⁴³ See also Body of Principles for the Protection of All Persons Deprived of their Liberty; article 11(c) of the Basic Principles on the Right to a Remedy and Reparation for Victims of Gross Violations of Human Rights Law and Serious Violations of International Humanitarian Law; articles 18(1) and 24 of the ICPPED; UN Working Group on Enforced or Involuntary Disappearances, General Comment on the Right to the Truth in Relation to Enforced Disappearances, para. 1.

⁴⁴ See also Human Rights Committee, General Comment 31, 'Nature of the general legal obligation imposed on State parties to the Covenant', UN Doc. CCPR/C/21/Rev.17/Add.13, para. 15; Human Rights Committee, *Sharma v. Nepal*, Communication No. 1469/2006 (2008), UN Doc. CCPR/C/94/D/1469/2006, para. 9; Committee Against Torture, General Comment No. 3, Implementation of article 14 by States parties, UN Doc CAT/C/GC/3, paras. 17 and 25.

⁴⁵ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Lao People's Democratic Republic*, UN Doc. A/HRC/15/5, para. 96.8.

⁴⁶ OHCHR, 'Reporting status for Lao People's Democratic Republic', http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx?CountryCode=LAO&Lang=EN (Accessed 7 May 2014).

⁴⁷ OHCHR, 'Country and other visits by Special Procedures Mandate Holders since 1998 F-M', <http://www.ohchr.org/EN/HRBodies/SP/Pages/CountryvisitsF-M.aspx> (Accessed 7 May 2014).