



LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

The Lao President

No. 236/LP
Vientiane Capital, dated: 01\08\2012

**DECREE of the
PRESIDENT**

LAO PEOPLE'S DEMOCRATIC REPUBLIC

On the Promulgation of the Amended Law on Criminal Procedure

Pursuant to Chapter 6, Article 67, and Clause 1 of the Constitution of the Lao People's Democratic Republic;

Pursuant to Resolution of the National Assembly, No. 079\NA, dated 10 July 2012;

Pursuant to Proposal of the National Assembly Standing Committee, No. 07/NASC, dated 23 July 2012.

**The President of the Lao People's Democratic Republic Decrees
That:**

Article 1. The Amended Law on the Criminal Procedure is hereby promulgated.

Article 2. This decree shall enter into force on the date it is signed.

The President of the Lao People's
Democratic Republic



LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

National Assembly

No. 079/NA

Resolution of the National Assembly

LAO PEOPLE'S DEMOCRATIC REPUBLIC

On the Promulgation of the Amended Law on Criminal Procedure

Pursuant to article 53, clause 2 of the Lao Constitution, and article 3 clause 1 of the National Assembly, Lao People's Democratic Republic regarding the rights and duties of the National Assembly;

After passing the third formal meeting of the National Assembly, the 7th meetings has thoroughly considered the content of the amended law on the criminal procedure at the late afternoon on 10 July 2012

The meeting has resolved:

Article 1. To legislate consistently the amended law on the criminal procedure

Article 2. This resolution shall be entered into force on the date it is signed.

Vientiane capital, dated: 10 July 2012
The President of the National Assembly

Law On the Criminal Procedure (Amended Version)

Part I

General Provisions

Article 1(modified). Purposes

The Law on Criminal Procedure defines principles, regulations, and measures on criminal procedure which aims to deal with criminal cases correctly and fairly, to stop and eradicate crimes, to protect the legitimate rights and interests of citizens, to ensure social security and public order, and to create circumstances for the multi-ethnic people to participate in the protection and development of the nation.

Article 2 (modified). Criminal Proceedings

Criminal case refers to the dangerous actions, or ignorance, affecting to the Lao political regime, economics or society, state ownership, common interests belonging to public and private, life, health, dignity, rights, freedom, peace, and the social order prescribing in the Penal Code and other Lao laws which deliver criminal penalties.

Criminal proceedings refer to the process whereby investigators, public prosecutors, the people's courts and other parties participating in the criminal process in order to search out wrongful acts urgently, completely, and thoroughly in order to take offenders to proceedings, to ensure the correct application of the laws, justice, to not allow offenders to escape from punishment, and to avoid punishing those who are innocent.

Article 3 (new). Key Terms

All key terms using in this law will refer to the meanings:

1. The Office of the Public Prosecutor shall refer to the organizations of the public and military public prosecutors;
2. Court refers to public and military courts;
3. Thoroughly refers to the proceedings which aim to search for evidence, binding action, and resolve binding action;
4. Completely refers to the proceeding in searching for additional evidence and causes in order to diminish or rise more legal responsibilities besides having four components of offenses;
5. Objectiveness refers to the proceeding standing on the rule of law, justice, and evidence must be from the facts which are not made up;
6. Citizen refers to Lao people, stateless persons, aliens, and foreigners;

7. Temporary custody refers to a place where to keep the accused persons inside the compound within limited time prescribed in the law;
8. Detention area refers to the place where the accused persons are detained inside the area in the same time of case proceeding;
9. Rehabilitation center refers to the place where criminals of the minor cases are re-educated and re-instructed on various regulations;
10. Prison refers to the place where convicted persons are imprisoned;
11. The accused persons refer to people who are suspicious in committing crimes and is awaiting for further proceeding;
12. Alleged offenders refer to persons who are brought for case proceeding after having the order to open an investigation;
13. Defendants refer to persons who are prosecuted;
14. Offenders refer to persons who are convicted by the court;
15. Prisoners refer to persons who are imprisoned and are convicted by the court;
16. Intensive evidence refers to binding and thorough evidence indicating to the alleged offenses;
17. Binding evidence refers to the confirmation of committing the offenses;
18. Evidence for proving innocent refers to the evidence indicating that the accused persons did not commit crimes;
19. Examination refers to inspection, collection, and gathering information and trace of the offenses;
20. Testing of evidence refers to using technique, science, method, art, and other methods to find out truth and wrongfulness of targets;
21. Resolution of the court refers to orders, decision, rules, and arbitration;
22. Order of the court refers to a resolution regarding the procedure including the order of confiscation or sequestration, recording the case, arresting, and others;
23. Adjudication of the court refers to a court's decision indicating the use of the court's power, court hearing, decision to dismiss the case, delivering the death penalty, and others;
24. Court's decision refers to the judgment at the first instance;
25. Verdict refers to the judgment at the court of appeal and cessation;
26. Final judgment refers to the decision, and adjudication which parties of the case do not make any request for appeal, rejection, or the public Prosecutor does not have any objection to the case;
27. The resolution of the Public Prosecutor refers to the objection, consensus, agreement not to make an appeal, and dismissal the case;
28. Appeal refers to the request made by the Office of the Public Prosecutor, or parties of the case when they believe that the court's decision is not appropriate at the first instance;
29. Making a request for dismissal refers to the request made by parties, or the Office of the Public Prosecutor has the objection with the judgment at the court of appeal and asking for renouncing or objection;
30. Behavior refers to an action or ignorance;
31. Argument refers to an attempt to prove of being innocent when falling into an accused person;

32. Debate refers to a clarification on charges or submission of evidence in the court hearing;
33. Minor offence is an offence punished by law, public criticism, or fine;
34. Major offence is an offence punished by law, by re-education without deprivation of liberty, and imprisonment from 3 months up to 10 years, and fines;
35. Crime is an offence punished by law, and imprisonment from 5 years up to the sentence to death.

Article 4 (new). Policy on Criminal Proceedings

The government creates facilities to the criminal proceedings by issuing policies, laws, regulations, allocating budget, providing relevant personnel, delivering vehicles, equipment, technique, constructing the infrastructure which aims to facilitate the case proceedings to be faster, transparent, fair, and guaranteeing justice in the nation.

The government has paid concentration on propaganda, training legislations to the public in order to be aware and knowledgeable, understand, obey and follow the rules of laws, and contribute to stop and prevent the crimes.

Article 5 (modified). Necessity for Criminal Proceedings

If any investigator or public prosecutor finds traces of any offences, those concerned authorities have to open an investigation within the scope of this jurisdiction prescribed in article 86 in using investigative and coercive measures to search out offences and offenders and then prosecute such offenders in court for punishment to be decided according to the laws.

Article 6 (modified). Causes Leading to the Dismissal of Criminal Cases

Causes which will lead not to open an investigation or cessation of criminal proceedings are as follows:

1. Non-existence of the criminal incident;
2. Lack of components of the offence;
3. Expiration of the limitation period for commencing criminal prosecution;
4. Pardon is granted;
4. There is a mediation agreement between the injured party and the accused person, and in a case where the wrongful act does not endanger society as provided in the Penal Law;
5. The injured party has not lodged a complaint or withdraws his complaint;

6. The minor case which causes small damage and the cost is less than the number prescribed in Penal Law;
7. Death happens to the defendant, except the death that occurs during the proceeding;
9. There is an order to dismiss the case, or there is a final court's decision regarding the same case.

A child who is under fifteen years of age who commits a wrongful act that endangers to society will be prosecuted by principles in the Law on Promote and Protect the Rights and Interest of Children, Penal Law, and other relevant legislations.

Article 7 (new). Protection Measures

All criminal proceedings, organizations and concerned authorities will be protected by laws from possible action of revenges, coercion to life, health, freedom, dignity, and properties belonging to family, individual, and the public.

For an act of individual or organization which bring harm to organizations or criminal proceeding authorities by suing coercion, oppression, defamation, and libel, shall be punished by laws.

All citizens will be protected of life, health, dignity, or property in the time of conducting a case proceeding.

All behavior of organization and concerned authority regarding the use of force, torture, oppression, and coercion, which bring about harm to society, will be punished by laws.

Article 8 (new). The Scope of the Criminal Procedure Law

This law will be applied only to investigating organizations, public prosecutor, courts, and people who are participating in the criminal proceeding prescribed in article 63 of this law.

Article 9 (new). Cooperation with International

The government shall support all cooperation with international inside and outside the region regarding the criminal proceeding, cooperation, exchanging of experience, information, technology, upgrading knowledge and experience to personnel belonging to organizations of criminal proceeding and not against to the international treaties that the Lao PDR has ratified.

Part II

General Principles of Criminal Proceedings

Article 10 (new). General Principles of Criminal Proceeding

The criminal proceeding has to follow:

- Legislations;
- No violation of rights and freedom of citizens;
- Equality of citizens before laws and courts;
- Guarantee fairness in proceeding the case;
- Assumption of innocent;
- Considering compensation of the case;
- Duties in proceeding;
- Conduction of collective proceeding;
- Independence of lawyers;
- Language used in proceeding;
- Proceeding should be opened to the public;
- Request to withdraw and reject
- Not allowed to proceed the same case
- Proceeding should be transparent, thorough, and objective
- Guarantee of rights to make complaint
- Cooperation

Article 11 (new). Legislation

Organizations, authorities, and parties, who have the rights and duties in criminal proceeding have to obey, and follow the rules of laws together with the decision made by the court comprehensively.

Article 12 (modified). Prohibition to Violate Citizens' Rights and Freedoms

Not allow to detain any persons without any order from investigating organizations or the public prosecutor.

It is prohibited to arrest, detain or conduct any building search without an order from the public prosecutor or from the people's court, except in the case of an on-the-spot arrest or in the case of emergency.

In the case when an arrest or detention contradicts the laws, or is a detention deprivation of liberty beyond the period provided for in the laws or in a court decision, the public prosecutor shall issue an order to release the arrested or jailed person immediately.

Not allow to use of force, coercion, beating, or torture to the accused persons, suspects, and defendants at the time of case proceeding.

Any individual who has arrested, detained or conducted any building search or physical search in contravention of the laws shall be subjected to criminal proceedings and shall be criminally liable and paid compensation.

Article 13 (modified). Equality of Citizens before the Laws and the Court

Criminal proceedings must be conducted on the basis that all citizens are equal before the laws and courts without any discrimination on the basis of gender, race, ethnicity, socio-economic status, language, educational level, occupation, beliefs, place of residence, and others.

The people's courts, the Office of the Public Prosecutor, and investigating organizations, shall create circumstances for citizens, especially accused persons, defendants, and civil plaintiffs, to exercise their rights to ensure that criminal proceedings are conducted correctly and objectively.

Article 14 (Modifies). Guarantee of Right to Defend of Accused Person

An accused person has the right to defend himself individually. The accused person may defend himself or have a lawyer to provide him legal assistance.

The people's courts, public prosecutors, interrogators and investigators shall guarantee the right of defense in the proceedings to an accused person in order to protect his legitimate rights and interests.

The offender, accused person, or defendant shall have the right to present evidence in order to defend himself, but shall not be forced to bring evidence to prove his innocence.

Article 15 (modified). Presumption of Innocence

In criminal proceedings, as long as the accused person or defendant which has not yet been convicted as a wrong-doer, he\she shall be regarded as innocent and shall be treated properly.

Article 16 (new). Compensation in Criminal Case

The compensation should be considered at the same time of criminal proceedings.

In case that the court cannot assess the amount of compensation, such as in the case of accident, and others, in which the injured person is still being treated in the hospital, the court shall still keep continuing the criminal procedure, and the shall transfer the consideration of compensation to civil procedure further.

In case that the defendant has died during the ongoing proceeding, the case still be proceeded until it shall receive a judgment pursuant to the laws.

Article 17 (modified). The Court's Jurisdiction to Adjudicate Cases

Only the people's courts shall have the jurisdiction to adjudicate a criminal case, no individual shall be deemed as an offender or be punished criminally without a court decision.

Article 18. Collective Consideration of Case

Judicial tribunals of the People's Supreme Court, the appellate people's courts, the people's provincial or city courts, the people's district or municipal courts, supreme military court, and military court at local level, shall consist of three judges, one of them taking on the role of presiding judge, and the other two as members.

Only judges who are officially qualified in accordance with the laws may be assigned to judicial tribunals.

The decision of each tribunal must be reached by a majority vote.

Article 19. Independence of Judges

In considering and deciding a case, judges shall be independent and comply with the laws only.

Article 20. Language Used in Proceedings

Court proceedings must be in the Lao language. Persons who participate in the proceedings and do not know the Lao language shall have the right to use their own language or other languages through translation.

Article 21 (modified). Trial in Open Court Hearing

All trials in the court hearing shall be conducted openly, except for some cases that are relevant to secrets of the state or society, offences in family matters, or some offences that concern the spousal relationship or customs and traditions of the nation, children and injuries, shall be conducted in closed-door hearing.

In all cases, the court's decision must be read out openly.

Article 22 (modified). Recusal and Challenge

If a judge, public prosecutor, court clerk, interrogator, investigator, expert, or translator is a relative of, or has any interest in or conflict with, any party to the case, he shall recuse himself from the proceedings.

If such person does not voluntarily recuse himself, either party has the right to challenge such person and require that person to recuse from the proceedings.

Article 23. Prohibition from Considering the Same Case Twice

A judge who is involved in the consideration of a criminal case once shall not be allowed to participate in the consideration of the same case a second time at any level of the people's courts, except as otherwise provided by the laws.

Article 24. Comprehensive, Thorough, and Objective Proceedings

The people's courts, public prosecutors, interrogators, and investigators must apply measures provided by the laws to ensure that the

proceedings are comprehensive, thorough, and objective, with the aims of finding evidence to prove the guilt or to confirm the innocence of the accused person or defendant and of examining reasons to reduce or increase criminal liability.

In taking of testimony from the accused person or defendant, or from individuals who participate in the proceedings, it is prohibited to use violence, force, threats, beating, or other unlawful measures.

Article 25. Guarantee of the Right of Citizens to Bring up Petitions or Complaint

Individuals or organizations shall have the right to bring up a petition or complaint regarding the performance of duties of the investigation organizations, the Office of the Public Prosecutor, the people's courts, or any person in such organizations who has contravened the laws. The petition should be submitted to the organizations above or to their own organization where they belong.

The organization that has received such petition or complaint shall examine and consider such document in a timely manner within 30 days, and shall report the results of the examination in writing to the organization or individual who sent the petition or complaint, and find out an appropriate method to deal with their problem.

Organizations that have committed offences shall restore the dignity of, and shall compensate for the benefits lost by, the injured party. Any civil servant or individual who violates the laws shall be subject to disciplinary measures or legal proceedings depending on the severity of the offence.

Article 26 (new). Collaboration

Criminal proceeding organizations shall collaborate and cooperate with state organizations, Lao National Construction Committee, social organizations, civil society, and entities that work for the protection of villages, and families in preventing and stopping criminals.

All those relevant organizations mentioned above shall work closely with criminal proceeding organizations regarding the measures to prevent and stop the situations which can stimulate the causes of criminal offenses within their own responsible areas.

Part III

Evidence in Criminal Proceedings

Chapter 1

Evidence

Article 27 (modified). Evidence

Evidence in a criminal case is the factual information collecting from each proceeding in which the investigation organizations, public prosecutor, and the courts shall use it as the basis for considering the case, and for adjudicating whether the accused persons are quilt or innocent or endanger to the society. The behavior of a person shall be an important evidence to consider the case correctly and justly.

Article 28. Types of Evidence

Evidence in criminal proceedings consists of:

- Physical evidence;
- Documentary evidence;
- Evidence from persons.

The evidence mentioned above includes evidence to prove guilt confirming that the accused person or defendant has committed the offence, and evidence to prove innocence that confirms that the accused person or defendant is innocent.

In criminal proceedings, concerned persons shall seek both evidence to prove guilt and evidence to prove innocence.

Chapter 2 Physical Evidence

Article 29 (new). Physical Evidence

Physical evidence is derived from material items relating to the offence, such as guns, knives, fingerprints, bloodstains, and other materials.

Article 30 (new). Gathering and Keeping Physical Evidence

Gathering of physical evidence should be immediately made at the time of discovering; collecting evidence must be thorough, recorded of the circumstances, and protecting the evidence as of the prescription in laws. In case that the evidence cannot be gathered materially, taking photo shall be recommended for collecting as electronic evidence.

Physical evidence should be protected by wrapping up, or kept in the bag.

Physical evidence should be protected from damaging, lost, changing, breaking, and mixing up with others.

Protection of physical evidence should follow:

1. Physical evidence should be wrapped up and kept in the bag immediately after completing gathering process. All items should be recorded documentarily in detail and kept in the case file;
2. Physical evidence which is money, bank note, gold, silver, diamond, and other valuable items should be deposited with the bank under the rules of laws;
3. Chemical or addictive items must be identified before being kept;
4. Guns, exploded substance, inflaming substance, and other dangerous substances, must be delivered to concerned organizations for properly maintaining;
5. Physical evidence which is about bloodstain, hair, fingerprint, footprint, bullet, and others, must be kept properly as prescribed by laws;

In case that all physical evidence mentioned above has been lost, changed, and damaged, without any reasonable explanation, authorities concerned must be legally responsible under the penal law.

Article 31 (new). The Resolution of Physical Evidence

Criminal proceeding organization has the rights and duties to deal with the evidence including:

1. All objects used or will be used into the productive process or any products which are prohibited to possess by laws, or use, will be seized and repossessed to the government;
2. Public belongings must be returned back to the government after gathering from physical evidence from the offenses;
3. Physical evidence which cannot be identified of the true owner will automatically be transferred to the government;
4. Substance which is fragile to be derogated and spoiled must be placed on auction, and then shall be brought to the court for further proceeding;
5. All priceless and useless items shall be destroyed after having been gone through case proceeding;

For all disputes of criminal physical evidence should be resolved by laws

Chapter 3 Documentary Evidence

Article 32. Documentary Evidence

Documentary evidence is derived from letters, reports of the investigation, reports of the activities of the people's courts, account, drawings, sketches, photographs, and other documents relating to the offence.

Article 33 (new). Reports from Proceeding Authorities

The reports from proceeding authorities include the order of arrest, examination, confiscation or sequestration, inspection at the incident, verification of evidence, investigation, confirmation and testing of information, the activities of the people's courts, and other reports including letters, accounts, drawings, sketches, photographs, and other documents relating to the criminal offence.

Chapter 4 Evidence from Persons

Article 34 (new). Evidence from Persons

Evidence from persons is derived from the testimony of suspects, accused persons, or defendants, the testimony of witnesses or injured parties, the identification and confirmation of the offender, and opinions of experts relating to the offence.

Article 35 (new). The Testimony of Suspects

The testimony can be an oral information or written document in answering to the investigation of the criminal proceeding authorities, prescribed in article 53, point 1 and 2 in this law.

Before opening the investigation process, concerned authorities have to introduce their role and duties to the suspects pursuant to article 64 of this law.

Article 36 (new). The Testimony of Accused Persons or Defendants

The testimony of an accused person or defendant is the process in proving information to criminal investigators as written in article 52 of this law.

Even though the accused person or defendant has confessed to their offense, such confession shall be officially used as evidence only if there is some other binding evidence has been discovered respectively.

All confession from the accused person or defendant will be rejected if there is some involvement of deception, force, threatening, beating, or other action, which are prohibited by laws.

In case that the accused person or defendant is not willing to cooperate and provide any information, the investigators shall have to do the report about the issue.

Article 37 (new). The Testimony of the Injured Party

The testimony of the injured party refers to the information received telling about the loss responding to the criminal investigators under article 52 of this law and it is relevant to an investigation process, and investigation at the court hearing.

The victims might be asked about the concerned circumstance which means a lot to the investigation including the relationship between the injured party and the accused person or defendant.

Article 38 (new). The Testimony of Civil Plaintiff, Civil Accountable Person

The testimony of civil plaintiff, civil accountable person, refers to the

provision of information on the loss and compensation to the criminal investigators under article 53 in this law, in which the testimony has touched upon the proceeding of investigation, or consideration in the court hearing.

Article 39 (new). Testimony of Witness

Testimony of witness refers to the provision of information acknowledged, seen, heard, or listened from other people, to the criminal investigators under article 52 of this law which prescribes the proceeding of investigation, or consideration in the court hearing.

The witness might be asked about the concerned situation, or the incident, which he\she has known, seen, heard, including the relationship with the accused persons, suspects, defendants, victims, civil plaintiffs, civil accountable persons, and other witnesses.

Article 40 (new) The Conclusion of Professionals or Experts

After finishing identification process, professionals or experts must do the conclusion documentarily and responsibly on the issues.

In case that the identification has been done by collective professionals or experts, the report has to be given signatures from all involved persons.

In case that some professionals or experts have different thoughts about the findings, those professionals or experts can also insert their opinion into the conclusion as well.

In case that the investigating organizations, public prosecutor, or courts, lack of confidence on their identification, the comments should be provided into the report. In case of the existing results of identification in the report is not perfectly clear, or not completed, the new investigation will be resumed once again, or appointed additional professionals or experts, or to recruit new team for resumption the investigation.

Chapter 5

Gathering Evidence

Article 41 (new). Searching for Facts

In the time of investigation, the order of petition and adjudication, the criminal proceeding organization must provide the facts as follow:

1. The incident of the case (behavior, date, day, time, place, vehicles, tools, method, and others);
2. The offence of the accused person or defendant (intentionality, or carelessness) and reasons for the execution;
3. Conducts and level of the danger of the case which include behavior of the accused persons or defendants;
4. Conducts and level of the loss resulting from the offense;
5. The conditions to be discharged from all criminal responsibilities or taking liabilities;
6. The conditions to minimize or increase the criminal liabilities.

Article 42 (new). Impractical Evidence

Receiving information by breaching this law shall not be taken as criminal evidence. Impractical evidence shall not be bound by law and cannot be used into the criminal proceeding.

Article 43 (new). Gathering Evidence

The investigation organization shall have the rights and duties as follow:

1. Taking testimony from the suspects, the accused persons, defendants, civil claimants, civil responsibility takers, and witnesses;
2. Inspection at the incident, examining houses, vehicles, and individuals, retesting findings, sequestration or confiscation;
3. Call for all persons who have learned about the incident to give testimony, take part in face to face investigation, point out and confirm the offenders;
4. Appoint professionals or experts to give opinion;
5. Demand documents, or objects of criminal evidence from persons, or organizations;

6. Identification of evidence

7. To exercise such other rights and perform such other duties as provided by the laws.

Individuals and organizations concerned must obey the warrant, invitation, demand, or appointment of criminal proceeding organization.

Individuals and organizations can gather criminal evidence and then must handover them to the concerned authorities.

Article 44 (modified). Examination and Evaluation of Evidence

Existing evidence must be examined and evaluate the correctness based on a comprehensiveness, truth, and relationship in the case which can be used for further proceeding.

The criminal proceeding organizations must examine and evaluate the evidence comprehensively based on thorough and objective consideration with confidence.

In the examination and evaluation of evidence, if the evidence indicates doubt whether the accused person or defendant has committed the crime or not, such person must be released from charges

Criminal proceedings should not mainly take into account the admission of the accused person or defendant but should seek additional evidence to prove the guilt of such persons.

Even if the accused person or defendant deny or does not admit such guilt, if there is strong and reliable evidence, he may be regarded as the wrong-doer.

Part IV

Organizations and Participants in Criminal Proceeding

Chapter 1

Organizations and Criminal Proceeding Authorities

Article 45 (modified). Organizations with Responsibility for Criminal Proceedings

Organizations with responsibility for criminal proceedings shall consist of:

- Investigation organizations;
- The Office of the Public Prosecutor;
- The People's Courts.

Article 46 (modified). Investigation Organizations

The investigation organizations are:

1. The investigation organization of police officers;
2. The investigation organization of military officers;
3. The investigation organization of customs officers;
4. The investigation organization of forestry officers;
6. The investigation organization of corruption officers
5. The investigation organization of other sectors as provided by the laws.

Article 47 (modified). Rights and Duties of the Investigation Organization

Investigation organizations have the following rights and duties:

1. To accept and record complaints regarding offences;
2. To immediately report to the public prosecutor regarding offences;
3. To issue an order to open investigations, and send a copy of the order to the public prosecutor immediately;
4. To proceed to investigate;
5. To use coercive measures as provided in the laws, as well as to release any suspect who was detained, and to report in writing to the public prosecutor;
6. To appeal against the orders of lower-level public

prosecutors to higher-level public prosecutors;

7. Cooperate other organizations
8. To summarize the investigation and prepare a case file to be submitted to the public prosecutor.

In the exercise of such rights and the performance of such duties, the investigation organizations shall carry out their activities within the scope of their authority as provided in the laws.

Article 48 (modified). Office of the Public Prosecutor

The Office of the Public Prosecutor consists of:

- The Office of the Supreme Public Prosecutor;
- Offices of the Appellate Public Prosecutors;
- Offices of the provincial, municipal Public Prosecutors;
- Offices of the district Public Prosecutors;
- Offices of the military prosecutors.

Article 49 (new). The Rights and Duties of the Office of the Public Prosecutor

The Office of the Public Prosecutor has the following rights and duties:

1. To monitor and inspect compliance with laws by investigation organizations;
2. Open investigation partly or entirely, as of the prescription in laws;
3. Bring in the accused persons before the court;
4. To monitor and inspect adherence to laws in court proceedings and judgment enforcement;
5. To monitor and inspect adherence to the court's absolute decision
6. To monitor and inspect adherence to laws in place of arrest, detention-re-education centers, and other places of enforcement judgment;
7. To cooperate with the investigation organizations and other concerned organizations that are working on prevention and stopping crimes or offenses, and other breaching of laws including the preventing of conditions which might be the causes the offenses;
8. To make an appeal under the rules of laws;
9. To exercise such other rights and performs such other duties as provided by the laws.

Article 50 (modified). The People's Court

The People's Court consists of:

1. The People's Supreme Court;
2. The appellate courts;
3. The people's provincial and municipal courts;
4. The people's district and
5. The military courts.

Article 51 (new). The Rights and Duties of the People's Courts

The people's courts have the rights and duties to:

1. Adjudicate criminal case including consideration for compensation prescribed in article 16 of this law;
2. Conduct an investigation and measures for prevention at the time when the cases have arrived;
3. Re-educate parties of the case and open mediation in both criminal and civil cases;
4. Cooperate with other organizations;
5. Practice and follow the duties prescribed in this law.

Article 52 (new). Authorities with Responsibilities in Criminal Proceeding

Authorities with responsibilities in criminal proceeding consist of:

1. Head and deputy head of the investigation organizations, investigators, and assistants of investigators;
2. Head and deputy head of the Office of the Public Prosecutors, prosecutors, and assistants of prosecutors;
3. The president and deputy president of the people's court, court's clerks

Article 53 (modified). Rights and Duties of the Head of Investigation Organization

The head of investigation organization has the following rights and duties:

1. To guide and lead the overall activities of the investigation organizations;
2. To issue orders to open or not to open investigations;
4. To consider changing, or dismissing of orders of the investigation authorities which lacking of facts, and is inconsistent with the laws;
5. To issue orders to suspend or dismiss the investigation, warrants, invitation, order of detention, control, confiscation, and to issue orders to release persons from detention, suspension, , or discharge criminal case;
6. To inform charges, rights and duties to the suspects, and the accused persons;
7. To order selection of interpreters, professionals or experts;
8. To accept the selection, or proposal to select lawyers;
9. To propose orders to arrest, temporary custody, examining houses, suspend duties and positions, extend the time of investigation, and design types of custody in accordance with the Office of the Public Prosecutor;
10. To summarize and prepare the case file to submit to the public prosecutor for consideration after completing the investigation;
11. To exercise such other rights and perform such other duties as provided by the laws.

The deputy head of an investigation organization has the responsibility to assist the head of the investigation organization to implement activities assigned.

Article 54 (modified). Rights and Duties of Investigation Officers

Investigation officers shall have the following rights and duties:

1. To receive and record complaints, reports or requests relating to offences;
2. To order warrants, invite, bring in suspects, detain, arrest, confiscate or seize, release the accused persons, suspend or dismiss the case;
3. To take testimony from the injured party, civil plaintiff, accused person, witness, and other concerned persons;
4. To inspect the site of the incident, to conduct inspections of dead body, to conduct searches of buildings, vehicles, and persons, and to collect evidence relating to the offence;
5. To bring, detain, and release the accused persons according to the order of the investigation organizations;
6. To search for, arrest and release the accused persons by following the order of the people's courts or public prosecutors;
7. To inform charges, rights, and duties to the suspect, and accused person;
8. To implement orders and to report on the circumstance in criminal proceedings to the head of the investigation organization;
9. To summarize, report, and organize a case file for the investigation organizations;
10. To exercise other rights and perform other duties according to the order of the head.

In the criminal proceeding, investigators shall have responsibilities to the laws, and the head of investigation organization.

Article 55 (new). Rights and Duties of Assistants of Investigators

Assistants of investigation officer have the rights and duties to exercise under article 54 of this law, and as of an assigned work, except for to open the investigation.

Article 56 (new). Rights and Duties of the Public Prosecutor, and Deputy Public Prosecutor

The Public Prosecutor and deputy Public Prosecutor shall have the following rights and duties:

1. To implement and provide direction on the compliance with laws in criminal proceeding;
2. To decide about applications;

3. To open or not open an investigation;
4. To inform charges, rights and duties to the suspects, or the accused persons;
5. To order changes or dismiss the order to open or not open investigation by the investigation organization;
6. To propose opening an investigation for the investigation organization, and investigation officers;
7. To order warrants, bring in suspects, detain, arrest, confiscate or seize assets, suspend duties and position, release the accused persons, suspend or dismiss the case;
8. To monitor and inspect adherence to orders prescribed in clause 7 above;
9. To reject the inappropriate orders of the investigation organizations;
10. To handover the case file to concerned authorities who shall have power to open an investigation;
11. To order selection of translators, professionals and experts;
12. To open an investigation, criminal investigation partly or entirely;
13. To order complaint to the court;
14. To monitor and inspect adherence to the laws in criminal proceeding in the court;
15. To monitor and inspect adherence to the absolute court's decision;
16. To monitor and inspect adherence to the laws at the detention compound, prisons, re-education centers, and other places of enforcement judgment;
17. To cooperate with the investigation organizations and other concerned organizations who are working on prevention and stopping crimes or offenses and other breaching of laws including the preventing measures for stopping causes the offenses;
18. To make an appeal of criminal case under the rules of laws;
19. To exercise such other rights and performs such other duties as provided by the laws.

Article 57 (new). Rights and Duties of Prosecutors

Rights and duties of prosecutors consist of:

1. To open an investigation of criminal cases;
2. To inform charges, rights and duties, to the suspects and the accused persons;
3. To record the testimony from defendant, plaintiff, and other relevant people to the case;
4. To collect, and gather criminal evidence;
5. To study, summarize criminal case file, draft statement or resolution of the Office of the Public Prosecutor;
5. To participate in court hearing of criminal case;
6. To monitor and inspect adherence to the absolute court's decision;
8. To monitor and inspect detention areas, prisons, and re-education centers;
9. To exercise such other rights and performs such other duties as provided by the laws.

Article 58 (new). Rights and Duties of Assistants of the public prosecutor

Assistants have the rights and duties as follow:

1. To participate in and record the testimony of participants in criminal procedure;
2. To study, summarize criminal case, and draft statement or draft resolution made by the Office of the Public Prosecutors;
3. To mark case numbers, organize case files, list, keep and make a statistic of criminal cases;
4. To list and inspect protection of criminal evidence;
5. To list and make statistic of the suspects, and the accused persons;
6. To issue the warrants, and invitation;
7. To exercise such other rights and performs such other duties as provided by the laws.

Article 59 New). Rights and Duties of President, and Deputy President of the Courts

The president of the court has the rights and duties in criminal case as follow:

1. To supervise and proceed the criminal proceeding;
2. To appoint judges for chamber on considering, deciding the criminal case, and appoint court's clerks;
3. To approve changing of judges, and court's clerks;
4. To act as a chairperson for considering the criminal cases;
5. To order, inform, and adjudicate the criminal cases;
6. To exercise such other rights and performs such other duties as provided by the laws.

For the court's deputy president, the main duty is to assist the president's work and assigned duties in criminal proceedings.

Article 60 (new). Rights and Duties of Judges

Judges have the following rights and duties:

1. To study case files that are assigned to them;
2. To take the testimony of the plaintiff, defendant, and other persons in the court proceedings;
3. To collect the evidence of cases;
4. To mediate cases;
5. To preside over judicial tribunals; and
6. To exercise such other rights and perform such other duties as provided by the laws.

Article 61 (new). Rights and Duties of Assistants of Judges

1. To assist judges in studying on case files that are assigned to them;
2. To assist judges in taking the testimony of the plaintiff, defendant, and other persons that have participated in court proceedings;
3. To participate and document on the criminal mediation proceeding regarding civil issues;
4. To summarize and report to the judges on the assigned cases;
5. To assist judges on drafting the resolution of the court;
6. To exercise such other rights and perform such other duties as provided by the laws.

Article 62 (new). Rights and Duties of Court's Clerks

1. To receive and submit complaint of criminal case, organize and list the case files;
2. To issue warrants, and invitation letters as recommended by judges;
3. To participate and document on the criminal mediation process regarding civil issues;
4. To prepare and announce the regulations of the court hearing;
5. To record the court's meeting, be aware of correctness and comprehensiveness in making a record of court's meeting;
6. To make a copy of meeting's record and put into the case files;
7. To explain and clarify reasons of the court's decision to the parties of the case, and also explain the rights to make an appeal or reject the case;
8. To receive an application for appeal and rejection, issue a letter for booking an appeal or dismissal;
9. To issue the court's decision or judgment, and other documents ;
10. To list and keep exhibits of the case;
11. To summarize the statistic, deliver the court's decision or judgment, to the courts and the Office of the Public Prosecutor for further inspection;

12. To list document and send criminal case files to the concerned courts where the case is requesting for an appeal or dismissal, and objection of the prosecutor;

To exercise such other rights and perform such other duties as provided by the laws.

Chapter 2

Participants in Criminal Proceedings

Article 63 (modified). Participants in Criminal Proceedings

Participants in criminal proceedings are as follow:

1. The suspects;
2. Accused persons;
3. Complainants;
4. Injured party;
5. Civil plaintiff;
6. Civil liable party;
7. Witnesses;
8. Lawyers or protectors
9. Professionals;
10. Specialists
11. Translators

Article 64 (new). The Suspect

A suspect is a person who is doubted to commit crime, but the investigation organizations, and the Office of the Public Prosecutor still not opening an investigation yet.

The suspect has the rights as follow:

1. Be informed the charges
2. Receive explanation on his\her rights and duties
3. Explain or provide information relevant to the charges
4. Provide evidence
5. Report the unacceptable behavior of the investigation organization, and the Office of the Public Prosecutors
6. Request to bail for the minor offense in which the sentence shall not exceed three years in jail

Obligations of the suspects consist of:

1. To present oneself based on the warrant;
2. Cooperate with the investigation organization.

Article 65 (modified). An Accused Person

An accused person is an individual who has been brought to proceedings by an order to open investigations issued by an investigator or a public prosecutor, except when there is direct prosecution.

An accused person has the right to:

1. Be informed of and defend against the charge made against him;
2. Be explained about rights and duties in defending the case;
3. Submit evidence, and provide information;
4. Submit request to bail;
5. Be received document on the opening an investigation, recording testimony, orders of usage, changes, or abolish measures on prevention, suspension, summary of an investigation, order of prosecution, statement of public prosecutor , order of dismissal the case, other documents and orders relevant to proceeding prescribed in this law;
6. Ask to see the documents in the case file, to make a copy of required documents from the file, or to make notes of necessary information contained in the file;
7. Retain and meet with a lawyer or other protector to contest the case;
8. Require the recusal of a judge, expert, or translator under article 52, point 1 and 2 of this law;
- 9.. Complain against acts and orders of investigators, interrogators, public prosecutors, or the people's courts that he believes to be unlawful;
10. Appeal against or request the cancellation of an order of an investigator, head of public prosecutor.

An accused person has the obligation to:

1. Present himself according to an order or summons of an investigator, head of public prosecutor;
2. Comply with the regulations and orders in court hearings.

Article 66 (modified). Defendants

Defendant is the accused person which is prosecuted.
Defendant shall have the rights to:

1. Be informed of charges and defenses;
2. Be explained about rights and duties in defending the case;
3. Retain and meet with a lawyer or other protector to contest the case;
4. Submit evidence, refuse charges, and provide testimony;
5. Explain and answer questions in court hearing;
6. Ask to see the documents in the case file, to make a copy of required documents from the file, or to make notes of necessary information contained in the file;

7. Participate in court hearing;
8. Require the recusal of a judge, expert, or translator under article 52, point 1 and 2 of this law;

9. Provide comment relevant to argument and share comment at the end in court hearing;

10. Receive resolution of the court
11. Appeal against, or request the cancellation of, an order of an investigator, head of public prosecutor;

12. To exercise such other rights and perform such other duties as provided by the laws.

Defendant shall have the obligations to:

1. To present himself as of the warrant;
2. Comply with the regulations and orders in court hearings.

Article 67 (modified). Injured Party

An injured party is an individual whose health, life, property, or spirit is injured by offences committed by other persons.

An injured party has the right to:

1. Give testimony regarding the case;
2. Submit evidence;
3. Submit requests;
4. Receive compensation for losses;

5. Ask to see documents in the case file, to make a copy of required documents from the file, or to make notes of

necessary information contained in the file, after investigation has been completed;

6. Participate in court hearings;
7. Require the recusal of a judge, public prosecutor, interrogator, investigator expert, or translator;
9. Complain against the acts and orders of an investigator, an interrogator, a public prosecutor, or the people's courts that he believes to be unlawful;
10. Appeal against or request the cancellation of an order of an investigator, an interrogator, or a public prosecutor, or an instruction, order, or decision of the people's courts;
11. Agree to mediate with the accused persons or defendant in the case of an offence that does not endanger society;
11. Retain a lawyer or other protector to contest the case;
12. Withdraw the complaint.

If an injured party has died, his close relatives may exercise his rights as provided in this article.

The injured party has the obligations to:

1. Appear according to an order or summons of an investigator, an interrogator, a public prosecutor, or the people's courts;
2. Be liable for his refusal to give testimony or for any false testimony.

Article 68 (modified). Civil Plaintiff

A civil plaintiff is an individual who has filed a civil claim against the accused persons or against those who shall have civil liability for compensation to the damages.

A civil plaintiff has the same rights and obligations as an injured party, as provided in Article 67 of this law.

Article 69 (modified). Civil Accountable Party

A civil liable party is an individual or organization liable for losses arising from the offence of an accused persons or defendant who is under

its control.

A civil liable party may be parents, adoptive parents, guardians, or users of the accused persons or defendant, or managers, organizations, or enterprises.

A civil liable party has the right to:

1. Respond to the claim;
2. Provide explanations relating to the claim;
3. Submit evidence;
4. Submit requests;
5. Ask to see documents in the case file, to make a copy of required documents from the file, or to make notes of necessary information contained in the file, after investigation has been completed;
6. Participate in court hearings;
7. Require the recusal of a judge, public prosecutor, interrogator, investigator, expert, or translator;
8. Complain against the acts and orders of an investigator, an interrogator, a public prosecutor or the people's courts that he believes to be unlawful;
9. Appeal against, or request the cancellation of, an order of an investigator, an interrogator or a public prosecutor, or an instruction, order, or decision of the people's courts;
10. Retain a lawyer or other protector to contest the case.

A civilly liable person has the same obligations as an injured party, as provided in Article 67 of this law.

Article 70 (modified). Witness

A witness is an individual who knows about or saw the incident constituting the offence or the circumstances of the case.

Individuals who are deaf, mute, or incompetent, children under eighteen years of age, and relatives of the litigants can be brought to give testimony but they shall not be deemed to be witnesses.

A witness has the right to:

1. Give testimony;
2. See the record of his testimony, during the investigation stage;
3. Request to modify or add to his testimony;

3. Complain against the acts and orders of an investigator, an interrogator, a public prosecutor, or the people's courts that he believes to be unlawful;
5. Receive protection under the laws and regulations from any threat to life, health, or property because of giving testimony.

Witnesses have the same obligations as injured parties, as provided in article 67 of this law.

Article 71 (modified). Lawyers and Protectors

Lawyers are professionals received licenses from the government in practice their independent jobs. The services can be provided to individuals, ordinary persons, organizations, and society on the task to protect rights and interests of clients prescribed by laws.

A lawyer may participate in the case from the date of appointment, or from the day of offering the job documentarily from clients, or clients' family members, or organizations.

A lawyer has the right to:

1. Meet the accused persons or defendant; as of the appointment after detention, arrest, or in custody;
2. Be informed charges of clients, and participate in clients' testimony;
3. Ask to see documents in the case file, to make a copy of required documents from the file, or to make notes of necessary information contained in the file, after investigation as been completed;
4. Submit evidence, and witness;
5. Require the recusal of a judge, public prosecutor, interrogator, investigator, expert, or translator; submit requests;
6. Provide comment, enquire participants in court hearing;
7. Complain against the acts and orders of concerned authorities;
8. Appeal against, or request the cancellation of, an order of an investigator, an interrogator, or a public prosecutor, or an instruction, order, or decision of the people's courts;

9. Submit a request for bail;
11. Cooperate with clients at the time of temporary release in court hearing and the Office of the Public Prosecutor;
12. receive an appointment as a lawyer of clients in the case of breaching the law, sentence to jail for life , and other offenses as prescribed by laws;
13. receive a warrant for clients to be presented in court hearing;
14. To exercise such other rights and perform such other duties as provided by the laws.

Other protectors shall also have the same rights and duties as lawyers mentioned above except point 11.

Protectors are individuals who participate in proceedings to protect the rights and interests of an accused person, defendant, injured party, civil plaintiff, or a civil liable party.

For other protectors who will be able to participate in court hearing have to have approval, expect for close relatives accepted by laws including: parents, husband or wife, a guardian, or family's children.

A protector has the obligation to:

1. Use all methods of defense provided in the laws in order to protect the rights and interests of the person whom the protector is defending;
2. Participate in the case as of an invitation from the concerned organization which is proceeding the case;
3. Keep a confidentiality of the case;
4. Participate in searching for evidence in order to make the proceeding fair and just. In the case that the accused person or defendant is a child under 18 years of age, deaf, blind, mute, sick person, insane, cannot speak Lao language, and a person who is sentenced to death, those people above must have representatives, or lawyers. In the case that they cannot find, or have no any lawyers or protectors, the concerned organization of case proceeding must help in finding lawyers immediately. Acquired lawyers, the bar association shall consider to formally appoint within 7 days after receiving the request.

Article 72 (modified). Experts

An expert is an individual who has knowledge and experience in a specific field and is recognized by relevant competent organizations, which makes him able to clarify issues relating to his field of expertise.

In verifying evidence, investigators, interrogators, public prosecutors, or the people's courts shall issue an order to appoint an expert.

Experts shall have the rights and duties to:

1. Be received document and physical evidence for further identification;
2. Participate in the process of taking testimony, and can enquire any questions relevant to the issues;
3. To refuse the verification process if having reasonable explanation;
4. Summarize the findings from verification;

The expert shall conduct the verification of evidence within the scope and the period provided in such order.

Experts provide their opinions on their own behalf and are liable for such opinions, and must also keep confidential information.

Article 73 (new). Specialists

A specialist is a person who is experiencing with specific job, and has ability to provide opinion relevant to the concerned issue from verification.

A specialist must be appointed the same as the expert before being able to participate in verification of evidence.

Experts provide their opinions on their own behalf and are liable for such opinions, and must also keep confidential information.

Article 74. Translators

A translator is an individual who has knowledge, ability, or experience in translating a language used by a participant in the proceedings.

A translator shall be appointed the same as expert mentioned above.

Translators shall be liable for their translations and have the obligations to keep confidential information in the case.

The expenditure for translation shall be followed the law of court's fee

Part V Investigation Process

Chapter 1 Rights and Duties of the Investigation Organization

Article 75 (new). Responsible Organizations

Responsible organizations in this article shall be an investigation organizations prescribed in article 46 of this law, and the Office of the Public Prosecutor.

Article 76 (new). Rights and Duties of the Police Investigators

The police investigators have the rights and duties to open an investigation in any offenses within the scope of rights and duties assigned.

Article 77 (new). Rights and Duties of the Military Investigators

The military investigators have the rights and duties to open an investigation in any military offenses within the scope of rights and duties assigned. The concerned military offenses can be an incident happening at the working hours, military base, offices, factories, or other prohibited places.

Article 78 (new). Rights and Duties of the Investigation Office of Customs

The investigation customs offices shall have the rights and duties to conduct an investigation relevant to breaking the tax regulations prescribed in the Penal Code, the tax law, customs law, and the law on value added tax.

Article 79 (new). Rights and Duties of the Investigation Office of Forestry

The investigators in the office of forestry have the rights and duties to open an investigation on breaching criminal law, law on forestry, and the law on aquatic and wild animal protected by law.

Article 80 (new). Rights and Duties of the Investigation Office of Anti-corruption

The investigation office of anti-corruption has the rights and duties to conduct an investigation relevant to corruption case prescribed in the law on anti-corruption.

Article 81 (new). The Rights and Duties of the Other Investigation Offices

The rights and duties of the other investigation offices shall be relevant to concerned offenses within the scope of the duties prescribed in penal law and other laws.

Article 82 (new). Rights and Duties of the Office of the Public Prosecutor

The Office of the Public Prosecutor shall have the rights and duties to investigate any offenses prescribed in laws.

Article 83 (new). Rights and Duties within the Responsibility

The investigation organizations shall have the rights and duties to conduct the criminal investigation within their responsible areas, or at the place where the incident occurred.

The investigation organizations at the district level shall have the rights and duties to conduct the criminal investigation within their responsible areas inside the district.

The investigation organizations at the provincial level shall have the rights and duties to conduct the criminal investigation within their responsible areas inside the province.

The investigation organizations at the central region shall have the rights and duties to conduct the criminal investigation as prescribed in special regulation.

For the investigation of military offices shall be followed the military regulations regarding the incident that happens at the working hours, military base, offices, factories, or other prohibited places.

Chapter 2 Opening an Investigation

Article 84 (new). Opening an Investigation

The investigation organizations, or the Office of the Public Prosecutor, have to open an investigation immediately after finding out of comprehensive evidence indicating to the offenses prescribed in article 91 of this law.

In the case that the offender has committed a number of offenses, concerned investigation authorities shall have to inform all charges to the

lawbreakers with detail of sentencing prescribed in criminal law, and other laws.

Make a copy of an order to open an investigation, and summarize all circumstances which lead to an issuance of order to open an investigation, and report to the Office of the Public Prosecutor within 20 hours from a minute of issuing an order. Within 48 hours after receiving a report, the Office of the Public Prosecutor has to have a comment whether the concerned order should be continued or rejected, and then response back quickly to the investigation organization.

In the case that the Office of the Public Prosecutor found some involved persons of the case, and are still not being investigated, the Office of the Public Prosecutor shall request the investigation organization to open an additional investigation immediately.

Article 85 (new). Changes and Adjusting of Investigation

In the case of an investigation is still not being able to find out the alleged offense or the offense is still not being written into the order, the investigation organizations or the Office of the Public Prosecutor shall have to change, or reissue the order of investigation in order that the investigation shall cover all matters involved.

Chapter 3 General Principles on Investigation

Article 86 (modified). Causes of Opening an Investigation

Causes of opening an investigation in a criminal case are as follow:

- 1 There is a complaint or petition regarding an offence from an individual or organization. Such claim or complaint shall be submitted to an investigator or a public prosecutor;
- 2 The offender turns himself in;
- 3 Discovery of traces of an offence by an investigator or a public prosecutor.

During the examination and consideration, if the court finds evidence of a new offence, it has the right to request for reopening an investigation.

Article 87 (new). Complaint or Petition

The request of complaint on criminal case can be oral or documentary. The complaint should be submitted or sent to investigation organizations or the Office of the Public Prosecutor to consider the case within limited time in this law. This process will be applicable for documentary complaint.

In the case that the complaint is made orally, concerned authorities who receive a complaint must ask for a copy of identity card, registered family book, detail of complaint, and then ask for giving signature on the document from concerned complainant, and authorities. The document above shall be made into two sets, and each copy will be kept with a complainant, and in the case file.

The complainant will be informed about the responsibilities in the case of giving false complaint.

Article 88 (new). Turning in

Turning in refers to turning himself in voluntarily to report their offenses to the investigation organizations or the Office of the Public Prosecutor.

Concerned authorities who are with the person who has turned himself in must make a record of personal detail, and testimony. In the case that tuning in occurs at other offices which do not have power for an investigation, those organizations shall report and bring in that person to the investigation organization or the Office of the Public Prosecutor nearby immediately.

Article 89 (new). Discovery of Trace of Offenses

The head of investigation organization, investigators, and the public prosecutor or prosecutors, must record all evidence and information founded in order that those items will be used for further investigation.

Article 90 (new). Time Limited for Considering Complaint or petition

The investigation organizations, and the Office of the Public Prosecutor, must consider the complaint within 5 days after receiving the request. In the case that the complaint is complicated, the consideration shall not be over 10 days, and shall provide opinion as follow:

1. To order an investigation;
2. To reject the request;
3. To submit a complaint or petition to concerned organizations for further proceeding;

Regarding the consideration of complaint or petition, the investigators can also demand additional information if needed before opening an investigation.

Article 91 (modified). Order to Open an Investigation

In the case where there is sufficient information relating to the offence, the head of an investigation organization, or a public prosecutor shall issue an order to open an investigation within the scope of their respective authorities. The contents of that order shall set out the date, time, and location of the issuance of the order, the name, surname, position, and title of the issuer and the investigator, the information that is the basis for opening the investigation, the location of the offence, and the relevant article of the Penal Law.

In the case where the investigators issue an order to open an investigation, the order shall be immediately reported to the public prosecutor including jobs assigned to the investigators. In the case that the Public Prosecutor shall open an investigation, the task can be transferred to the prosecutors or to the investigation organizations for continuing the job.

The investigation can be opened in 2 ways:

1. Investigation of incidence in which an offender cannot be confirmed yet;
2. Investigation of alleged offenders.

In the case that there is a confirmation of the crime which is a minor case and the sentence is less than 3 years imprisoned, the head of investigation organization should conclude and record into the case file including evidence and the suspect to the Office of the Public Prosecutor without conducting any investigation again.

In the case that the head of investigation, or public prosecutor, shall adjust or modify the order of investigation, only if the existing order is seen as not appropriate or lack of facts.

The adjustment, modification of existing order of an investigation made by the head of investigation organization, the changes shall be reported to the public prosecutor for further examination within 24 hours after the changes have been made.

In case that the public prosecutor has adjusted the order of an investigation of the investigation organizations, the changes must be sent back to the investigation organizations within 24 hours after the changes have been made.

In case that the public prosecutor has adjusted the order of an investigation of the investigation organizations, the changes must be reported to upper offices of public prosecutor within 24 hours after making change of that order.

Article 92 (new). Causes of not to Open an Investigation

Causes of not to open an investigation include:

1. Lack of facts;
2. Conditions which lead to not to open an investigation will be applied in article 6 of this law.

Article 93 (modified). Order of not to Open an Investigation

In the case that the investigation cannot be opened because of some conditions written in article 92 above, the head of investigation organization or the public prosecutor must issue an order not to open an investigation to concerned persons, and organizations, to those who submitted their complaint.

Parties of the case can make an appeal to the public prosecutor against the order not to open an investigation made by the head of investigation organization. In addition, concerned parties can also make an appeal to the public prosecutor or upper level of the Office of the Public Prosecutor within 7 days since the order is made. The public prosecutor shall consider the appeal against the order of not to open an investigation within 5 days.

Article 94 (modified). Monitoring and Inspection by the Public Prosecutor Relating to the Opening of an Investigation

The public prosecutor has the duty to monitor and inspect the adherence to laws in respect of the opening of an investigation.

In the case where the head of an investigation organization has issued an order to open an investigation without sound legal information, the public prosecutor shall issue an order to cancel such order and dismiss the case.

In the case where the head of an investigation organization has issued an order not to open an investigation without sufficient reason, the public prosecutor shall issue an order to cancel such order and shall issue an order to open an investigation by himself.

Article 95 (modifies). Activities of Investigators

Upon receipt of a credible complaint regarding an offence or upon the discovery of any trace of an offence, investigators shall report to the public prosecutor within 24 hours.

In the case where an offence requires urgent investigation, the head

of the investigation organization shall issue an order to open an investigation, and report to the public prosecutor within 24 hours since issuing an order for an investigation.

When the investigation receives an order to open an investigation, the procedure should be immediately carried out, use appropriate means, and measures as prescribed in this law.

Article 96 (new). A Place for Opening an Investigation

An investigation shall be opened at place of an incident. In the case that the incident cannot be identified, the investigation can be opened at the place where the suspects have been arrested, found, and lived.

In the case that authorities of the investigator has found offenses which is not in his responsibility, that concerned authority can order to open an investigation urgently in order to gather necessary and urgent information before sending all the findings to the investigation organizations for further process.

Article 97 (new). Offenses in a Number of Places

In the case of an offender has committed crime in a number of places or in many provinces, the investigation should be carried out at the latest place of an incident.

In the case that there are many crimes or it involves many statuses of penalties; the case proceeding should be carried out based on the extreme one first.

Article 98 (new). Assignment of Investigation to the Investigators, or Prosecutors

In the criminal proceedings, the head of investigation organization, or public prosecutor, has the right to assign an investigation job to concerned authorities in their own offices, either assigning to one, or more investigators depends on the scale of the case.

Article 99 (new). Assignment of Collecting Information

In the case of necessity to gather information in the area beyond jurisdiction, the head of investigation organization has the right to transfer the job to other concerned authorities to collect and gather information in the area where the information is needed before sending those findings back to the head of investigation organization.

The items to be investigated shall be carried out by recording documentarily. The investigation has to decide categories of offenses briefly and comprehensively, and then send them to other investigators to continue the process.

The investigation organization when having received the assignment

shall follow up the process completely within limited time assigned.

Article 100 (new). The Memo of Investigation

In each investigation, the head of investigation organization, concerned authorities, public prosecutor, or Prosecutors, shall make the memo comprehensively.

Detail of the memo should include:

1. Date, and place where the investigation has been conducted, time of opening and ending the process;
2. Name and surname, position, duties, work place of authorities, and note takers. If there are many authorities conducting the investigation, detail of each person above must also be recorded as well;
3. Name and sure name, age, nationality, occupation, address of each participant in the case. For the suspects, accused persons, defendants, civil plaintiffs, civil accountable person s, must provide personal detail to concerned authorities;
4. The charges;
5. Detail of investigation (testimony, findings from enquiry, examining, retest information, confirmation of evidence, confiscation, or sequestration);
6. Photos, pictures, or audio record, fingerprint, footprint, bleeding trace, and other if applicable.

After having done an investigation, individual concerned has to read through all what has been documented before giving signature and thumbprint on the paper.

The head of investigation organization, investigators, public prosecutor or prosecutors, will not be allowed to modify, adjust, and change, the memo.

For some crossing mistakes or additional comment in the memo will be signed to confirm those additions. For the suspect, giving thumbprint will be needed on the blurred or dirty spots.

If the memo is longer than one page, the person who is investigated shall sign and put the thumbprint on each page.

In the case that participants in the investigation do not sign or give thumbprint on the paper, the memo shall be signed and explained reasons at the end.

The memo will be made into three sets; the first one will be put into the case file, and the rest will be kept by investigators, and person who is investigated.

Article 101 (new). Confidentiality of an Investigation

In the case of necessity to keep confidentiality of the investigation, the head of investigation organization, public prosecutor or prosecutors, must inform participants in the proceeding to be aware of confidentiality before beginning an investigation. The confidential information must be kept as record, and the person who breaks this rule will be legally liable.

Article 102 (new). The Consideration of the Request of Participants in the Case Proceeding

In the case that participants make a request on identification of evidence, retesting information, confiscation or sequestration, in order to compensate the losses, the head of investigation organization or public prosecutor must consider that request within 7 days since having received the request, and then the result from the consideration shall be informed to concerned requester.

In the case that the head of investigation organization or public prosecutor do not approve the request within 7 days, the requester shall have the right to remake an application or appeal to public prosecutor, and ask for reconsideration to the upper office of public prosecutor within 7 days from the date of receiving the result of consideration. The consideration of the request at this level will be final.

The public prosecutor who has received a request shall consider the matter within 10 days.

Article 103 (new). A Request for Compensation at the Time of Investigation

The injured person or representative shall have the right to make a request for compensation resulting from the criminal offenses during an investigation. In the case that the complainant does not realize existing right, the head of investigation organization, or public prosecutor, investigators or public prosecutor shall perform such right how claim compensation.

In the case that the request is made orally, the head of investigation organization, or public prosecutor, investigators or interrogators shall record the request comprehensively and thoroughly before keeping the record in the case file.

Article 104 (new). Civil Responsibility

If there is a request for compensation, the head of investigation organization or public prosecutor, investigators or interrogators shall consider who shall be responsible for compensation either an individual, or organization.

In the case that the offender is in the control of another person, or is

immature under the prescription in the law, the civil liability will be transferred to guardians or organizations where the offender belonged.

Article 105 (new). The Participation of Translator in Proceedings

In the case of necessity to have a translator involve in the investigation, the head of investigation organization or public prosecutor, investigators or interrogators, shall facilitate and allow that translator to perform his job even though some investigators or interrogators can speak the those languages.

Authorities participating in the case proceeding must inform and explain their rights and duties to the translator, and record and sign the proceeding.

Article 106 (new). Unqualified Translator, Expert or Specialist

Persons who are not qualified for being translators, experts, or specialists are:

1. The victim, plaintiff, civil accountable person, relatives of civil plaintiff or the accused persons;
2. Witnesses, guardians, representatives of the victims, civil plaintiff, the head of investigation organization, or public prosecutor, investigators or interrogators
3. Persons or relatives, who get involve in the interest of the case.

Article 107 (new). The Guarantee to Pay for Compensation

In order to guarantee to pay for compensation requested by complainant or by representatives, the head of investigation organization, or public prosecutor, shall issue an order to firstly confiscate or seize assets belonging to the accused persons or the civil accountable person as prescribed in article 128 of this law.

In the case that the offender had brought about the loss to the public, the Lao Development Committee, civil society, or other social organizations, the head of investigation organization or public prosecutor shall issue an order to firstly confiscate or seize assets belonging to the accused persons or the civil accountable person as prescribed in article 128 of this law.

The confiscation or seizure must be comparable to value of the loss.

Article 108 (modified). Confiscation or Seizure of Assets

In the case of having verified the categories of assets, quantity, and the location of the assets which are relevant to the offenses, the head of investigation organization or public prosecutor shall issue an order to confiscate or seize those assets.

In the case that the confiscated assets accidentally broke, the head of

investigation organization or public prosecutor must appoint authorities to deal with the issue.

In the case that the confiscated items have been verified that they belong to the injured persons, those objects must be returned back.

Article 109 (new). Combination or Separation of the Criminal Case for Opening and Investigation

An offender who has committed many offenses, or there are many offenders involve in the same crime, the offenses are in many penalty levels including persons who cover up the case, all will be investigated.

The criminal investigation can be separated as follow:

1. The investigation cannot be completed in limited time;
2. The investigation has no impact to the case;
3. There is a junior criminal in the same case with seniors.

In combination or separation the case, the head of investigation organization shall issue an order and report to the public prosecutor within 20 hours since having issued the an order of investigation.

Article 110 (modified). Period for Investigation

The investigator shall proceed to investigate, summarize the investigation and prepare the case file together with exhibits, and shall send those to the public prosecutor within 2 months only for the minor offense, and 3 months for the major offense starting from date of the order to open an investigation has released.

In the case that the ongoing investigation will need more time, the public prosecutor might issue an order to extend the process for 2 months in each request. The overall extending time should not be over 6 month altogether for the minor offense, and 3 months of each request of major offense, but overall request shall not be over 1 year totally. The application for extending time of an investigation should be made before the ongoing investigation will be ended in 15 days ahead.

For the case file sending back to the investigation organization for reopening an additional investigation should not be over 2 months starting from the date of having received the case file.

In the case of reopening an investigation of suspended or dismissed case, the proceeding should follow the time limit prescribed in paragraphs 1 and 2 of this article from the date of reopening the investigation.

When there is an application for extension the investigation, the public prosecutor shall issue an order with reasonable explanation within 48 hours whether the request will be approved or rejected from the date of

having received the application.

Article 111 (modified). The Period of Temporary Custody

The temporary custody should not be longer than 2 months for the minor offense, and 3 months for major offense from the date of custody.

In the case of necessity to continue the investigation, the public prosecutor shall issue an order to extend the time of the custody for 2 months in each request, and not longer than 6 months totally for minor offense, and 3 months of each request of major offense, but not longer than 1 year totally proposed by the head of investigation organization or public prosecutor. The application for extending time of custody should be made before the ongoing custody will be ended in 15 days ahead.

After the time of custody has come to an end, and there is still insufficient evidence for the conclusion of the investigation and documentation into the case file in order to submit it to the public prosecutor, the head of investigation organization shall report the issue to the Office of the Public Prosecutor, and make a request for releasing the accused person altogether with his\her belongings entirely and officially.

Article 112 (new). Measures to Prevent Causes or Circumstances of Crimes

In the time of opening an investigation, if the causes and circumstances leading to crimes have been identified, the head of an investigation organization or public prosecutor shall report the issues to state organizations, Lao National Development Committee, civil society, social organizations, private sectors, and individuals, to be aware and find out prevention measures.

Concerned individuals or organizations, who will implement the prevention measures, need to have a report to the investigation organization or the Office of the Public Prosecutor to acknowledge within 30 days from the date of having prevention measures.

Part VI

Investigative and Prevention Measures

Chapter 1

Taking Testimony

Article 113 (new). Warrants

The head of investigation organization, public prosecutor, shall issue a warrant to the accused person who is not in the custody, and to the suspect to turn themselves in.

The head of investigation organization, investigators, public prosecutor or officers of the Office of the Public Prosecutor, shall issue a warrant to injured party, civil plaintiff, civil accountable person, and witness, to come and provide testimony.

The warrant shall include name and surname, age, nationality, and address of the accused person, reason of the warrant, date, the place for meeting, and the responsibilities in the case of not obeying the warrant.

Article 114 (new). Regulations of Warrants

The warrant must be made into 2 sets, and one set will be kept with the accused person, and the rest will be kept in the case file. The accused person or the suspect has to sign on the warrant indicating of having received the paper before it shall be returned back to the investigation authorities. Detail of the warrant must include name and surname, address of the accused person, charges, place and date of an appointment, name and surname of authorities who will be presented at the meeting, and the responsibilities in the case of not obeying the warrant.

In the case that the accused person is not at home, the warrant shall be handover to the village authorities, office, organization, factory, or any work place where the accused person belong to.

In the case that the accused person is under 18 years of age, the warrant shall be given to concerned guardians, or parents.

The warrant shall be given to the accused person before the appointment date at least 3 days, and 5 days for the accused person who live far away from the appointment location.

The concerned organization, office, and factory, must allow the accused person to come and meet the authorities required by the warrant.

In the case that the accused person is not coming to present himself for 3 times required in the warrant without any reasonable explanation, the head of investigation, or public prosecutor, shall have the right to order an arrest as prescribed in article 137 of this law.

For other warrants of other charges will be implemented the same as of the warrant of accused person.

Article 115 (modifies). Taking Testimony

Before beginning a process of taking testimony, concerned authorities have to inform rights and obligations of person who will be taken testimony as prescribed in article 67,68, and 70 of this law.

Taking of testimony shall be performed at the office of the investigator or interrogator. If necessary, it may be carried out in another place.

Taking testimony should include other participants besides having only the authorities from investigation organization or officers belonging to the Office of the Public Prosecutor.

The process of taking testimony should be documentary recorded as prescribed in article 100 of this law.

Article 116 (modified). Taking Testimony from the Accused Person

The head of investigation organization, investigators, public prosecutor or interrogators, shall take testimony from the accused person immediately after issuing an order of investigation. In the case of having problem in taking testimony urgently, the concerned authorities should provide reasonable explanation to the matter.

Before beginning taking testimony, the accused person should be informed about the charges including rights and obligations attached in article 65 of this law. If there are representatives or translators participate in the process, those participants should be informed about the same matter as prescribed in article 71, and 74 of this law.

In the case that there are many accused persons, taking testimony should be commenced one by one, and must be documentary recorded and shall be written by the accused persons themselves.

Each testimony should not be longer than 4 hours

Taking testimony should not be in the night time, except in the case of necessity, or in an urgent time. The process at this extra time shall be documentary recorded with reasonable explanation.

Taking testimony should not involve in deception, force, coercion, beating, or torture. If there is still incidents mentioned above occur, the concerned authorities have to be liable of crime, and might be ordered to pay compensation as prescribed by laws.

All taking testimony should be documentary recorded following article 100 of this law.

Article 117 (modified). Taking Testimony from Children under Eighteen Years Old, Deaf Persons, Mute Persons, and Insane and Mentally Ill Persons

In taking testimony from a child under eighteen years of age, a deaf person, a mute person, or an insane or mentally ill person, who is unable to exercise his rights, there shall be the participation of a protector, teacher, parent, guardian, or some other representative.

Article 118 (modified). Taking testimony of Witnesses

Taking testimony shall be followed article 115 of this law.

In the case of having many witnesses, the procedure should begin with one by one, and should separate witnesses from one another, and not allow them to have any conversation at the time of taking testimony.

In taking testimony from a child who is under eighteen years of age, a deaf person, a mute person, or an insane or mentally ill person, who is unable to exercise his rights, there shall be the participation of a protector, teacher, parent, guardian, or some other representatives.

Article 119 (modified). Questioning in Confrontation

When the testimony of several persons do not conform to each other, the investigator or interrogator has the right to question those persons in confrontation. Each confrontation shall not involve more than two individuals. The record of the questioning in confrontation shall be performed.

Before beginning questions in confrontation, participants should be informed about the responsibility when providing false comment, or refuse to cooperate. Notification of rights and obligations shall be documentary recorded.

Questioning in confrontation shall enquire relationship between participants, and participants shall be informed on issues which need to be identified.

After finishing testimony, each participant might be asked individually, and shall be documentary recorded as prescribed in article 100 of this law.

Article 120 (modified). Identification and Confirmation

Identification is an investigative measure whereby a witness or injured party identifies the accused person or defendant to be the person whom he knows or saw commits the offence.

Confirmation is an investigative measure whereby a witness or injured party certifies an object relating to the offence or dead body that he knows about or has seen.

When necessary, the investigator, interrogator, or public prosecutor shall enquire witnesses, injured parties, suspects, or accused persons to identify individuals or confirm objects or dead bodies.

Before identification or confirmation, the person identifying individuals or confirming objects or dead bodies shall give testimony regarding the circumstances that he knows about or has seen, and shall also inform about the distinguishing features, appearance, and special characteristics of the individual, object, or dead body.

In identification of individuals, the individual to be identified shall be brought together with at least three individuals who have similar physical features, and the person identifying shall be brought to carry out the

In confirmation of objects, the objects to be confirmed shall be brought with at least three objects that have similar characteristics and are of the same type.

A record of identification or confirmation shall be made in accordance with Article 100 of this law.

Charter 2

Searches, Seizure and Sequestration of Assets

Article 121 (modified). Searches

Searches may be conducted only when there is an order in writing from the public prosecutor or the people's court, except in necessary and urgent cases, but in such necessary and urgent cases, the search shall be reported to the public prosecutor within 24 hours after completing such search.

The order of search shall be into forced from the date of signing the order and shall be implemented within 24 hours.

Before and after a search, the individuals involved in such search shall demonstrate their honesty and good faith towards the owner of the searched premises, the owner of vehicles, or persons subject to the search.

Article 122 (new). Causes Leading to Searches

Causes that lead to conduct searches include:

1. There is believable information regarding illegal objects, or items of offenses, or substance and document hiding in buildings, vehicles, and individual of the suspects;
2. The search will be conducted in the case of necessity in order to gather information, and objects relevant to the offenses.

The search will be conducted to buildings or vehicles in the case of looking for the offenders.

Article 132 (modified). Building Searches

Buildings refers to houses or other structures on the land where such houses are located, boats, barges which are used by families as their residence, offices, guest-houses, hotels, and others.

Building searches shall be made in the presence of the head of village administration, the house owner, and at least two witnesses. In the incident that there is a search of an office, an organization, or an enterprise, it shall be conducted in the presence of a representative of such office, organization, or enterprise.

A search of any place of worship or temple, which is one type of building search, such as a search of: temples, sima, churches, and towers, shall have the participation of the head monk, the head

priest, or the persons in charge or representatives of the concerned religious organizations.

Building searches and searches of places of worship or temples shall be made during the day at any time from 6.00 a.m. to 6 p.m. When the search cannot be completed by 6 p.m., it shall continue until it is completed. At the time searching, concerned authorities have the rights to not allow any person inside and outside the area of search to make any contact until the mission has been completed.

Material items and other documents can be seized as exhibits in a criminal case only if they are related to the offence or are things that contravene the laws.

Article 124 (modified). Search of Vehicles and Individuals

Search of vehicles such as: cars, boats or other vehicles which are suspected to conceal illegal objects or offenders, can be conducted at any time but must be in the presence of the owner of such vehicles.

The search of any person who is arrested, detained, or suspected of concealing objects can be conducted without an order for such search.

Officials conducting searches shall be individuals who are of the same gender as the individual being searched, and shall be conducted at closed premises.

Article 125 (modifies). Record of Search

When the search of a building, vehicle, or person has been completed, the officials who conducted such search shall make a record of the search on the spot and draw up a list of exhibits with details of their appearance, quantity, and quality.

The record of search must be made in three copies and read out to participants in the search who shall sign or affix their thumbprints as evidence to certify their participation. One record must be kept in the case file, one record shall be given to the owner of the house or representative of the relevant office, organization or enterprise, and the other record is to be given to the village administration.

The record of search of vehicles or individuals shall also be made in three copies, one record to be kept in the case file, one record to be given to the owner of the vehicle or to the person searched and the other record to be kept by the officer.

The search must be documentary recorded as prescribed in article 100 of this law.

Article 126 (new). The Confiscation of Objects or Document at the Time of Search

At the time of searching building, work place, vehicles, and individuals, the investigators shall have the right to confiscate or seize objects or documents relevant to evidence, or trace of the offenses. The confiscation or seizure shall be followed an article 30, of this law.

The confiscation of objects or document at the time of search must be recorded, and provide clearly the date, time, place of search, name and surname, position and duties of the participants in the search, and items of confiscation. When finishing the record of the search, all detail shall be read out to participants, and give signatures with thumbprint on the record.

The confiscation of objects or document at the time of search must be recorded as prescribed in article 100 of this law.

Article 127 (new). The Confiscation of Postal Objects and Telegraph.

In the case of suspicions of postal objects, and telegraph, to be related to the offenses, the head of the investigation or public prosecutor must issue an order to confiscate those items in the case of necessity and emergency. After having confiscated those objects, all have to be recorded and reported to the public prosecutor within 24 hours.

Before confiscation, authorities who have followed the order of seizure must inform to the officers in charge at the postal office to acknowledge about the measures, and to cooperate with the concerned authorities.

The record of the confiscation shall be signed by the postal officers who are in charge at the time of conducting confiscation, and shall be followed article 100 of this law.

Article 128 (new). The Confiscation or Seizure of Objects which are Useful for Case proceeding

In the process of investigation, the head of investigation organization has the rights to issue an order to confiscate or seize items which is relevant to the case in order to guarantee for compensation, fines, and other fee, or to handover to the state.

Objects which are seized shall be handover to the concerned authorities or the owner to protect and take care of those items. In the case of breaching the regulation such as, selling, mortgage, transfer, conceal, hind, or destroy those stuffs, the protectors of those items have to take legal liability.

Confiscation or sequestration must be proceeded in the presence of owners or family's representatives, village authorities, or concerned authorities, and two witnesses.

Each confiscation must be recorded which shall include names and surnames, job titles, the positions of authorities who confiscate the items including names and surnames, age, and nationality. In addition, the record also shall include names and surnames of each participants, types and quantity of items confiscated and charges.

The record shall be made into 3 sets, and give one set to the owner of the assets, another 2 will be distributed to village authorities concerned, and one for keeping in the case file.

The confiscation of objects or document at the time of search must be recorded as prescribed in article 100 of this law.

Chapter 3

Inspection of Incidents, Autopsy the Corpse, Appointment of Experts or Specialists to Perform Inspection and Test the Information

Article 129 (modified). Inspection of Incident Site

When searching for traces of an offence or for evidence, especially physical evidence, with the aim to identify the circumstance of offense, the investigator or interrogator shall inspect the incident site and gather material items, documents, and others relating to the offence.

The inspection of incident site may be made before or after the opening of an investigation.

The inspection of an incident site shall be made during the day at any time from 6.00 a.m. to 6 p.m., except in necessary and urgent cases. When the inspection of incident site cannot be completed by 6 p.m., it shall continue until it is completed.

During the conduct of an inspection of incident site, at least two witnesses shall be present. When it deems necessary, public prosecutors and representatives of village administrations shall be invited to participate.

Investigators or interrogators have the right to bring accused persons and suspects, to request injured parties and witnesses, and to invite relevant experts to participate in the inspection of incident site.

In the proceeding of inspection the incident site, public prosecutor, head of investigation organization, and officers of the investigation organization and the Office of the Public Prosecutor, must draw the map of incident site, gather all relevant items related to the case, make sketches, and take a photo of the incident.

Article 130 (new). The Inspection of Trace of Individuals

The public prosecutor, head of investigation organization, and investigators and interrogators must inspect the body of the detainees, arrested persons, prisoners, the injured persons, and witnesses, in order to search for trace of the offenses, or other traces which are useful for the case.

The inspectors of individuals must be the same sex with the suspects, and should consist of 2 witnesses at least. In the case of necessity, nurses might be invited to participate in the case.

Not allow to violate the dignity and body of the suspects.

Article 131 (modified). Autopsy of Dead Body

The death which has no clue must be conducted autopsy.

The investigator or interrogator shall conduct an inspection of dead body at the location where the corpse is situated and it is required that at least two witnesses and a forensic specialist or other relevant expert participate in such inspection of dead body. When it deems necessary, public prosecutors and representatives of village administrations shall be invited to participate.

The operation of corpse, autopsy of the death body buried in the ground, must have an order from the investigator or interrogator, or public prosecutor, and the participation of forensic specialist. The proceeding must inform the family, and relatives of the death body, to acknowledge. If necessary, experts or specialists will be invited to participate in the case.

The autopsy must invite the public prosecutor to participate in the inspection.

Article 132 (modified). Record of Inspection

During the conduct of an inspection of incident site or inspection of dead body, the investigator or interrogator shall make a record on the spot. The record of inspection shall indicate: the location, date, time of initiation, and time of termination of the inspection; the given name, surname, address, occupation, position, and title of the investigator, the

interrogator, and other individuals participating in the inspection; the circumstances that are observed or that occur during the inspection; and the material items and other things seized by indicating the type, number, appearance, size, weight, and quality.

After making a record of inspection, making sketches, and reading out, all individuals participating in such inspection shall sign or affix their thumbprints.

The inspection of incident site or death body must be recorded as prescribed in article 100 of this law.

Article 133 (modified). Appointment of Experts to Conduct Verification

When it is deemed necessary to conduct a verification, specifically in cases where there is a death from unknown causes, a rape or there are doubts about the age or mental capacity of the accused person, the head of the investigation organization or the public prosecutor shall issue an order to appoint a forensic specialist or other relevant expert to conduct the verification.

Such order shall state: the given name and surname of the forensic specialist or relevant expert, the issues to be verified, the time period for verification, and the rights and duties of the relevant forensic specialist or other expert.

The investigator or interrogator shall notify the accused person, the injured party, the civil plaintiff, and the civilly liable party of such order. All of these people have the rights to object appointed experts, or specialists, within 7 days from the date of an appointment is issued.

Verification may be undertaken by one or several experts and several times; in re-verifying any matter established by an expert, a larger number of experts is required.

Article 134 (modified). Re-Enactment

Re-enactment is an act to verify the correctness of information which an investigator, interrogator, or public prosecutor may undertake by requiring the accused person or defendant to demonstrate his actions again. In re-enactment, injured parties or witnesses may be requested to demonstrate their actions again. The re-enactment scene shall be photographed, measured, and sketched.

Re-enactment shall be conducted in the presence of at least two witnesses and injured parties may also participate. If deemed necessary,

the public prosecutor and relevant expert may also participate.

A re-enactment shall only be conducted if it does not endanger life, health, or the environment and does not cause damage to human dignity.

A record of re-enactment shall be made in accordance with article 100 of this law.

Chapter 4 Coercive Measures

Article 135 (new). Causes of Creating Measures of Protection

In order to prevent the offenses in advanced, or in the case of having believed that there will be difficulties to the investigation, and to the case proceeding, which shall be created by the suspects, accused persons, or plaintiffs, an investigator, interrogator or public prosecutor, shall have the right to use prevention measures as prescribed in 136 of this law.

Article 136. Types of Coercive Measures

Types of coercive measures consist of:

- Issuance of warrants;
- Detention;
- Arrest;
- Remand;
- Pre-sentencing release;
- Pre-sentencing house arrest;
- Suspension of position or duties.

Article 137 (modified). Issuance of Warrants

In the incident that a suspect, accused person, witness, civil plaintiff, or civilly liable person has received a summons three times, but failed to appear without any reason, the head of the investigation organization or the public prosecutor will issue a warrant to bring such person to appear.

The issuance of warrants shall be implemented from 6 AM to 6 PM, except only in the case to believe that the suspect will escape, or have unknown address.

The implementation of issuance of warrants shall be the duties of police officers, or soldiers for military offenses. Before bring the suspect to be appeared, the order of warrant shall be read out to the suspects to acknowledge the charges.

Not allow to bring the pregnant women, or sick people who are not able to leave the incidence which certified by the medical staff.

Article 138 (modified). Detention

If, after taking testimony from a suspect, some reliable evidence is found to prove that he committed an offence for which the laws prescribe the penalty of deprivation of liberty, the head of the investigation organization or the public prosecutor may issue an order to detain such suspect for forty-eight hours to conduct further investigations, but shall report in writing to the public prosecutor within 24 hours from the time of the detention.

In operating the detention, the officers of the investigation organization, or the public prosecutor, shall read out the order of the charges, and inform the rights and obligations to the suspect. After that the suspect's family, office, organization, or enterprise, which he\she belong, shall be informed relevant to the place of detention.

Within those 48 hours, the investigator or interrogator shall promptly take the preliminary testimony of the detainee and, after taking such testimony, form one of the following opinions:

1. If there is no reliable information to issue an order to open an investigation, the investigator or interrogator shall ask for an order from the head of the investigation organization or the public prosecutor to release the suspect and shall immediately report in writing to the public prosecutor;
2. If reliable information is found on the basis for opening an investigation and it is deemed necessary to remand the suspect, the head of the investigation organization shall issue an order to open an investigation and ask for an order of remand from the public prosecutor. The interrogator also has to ask for an order to open an investigation and an order of remand from the public prosecutor.
3. In the case of necessity to temporary detain suspect for the further investigation, the head of the investigation organization shall ask for issuance the order from the public prosecutor. Interrogators also have to ask for an order from the public prosecutor.

After receiving the request of the head of an investigation organization or an interrogator for an order of remand, the public prosecutor shall decide within 24 hours whether to release or to remand the detainee.

Article 139 (modified). Arrest

The arrest of any individual shall be accompanied by an order in writing from the public prosecutor or the people's court, except in the case of an on-the-spot arrest or in an urgent case as prescribed in article 140 of this law.

Before the issuance of an order to arrest, the public prosecutor or the people's court shall consider the following conditions:

1. to have an order for investigation;
2. The act must be a criminal offence for which the law prescribes the penalty of deprivation of liberty;
3. The evidence in the case must be reliable.

In addition, such issuance shall be based on other conditions such as: the suspect may flee, destroy evidence, commit a new offence, or hurt the injured party or witness; or the suspect may be hurt by the injured party or by other individuals.

If there is to be an arrest of a monk or a novice, the head monk or the representative of the relevant religious organization shall be informed to de-frock such monk or novice before his arrest. For an ordained person in any other religion, the head of such religious organization shall be informed of the arrest.

For arrest in normal situations, the arrest order along with the cause for such arrest shall be declared to the person to be arrested.

In all cases, after the arrest of an accused person, the investigator shall report in writing to the public prosecutor within 24 hours.

Within 24 hours, the head of the investigation organization or the public prosecutor must consider whether to release (pending sentencing) or to remand such person.

If an opinion is formed to release (pending sentencing) or to remand an arrested person, the head of the investigation organization or the interrogator shall ask the public prosecutor for an order to release (pending sentencing) or to remand.

After receiving a request for release (pending sentencing) or for

an order of remand from the head of the investigation organization or the interrogator, the public prosecutor shall decide within 24 hours whether to release or to remand.

Arrests shall be conducted by using such methods and in a manner that are appropriate to the characteristics of the offence and the person to be arrested.

Beating or torture of the arrested person is prohibited.

Arrest shall, in every case, be notified to the suspect's family, and to the office, organization, or enterprise to which the concerned individual is attached within 24 hours, and they shall also be notified of his place of detention.

Article 140 (modified). On-the-spot Arrests and Arrests in Urgent Cases

On the spot arrest is an arrest of an individual in of the following case:

1. The individual is in the act of committing an offence or has just finished committing an offence;
2. The individual, having committed an offence, is being pursued, the individual has actually been seen at the incident, or the injured party has identified him as the person committing the offence;
3. The individual has traces of evidence of an offence on his body or in his house or work-place at a time when such offence has just occurred.

Arrest in urgent cases is an arrest of an individual in any of the following cases:

1. The individual who is suspected of committing an offence has a dubious background or an uncertain residence;
2. The individual who is suspected of committing an offence is in the act of fleeing.

On-the-spot arrests and arrests in urgent cases do not require an arrest order from the public prosecutor or from the people's court.

In the case above, the person who is not an investigator must bring the suspect to handover to investigators immediately. For the arrest which is in remote community, the arrested person should be transferred to the investigators within 7 days from the date of arrest.

Article 141 (modified). Record of Arrest

In every case, an arrest shall be recorded to be used as evidence.

The record of arrest shall indicate: the given name, surname, rank, position, function, and office of the investigator together with the given name, surname, age, occupation, rank, position, function, and address of the arrested person; the date, time, and location of the arrest; the charge, causes, information, and evidence leading to the arrest.

The record of arrest shall indicate: the name, amount, type, quality, and distinguishing features and characteristics of objects that have been seized as exhibits and other objects which were on the body of the arrested person.

Materials items found on the body of the arrested person that are lawful shall be returned to his family in full and in the same condition, and, at the same time, a record of acknowledgment of receipt shall be made in the presence of the arrested person. In the incident that such material items found on the body of the arrested person are not in full or in the same condition, the officers in charge of the protection of such material items shall be criminally liable as provided in the Penal Law.

After making the record of arrest, the content shall be read out to participant and sign on the paper altogether with thumbprints.

Article 142 (modifies). Remand

Remand is temporary detention for the purpose of investigations before a final decision of the court.

To remand, there must be a written order from the public prosecutor and such remand shall be based on the conditions provided in Article 139 of this law.

Persons remanded shall be detained separately from prisoners and shall be in appropriate conditions because such persons are regarded as innocent.

The period of remand shall be followed article 111 of this law, and will be counted as period in jail.

Article 143 (modified). Pre-Sentencing Release

Pre-sentencing release is temporary release from remand after the completion of investigation and before the decision of the court becomes

final.

A release pending sentencing must have the written order of the public prosecutor.

During the proceedings, the public prosecutor has the right, within the scope of his authority, to decide to release a person from remand or may decide to release a person from remand based on the request of the accused person, an organization to which such individual is attached, a representative of the accused person, husband or wife, guardian, parent, or close relative of the accused person.

Pre-sentencing release shall be based on the following conditions:

1. For minor offense with 3 years maximum in jail, except for the repeated offenses;
2. If he\she is convinced that the accused person or the defendant will not flee, will not destroy evidence, will not commit further offences, will not hurt an injured party or witnesses, or the accused person will not be hurt by others.

In releasing a detained person (pending sentencing) according to a request from the accused persons, his organization, his representative, or the husband or wife, guardian, parents, or close relative of such accused person, the public prosecutor may require appropriate bail.

In the case that a detained person has fled from the case proceeding, the amount of money from the bail will be used for compensation, and the rest will be transferred to the government as of the court's decision. In the case that an accused person has followed all the rules of release comprehensively, the rest of money from the bail will be transferred back to the guaranteed persons.

Article 144 (modified). Pre-Sentencing House Arrest

A suspect or an accused person may be detained at his home or other premises, and forbidden from going out without authorization from the investigator or the public prosecutor.

For pre-sentencing house arrest, there must be an order from the head of the investigation organization or the public prosecutor which order the suspect, or defendant not to leave the prohibited compound.

The head of the investigation organization or the public prosecutor must provide the order of house arrest to concerned village office where the suspect live. In addition, the authorities at the village shall be asked to

cooperate and keep an eye on the suspect until there will be another order changed.

In case of the accused person or defendant breaches any regulation on pre-sentencing house arrest, concerned officials may use other more serious coercive measures.

Article 145 (modified). Suspension of Position or Duties

Suspension of position or duties is the suspension from his\her position or duties of a suspect or accused person because of an offence that is related to his position or duties in order not to hinder investigations.

For suspension of position or duties, there must be an order in writing of the public prosecutor.

The order to suspend position or duties shall be sent to the organization to which the suspect or accused person is attached to implement the suspension of such position or duties. The person who is suspended duties still has the right to receive salary as usual.

Chapter 5 Suspension, Dismissal, and Ending of the Case

Article 146 (modified). Case Suspension

Case suspension is the temporary suspension of proceedings because of the following causes:

1. The accused person are in hiding, and has fled from the proceedings or the concerned individual's residence is unknown;
2. It is unknown who committed the offence;
3. There is confirmation from a doctor that the accused persons has a serious health condition or has lost control of his mental faculties.

The suspension of cases mentioned in point 1 and point 2 shall occur only after the period of investigation has ended.

For the suspension of cases, there must be an order of the head of the investigation organization or the public prosecutor.

For the suspension of cases mentioned in point 3, the head of the investigation organization or the public prosecutor shall issue an order to send the accused person for treatment.

The suspension of the case must have the order from the head of investigation organization or public prosecutor when the investigation is proceeded by the staff of an investigation organization. The order of suspension the case from the head of investigation organization shall be reported to the public prosecutor within 24 hours.

In the case that there are many suspects, the suspension shall be applied only for a person who is proved to be free.

An order to suspend or to dismiss a case shall be notified to the parties, and the injured party or civil plaintiff has the right to appeal within 7 days from the date they were notified of such order.

The order of suspension from the head of investigation organization must be approved from the public prosecutor. The order of prosecutor must be approved from the public prosecutor. In case that the order is not seen as appropriate, the request for cancelation can be made within 7 days.

Criminal cases that have been suspended may be dismissed when the limitation period for prosecution expires.

Article 147 (modified). Resumption of Suspended Case

When the cause for the suspension of a case ceases to exist and the limitation period for prosecution has not yet expired, the head of the investigation organization or the public prosecutor shall issue an order to resume the suspended proceedings.

Article 148 (modified). Case Dismissal

Case dismissal is the termination of proceedings because of the following causes:

1. When there exists any cause set out in article 6 of this law;
2. When there is insufficient evidence to prove that the accused person committed the offence.

In the incident that there is a case dismissal, the public prosecutor shall immediately issue an order to release the accused person. The investigator, the interrogator and the public prosecutor shall immediately return lawful material items including objects seized as exhibits, which are the property of the accused person.

There are two types of case dismissal:

- Dismissal of the case based on law;
- Dismissal of the case based on evidence.

Dismissal of the case based on law is the dismissal of a case as provided in point 1 of this article.

Dismissal of the case based on evidence is the dismissal of a case as provided in point 2 of this article.

The order of case dismissal must be informed to the injured person or civil plaintiff within 3 working days from the date of issuance the order. The injured person can also make an appeal of the suspension within 7 days from the date of acknowledging the suspension.

The case dismissal should provide reasonable explanation in the summary of investigation, why and in what basis the case is dismissed.

Article 149 (modified). Re-Opening of a Case which has been Dismissed

Cases dismissed based on law cannot be re-opened.

Cases dismissed based on evidence can be re-opened.

Re-opening of a case that has been dismissed can only occur when there is new evidence and the limitation period for criminal prosecution has not expired.

In re-opening a case that has been dismissed, the public prosecutor shall issue an order to cancel the order to dismiss the case and then shall issue an order to re-open the case.

Article 150 (new). The End of Investigation

The investigation will be ended only the head of investigation organization or the public prosecutor, relevant officers, have completed the process, and conclude the findings from the investigation.

The conclusion of the investigation shall consist of:

- Incident of the offense;
- Evidence of offenses;
- Opinions on the investigation;
- Measures applying;
- Exhibits and measures of confiscation, and sequestration, for further case proceeding of the court;
- Reasons and basis in leading to petition altogether with recommendation to deal with the case. After that all mentioned above shall be put in the case file and sent to the public prosecutor altogether with the exhibits within 3 days. The order to dismiss the case shall be reported to the Office of the Public Prosecutor.

Part VII

Rights and Duties of Public Prosecutors in Monitoring and Inspecting Adherence to Laws by Investigation Organizations, and the Order to Make Complaint

Chapter 1

Rights and Duties of Public Prosecutors in Monitoring and Inspecting Adherence to Laws by Investigation Organizations

Article 151 (modified). Rights and Duties of Public Prosecutors

In the monitoring and inspection of adherence to laws by investigation organizations, the public prosecutor has the following rights and duties:

1. To lodge a complaint, open an investigation and prosecute offenders, and to use measures not to make an offender from being let off from the proceedings;
2. To monitor and inspect the adherence to regulations regarding investigations;
3. To monitor and inspect in order to ensure that individuals are not detained, arrested, or put in prison in contravention of the laws;
4. To strictly monitor and inspect in order to ensure that innocent persons are not punished;
5. To demand the criminal case file, documents, and other information relating to an offence from the investigation organization for review;
6. To participate in investigations and, when it is necessary, to himself conduct investigations;
7. To cancel an order of the head of the investigation organization that is in conflict with the laws or that is not supported by sufficient reasons;
8. To provide written instructions on investigations, search for offenders, the interpretation of an offence, and the use of investigative and coercive measures;
9. To issue warrants, orders to arrest, orders to detain, orders for building searches, and orders of pre-sentencing release;
10. To extend the period for investigation and the period of remand, as provided in this law;
11. To send the case file to investigators or interrogators together with instructions for additional investigation;
12. To order investigators or interrogators who breach the laws during the proceedings to cease investigation and to take legal action against

- such persons if the breach constitutes an offence;
13. To suspend and dismiss cases in accordance with the causes provided in articles 69 and 71 of this law;
 14. To exercise such other rights and perform such other duties as provided by the laws.

Article 152 (Modifies). Time Limit for Studying and Providing Opinions

The public prosecutor shall study the case which he has received from an investigation organization or interrogator no later than 15 days from the date he receives the case file and shall issue any of the following orders:

1. If it is deemed that the investigation of the case is still incomplete, the public prosecutor shall send the case file back to the investigation organization or interrogator together with his written instructions for additional investigation;
2. If it is deemed that there is any cause for suspension of the case, as provided in Article 146 of this law, the public prosecutor shall issue an order to suspend the case;
3. If it is deemed that there is any cause for dismissal of the case, as provided in Article 148 of this law, the public prosecutor shall issue an order to dismiss the case;
4. If it is deemed that any investigative or coercive measures that the investigator or the interrogator has used is not appropriate for the circumstances of the case, the public prosecutor has the right to modify, nullify, or cancel such measure;
5. If it is deemed that there is sufficient information and evidence, the public prosecutor shall issue an order to prosecute the accused person in court.

After providing opinion to the case, the public prosecutor must inform the accused person, suspect, injured party, civil plaintiff, and the civil accountable person, within 3 working days after issuing the opinion.

Parties of the case shall have the rights to ask and see the case file, read the order of public prosecutor, make a copy or take note of detail in the case file.

The Office of the Public Prosecutor must send the case file to the court in accordance with exhibits within 3 working days from the date of issuing the order of complaint.

In the case that the relevant case at the time of conducting study is not in the prescribed duties, the Office of the Public Prosecutor must send the case file to another office of public prosecutor where there is existing duties for conducting the study.

The time limit in conducting case study and providing opinion of the Office of the Public Prosecutor at the appeal, and dismissal process, shall be proceed within 30 days from the date of receiving the case file.

Article 153 (new). Returning the Case File for Additional Investigation

After having studied comprehensively on the case file, the Office of the Public Prosecutor might send back the case to the investigation organization for reopening an investigation as follow:

1. Lacking of comprehensive evidence in which the Office of the Public Prosecutor is not able to conduct further proceeding;
2. Finding evidence indicating that there is another suspect or involved person which still not being investigated;
3. Breaching the Criminal Procedure Law.

Sending back the case file to the investigation organization, the public prosecutor has to list the additional investigating items.

The investigation organization must handover the case file with the conclusion of the case additionally to concerned Office of the Public Prosecutor within 30 days from the date of having received the additional basis of investigation.

Chapter 2 The Order to Make Complaint to the Court

Article 154 (new). The Order of Complaint to the Court

The order to complaint to the court is an order made by the public prosecutor requesting the court to consider and decide the offense of the suspect

The order to litigate the suspect in the court shall consist of:

1. Date, and the location where the order is made;
2. Name and surname, duties and position together with the signature of the ordering person;
3. Name and surname of the accused person, age, nationality, race, occupation, number of identity card or registered family book, and address;

4. Charges, date of detention, temporary release, detention center, article in Criminal Law or other laws which prescribed the criminal sentences.

The public prosecutor must inform the order of complaint to the suspect or the accused person to acknowledge the charges within 3 working days before sending the case to the court. If complaint has no signature, the reason of not having that signature must be provided.

The complaint must handover the case file and exhibits to the court for further consideration.

Article 155 (new). The Offenses of a Child which Will not Be Sent to the Court

The offense of children who is under 18, and not less than 15 years of age, and the offense is minor, and not too dangerous to the society, will not be transferred to the court for proceeding when the penalty provide 3 years maximum in jail prescribed by the Penal Law . The consideration of the case will apply the principles prescribed in the Law on Promotion, and Protection the Rights and Interests of Children, and Penal Law.

Article 156 (new). Opinions

Opinion is the statement made by the public prosecutor explaining the offenses of the defendants together with detail of 4 components of criminal offenses including: material component, objective component, subjective component, and actor's component. Opinions also can be the conditions for being discharged or added charges in criminal case, other conditions which are important for the case proceeding, articles of the Penal Law, other laws which prescribed the criminal penalty, the Law on Criminal Procedure, the Law on Public Prosecutor, and other laws concerned.

The accused person, lawyers, or other protectors concerned shall have the rights to read through and take note, or make a copy of the opinion.

The statement of Office of the Public Prosecutor is prescribed in special regulation separately.

Chapter 3

The Order of Complaint Sending to the Court Directly

Article 157 (new). The Order of Complaint Sending to the Court Directly

The order of complaint sending to the court directly is the order issued by the public prosecutor submitted directly to the court without any investigation.

Article 158 (new). Conditions to Make Direct Complaint to the Court

The direct complaint to the court shall follow condition:

1. The minor case which the Penal Law has prescribed sentence of 3 years maximum;
2. Having apprehensive evidence, especially in the ongoing case in the incident, confession of the accused person.

Article 159 (new). Steps in Making Direct Complaint to the Court

When there are comprehensive conditions as written in article 158 of this law, the head of the investigation organization or interrogator has to send the case file together with exhibits of the case, and the accused person, to the Office of the Public Prosecutor within 48 hours. For the remote area, sending the case file should be 7 days from the date of having received the notification, and incident occurred.

The public prosecutor must make a direct complaint to the court within 48 hours from the date of having received the case file.

Part VIII

Proceedings in the Court of First Instance

Chapter 1

Rights and Duties of the Court in Proceedings at the First Instance

Article 160 (new). Rights and Duties of the Court to Proceed the Criminal Case at the First Instance

1. People's court at the district level shall have the rights and duties to proceed the criminal case for the first instance of only the minor case of 3 years imprisonment, and shall except the junior offender;
2. People's court at the provincial level, and municipality, shall have the rights

and duties to proceed the criminal case for the first instance when the case is over the jurisdiction of the district court;

3. Military court shall have the rights and duties to proceed the criminal case for the first instance only for military offenses, or incident that is within their jurisdiction.

Article 161 (new). Rights and Duties of People's Court at District, Provincial and Municipal Level

People's court at district, provincial and municipal level, shall have the rights and duties as follow:

1. All of criminal offenses which prescribed in any paragraph of Penal Law or in other laws and provide maximum sentence of imprisonment of 3 years shall be the duties of the people's court at the district level;
2. All criminal offenses which prescribed in any paragraph of Penal Law or in other laws and provide the sentence of imprisonment more than 3 years shall be the duties of the people's court at the provincial and municipal level;
3. For a criminal offense which there are many offenders, and some of them are entitled to be sentenced to jail for more than 3 years shall be the duties of the people's court at the provincial and municipal level;

Article 162 (new). The Territory Jurisdiction of the Court

The territory jurisdiction of the people's and military courts in considering the criminal case include:

1. Crime that happening in the responsible area, except for necessary case of security and justice. The Supreme People's Court shall have the right to approve the case to be proceeded at the any court level;
2. For an offender who had commit crime in many places or provinces, the proceeding shall be followed in article 97 of this law;
3. If the crime occurs in the plane, boat, or passenger and transportation ship belonging to the Lao PDR whether the incident will be inside and outside the country, the court at the place of happened incident will have a territory jurisdiction to open case proceeding;
4. For Lao people who have committed crime in oversea, and are brought into the Lao PDR for proceeding, the people's courts at the provincial and municipal level shall have the right to precede the case. In the case that the offenders' address cannot be identified in the Lao PDR, the Supreme People's Court shall appoint any court to open proceeding respectively.

Article 163 (new). Settlement of the Court's Jurisdiction

In the case that there is a conflict of jurisdiction, the practice shall follow:

1. The people's courts at the provincial and municipal level will decide the

- district courts' jurisdiction of the same province;
2. The Appellate Court will decide the district courts' jurisdiction in different provinces and municipality.
 3. The Supreme People's Court will decide the court's jurisdiction in Provincial and municipal level;
 4. The Supreme People's Court will decide the court's jurisdiction of people's and military courts.

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Acceptance of the Case for Consideration

Article 164 (modified). Acceptance of the Case for Consideration

The court shall accept a criminal case for consideration only when there is an order for a prosecution from the public prosecutor.

Article 165 (modified). Time Limit for Considering the Case at the First Instance

The people's courts at the provincial, municipal at the first instance, and the military court, shall consider such case within one month from the date it receives such order from the public prosecutor.

For direct prosecutions, the court shall consider and decide the case within 48 hours from the date it receives the prosecution order from the public prosecutor. The court' decision can be appealed, but cannot be dismissed.

Article 66 (modified). Court Measures

In court proceedings, the court has the right to use investigative and coercive measures as provided in this law.

In the case that there will be a usage, modification, adjustment, or cancelation of the court's measures, the concerned court must report to the Office of the Public Prosecutor, defendant, civil plaintiff, lawyer, protectors or the detention center immediately.

Article 167 (modified). Consideration of the Case by the Court

After receiving the case file from the public prosecutor, the president of the court assigns one judge to review the case and then to submit it to the president of the court to decide as follows:

1. To send the case file back to the public prosecutor for additional investigation if it is deemed that the investigation is yet incomplete;
2. To send the case file back to the public prosecutor to issue additional orders for prosecution if it is deemed that there are other offences or other individuals not covered in the prosecution order which was sent to the court;
3. To determine the time for the court hearing if it is deemed that the investigation has been conducted correctly and completely.

After the court's president has decided to issue an order mentioned above, the court has to notify the order to the defendant and participants in the case proceeding within 30 days from the date of having the order.

Article 168 (new). Sending Case File for Additional Investigation

The court's president shall issue an order to send the case file back to the Office of the Public Prosecutor for additional reinvestigation or for complaint as follow:

1. Lack of insufficient evidence
2. There is an obvious basis that the offender still has other offense or offenders involved in the same case which need to be reopen an investigation.

The additional investigation shall separate each case and list the information needed from reinvestigation.

If there is a condition to dismiss the case during the additional reinvestigation as prescribed in article 48 of this law, the public prosecutor shall issue an order to dismiss the case.

In the case that the Office of the Public Prosecutor still cannot acquire additional information from reinvestigation as needed by the court, or by the list of information needed, the court shall have to bring the case back to the court for consideration immediately.

Article 169 (new). Content of Order to Bright the Case for Proceeding

After judges have studied the case file, the court's president must issue a recommendation to take the case into the court hearing.

The order shall include:

1. Names and surnames, age, nationality, occupation, and address;
2. Charges, and article of the Penal Law or in other laws which prescribe criminal sentences;
3. Date, time, and address of court hearing.

Article 170 (new). Calling an Individual or Organization for Providing Testimony

In order to make the case proceeding running systematically, comprehensively, and objectively, the court shall call an individual or organization concerned to give testimony or evidence at the court hearing as prescribed in article 113 of this law.

Chapter 3 Regulation of the Case Proceeding at the Court Hearing

Article 171 (new). The Chamber at the First Instance

The chamber at the first instance shall consist of 3 judges, which one of those will be a presiding judge, and the rest is a committee.

The presiding judge at the court hearing shall not be bias, and consider the case with fairness and justice.

A committee at the court hearing shall participate in court hearing from the beginning till the end.

In the case that the case has been already proceeding for some time, and some of the judges cannot be at the court hearing, the presiding judge has to appoint another judge to substitute. The substitution of the judge above shall lead to reopening of court hearing from the beginning.

Article 172 (new). Regulation in Court Hearing

Before beginning in the court hearing, the court has to read out the regulations to participants in court hearing.

All participants in the court hearing have to follow concerned regulations, judges, and the recommendation made by the presiding judge

All participants in the court hearing have to stand up in order to show the respect to judges when they walk in and out from the court hearing, or at the time of reading out the court's decision,.

Persons who are called for participation in court hearing shall have the rights to propose opinions to judges at the time when the presiding judge allows to. In the case that some judges have some health problem in court hearing, the presiding judge shall allow those concerned judges to sit down and continue the case when necessary.

Article 173 (new). Measures to Person who Break the Regulations at the Court Hearing

A person who does not obey the rules at the court hearing shall be warned, asked to leave or forced to leave from the room, or charged and sentenced if necessary. Securities at the court hearing must maintain and follow the rules and orders of the court's president in dealing with the wrongdoer.

Article 174 (new). The Participation of the Public Prosecutor

The public prosecutor has to participate in the court hearing at the same level or might appoint any interrogator to attend the proceeding.

Article 175 (new). The Participation of the Defendant

The defendant has to participate in the court hearing as of the warrant of the court.

In the case that the defendant who is not in the custody does not participate in the case proceeding without any reasonable explanation, that person will be forcibly brought into the court hearing pursuant to article 137 of this law.

When the defendant who does not participate in the case proceeding has enough excuses, the court will postpone the proceeding further.

If in the case proceeding which the defendant is sick urgently, the court will also suspend the process until that person will recover from the illness.

If the defendant has fled from proceeding, the judicial tribunal will issue the order to arrest and bring that person for further proceeding.

The defendant who is in custody attends in the court hearing shall have the right to meet his lawyers or other protectors. To meet with other people besides mentioning above, approval will be needed from the court's president only.

Defendant who is in custody has to participate in the court hearing until the case is completely done.

Article 176 (new). Participation of the Injured Party, Civil Plaintiff, and Civil Accountable Person

The injured party, civil plaintiff, and civil accountable person, have to participate in the court hearing until it is completely done.

In the case that the injured person, civil plaintiff, and civil accountable person, do not participate in the court hearing, the judicial tribunal shall consider whether to postpone, or continue the proceeding.

Article 177 (new). The Participation of the Witnesses

Witnesses must take part in the court hearing in order to provide information on the incident. If those witnesses do not participate in the court hearing without any reason, the concerned witness shall be brought into the court hearing as prescribed in article 137 of this law.

If the witnesses do not appear in the court hearing but all information had already been provided to the investigators or interrogators, the court shall bring such record to present at the court hearing. In the case that the information provided by the witnesses is very important and necessary, the judicial tribunal shall order to postpone the proceeding.

Article 178 (new). The Participation of Lawyers or Protectors

Lawyers or protectors of the defendant shall have the rights and duties to participate in the court hearing and have to send their opinions in writing to the court before the date to open the court hearing.

In the case that the accused person or defendant is a child under 18 years of age, deaf, blind, mute, insane person, and the offender who is sentenced to death, shall have the lawyer and protector to participate in the court hearing.

In the case that lawyer or protector do not participate in the court hearing, the court still open the case proceeding, unless those lawyer or protector can provide reasonable explanation, and then the court shall consider to postpone the process further.

Article 79 (new). The Participation of Experts or Specialists

Experts or specialists shall be at the court hearing to provide comment and explanation of the case.

If experts or specialists cannot be at the court hearing, the judicial tribunal shall consider to postpone or continue the proceeding by referring to the necessity and significance of their participation.

Article 180 (new). The Participation of Translators

The translator shall participate in the court hearing to translate concerned languages. If the translator cannot be at the court hearing, the judicial tribunal shall postpone the proceeding.

Article 181 (modified). Suspension and Adjournment of Trial

A suspension of a trial is when case proceedings temporarily cease due to circumstances which create an obstacle to the trial. For instance, the defendant suddenly falls ill or loses his legal capacity.

An adjournment of the trial is the decision to adjourn the case to another day because of the need to collect new evidence, or in the incident that a person who is important to the consideration of the case did not appear at trial, or because of other reasons and incidents.

Article 182 (new). Time Limit of Adjournment of Trial

The judicial tribunal shall have the right to design the time limit for postponing the trial; each adjournment shall not be over 7 days from the date of resolution.

Article 183 (new). The Scope of Trial

The court shall consider the case depending on the complaint submitted by public prosecutor and parties of the concerned case. The consideration shall follow the basis and findings receiving from the court hearing strictly. All complaint and petition shall be considered pursuant to the laws. For other issues that have not been brought up by the public prosecutor or by the parties of the case shall not be taken into the consideration at the trial.

Article 184 (new). Record of the Court Hearing

The record shall include:

1. Name and slogan of the nation;
2. Date and address of court hearing;
3. Number and date of the case;
4. Name and surnames of judges in the judicial tribunal ;
5. Names and surnames of the public prosecutor or representatives and secretariats;
6. Names and surnames of defendant, accused person, civil plaintiff, civil accountable person , lawyer or protector;
7. Charges, date of custody or arrest, detention center, date of temporary release;
8. Notification of rights and duties of participants;
9. Questions and answers of participants together with photos or audio record of the court hearing if applicable;
10. The court's decision;
11. Notification of the right to appeal or reject the court decision;
12. Time when finish the trial.

The public prosecutor or representatives, defendant, accused person, civil plaintiff, civil accountable person, and lawyer or protector, shall have the right to read through the record and might propose to modify or adjust before giving signatures and thumbprints.

If there is a person mentioned above does not provide signature and thumbprint to the record, the court's clerks shall make record in the report. The president and team of the court have to check the correction of the record before giving signatures in accordance with the court's clerk.

The record shall be kept in the concerned case file

Chapter 4

Opening the Court Hearing

Article 185 (new). Process of Opening the Court Hearing

Opening the court hearing shall follow:

1. the court's clerks shall inform the regulations at the court hearing;
2. the court's clerks shall report the number participants before judicial tribunal will get into the court hearing;
3. the court's clerks shall bring the case file and handover to the judicial tribunal for further investigation;
4. the presiding judge of the judicial tribunal shall make a speech for opening the court hearing together with reading out the order to proceed the trial;
5. the presiding judge shall enquire the defendant regarding his acknowledgement of the charges.

Article 186 (new). Notification of the Case for Consideration

After the defendant has acknowledged his charges made complaint by the public prosecutor and order of the court, the court's president shall notify the case to the parties and participants of the case.

Article 187 (new). Announcement of Names of Judicial Tribunal, the Secretariats and the Public Prosecutor

Chairperson of the judicial tribunal shall announce names and surnames of the judicial tribunal, the court's clerks, and the public prosecutor, to participants by beginning at the name of the court's president, judicial tribunal, the secretariats, and the public prosecutor or representatives respectively.

Article 188 (new). The Right of Rejection

The presiding judge of the judicial tribunal shall notify the right to reject the judicial tribunal or some members in the judicial tribunal, the secretariats, the public prosecutor or representatives, experts or specialists, and translator, to parties together with asking opinion with the parties of the case.

The parties have the right to propose their rejection of judicial tribunal, and other people mentioned above if it is seen that they are relatives, have some benefit or conflicts with a party. In this case, the court's president must open temporary court hearing to consider on the issue in closed session.

Article 189 (new). The Result from Considering the Rejection

After having considered the proposal about rejection, the judicial tribunal shall leave the court hearing as prescribed in article 172 of this law.

If the proposed rejection is reasonable, there shall be a substitution of the rejected person. If the proposed rejection is not reasonable enough, the court's president shall continue the case proceeding with the same judicial tribunal and notify the reason of not substituting the judicial tribunal or some of its members.

Article 190 (new). Explanation the Rights and Duties of Experts, Specialists, and Translator

In the case that an expert, specialist, and translator, cannot take part in court hearing, the presiding judge has to announce names and surnames, occupation, and duties together with explanation the rights and duties of these people pursuant to article 72, 73, and 74 of this law.

Article 191 (new). Explanation of the Rights and Obligations of Witnesses

After asking for names and surnames, age, occupation, and address of each person, the presiding judge must explain rights and obligations of witnesses written in article 70 of this law.

Chapter 5 Proceeding in Court Hearing

Article 192 (modified). Case Hearing at the Court of First Instance

Case hearings at the court of first instance shall be made directly, verbally, openly or in closed sessions in certain cases, with debate by the parties, continuously and before the same judicial tribunal.

In the case proceeding in the court hearing, the court must be direct to the questions and hear the testimony of the defendant, accused person, civil plaintiff, civil accountable person, witness, experts or specialist, the test of evidence, the statements of the public prosecutor, and the lawyer or protector.

The presiding judge of the judicial tribunal has the duty to lead the trial in an impartial manner.

After this, the presiding judge of the judicial tribunal asks for the biography of the defendant, and asks that the defendant be informed of the order of prosecution of the public prosecutor and the charges.

The judicial tribunal shall listen to the testimony of the injured person or civil plaintiff, defendant, civil accountable person, witness, and other participants in the case.

During a trial, the public prosecutor, and the judicial tribunal have the right to ask other participants in the proceedings additional questions with the approval of the presiding judge. The judicial tribunal shall bring exhibits and evidence of the case to the court hearing and shall open the debate.

If there is any change to members of the judicial tribunal, the trial must be re-conducted.

Article 193 (new). Reading out the Order of Complaint

Before proceeding, the court's president shall propose the public prosecutor to take part in reading out the order of complaint to the accused person.

Article 194 (new). Process of Case Proceeding

In the case proceeding, the judicial tribunal shall search for evidence in order to consider the case comprehensively in each offense.

In consideration of each accused person, the court's president shall be the first to enquire, the judicial tribunal shall be the second, and the public prosecutor, lawyer or protector shall follow the queue respectively. The public prosecutor, the judicial tribunal, lawyer or protector shall be able to make any enquiry only if the court's president has allowed.

Participants in the court hearing shall have the rights to propose to the judicial tribunal to make their questions relevant to the incident in order that the case shall be more transparent.

Experts or specialists can ask participants on the issues which is related to the opinions of them.

Article 195 (modified). The Prosecution to the Defendant

The presiding judge of judicial tribunal shall begin the prosecution by asking the defendant on his biography, alleged charges, and the incident of the case. After that the president of judicial tribunal shall continue the proceeding by identifying the unclear, and thorough issues, and others. In the case that there are many defendants, the judicial tribunal shall prosecute one by one.

In the case that the testimony shall affect to each defendant, the judicial tribunal shall separate the prosecution of each defendant. If the testimony of

the previous defendant shall be notified to other separated defendants, questions from these defendants shall be allowed to ask back on the previous testimony.

The public prosecutor shall have the right to enquire about the situation of the incident which is relevant to the charges of the defendant.

Lawyer or protector shall have the right to ask and propose the matters which are relevant to the protection of the rights and interest of the clients.

Participants in the court hearing have the rights to propose questions to the president of judicial tribunal which are relevant to themselves

In case that the defendant refuse to answer any questions, the judicial tribunal shall continue to enquire other persons and examine information and evidence related to the case.

Article 196 (new). The Prosecution to the Injured Party, Civil Plaintiff, Civil Accountable Person, Lawyer or Protector

After finishing the prosecution to defendant, the judicial tribunal has to do another prosecution to the injured person, civil plaintiff, civil accountable person, lawyer or protector. In case that the prosecution still cannot obtain required information or have different acquired testimony, the proceeding shall keep continuing.

Article 197 (new). The Prosecution to the Witnesses

The judicial tribunal shall prosecute one by one when there are a number of witnesses at the same time by separating them away from one another, and not allow disclosing any information receiving from the previous witness to the other.

In the process of prosecution, the judicial tribunal shall enquire about the relationship between witness, defendant, and other people involved in the case.

The judicial tribunal shall ask the witness to retell all incident that he had seen, heard, and other issues which need to be cleared, and verified.

In the case of necessity in protecting the witness or relatives, the judicial tribunal shall apply any measures when it is necessary as prescribed in laws.

Article 198 (new). The Opinion of Experts or Specialists

Experts or specialists shall participate in the court hearing pursuant to the invitation of the court in order to provide information which is related to their examination.

In the court hearing, experts or specialist have the right to explain additionally to their conclusion.

In case that expert or specialist cannot be in the court hearing, the judicial tribunal shall read out the conclusion of those concerned experts or specialist in the court hearing.

The public prosecutor, lawyer or protector of the defendant and other participants shall have the right to raise enquiries on the expert's or specialist's report to clarify on the unclear issues. In the case of necessity, the judicial tribunal can ask expert or specialist for additional examination or retest.

Article 199 (new). Submission of Evidence

The public prosecutor, defendant, lawyer or protector can provide opinions on the objective evidence. All evidence submitted or give to the court hearing shall be inspected by the judicial tribunal on the correctness, thoroughness, and relationship of the case.

Article 200 (new). The End of the Prosecution

All information and evidence providing to the court shall be inspected, and presiding judge shall ask for additional information and evidence whether there is still some remaining items. If there is still a reasonable proposal or enquiry which needs to be done, the judicial tribunal shall continue the prosecution till all issues are clear and thorough.

In case that there is no additional enquiry or question, the prosecution of the case shall be completed.

Chapter 6 Debate in the Court Hearing

Article 201 (new). Rules for Debating

After the prosecution in the court hearing finished, the judicial tribunal shall open the debate. The debate shall begin with the raising the issues of the public prosecutor on the binding evidence and criminal liability of the defendant. The defendant shall have his opinion even though the lawyer or protector is in the court hearing.

Civil plaintiff, civil accountable person, and others shall have the right to provide opinion to protect the rights and interest. In case that those people above have lawyer or protector in the court hearing, the protection of the rights and interest shall be proceeded by them.

Article 202 (new). Discussion

Defendant's, lawyer's or protector's opinions shall be clarified by the public prosecutor at the time when presiding judge has allowed to. Presiding judge shall provide time for discussion and facilitate participants in the court hearing to commend which is not related to the case.

Civil defendant and civil accountable person shall have the right to

propose related issues. When participants in the discussion have no opinion or comment, presiding judge shall close the process, except in the case prescribed in paragraph 2 of article 203 of this law.

Later, presiding judge shall ask the public prosecutor for providing statement

Article 203 (new). Final Opinion of Defendant

After the public prosecutor has provided statement, presiding judge has to provide opportunity to the defendant to give his opinion at the end of the process. In the case that the final opinion of the defendant is important for the case and acceptable, presiding judge has to open an additional investigation or discussion. When there is no situation involved, presiding judge shall announce to temporarily close the court hearing in order to bring the case to closed session for further trial.

Chapter 7 Consideration of the Case in Closed Session and Reading out the Decision

Article 204 (modified). Consideration the Case in Closed Session

The consideration of the case in the closed session, the judicial tribunal must perform its duties comprehensively, thoroughly, and objectively by referring to the results from the prosecution proceeding as the main basis for accurate and just decision.

The final decision in the court hearing shall take the vote from the majority in the room. The member of the judicial tribunal who has the lower qualification to give opinion and vote first, presiding judge shall be the last person to give opinion and vote. For the different opinion, those shall be written in the case file in order that the statement would be taken into consideration at the upper court.

The judicial tribunal shall sign the draft of the court's decision in the closed session

Article 205 (new). Court's Decision

The court's decides on criminal case shall be on behalf of the Lao PDR

The decision of the criminal case shall consist of :

1. Introduction;
2. Content;
3. Prosecution;
4. Decision.
5. The court's decision has designed in a special regulation.

Article 206 (modified). Pronouncement of Decision in Trial

Once a decision has been reached at a closed session of the court, the presiding judge and members of the judicial tribunal must pronounce the final decision in an open court session and also instruct the litigants of their right to appeal the court's decision.

If the defendant cannot speak Lao, the translator has to do translation of all court's decision.

Article 207 (modified). Decision Made in the Presence of the Parties, Decision Considered to be Made in the Presence of the Parties, and Decision Made in Default

Decision made in the presence of the parties is a decision made by the court where the civil plaintiff and the defendant have participated in the proceedings, but excludes a decision of the court of cassation.

Decision considered to be made in the presence of the parties is the decision of the court when a civil plaintiff or defendant has received a summons but does not appear in court without reason, or when the offence is a minor offence where the civil plaintiff or the defendant proposes to the court to decide the case without participation of such concerned person. In such case, neither the civil plaintiff nor the defendant has the right to object to the decision, but has the right to appeal.

Decision in default is the decision of the court when the civil plaintiff or defendant does not come to the court hearing, in circumstances where the court has sent a summons and understands that such person has received the summons but that person did not actually receive such summons for any reason. For instance, the summons was sent but did not reach such person, or such person fled. In such case, the civil plaintiff or defendant has the right to object to the decision within twenty days from the date he is informed of the decision. The same judicial tribunal shall re-adjudicate the case in the presence of such concerned person in accordance with regulations governing the consideration of cases in a court of first instance.

Article 208 (modified). Types of Decision of the Court at First Instance

The types of decision that the court at first instance may issue are as follows:

1. Decision to punish;
 - Deprivation of liberty, fine, confiscation and others prescribed in penal Law;
 - Total or partial stay of the execution of the penalty;

2. Decision of acquittal:

When the defendant has been sentenced as of this article, point 1, and the offense is relevant to the damage and is requested for compensation, the judicial tribunal shall include the issue into the consideration. The decision might include other urgent compensation as prescribed in civil procedure law.

In the case where there is no appeal or objection to the decision of the court of first instance, the decision shall be final and no one shall have right to request for cassation of such decision. The court has to send the court's decision together with the case file to the organization of enforcement of judgment as prescribed in part XI of this law.

Article 209 (new). The Release of Defendant

In the court hearing, the judicial tribunal at the first instance shall read out the court's decision and release the defendant who is detained immediately as of conditions below:

1. Defendant has been discharged;
2. Defendant is sentenced for reeducation without deprivation of liberty;
3. Defendant is considered to be free from jail with the condition not to commit any crime during this released period;
4. Defendant has finished the period spending in detention which is equivalent to the period decided by the court.

Article 210 (new). Printing and Handover the Court's Decision

The court's decision must be printed and give to defendant, the office of public prosecution, investigation organization, lawyer or protector of the defendant within 30 days from the date of announcement the judgment.

In the case of decision is made in default shall be sent to the village office where the defendant has lived.

The injured, civil plaintiff, civil accountable person, and other people who have rights and interest in in the case or representatives, shall have the right to ask for a copy of the court's decision.

Part IX Proceedings on Appeal

Article 211 (new). The Court's Jurisdiction in Proceeding the Case on Appeal

The court shall have the right to:

1. The people's courts in provincial and municipal level shall have the right to proceed the case on appeal or rejection receiving from the district people's court;
2. The appellate court and supreme military court shall have the right to proceed the case on appeal or rejection receiving from the people's courts in provincial and municipal level, and military court's decision at the first instance.

Article 212. Right to Request Appeal

The defendant, or his lawyer or protector, has the right to request an appeal against an instruction, order, or decision of the court at first instance.

The civil plaintiff and civilly liable party, or their lawyers or protectors, have the right to request an appeal against an instruction, order, or decision of the court only in respect of civil matters.

Article 213 (modified). Rejection of the Public Prosecutor

The public prosecutor, in the same level as the court, has the right to object to the court of appeal in respect of an instruction, order, or decision of the court at first instance which is not in conformity with the laws or which does not have sufficient reasons.

Article 214 (modified). A Request to Appeal and Reject the Court's Decision

The appellate court shall have the right to proceed the case only if there is a request for appeal or rejection.

The right to appeal and reject the order, and arbitration of the court at the first instance shall be implemented within 7 days from the date of having received a decision. For the court's decision at the first instance shall be given 20 days to make a request to appeal or reject.

In the case that there is a reservation to make an appeal or rejection to the court's decision, the request should be made within 20 days from the date of reservation.

Article 215 (modified). Regulations Regarding Appeal or Objection

When there is a request for appeal from the litigants, or any objection by the public prosecutor, against any instruction, order, or decision at first instance of the court, such request for appeal or objection must be submitted to the court of appeal through the court of first instance. The court of first instance must inform the person who wishes to appeal about the timeframe of appeal, the pleadings to be submitted in an appeal, fees in relation to the appeal and other rights of such person. The court of first instance must accept the request for appeal or objection even if the timeframe has expired, and within thirty days, the court of first instance shall send the request for appeal or objection together with the case-file to the court of appeal for its further consideration.

The regulations for reservation regarding appeal or objection shall implement the same as requesting an appeal or objection written above in paragraph 1 of this article.

In the incident that the court of first instance does not accept or delays the acceptance of a request for appeal or an objection, the litigant or the public prosecutor has the right to submit the request for appeal or the objection directly to the court of appeal.

Once the timeframe for requesting an appeal or making an objection has ended, if the court of first instance which received the request for appeal or the objection delays the submission of the case-file, the litigant or the public prosecutor has the right to request the court of appeal to demand the case-file from the court of first instance for consideration.

In the incident of a request for appeal or an objection against the decision, the court of first instance shall give notice of the request for appeal or the objection to the other party to allow him to lodge a defense or objection. If the defendant is in prison, he should be informed through the prison officers.

Before the consideration and adjudication on appeal at the court of appeal shall begin, the litigants and the public prosecutor each has the right to submit a written statement to the court of appeal to give additional reasons for his appeal or objection, and to comment on the appeal of the other party or the objection of the public prosecutor.

Article 216 (modified). Time Period for Case Proceeding at the Court of Appeal

The court of appeal shall open proceeding of the concerned case within 45 days from the date of having received the case file.

Article 217 (modified). Right to Change, Modify, and Withdraw an Appeal or Objection

Before the consideration and adjudication on appeal at the court of appeal take place, the litigants, and the public prosecutor shall have the right to add, modify, or withdraw his request for appeal or objection.

In the incident that the request for appeal or the objection is withdrawn, the litigants, other concerned parties or the public prosecutor does not have the right to request an appeal or to object again.

In the case that the request for appeal or the objection is withdrawn entirely, the court of appeal shall end all proceeding and the decision made at the first instance shall become final from the date of issuing an order to end all proceeding. In case that the request for appeal or the objection is withdrawn partly, the court of appeal shall consider the remaining part of the case.

Article 218 (modified). Presentation of Additional Evidence to the Court of Appeal

Before opening the court hearing or prosecution the case as written in article 217 of this law, the litigants shall have the right to present additional\new evidence before the public prosecutor to give statement in the court hearing.

Old and new evidence shall be brought into the court hearing for further consideration. The decision at the court of appeal must follow existing old and new evidence as the basis in decision making.

Article 219 (modified). Regulations Relating to Consideration of a Case at the Court of Appeal

Regulations relating to consideration of a case at the court of appeal are the same as the regulations relating to consideration of a case at the court of first instance, as provided in articles 167, 170-207 of this law.

After the presiding judge of the judicial tribunal opens the trial in accordance with the regulations and after the responsible member reports on the case, the presiding judge of the judicial tribunal shall allow the person who requested the appeal or the public prosecutor who objected to the decision to give the reasons for such person's appeal or objection.

In the case where there is presentation of new evidence, the court shall inform the appellate public prosecutor and other participants in the proceeding. After that, the defendant, or his lawyer or protector, and the injured party and the civilly liable party, or their lawyers or protectors, will give explanation to the court. For regulations regarding the prosecution, debate, and decision shall also implement the same as the practice at the first instance.

Article 220 (modified). Scope of Jurisdiction in Consideration of the Case by the Court of Appeal

In consideration of a criminal case, the court of appeal shall review the legal correctness and reasons for the decision at first instance, based mainly on the result of the court hearing at appellate level and new evidence. The court of appeal shall not only consider the case within its responsibility, but also examine the proceeding of the entire case which is relevant to defendants in the same case even though some of the defendants do not make any request for appeal or the public prosecutor does not apply any rejection.

In the proceeding, the court of appeal shall have the right to consider to minimize the punishment, but cannot increase the punishment except only there is an objection of the public prosecutor.

Article 221 (new). The Decision at the Court of Appeal

The court of appeal consider the case on behalf of the Lao PDR

The decision of the court of appeal shall include:

1. Introduction;
2. Content;
3. Types of cases;
4. Consideration;
5. Decision making

The decision of the court of appeal has provided in a special provision.

Article 222 (modified). Types of Decisions of the Court of Appeal

The types of decision that the court of appeal can issue are as follows:

1. To confirm the decision of the court of first instance entirely;
2. To amend the decision of the court of first instance in part or in its entirety and to decide to increase or reduce the penalty for the offence that the court of first instance imposed;
3. To nullify the decision at first instance and send the case to a new tribunal at the court of first instance in order to consider the case or send the case back to the original tribunal to reconsider if such tribunal has not considered a certain claim of the litigants or a certain request of the public prosecutor; and
4. To nullify the decision of the court of first instance, and then to issue a decision of acquittal.

The decision of the court of appeal shall be the final decision as to the contents of the case.

The court of appeal that has made a decision on the case must print out the decision within 10 days from the date of the decision. In the case that there is no request for appeal or rejection, the decision made at the first instance shall be final. The court must send the court's decision together with the case file to the office of enforcement judgment.

In the case that the court of appeal has considered the case as prescribed in point 3 of this article, defendant, civil plaintiff, civil accountable person, lawyer or protector, and the public prosecutor shall not be allowed to make a request to appeal or rejection.

Article 223. Reasons for Nullifying or Amending a Decision

The reasons for nullifying or amending a decision of the court of first instance are as follows:

1. The investigation is not comprehensive, thorough, and objective;
2. The court's reasoning is not in conformity with the facts of the case;
3. The imposition of the penalty is not appropriate to the nature of the offence, the danger to society of the offence, or the characteristics of the offender;
4. There is a breach of the regulations on criminal procedure or incorrect use of the Penal Law.

Article 224 (modified). Re-consideration of the Case by the Court of First Instance

In the case where the appellate court sends the case back to the court of first instance to reconsider, the consideration of such case shall be in accordance with the general regulations.

In the re-consideration of the case, the court of first instance may only increase the penalty when the re-investigation reveals new facts which prove that the defendant committed another offence, there is an additional order to prosecute from the public prosecutor.

Part X Proceedings in the Court of Cassation

Article 225 (new). The Jurisdiction of the Court of Cassation

1. The appellate court shall have the right to proceed the case on appeal receiving from the people's courts at the provincial and municipal level;
2. Only the People's Supreme Court has the right to adjudicate a case on cassation and at a final level for legal aspects of the case sending from an appellate and supreme military courts

Article 226 (Modifies). Request for Cassation and Objection to Court Decisions

A civil plaintiff, defendant, lawyer or protector of either party, or the appellate public prosecutor has the right to request for cassation or object to an instruction, order, or decision of the court of appeal to the court of cassation pursuant to which the court of cassation is requested to review the conformity of such instruction, order, or decision to the laws.

The court of cassation shall accept requests for cassation regarding the instruction, order, or decision of the court of appeal for consideration, only when there is a request for cassation by the civil plaintiff, defendant, or their lawyers or protectors, or when there is an objection of the appellate public prosecutor.

A civil plaintiff, defendant, and the appellate public prosecutor each has the right to request cassation or the right to object to an instruction or order of the court of appeal no later than seven days from

the date when they were informed. For the decision of the court of appeal, they have to request for cassation or objection within two months from the date such decision was read out or the date they were informed.

In the case that there is a request to reserve for cassation or rejection the case, the application should be made within 45 days from the date of booking the request.

Article 227 (modified). Regulations on Cassation

In requesting for cassation or objecting to any instruction, order, or decision of the court of appeal, the litigants or the public prosecutor shall submit a request for cassation or an objection against such instruction, order, or decision to the court of cassation through the court of appeal which decided the case. The court of appeal shall instruct the person who has asked for cassation about the time period to request for cassation, how to write a request for cassation, the fee for the request for cassation and his other rights. The court of appeal must accept the request for cassation or objection even if the timeframe has expired, and within thirty days, the court of appeal shall send the request for cassation or objection together with the case-file to the court of cassation for its further consideration.

For the reservation to request for cassation or rejection the case, the process shall be practiced the same as paragraph 1 of this article.

In the incident that the court of appeal does not accept or delays to accept a request for cassation or objection, the litigants and the public prosecutor each has the right to submit the request for cassation or the objection directly to the court of cassation.

Once the timeframe for the request for cassation or objection has ended, if the court of appeal which received the request for cassation or objection delays the submission of the case-file to the court of cassation, the litigants and the public prosecutor each has the right to request the court of cassation to demand the case-file from the court of appeal for consideration.

In the case where there is a request for cassation or objection, the court must inform the other litigants to allow them to respond to the request for cassation or objection. If the defendant is in prison, he should be informed through the prison officers.

Before the consideration and adjudication of the case at the court of cassation shall begin, the litigants and the public prosecutor each has the right to submit a written explanation to provide additional reasons for his request for cassation or objection, and to comment on the request for cassation of the other party or the objection of the public prosecutor.

Article 229 (modified). Consideration of the Request for Cassation or Objection at the Court of Cassation

The court of cassation considers the request for cassation or objection in the court hearing with the presence of the Supreme Public Prosecutor who shall make a statement.

If necessary, the court of cassation will summon the sentenced person or other concerned persons to participate in the court hearing.

After the opening of the court hearing, the presiding judge or member of the judicial tribunal who is responsible for the case, shall report the status of the case, the relevant instruction, order, or decision, and the contents of the request for cassation or objection, together with his comments on the case. After that, the other members of the judicial tribunal and the Supreme Public Prosecutor each has the right to question the person who has presented the report of the case, and other concerned persons have the right to request and provide comments on the case during the court hearing.

After the Supreme Public Prosecutor makes his statement, the presiding judge of the judicial tribunal shall declare a temporary recess of the hearing in order to make a decision in a closed session. Finally, he will bring the judgment to read out in the court.

Article 230 (new). Decisions of the Court of Cassation

The decision of the court of cassation is on behalf of the Lao PDR.

The decision of the court of cassation shall consist of:

1. Introduction;
2. Content;
3. Types of cases;
4. Consideration;
5. Decision making

Article 231 (modified). Type of Decisions of the Court of Cassation

The types of decision of the court of cassation are as follows:

1. To not accept the request for cassation or objection, if the litigants or the public prosecutor do not comply with regulations relating to requests for cassation or objections;
2. To cancel the request for cassation or objection, and confirm the entire instruction, order, or decision of the court of appeal;
3. To nullify the instruction, order, or decision of the court of appeal entirely without sending the case back to the

- appellate court, and then to issue a decision of acquittal;
5. To nullify the instruction, order, or decision of the court of appeal partially or in its entirety, and then send the case-file to a new or the previous judicial tribunal of the court of appeal, when the previous judicial tribunal has not yet considered certain request.

Article 232 (modified). Reasons for Nullifying or Amending an Instruction, Order, or Decision

1. The court's decision is not consistent with the facts, offense, danger of the case, and legal capacity of the offender;
2. The case proceeding has violated the Criminal Procedure and Penal Laws.

Article 233 (modified). Scope of Jurisdiction in Consideration of the Case at the Court of Cassation

In its consideration of the request for cassation or objection, the court of cassation has a duty to consider only matters relating to legal aspects as presented in the request for cassation or objection and shall not question as to matters of fact in the case.

If there are many persons who were convicted in that case, but the request for cassation or objection only relates to one or a few persons, the court shall consider the case relating to all convicted persons in the same case, even if the request for cassation or objection does not relate to such persons.

If it is found that the court of appeal decided to acquit incorrectly or if it is found that the imposition of the penalty on the convicted defendant is consistent with the actual offence, the court of cassation shall nullify the decision of the court of appeal and then send the case to the court of appeal to re-consider.

Article 234 (modified). Re-consideration of the Case by the Court of Appeal

In the incident that the court of cassation nullifies the decision of the court of appeal and sends it back to the court of appeal to reconsider, the re-consideration of such case shall be in accordance with Article 219 of this law.

In the incident that the new judicial tribunal of the court of appeal delivers a decision that is not in conformity with the decision of the court of cassation, and if the defendant does not request for cassation, the Supreme Public Prosecutor, by law, shall object against that decision to the

People's Supreme Court.

In the re-consideration of the case, if the court of cassation delivers the same decision, and it sends the case back to the court of appeal for the second time, the new judicial tribunal of the court of appeal shall strictly comply with the decision of the court of cassation.

Part XI Judgment Enforcement

Chapter 1 General principles on Judgment Enforcement

Article 235 (modified). Court's Decisions to Be Enforced

The instructions, orders or decisions of the courts which shall be enforced are:

1. An instruction, order, or decision of a district or municipal court that has become final;
2. An instruction, order, or decision of the court of first instance that has to be enforced temporarily;
3. An instruction, order, or decision of the court of first instance, and a decision of the people's appellate court at provincial or city level, that has become final;
4. An instruction, order, or decision of the court of cassation;

The court's decisions or judgment which shall be brought into enforcement even though there is a request for appeal, rejection, or cassation, are including:

1. The decision or judgment to free the defendant from charges;
2. The decision or judgment to stay of execution of penalty;
3. The decision or judgment to imprison is equal to the period at the time when the defendant has spent in the custody.

Article 236 (new). Process of the Judgment Enforcement

Within 7 days of having received a final decision or judgment from the court, the presiding judge at the first instance shall issue the order to enforce the judgment or decision or assign another court at the same level to issue an order to enforce the judgment of decision.

The order of judgment enforcement shall include names and surnames, duties and position of ordering person, name of organization of judgment enforcement; names and surnames, date. And address of offenders;

decision or judgment for the offenders to follow.

The copy of the order of judgment enforcement and court's decision must be sent to the office of judgment enforcement, offenders, and the Office of the Public Prosecutor working at the same level of the office the judgment enforcement.

In case that the offender has been temporary release, the order of judgment enforcement must include time limit of 7 days starting from the date of having received the order. The offender must appear at the office of reeducation center or detention area in order to follow the court's judgment.

In the case that the criminal who has been temporary released not appearing at the of reeducation center or detention area in order to follow the court's judgment, the court shall issue an order to arrest and send to the investigation organization to proceed further.

Article 237 (modified). Judgment Enforcement Organizations

Judgment enforcement organizations are:

1. The re-education enters of the Ministry of Interior at the provincial, and municipal level, and divisions of police officer detention and re-education centers belonging to the Ministry of Interior;
2. The office of military judgment enforcement in following instructions, orders, or decisions of the military courts that have become final;
3. The village offices in following the orders to pursue, and reeducate persons who are enforced to practice the existing punishment;
4. The judgment enforcement offices of the provincial or city justice division, and judgment enforcement units of the district or municipal justice offices, that are in charge of enforcement of penalties relating to compensation for civil damages, fines, confiscation of assets, and re-education without deprivation of liberty in criminal case;

Article 238 (modified). Release of a Prisoner

When a convicted person has served the penalty of deprivation of liberty completely in accordance with the court decision, the prison officer shall release such person; if such person has not yet been released, the public prosecutor shall issue an order to release such person.

Conditional release of prisoners before the term shall be carried out

in accordance the Penal Law.

Release by pardon granted by the President of the State on the occasion of important days of the nation shall be carried out in accordance with regulations on pardon.

Release by amnesty shall be carried out in accordance with the resolution of the National Assembly.

The releases mentioned above shall be implemented immediately, even if the civil plaintiff requests an appeal, or requests for a cassation, or the convicted person has not yet paid the compensation for civil damages or fines. Compensation for civil damages or fines shall be assigned to judgment enforcement offices or units to enforce.

Article 239 (modified). Method for Release

Release shall be carried out as follows:

1. After the prisoner has served the sentence completely as defined in the court decision, or has received a release before the term, or received a release in accordance with the order of the public prosecutor, the committee in charge of the prison shall prepare and bring the person who is to be released to educate as well as to ask him to write and swear to an oath. The village administration and the family of such person shall be invited to be present at the time of the release, and the village administration shall be assigned to continue to educate such person;
2. The officer in charge of keeping material items lawfully possessed by the person to be released shall return such material items to the concerned person in full and in the same condition by making a record of acknowledgment of receipt of such items. If the material items are not returned in full and in the same condition, the officer in charge shall be liable as provided in Article 141 of this law;
3. the head of the prison must make a record of the release as prescribed in the law;
4. In the incident that the released person does not have a family or relative to take such person or is in no condition to return home by himself, the committee in charge of administration of the prison shall pay an allowance and travel fee that is appropriate in the circumstances to such person together with documents to be handed over to the village administration;
5. In releasing a prisoner who is a foreign citizen who has not yet made compensation for civil damages, there shall be measures not to allow such person to exit from the country until such person makes compensation in full.

Chapter 2

The Enforcement Judgment of Deprivation of Liberty and other Penalties

Article 240 (new). The Enforcement on Deprivation of Liberty

The convicted persons on deprivation of liberty, temporary released persons or pending to be detained shall be brought to serve their penalties in the detention center.

The head of detention center or reeducation center have to notify the address where the prisoners are kept to their relatives within 15 days from the date of having received those criminals.

In the case that the prisoners have been detained, the authorities at the center have to allow their relatives to come and visit.

Article 241 (new). Suspension of the Penalty on Deprivation of Liberty

Convicted person who has been convicted for deprivation of liberty but still pending to implement shall have the right to ask for suspension by requesting in writing to the head of provincial, municipal offices of security, or the police divisions of detention-reeducation centers belonging to the Ministry of Interior.

Within 10 days from the date of having received the request above, the authorities concerned shall take it into consideration. When there is some reasons and conditions written in article 242 of this law, the head of office of security at the provincial, and municipal level, or the head of the division of security, shall issue and order to suspend the penalty of deprivation of liberty, and then the order shall be sent to convicted person and report to the public prosecutor for performing an pursuance and inspection.

When the period of suspension has finished, within 10 days the convicted person has to appear for serving the penalty, if not and with no reason, the police officers shall take the action to enforce him to do so.

Article 242 (new). Reasons to Suspend the Penalty of Deprivation of Liberty

Reasons shall include:

1. Seriously sick prisoner with a confirmation from doctors. After recovering from the treatment, that prisoner shall be brought to serve the penalty;
2. Pregnant woman or having a small child which is under 1 year of age. Serving penalty shall be began when the child is growing up and is over 1 year of age.
3. In the case that the prisoner of deprivation of liberty has the age of under

- 3 years, or a convicted person who is the key person to look for the family, that prisoner shall be given a suspension of penalty for 1 year;
4. In the case that there is a confirmation from the governmental work place that the convicted person is very important for the office, and his offense is not that severely dangerous to the society and the security of the nation, that concerned prisoner shall be suspended the penalty of 1 year.

The suspension of penalty mention above shall not be counted into the number of period of serving penalty.

Article 243 (new). The Control of the Suspended Prisoner

The prisoner of deprivation of liberty shall be assigned the local authorities, and the work place where he belongs to take control in which he/she shall not be able to leave or move to other places without approval.

In the time of suspension, If the prisoner has committed severe crime or there is some information to believe that he shall run away, the head of peace and security division at the provincial and municipal level, or the head of detention-reeducation center shall issue an order to reject the previous order of suspension and shall make a new order to arrest and send it to the public prosecutor to take into consideration.

Article 244 (new). Serving Penalty from Staying of Execution, and the Penalty without Deprivation of Liberty

The prisoner who is provided to stay of execution of penalty shall be assigned to local authorities, organization\workplace where he/she belong, to follow, pursue, and educate.

The implementation of the penalty without deprivation shall be ordered to practice with a person who has income only.

The officers at the office of enforcement judgment must inform the concerned decision to the organization or workplace where he belongs to deduct his income\salary and then handover to the government.

Article 245 (new). Serving penalty of Limited Area

The person who is convicted to serve penalty of limited area shall be handover to the organization or workplace where he belongs, to follow and pursue.

The prisoner shall not be allowed to leave or access to a place where the court's decision has prescribed.

Article 246 (new). Serving Penalty of Fine and Compensation

To follow the court's criminal decision on fine and compensation, the office or division of enforcement judgment shall implement as prescribed in the Law on Enforcement Judgment.

Article 247 (new). Serving the Penalty of Confiscation, Repossession

To follow the court's criminal decision on confiscation and repossession, the office or division of enforcement judgment shall implement as prescribed in the court's decision even at the time of serving the penalty, release with pardon, or finish period of penalty.

**Chapter 3
Relocation of Prisoners**

Article 248 (new). Relocation of Prisoners

Relocation of prisoners is the transfer of prisoners from one place to another. The conditions for relocation prisoners have designed in a special regulation.

Article 249 (new). The Request to Relocation Prisoners

The request should be submitted to the office of peace and security at the provincial or municipal level, or police detention-reeducation center in order to propose the request to the Minister of Peace and Security Ministry for consideration and report to the office of supreme public prosecutor for further supervision.

Article 250 (new). The Consideration to the Request of Relocation Prisoners

The provincial and municipal offices of protection peace and security, or detention-reeducation centers, shall consider the request for relocation prisoners within 20 days and propose to the Ministry of Interior for another consideration within 15 days from the date having received the proposal.

When the Ministry of Interior has approved for relocation of prisoners, the current offices of protecting peace and security at the provincial and municipal level or the police detention-reeducation center shall collect the biography, health, penalty, and others. All material items which belong to other people or organization shall be returned back, and personal items shall be taken to the new place, but they should be reported to the offices of protecting peace and security at the provincial and municipal level or the police detention-reeducation center.

The relocation of prisoners must be safeguarded and reached to the new place. When the relocation of prisoners has completed, the report shall be made and sent to the Office of the Public Prosecutor for further inspection. For

the relocation of prisoners in the military detention center, the Ministry of Interior shall be responsible for making an approval.

Article 251 (new). The Expenditure for the Relocation Prisoners

The expenditure shall be followed:

1. The organization that requests shall be responsible for such expenditure;
2. The relocation of prisoners by duties, the responsibility shall be transferred to the government after having issued an order to relocate the prisoners.

Chapter 4 The Conditional Release before the Term

Article 252 (new). The Release before the Term

The release before the term refers to the release of prisoners who have already served their penalty for sometimes with good behavior, intending to make change, being a good example of obeying the regulations in the detention center, working hard, having improved in personal behavior, and recognizing and regretting on the things he has done.

Article 253 (new). The Conditional Release before the Term

The prisoners who shall be released before the term must be followed article 252 of this law and other conditions below:

1. Half of prisoners who are under 18 years of age at the time of commit crimes;
2. Two third of prisoners who are over 18 years of age;
3. Prisoners who are convicted for life imprisonment and have already served penalty for 15 years.

For the offenders who committed crimes repeatedly, and prisoners who serve death penalty shall not be release before the term, but to be reduced the number of period of imprisonment.

Article 254 (new). The Conditions to Release Prisoners before the Term

The conditions shall be based on the application of the prisoners or as of the request of the head of division of protection peace and security at the provincial and municipal level, or the head of police detention-reeducation center.

The application of the prisoners, the request of the head of division of protection peace and security at the provincial and municipal level, or the head of police detention-reeducation center, shall be sent to the Office of the Public Prosecutor of the province or municipality, in order to report to the provincial

or municipal people's court where the prisoners have served their penalty.

The Office of the Public Prosecutor shall consider and issue a statement within 15 days from the date of having received the request. After that the Office of the Public Prosecutor shall make a proposal to the court for another consideration within 10 days.

The people's court at the provincial and municipal level or military court at the area where the prisoners have served their penalty shall consider to release and give obligations to prisoners conditionally. Within 5 years if the prisoners have a good behavior and have no crime at the period of conditional release, the remained penalty shall be dismissed. In the case that the prisoners have not followed the conditions given for conditional release, the rest of the penalty shall be strictly served. If there is another new crime committed during this time, the penalty shall be combined between new and old offenses.

Chapter 5

Death Penalty

Article 155 (modified). Principles of the Implementation of Death Penalty

After the death penalty has been finalized, the concerned court shall report the decision together with the case file to the president of the People's Supreme Court and the public prosecutor immediately.

Within 60 days from the date of having received the case file, and the court's decision, the president of the People's Supreme Court and the public prosecutor shall review that concerned case file and the court's decision in accordance with the facts and the rules of laws. When the People's Supreme Court confirms the decision on death penalty, the confirmation shall be issued for indicating the correction of the decision. If the People's Supreme Court sees the decision on death penalty as not appropriate, the court shall make a rejection pursuant to the principles of reopening proceeding the case.

The death penalty shall be carried out only when there is a confirmation of the People's Supreme Court or no rejection from the Supreme Public Prosecutor and no pardon from the Lao President.

The death penalty can be eligible for making a request for a pardon to the Lao President within 30 days from the date of having received the final decision from the People's Supreme Court.

The implementation of the death penalty will be carried out after 1 year from the issuance of a decision not to grant pardon or from the date when the People's Supreme Court issues the order on such matter in a case where there is no request for a pardon.

Article 256 (new). The Implementation of the Death Penalty

After one year of permitted time prescribed in article 255 of this law, the court's president where the death penalty had been decided at the first instance, the committee for implementation the death penalty has designed in a special regulation. The committee for implementation of the death penalty shall examine the biography, identity card, or registered family book of the convicted person, in order that the prisoner of the death penalty is the real and right person.

In the case of female prisoner, before issuing any order for implementation of death penalty, the court's president where the death penalty had been decided at the first instance has to examine whether there is any causes and conditions which can lead to the consideration of not to adjudicate for death sentence. For instance, according to the Penal Law, pregnant woman or woman who has a child less than 1 year of age shall not be decided for death penalty. When there is a cause or condition for not to be sentenced to death, the court's president shall issue an order to postpone the implementation of death penalty.

Before implanting the death penalty, the committee for implementation of the death penalty shall read out or to be read out by the convicted person on the confirmation of death penalty of the president of the People's Supreme Court and the decree of the Lao President on not to grant a pardon to the request. The implementation of the death penalty shall be followed rules and principles written in Penal Law.

The implementation of death penalty shall be recorded by mentioning that detail in paragraph 4 of this article has already been read out to or by the convicted person. The record shall also include the final comment, mails and belongings of convicted person and all the items shall be delivered to husband or wife or close relatives.

If there is a special necessity, the committee for implementation of the death penalty shall must postpone the case implementation and report to the court's president where the case had been decided at the first instance for further report to the president of People's Supreme Court.

Chapter 6

The Inspection of the Office of the Public Prosecutor on the Enforcement Judgment

Article 257 (new). Rights and Duties of the Office of the Public Prosecutor on Inspection the Detention Area

The Office of the Public Prosecutor shall have the rights and duties on inspection the detention-reeducation centers as follow:

1. To inspect whether the relocation, treatment, and release of prisoners are consistent with the laws or not. When the issue has been found, the Office of the Public Prosecutor shall enforce the measures for correction the problem;
2. To inspect whether the detention-reeducation centers and other prisons have followed orders of the court or rules of laws firmly;
3. To review documents on the release, reeducation, and other usage of measures;
4. To inspect the control of convicted persons and other measures issued by the court together with making an enquiry to concerned authorities;
5. To inspect the treatment of authorities on the detainees and application of court's measures. If there is alleged guilt of the authorities relating to the violation of the law, those concerned authorities shall be instructed. If the violation is related to the criminal offense, those authorities shall also be proceeded;
6. To issue an order to immediately release the detainees or other reeducated persons who have been treated inappropriately by laws;
7. To take part in the study, consideration, selection, classification, and making the list of prisoners who shall have conditions for a pardon, and also to inspect the implementation of pardon as of the decree made by the Lao President;
8. To inspect the name list of the detainees or convicted persons at the detention centers, name list of detainees who have been allowed to have treatment at the hospital, or relocation of prisoners;
9. To inspect whether the orders and other regulations of the detention-reeducation centers are consistent with the laws together with asking the centers to explain the consequences when breaking the law. The committee of the detention-reeducation centers shall follow the order of the public prosecutor on the regulations to control the centers as prescribed in laws/
10. To exercise such other rights and perform such other duties as provided by the laws.

Article 258 (new). Rights and Duties of the Office of the Public Prosecutor on Enforcement Judgment

Rights and duties of the Office of the Public Prosecutor are:

1. To propose to the officers of enforcement judgment to:
 - Report situation on implementing the court's decision;
 - Implement the final court's decision which pending to be practiced.

2. To inspect the process of enforcement judgment particularly on the application of the laws, compensation, collection and handover court's fee, taxes and fines, confiscation of assets and objects belonging to the state, and the service of criminal penalty;
3. To propose to adjust, dismiss or suspend the inappropriate implementation of the order from the court.

The officers of the enforcement judgment shall follow all recommendation of the Office of the Public Prosecutor within 30 days from the date of having received the proposal.

Part XII

Re-Opening of the Case

Article 259 (modified). Acceptance of Consideration of a Re-Opened Case

Final decisions may be re-opened.

Only the People's Supreme Court has jurisdiction to consider a re-opened case.

The People's Supreme Court shall accept a criminal case for consideration at the level of a re-opening only if there is a request from the Supreme Public Prosecutor based on new information or evidence.

The re-opening of a case shall take place upon a request of the litigants through the Office of the Supreme Public Prosecutor or of the Supreme Public Prosecutor under its duties. The Supreme Public Prosecutor's request to re-open a case is made to ensure compliance with the laws.

Article 260 (modified). Reasons for Re-Opening a Case

The reasons for re-opening a case in the incident that new information or evidence is discovered are as follows:

1. The witnesses gave false testimony, an expert gave a false opinion, the translation was false, or the evidence presented was false, which lead to a wrong decision;
2. The judge, the public prosecutor, the interrogator, or the investigator was not impartial, which lead to a wrong decision;

3. There are other facts which indicate the guilt or innocence of the person who was convicted, which were unknown when the court delivered the decision;
4. the regulations of criminal procedure have been violated or inappropriate use of laws.

Article 261. Time Limit for Re-Opening of a Case

The re-opening of a case, in the incident that new information or evidence is found, with the purpose to increase the criminal liability of the person who was convicted, shall be conducted only within one year from the date of final decision. The re-opening of a case to lighten or discharge the criminal liability of a party against whom a decision was rendered may be conducted at any time without limitation.

Death of the party against whom a decision was rendered shall not be a barrier to the re-opening of the case for the purpose of searching for the truth regarding the charges made against that concerned individual.

Article 162. Submission and Consideration of the Request to Reopen the Case

Any individual or organization which discovers new circumstances or evidence regarding a case which has had a final order or decision rendered upon it shall submit a request or shall inform to the Supreme Public Prosecutor.

In consideration of the request when discover any causes as prescribed in in article 260, point 1, 2, and 3 of this law, the supreme public prosecutor shall transfer the request to the public prosecutor where the case had been decided at the first instance in order to open an investigation regarding such discovery of new circumstances or evidence. When having found the causes relevant to article 260, point 4 of this law, the supreme public prosecutor shall issue an order to reopen the case pursuant to the request or duties,

In the incident that the public prosecutor deems that it is unreasonable to re-open the case, the public prosecutor shall issue an order not to re-open the investigation. This order shall be notified to relevant individuals and organizations.

Article 263 (modified). Conduct of the Public Prosecutor in Re-Opening the Case

After investigations arising from the discovery of new circumstances or evidence have been completed, if it is deemed that there are sufficient reasons to re-open the case, the public prosecutor shall send the case file, together with other documents of the investigation, and his statement to the Supreme Public Prosecutor to request re-opening of the case to the People's Supreme Court. If there is no sufficient reason to re-open the case, the Public Prosecutor shall report to the supreme Public Prosecutor not to re-open the case.

Article 264 (new). Jurisdiction of the People's Supreme Court in Re-Opening of the Case

In consideration of a re-opened case, the People's Supreme Court has the jurisdiction to:

1. Nullify the request of the Supreme Public Prosecutor;
2. Cancel the court decision and then issue a decision of acquittal;
3. Cancel the final decision and send the case file to a new judicial tribunal at the court of first instance to re-consider the case.

The consideration of the case by the new judicial tribunal shall comply with general regulations relating to proceedings at the court of first instance.

Part XIII Treatment Measures

Article 265 (new). Treatment Measures

Treatment measures refer to the humanitarian protection to the detainees, accused persons, defendants, and prisoners in the detention-reeducation centers when those people are psychologically sick, ill, infected with disease and others sicknesses which are treated at various hospitals.

Article 266 (modified). Use of Treatment Measures

During the investigation or court hearing, or during the serving of a sentence of deprivation of liberty, the public prosecutor or the people's court has the right to apply treatment measures to the detainee or the person serving the sentence who is insane, has lost his mental capacity, is seriously ill, has an infectious disease, or is addicted to alcohol or drugs,

where such condition has been certified by a doctor by sending such person to a hospital or to a special treatment center. After having received effective treatment, such person shall be brought to the proceedings if the limitation period for prosecution has not expired or the time-limit for serving the sentence has not expired. In the time of serving the penalty, the head of division for peace and security at the provincial or municipal level or the police department of detention-reeducation shall have the right to use existing power to use treatment measures to prisoners, but such treatment must be reported to the public prosecutor within 24 hours for further inspection.

The time for medical treatment shall be included in the time for serving the sentence.

Article 267 (new). Types of Treatment Measures

Types of treatment Measures include:

1. Treatment in emergency case
2. Protection and supervision of persons under treatment

Article 268 (modified). Approval for Treatment in Emergency Case

When the accused person, defendant, or prisoner is suddenly sick and the doctor at the place of detention cannot provide treatment to such person, the officers in charge of the place of detention shall send such person for treatment at a State hospital and shall inform the head of division for peace and security at the provincial or municipal level or the police department of detention-reeducation, the public prosecutor or the court's president within 24 hours.

Article 269. Protection and Supervision of Persons under Treatment

An accused person, defendant, or prisoner who is sent for treatment, shall be sent for treatment only to a State hospital or a special State treatment center.

Protection and supervision of a person under treatment is the responsibility of the police. If a police officer causes an accused person or prisoner to escape from criminal punishment, he shall be liable to criminal charges as provided in Criminal Law.

Part XIV

International Cooperation in Criminal Proceedings

Article 270. Principle of International Cooperation in Criminal Proceedings

International cooperation in criminal proceedings between the competent organization conducting criminal proceedings in the Lao PDR and competent organs of foreign countries shall comply with principles of respect for the independence, territorial sovereignty of the States, non-interference in the domestic affairs, equality and mutual benefit, and be consistent with the Constitution of Lao PDR and the fundamental principles of international law.

Article 271. International Cooperation in Criminal Proceedings

International cooperation in criminal proceedings must be carried out in compliance with agreements that the Lao PDR has signed with foreign countries or international conventions that it has entered into and in accordance to the laws of the Lao PDR.

In the incident that the Lao PDR has not yet signed or not yet entered into international conventions relating to criminal proceedings, such co-operation shall be carried out on the basis of principles of mutual cooperation, but shall not be in conflict with the laws of the Lao PDR.

Article 272 (modified). Implementation of Judicial Assistance

In the provision of judicial assistance, the competent organization conducting criminal proceedings in the Lao PDR shall comply with the agreements that the Lao PDR has signed with foreign countries or international conventions that the Lao PDR is a party to and shall comply with this law.

Provision of judicial assistance may have the objective of extradition, or exchange of prisoners, or seizure or sequestration of assets of an accused person or defendant, or enforcement of judgment, or cooperation in combating of cross-border crime and others.

Article 273. Refusal on Judicial Assistance

The competent organization conducting criminal proceedings in the Lao PDR may refuse the judicial assistance in the following cases:

1. The request for judicial assistance is not in conformity with agreements that the Lao PDR has signed with foreign countries, or international conventions to which the Lao PDR is a party, or the laws of the Lao PDR.
2. The provision of the judicial assistance would affect the sovereignty, security or stability of the nation, or any important interest of the Lao PDR.

Part XII

Final Provisions

Article 274. Implementation

The government of the Lao PDR, the Supreme People's Court, the Office of Prosecutor, and other organization shall issue regulations to implement this law.

Article 275. Effectiveness

This law shall enter into force on the date when the President of the Lao People Democratic Republic issues a decree for its promulgation.

This law replaces the Law on Criminal Procedure No. 01/NA, dated: 15 May 2004.

The President of the National
Assembly

[Seal and Signature]

Mrs. Pany Yathortou