

## **Manual on Criminal Procedures in Lao PDR**

By Law Research Working Committee in the Law on Criminal  
Procedures;

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## Annex 11

### 3.5 Enforcement of a fine

A fine is a financial charge decided by the court depending on cases and law provisions. The monetary charge amount depends on the offence severity by observing the economic status of the offender. In case the offender cannot pay for the fine timely, the court can change the fine to a re-education charge without imprisonment, however, a fine cannot be turned to an imprisonment charge and an imprisonment charge cannot be turned to a fine (art 33, Penal Law).

To enforce a fine after a final court decision is made, detention officers will bring the offender to a detention facility to enforce the court judgment. To carry out the enforcement, the court judgment enforcement organization of the district justice office or the court judgment enforcement office of the provincial justice department shall require the offender to appear at the office to reach an agreement to pay for the fine on monthly, quarterly or a lump sum basis depending on the capacity of the offender.

Example, a court judgment is made for a drug trafficking case with imprisonment of three years and a fine of 5,000,000 Kip.

It is the duty of the enforcement officers of the court to require the offender to pay for the fine of 5,000,000 Kip. Such payment can be done during or after the enforcement period. However, in case of drug offence, attention shall be made if the case is related to seizure or confiscation of assets as proceeds of drug trafficking case where the assets shall be turned into state assets.

### 3.6 Confiscation of Asset and Confiscation of Objects

Confiscation of asset is the confiscation of the whole or parts of assets belonged to the offender to become state assets without compensation. Confiscation can be applied only for serious and dangerous cases as defined in the special section of the Penal Law.

In case all assets have to be confiscated, necessary items shall not be confiscated. This allows the offender to use for daily life and for the use of his/her family in accordance to the list provided in the Penal Law. In case parts of the assets have to be confiscated, the court must clearly identify what assets are to be confiscated.

Confiscation of objects is the confiscation of objects used in committing the offence or specifically used in committing the offence or objects derived from the offence intentionally committed and the confiscated objects shall be turned into state assets. Objects of other persons used in committing the offence shall be confiscated only such objects are borrowed with intentional purpose for committing the offence or such confiscation is necessary for keeping social orderliness.

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If the objects used in committing the offence belong to the state or are communal assets, they shall not be confiscated; however, they have to be returned to agencies concerned.

### **Remarks: Objects not subject to be confiscated:**

Objects that are necessary for the offender and for persons who are under the care of the offender They are as below:

- 1) Permanent house of the offender and his/her family;
- 2) Domestic animals if any animal has only one head, and poultry raised as the profession of the keeper;
- 3) Animal feed in case the animal concerned is not confiscated;
- 4) Plant seeds and production equipment belonged to persons whose profession rely upon;
- 5) Objects regularly used by the offender and persons who are under the care of the offender. These include:
  - Clothes;
  - Bedding materials;
  - Cooking utensils;
  - House furniture (bed, chairs, tables, cupboard, and bags used for the family);
  - Children's toys of all kinds.
- 6) Food;
- 7) Belongings of the offender that are necessary for his/her profession, except for the case that the court makes a judgment that the offender shall not practice such a profession any longer or objects of the offender derived from illegal acts.