

Laos

Foreign Nationals and the Death Penalty

Death Penalty Overview

No executions have been carried out in Laos since 1989 (the same year in which the neighbouring state of Cambodia abolished the death penalty entirely), making it de facto abolitionist. Despite this, and whilst up-to-date information on the death penalty in Laos is hard to obtain (FIDH 2016), Amnesty International estimated there to be at least 315 individuals on death row in 2018, with courts continuing to impose the death penalty. After a hiatus in 2021, Laos sentenced five individuals to death in 2022 (Amnesty International 2022).

SOME STATISTICS:

(Amnesty International 2022)

	Executions	Death Sentences	Known number on death row
2018	0	0	315
2019	0	0	+
2020	0	9	+
2021	0	0	+
2022	0	5	+

'+' indicates that the figure that Amnesty International has calculated is a minimum.

Where '+' is not preceded by a number, this means that Amnesty International is confident that there was more than one execution, but it was impossible to establish a figure

The official method of execution is by firing squad, with a range of offences punishable by death, including but not limited to: premeditated murder; terrorism-related offences; robbery; drug trafficking; drug possession; treason and spying.

The death penalty is primarily implemented for drug-related offences and was introduced in the early 2000s. In 2020, eight of the nine individuals sentenced to death were for drug offences.

Whilst the Laotian authorities have not executed any individuals for over three decades, there has been very little progress towards official abolition of the death penalty. Laos have repeatedly announced their intention to amend the Criminal Code to limit capital punishment to the 'most serious crimes' - in accordance with international standards - yet continue to hand down death sentences for drug-crimes, which do not meet this threshold of 'most serious crimes'. Furthermore, it continues to resist supporting the UNGA vote for a moratorium on executions, most recently abstaining from the vote in 2022.

Foreign Nationals

The International Federation for Human Rights (FIDH) released a report in 2016 in which they noted the inconsistency with which death sentences are applied for the same crimes, claiming there to be a 'distinct disparity in the severity of punishment imposed on foreigners as compared to Laotians' (FIDH 2016). One interviewee, a human rights defender from Laotian NGO *MLDH*, commented on how Lao citizens charged with drug crimes often don't have access to a lawyer, unless they come from a wealthy family. Where these cases concern European nationals, however, they are often able to avoid death sentences. The most recent case involving a foreign national sentenced to death in Laos was that of Samantha Orobator, which received huge media attention in 2009.

Laos' position within the opium-cultivating 'Golden Triangle', estimated to produce one-quarter of the world's heroin (Mayberry 2015) means that many foreign nationals get caught up in the illegal drugs trade in the region. In the last decade the region has also taken on a major role in the world's methamphetamine production. The area's harsh drug laws mean many unwitting drug mules may face the death penalty.

Case Study 2008 - Samantha Orobator



British citizen Samantha Orobator was just 19 when she was caught with 680g of heroin at Wattay airport in Vientiane, Laos' capital, in August 2008 and sentenced to death. Her sentence was reduced to one of life imprisonment after she became pregnant in Phantong prison in January 2009. Laotian law prohibits the execution of pregnant convicts. Accounts of how she became pregnant vary, but the Vientiane Times quoted Orobator as telling authorities that she secretly obtained sperm from fellow prisoner and British drug smuggler John Watson, in order to impregnate herself to avoid the death penalty. In July 2009, Orobator was then transferred to a British prison after negotiations between Laos and Britain, and the signing of the Treaty on the Transfer of Sentenced Persons in May 2009, allowing prisoners to be extradited to serve their time in prisons on home soil, on the condition that the sentence is enforced in the home country (NBS News 2009).

Whilst the details of Orobator's pregnancy are unclear, and the circumstances of this particular case seem extraordinary, they do indicate the differential nature with which foreign nationals can be treated under Laotian law. It should be noted, however, that

other foreign nationals with fewer financial resources, and from states with less influence on the international stage may not receive the same preferential treatment.



Phontong Prison - known as the 'Foreigners Prison' - in Vientiane, used to house non-Laotian prisoners

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