

Convention on Civil and Criminal Justice Cooperation

Between Lao People's Democratic Republic and People's Republic of China

Lao People's Democratic Republic and Republic of China (herein called Parties) with the desire aimed at increasing cooperation assistance of justice between the two countries based on respect for the sovereignty of each other, equality and mutual benefit, with the aim, together made up a Convention on Civil and Criminal Justice Cooperation

Therefore, the parties agreed:

Chapter 1 General Provisions

Article 1 Fair Protection

1. Citizens of one party living in the territory of the other party have the right to equitable protection of the rights and property of the same as citizens of that party.
2. Citizens of one party shall be entitled to sue to the People's Court, the Public Prosecutor and another agency having authority over the civil and criminal matters of the other party under the same conditions as the citizens of that party.
3. The provisions referred to in Clause 1 and 2 of this Article shall apply in the same way to any legal entity established in the territory of any party to their own law.

Article 2 The Scope of the Justice Assistance Cooperation

The justice assistance cooperation according to this Convention:

- a) Delivery of documents and collection of civil and criminal evidence;
- b) Recognition and enforcement of civil judgement, compensation for civil damages in criminal cases, court fees, and decision of Economic Dispute Resolution Body;
- c) The cooperation in justice and other legal assistance provided for in this Convention

Article 3

Reducing or Waiving the Cost of the Proceeding and Legal Assistance

Citizens of one party in the territory of the other party may be entitled to a reduction or waiver of the cost of the proceeding and legal assistance under the conditions and to the same extent as the citizens of the parties.

Article 4

Issuance of Documents related to the Status of the Property

Request to reduce or waive the cost of the proceeding and legal assistance shall be required by the applicant for verification of the status of the property. The certificate is issued by the competent authority where the applicant settles or resides.

If the applicant has no a settlement or residence in the country of the parties, the certificate will be issued by the Embassy or Consulate of his country.

Article 5

Request to reduce or waive the cost of the proceeding and legal assistance

Citizens of one of the parties requesting a reduction or waiving the cost of the proceeding and legal assistance as defined in Article 3 above can submit their request to a competent authority where they settle or reside, the agency shall submit a request, together with a certificate issued under this Article 4, to another authorized party of the other party.

Article 6

How to Cooperate

1. The proposal and justice cooperation and legal assistance shall be done through the central body of each party unless specified in this Convention.
2. The Ministry of Justice is the central body of the Parties which have the authority as defined in Clause 1 above.

Article 7

Language

In written communication, the central organization of the parties will use their own language with the translated version which is the language of the other party or the English language or the French language.

Article 8

Denial of Justice Assistance

Justice assistance cooperation may be denied if the requested party finds that the claim affects the sovereign or in his or her security, however, the other party will inform the reason of the other party's refusal.

Chapter II

Delivery of documents and collection of civil evidence

Article 9

The scope of the cooperation

Upon request, the parties will submit the documents relating to proceedings and other civil documents, statements of litigants, witnesses, expert opinions, testimony and the results of expert evidence, court hearings, and other measures in the evidence collection.

However, if the request for collection of evidence is not intended to be used in proceedings already commenced or under consideration, it is deemed not to be within the scope of this Convention.

Article 10

Request Letter

1. Requests for the submission of documents and the collection of evidence shall be made in the following statement:
 - a) Name and address of the applicant organization;
 - b) Name and address of the requested organization, if any;
 - c) The nature of the case with the request and the summary of the case;
 - d) Name and surname, address, nationality, occupation, gender, place of birth, and date, month, year of birth of the person concerned; The name and address of the legal entity in the case;
 - e) The name and surname, address of the representative of the person concerned
 - f) Content of the assistance cooperation request;
 - g) Documents and other information needed to comply with the request.
2. In addition to what has been defined in clause 1 of this Article, the request letter for collection of evidence also includes:
 - a) Questions to ask relevant persons or reasons to ask;
 - b) Documents or property to be inspecte;
 - c) The use of oaths and certain forms of evidence.

- d) Any information required pursuant to Article 14 below.
- 3. The letter of request for cooperation in justice assistance and the attached documents must be made in the language of the requesting party with the translated version of the requested party or the English language or French language. The translation version must be verified by the central agency of the requesting party.

Article 11

The Process of Request

- 1. To process a request regarding the submission of documents or the collection of evidence, the requested organization will apply the law of his country. In the event of a proposal from the requesting agency, the requested organization will apply the specific method upon request if it is not contrary to the laws of the country.
- 2. If the requested organization does not have the right to process the request, the agency will immediately send the request to the competent authority and notify the requesting agency to acknowledge.
- 3. If the address is not clear or the person concerned is not present in the place, the requested agency will try to find the actual address. The requested agency will offer the requesting party more information if needed.
- 4. If the request is not made due to an unclear address, the requested agency will return the document to the requesting agency as well as inform the cause of the failure.

Article 12

Notification of time and place of processing the request

The requested agency will notify the requesting agency of the date, time, and place of the request to collect evidence to be involved for the relevant person or representative. The requested agency will report the information directly to the relevant person or representative if the requesting agency requests.

Article 13

Use of Enforcement Measures

In carrying out the request for collection of evidence, the requested agency will apply the appropriate enforcement measures to the cases and the jurisdictions prescribed by the law of its country to carry out orders issued by its competent authority.

Article 14

Refusal to Provide Evidence

In carrying out a request for the collection of evidence, the person concerned may refuse to provide evidence if the person has a prerogative or is in charge of refusing to provide evidence:

- a) Under the law of the parties requested;
- b) Under the law of the parties requesting and privilege or duties mentioned in the request.

Article 15

Notification of Performance Results

1. The requested body shall submit the results of the performance in writing to the requesting party in accordance with the method specified in Article 6 of this Convention.
2. Delivery of the documents will be conducted in accordance with the procedures of the requested party. The certificate of delivery shall specify the date, place and name of the person receiving the document.
3. The declaration of results of the evidence collection process should be accompanied by evidence.

Article 16

Delivery of documents and evidence collection Through the Embassy or Consulate

1. One party will deliver documents and collect evidence to give people of their own nationality on the territory of the other party through their embassy or consular office in that country.
2. The submission and collection of such evidence takes place without the use of any enforcement measures.

Article 17

Attendance of Witnesses or Experts

1. If the requesting party finds that the presence of the witness or expert on the territory of the requested party is necessary, the requesting party must state the reasons in the notice for the requested party to notify the witness or expert.
2. Requested party will notify the requesting party information about the witness or expert's answers.

3. A witness or expert who fails to respond, without coming to a court notice will not be punished even if the court's notice has imposed sanctions. If the witness or expert refuses to join, the requested party will be notified the requesting party to acknowledge.

Article 18

Witness and expert protection

1. The witnesses or experts who come to the Justice Agency according to a court notice of any party as specified in Article 17 above, not dependent on the nationality of the person, will not be arrested, sentenced to court, convicted or will take measures to restrict freedom on the territory of the other party due to offenses or convictions before they leave the territory of the other party. Those people have not been arrested, brought before a court or punished in connection with their statements or expert testimony.
2. The protection provided in clause 1 above does not apply after 30 days from the time when the witness or expert has received notice from the agency declaring that no further entry is required. He has the opportunity to travel out of the country, but if he continues to reside in the country of the requesting party or if he left but has returned to re-enter, this period will not include when a witness or expert cannot travel out of the territory of the requesting party due to force majeure.

Article 19

The costs of Justice Assistance Cooperation

1. In addition to the specific expenditure as set forth in Article 11 of this Convention, the Parties shall submit documents and collect evidence to each other without any charge.
2. The costs of travel, accommodation and wages of witnesses or experts who enter the territory of the requesting party pursuant to Article 17 of this Convention, the requesting party shall be responsible.
3. The requesting party must pay all the travel and accommodation expenses or certain parts in advance to the witness or expert upon request.

Chapter III

Recognition and enforcement of civil court judgments

Decision of Economic Dispute Resolution Body

Article 20

Scope

1. Under the conditions set forth in Article 21 of this Convention, each party shall recognize and abide by the decisions in the territory of the other party as follows:

- a) Civil judgement;
 - b) Criminal verdict on compensation for civil damages or court fees;
 - c) Decision of Economic Dispute Resolution Body.
2. Decisions pursuant to this Convention include decisions, arbitrations and mediation records made by courts or economic dispute resolution bodies.

Article 21

Conditions for Recognizing Judgment Enforcement

1. The decisions set out in Article 20 above shall be acknowledged and implemented in the following conditions:
- a) A judgment which is effective and enforceable under the law of the parties which have passed judgment on their lands;
 - b) Decisions on a case outside the specific jurisdiction of the court of the requested party;
 - c) In the event of a secret judgment, a litigant who has not entered and not been involved in the proceedings has been properly informed of the applicant in accordance with the law of the parties that made the decision.
 - d) It is not a decisive judgement of the court of the parties on the same issue and on the same litigants.
 - e) There was no trial between the same parties on the same matter in the requesting parties' courts before the commencement of the proceedings in which the relevant decision was based.
 - f) A verdict that can be enforced in accordance with the law by the requested parties;
 - g) A requesting party finds that the recognition or enforcement of a judgment will not endanger its sovereignty or security.
 - h) Recognition or enforcement of a judgment does not conflict with the social order or fundamental interests of the requested parties.
 - i) The decision or its consequences do not conflict with the principles of any law applied by the requested parties.
 - j) The decision shall be delivered by the competent court as provided for in Article 22 of this Convention.
2. The court having jurisdiction of the parties shall make a decision on the recognition and enforcement of the judgment without delay and without valid reason.

Article 22

Jurisdiction of the Court

1. For the purposes of this Convention, it shall be deemed that a court of any party of the parties which take a decision as a court having the jurisdiction to adjudicate the case if:

- a) The defendant had been resettled or residing in the territory of the parties at the time of the proceedings;
 - b) The defendant has his or her business branch in the territory of those parties at the time of its business proceeding;
 - c) The defendant clearly recognized the authority of that court in writing;
 - d) The defendant provides for the content of the dispute without prejudice to the court's authority;
 - e) In the event of a dispute in which the agreement is signed in the territory of the parties or in which the agreement is implemented or must be carried out in the territory of the parties or the target of the proceeding is in the country of the parties;
 - f) In the case of behavior which is against the law or consequences of such breaches in relation to non-contractual obligations occur in the parties;
 - g) In the case of the individual, the partner settles or resides in the territory of the parties;
 - h) In the case of adoption obligations, the adoptee settles or resides in the territory of the parties;
 - i) In the case of inheritances, the deceased resides or the property mainly on that party's territory.
 - j) Fixed assets that are the target of proceedings located in the parties' territory
2. The provisions defined in clause 1 of this Article shall not conflict with the provisions of the law of the parties of both sides in respect of the specific jurisdiction of the court of the parties.

Article 23

A Request for Recognition and Action

1. The litigants can submit a request for recognition and enforcement of judgement directly to the authorized court of the requested party or to the court of the requesting party requesting and the court must send the request to the authorized court of the requested party through the procedures as defined in Article 6 of this Convention.
2. The application for the recognition and enforcement of the judgment must contain the following documents:
 - a) Decision or copy of the decision which officially certifies the accuracy;
 - b) Document that confirms that the judgment is used in full force and enforceable unless the judgment already states on the matter;
 - c) Confirming that the partner had not entered and was not involved in the proceedings and the court had made a secret decision, the court had properly informed him unless the decision had been given in writing on the issue;
 - d) Confirmation that the partner with a behavioral disability has appointed the right representative unless the decision is already indicated
 - e) The decisions and documents listed above that are available in the language of the requested parties or in the English language or the French language are duly certified.

Article 24

Procedures for Recognizing and Enforcement of Awards

1. Both parties shall apply their own domestic law regarding the procedures for the recognition and enforcement of Awards.
2. To agree on a request for recognition and enforcement of the Awards, the court shall review it based on the conditions set out in Article 21 of this Convention.

Article 25

Enforcement of Recognition and Action

The judgement of one of the parties, which has been recognized and agreed to be carried out by the other party's court, will have the same effect to the decisions of the Parties.

Article 26

Recognition and Enforcement of Awards of Economic Dispute Resolution Body

The two Parties recognized and carried out the Enforcement of the Awards of Mutual Economic Dispute Resolution Body in accordance with the Convention on the Recognition and Enforcement of the Awards of Foreign Economic Dispute Resolution Body which were signed in New York on 10 June 1958.

Chapter IV

Criminal Justice Assistance Cooperation

Article 27

Scope

When requested, both parties will submit criminal documents, collect evidence, interview witnesses, victims, experts, suspects and accused, assess expert opinions, conduct investigations and perform other activities related to the collection of evidence, witnesses or expert testimony, criminal notifications, recognition, the performance of criminal proceedings on compensation for civil damages or court fees.

Article 28

Refusal to cooperate with Criminal Justice

1. In addition to the denial of the judicial assistance cooperation referred to in Article 8 of this Convention, the requested party may refuse the criminal justice cooperation in the following cases.
 - a) Request for an offense t where the requested partner finds a political or military nature;
 - b) Request for Non-Criminal Offenses in accordance with the law of the requested party.
 - c) A request on the offender or a nationality suspect of the requested party at the time of the request and who is not within the territoty of the requesting party.
2. The requested party will inform the requesting party of the reasons for the denial.

Article 29

Delivery of documents and evidence collection

1. Chapter II of this Convention shall also apply to the delivery of documents and the collection of criminal evidence.
2. In addition to the provisions of Article 10, the request for the submission of documents and the collection of criminal evidence shall consist of a description of the actual incident of the offense and the provisions of the relevant law stating that the act was a criminal offense.

Article 30

Sending Money and Illegal Materials

1. At the request of the parties, the party will send the money and the illegal materials that the offender had taken from the requesting party's land, which was found in the territory of the requested party. However, these remittances and materials do not conflict with the legitimate interests based on the law of the requested parties or the legitimate interests of any third party in respect of the foregoing money and materials.
2. If the aforementioned money and illegal materials are necessary for any other criminal proceedings in the territory of the requested party, then the requested party may postpone the transfer and the illegal materials.

Article 31

Notification of Criminal Judgment

Both parties will be sent a copy of the criminal decision relating to the citizens of the parties which has the effect of giving each other.

Article 32
Recognition and enforcement of criminal judgments
regarding compensation for civil damages or court fees

One party will recognize and enforce the criminal judgment of the other party for compensation for civil damages or court fees.

The recognition and enforcement of the judgments are in accordance with the provisions of Article 21 of this Convention.

Chapter V
Additional Provisions

Article 33
Sharing Information

The parties will be provided free information about the law and practice of the court, which is in force in their territory.

Article 34
Waiver of Verification

In the implementation of this Convention, the documents and translated articles with seal issued by the Court or any other entity having the authority of the Parties shall not be required to be verified again if the documents have been verified by the Central Authority of the Parties.

Article 35
Dispute Solution

Disputes arising from the interpretation or implementation of this Convention will be resolved diplomatically.

Chapter VI

Final Provisions

Article 36

Ratification and Enforcement

This Convention shall be ratified and entered into force from the 30th day following the exchange of the documents of ratification, which will be held in Vientiane.

Article 37

The End of the Convention

The Convention will end six months from the date that one party informs the other party of the termination of this Convention in writing through the diplomatic channel.

The Convention was signed in Beijing on 25 January 1999, in two originals, each is in Lao language and Chinese language of equal legal value.

The plenipotentiary of each side has signed this Convention for evidence.

On behalf of
Lao People's Democratic Republic

On behalf of
People's Republic of China