



**LAO PEOPLE DEMOCRATIC REPUBLIC**  
**PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY**

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National Assembly

No. ....  
Vientiane Capital,

*(DRAFT)*

**LAW**  
**ON**  
**INTERNATIONAL COOPERATION FOR CRIMINAL MATTERs**

**Part I**  
**General Provisions**

**Article 1      Objectives**

This Law determines the principles, regulations and measures about the managing, following and monitoring the activities of international cooperation for mutual legal assistance in criminal matters in order to make the activities on mutual legal assistance being perform properly and consistent with the country policies, and international treaties on mutual legal assistance in criminal matters for which the Lao PDR is a party aiming at protecting the benefits of the State and all citizens, and to contribute to the effective international cooperation in fighting and preventing from crimes, and investigating - interrogating, instituting criminal prosecutions and legal proceedings on the basis of mutual respect of independence and sovereignty, equality and mutual benefits.

**Article 2      International Cooperation for Mutual Legal Assistance in Criminal Matters**

International Cooperation for Mutual Legal Assistance in criminal matters means a provision of providing an international cooperation for mutual legal assistance between Lao

PDR and International Country within the scope of mutual legal cooperation as defined in this Law.

### **Article 3      Definition**

The terminologies used in this law shall have the following meaning:

1. Requesting State shall mean any State who requests for assistance in criminal matters from the other party;
2. Requested State shall mean any State who being requested for assistance in criminal matters from the other party;
3. Instruments used in causing a crime shall mean objects and items used to cause a crime occurred;
4. Treaty shall mean in writing agreement between the state and state, which results in rights and obligations by international Law;
5. Criminal Matters shall mean such matters which are related to criminal offenses and criminal proceedings;
6. Competent Authority in Criminal Proceedings shall mean Investigation Authority , People's Prosecutor Office, People's Court or other Organizations as defined in the Law on Criminal Procedure;
7. Central Authority shall mean Supreme People's Prosecutor Office.

### **Article 4      Principles of International Cooperation for Mutual Legal Assistance in Criminal Matters**

International cooperation for mutual legal assistance in criminal matters shall comply with the following basic principles:

1. Respect for independence, sovereignty, territorial integrity of each other, non-interference in each other's internal affairs and ensure mutual interest;
2. Respect and compliance with the Constitution, Laws, and the international treaties to which Lao PDR is a party;
3. Ensure the national security, peace and social order;
4. Respect of dignity, right and liberty of the related persons in accordance with the request for international cooperation for mutual legal assistance in criminal matters.

### **Article 5      Scope of Application**

This Law applies to international cooperation for mutual legal assistance in criminal matters for which Lao PDR whether is or is not a party to regarding mutual legal assistance matters.

This Law is not applies for extradition, transferring of prisoners, transferring of criminal case unless the treaty to which Lao PDR is a party is defined differently.

## **Article 6 International Cooperation**

The State communicate and cooperate with foreign countries, regional and international in relation to activities on international cooperation for mutual legal assistance in criminal matters by exchanging a lesson, information, technology, trainings, workshops, enhancing a technical knowledge and capacity building and assist in the development of activities on international cooperation for mutual legal assistance in criminal matters.

## **Part II**

### **Request on International Cooperation for Mutual Legal Assistance**

#### **Chapter 1**

#### **Scope of International Cooperation and Refusal to Provide Cooperation**

## **Article 7 Scope of International Cooperation for Mutual Legal Assistance**

International cooperation for mutual legal assistance in criminal matters shall have the following scopes:

1. Collecting an information;
2. Providing an evidence;
3. Participation of individuals to the requesting state;
4. Participation of offenders or individuals who detained in Lao PDR;
5. Address searching and Identities;
6. Searching, Seizure and Provide an evidence;
7. Seizure and Freezing;
8. Confiscations of Assets and Items;
9. Other criminal matters as stipulated in treaty to which Lao PDR is a party.

## **Article 8 Refusal of Cooperation**

Lao PDR reserves the right of refuse to provide international cooperation for mutual legal assistance in criminal matters on any of the following grounds:

1. The cooperation will provide a negative impact to sovereignty, peace, national security or interest of Lao PDR;
2. The providing of cooperation is inconsistent with treaty to which the Lao PDR is party to and inconsistent with the Law of Lao PDR;
3. Activities stated in the request for cooperation is not criminal offenses as stipulated in the Penal Code or other legislation of Lao PDR and in the law of requesting state;
4. The request for cooperation relates to the investigation, prosecution or punishment of any person for a political or military offense;

5. The request for cooperation is based on the premise that it was created for the purpose of investigating, prosecuting, punishing or otherwise causing harm to any person on the basis of race, religion, gender, ethnicity, nationality or political affiliation;
6. The cooperation may cause damage to the criminal case or procedure being carried out in the Lao PDR or conflict with the criminal law of the Lao PDR;
7. The requesting state does not specify the details and purpose of the use of the information or assistance in its application;
8. Providing of cooperation may cause damages to the criminal case or procedure being carried out in the Lao PDR or in conflict with the Law on Criminal Procedure of Lao PDR;
9. The request for cooperation may cause harm or insecurity to any person within or outside the territory of the Lao PDR;
10. The request for such cooperation may cause a severe burden for Lao PDR.

## **Chapter 2**

### **Requesting and Consideration of the Request**

#### **Article 9      Application of International Cooperation for Mutual Legal Assistance in Criminal Matters**

The application for criminal cooperation from the requesting state to Lao PDR shall be submitted to the central coordinating agency through diplomacy channel. For requests of criminal cooperation under the Convention to which the Lao PDR is a party to, the mechanisms shall be complied with as set forth in such the Convention.

#### **Article 10      Requesting for international cooperation for mutual legal assistance in criminal matters**

The Request for international cooperation for mutual legal assistance in criminal matters shall be made in writing form with the following contents:

1. Name of Competent Authorities of the requesting state;
2. Purposes and reasons of the request and types or nature of the assistance needed;
3. The main subject of the requesting or the specific requesting;
4. Explain about the nature of the criminal matters, event and statements or the consolidated summary report of the cases relating to the request for mutual legal assistances including the situation of case contents, offense and relevant Laws of the requesting state, including the provisions of maximum penalty;
5. A period for executing such requested;

6. The address of the person who wants to testify and the question that needs to be testified;
7. Location of exhibit or evidence storage.

The requesting for international cooperation for mutual legal assistance in criminal matters shall prepare all relevant supporting documents of such requested in order to make the execution of the request be more convenient and speedy;

The requesting and supporting documents and other relevant documents sent by the requesting state shall be signed and sealed, with the translation into Lao Language or other Languages in accordance with the Law and the treaty which has been defined.

#### **Article 11      Consideration of the Request for International Cooperation for Mutual Legal Assistance in criminal matters**

Upon receipt of the request for international cooperation for mutual legal assistance in criminal matters from the requesting state, the coordinating agency shall review the application and the supporting documents on such request, if it is found to be valid and complete, and shall then entrust it to the competent authority to conduct the cooperation. In the event that it is found to be inaccurate or incomplete, the central coordinating agency shall notify the requesting state to review, amend their request or reject the request for such cooperation.

The competent authority shall proceed cooperation as soon as possible within the time limit specified in the application in accordance with the principles set forth in the Law on Criminal Procedure of the Lao PDR.

The coordinating agency will notify the requesting state of any progress or issues that may delay the processing of the request, or may request that the requesting state provide additional information in case of difficulty in processing such request.

#### **Article 12      Confidentiality of Information**

The Request for additional information from the requesting state for International Cooperation for Mutual Legal Assistance in Criminal Matters shall be made in compliance with the procedures as defined in Article 9 and Article 10 of this Law.

### **Chapter 3**

### **Execution of International Cooperation for Mutual Legal Assistance in Criminal Matters**

#### **Article 13      Testimony Collection**

The testimony collection of any person residing in the Lao PDR for the purpose of being used in criminal proceedings in the requesting state shall be based on the consent of that person in accordance with the laws of the Lao PDR.

#### **Article 14 Providing of Evidence**

The competent authority shall seek, gather and collect evidence upon request, including the request of natural person, legal person and organization to provide evidence in accordance with the laws of the Lao PDR in order to provide it to the requesting state.

Natural person, legal person and organization that are required to provide evidence have the right to refuse the provision of evidence as defined in the Criminal Procedure Law or other relevant laws of the Lao PDR.

Natural person, legal person or an organization that has refused to provide information shall notify the competent authority in written form on their refusal.

#### **Article 15 Attendance of person in the requesting state**

In the event of a request for a person residing in the territory of the Lao PDR to appear in the requesting state on the basis of his or her consent, the Lao PDR may grant such person to appear in such requesting state for:

- Assist in the investigation of criminal matter;
- Participate in criminal proceedings except that person is the defendant.

The central coordination agency shall notify the requesting state if the person refuses or agree to participate as request of international cooperation for mutual legal assistance in criminal matter.

The requesting state shall ensure the safety and be responsible for travel, accommodation, meals and other expenses for the convenience of such person.

#### **Article 16 participation in Criminal Proceedings of Persons Convicted or Detained**

The Lao PDR may consider a person who has been convicted or detained in Lao PDR to be temporarily transferred on the basis of his or her assist in criminal proceedings in the requesting state.

The requesting state shall continue to detain the person in accordance with the relevant laws and regulations of the requesting state and upon completion of the testimony, the requesting state shall return the person to the Lao PDR.

The period of detention in the requesting state shall be included in the period of execution of imprisonment or detention in the Lao PDR.

The requesting state shall ensure security and bear the costs associated with the transfer of a convicted or detained person.

#### **Article 17 Security Measure**

Any person who participates in criminal proceedings in the requesting state in cases as defined in article 15 and 16 of this law, the requesting state shall provide the following protection and security measure:

1. A person as specified in article 15 shall not be detained except as specified in article 16 of this law;
2. Shall not coerce, intimidate or use any other means to obtain evidence or to provide information other than those specified in the request for international cooperation for mutual legal assistance in criminal matter;
3. Shall not be prosecuted on the basis of his or her testimony while attending a court hearing or by the competent organization of the requesting state;
4. He or she shall not be prosecuted for civil offense due to action or negligence prior to his or her departure to the requesting state.

#### **Article 18     Searching of Address and Identity**

Competent authority that has power to conduct investigation of the Lao PDR will process a request for international cooperation for mutual legal assistance in criminal matters to conduct searching of address and identity of person specified in the request as defined in the law on criminal procedure or other relevant law of the Lao PDR.

#### **Article 19     Searching, Seizure and Hand Over of Evidence**

The criminal justice authority of the Lao PDR shall comply with a request for international cooperation for mutual legal assistance in criminal matter requesting the search, seizure and delivery of documentary evidence, other records and artifact with the following conditions:

- The request must specify the details of the evidence;
- The law on criminal procedure and other relevant laws of the Lao PDR that allow for action.

Upon examining and seizing the evidence, the central coordination agency shall notify the requesting state of the results of the search and seizure of such evidence as indicated in article 9 of this law via diplomacy channel, as well as discusses the method and date for submission of evidence.

#### **Article 20     Seizure and Freezing of Assets**

The request of international cooperation for mutual legal assistance in criminal matters which requesting for seizure and freezing the assets in Lao PDR, the competent authority in executing the criminal proceedings of Lao PDR shall executing such requests pursuant to the following conditions:

- The request shall enclosed the original order of the competent authority in executing the criminal proceedings together with the regulations, the provisions of law which allow the requesting state to execute such events;

- The Law on Criminal Procedure and other relevant Laws of Lao PDR that completely allow for execution;

The central coordination agency shall notify the requesting state concerning the results of the seizure and freezing as indicated in article 9 of this law via diplomacy channel.

Regarding the management and protection of the assets that being seizure and freezing shall perform in accordance with the Law on Criminal Procedure of the Lao PDR.

#### **Article 21      Return of Evidences**

The requesting state shall send the documents, information records or materials which is previously received in accordance with their request that relating to the request for legal assistances back to the requested state during the time of termination of the criminal matter.

In case of there is necessity to any criminal matters in Lao PDR whereby there is a request from Lao PDR, the requested state shall return such documents, information records or materials to Lao PDR.

#### **Article 22      Verification and Examination of Documents**

Based on the proposal for the request of international cooperation for mutual legal assistance in criminal matter shall have been certified the accuracy by the requesting state.

Any documents shall be considered as passing the examination and certified the accuracy upon receiving an official signed and/or sealed by the court or the competent authority in accordance with the relevant laws of the requesting state.

The documents sent to each other via electronic or in the electronic forms, including: photos, finger prints, photos to proof the identity of individuals, the copy of documents shall be effective as same as the documents sent through postages or by hand, if such documents sent certified by the requesting state.

#### **Article 23      Request for International Cooperation via Electronic Platform**

The processing of international cooperation for mutual legal assistance in criminal matter may be made electronically at the request of the requesting state and in accordance with the applicable conditions of the competent authorities in conducting criminal proceedings as stipulated in the laws and regulations of the Lao PDR.

#### **Article 24      Costs of the Execution of Request for International Cooperation in Criminal Matters**

Lao PDR shall responsible for costs of the execution of the request for international cooperation in criminal matters happening within the country, except for the following costs which shall be responsible by the requesting state:



- Consultation fees, Lawyer's fees for legal representation, Indemnity fees of individuals who are required to have the evidences or experts pursuant to the request of international cooperation in criminal matters;
- Translation fees, Documents verification fees, Printing/Copying fees and Information fees;
- Expenses associated with sending the individuals to the territory of the requesting state and returning to Lao PDR, including: traveling and accommodation allowances, fees, service fees, per-diem or indemnity and others in accordance with their requests;
- Expenses related to the sending of individual for officer accompanying a defendant or detainee;
- Expenses associated with the communication through electronic.

In the events that the treaty on international cooperation in criminal matters to which Lao PDR is a party to have determined on the costs for executing the legal assistance in criminal matters, the Lao PDR shall perform in accordance with such treaty.

In the event of significant costs involve in processing a request for criminal assistance, the Lao PDR and the requesting state shall consult further for the continuation or non-continuation of such request.

#### **Article 25 Notification of Execution Results**

The requesting state shall promptly inform on the result of international cooperation for mutual legal assistance in criminal matters to the requested state.

### **Chapter 4 Confiscation of Assets and Items**

#### **Article 26 Confiscation of Assets and Items**

Upon receipt of a request for international cooperation for mutual legal assistance in criminal matter pertaining the confiscation of assets and the items in accordance with the foreign criminal judgments, the central coordination agency shall consider assigning the respective provincial/central people's prosecutor office where the asset or item is located to make decision on the confiscation of such assets and items.

In case of there is no orders issued on seizing or freezing assets, the relevant offices shall issue the orders on seizing or freezing such assets before the relevant People's Court Offices shall inform the Court to make consideration.

#### **Article 27      Consideration on the Confiscation of Assets and Items**

Upon receiving the authority from the central coordination agency, the respective Office of the People's Prosecutor shall study on such requests, and also collecting necessary evidences then proposes to respective people's court at provincial/central levels to consider and make judgment within the given timeframe (90 days) counting from the date of receiving the proposals.

The consideration on confiscation of assets and items in the court meeting shall have representative from Investigation body, Ministry of Foreign Affairs, Ministry of Justice, Representative of the Embassy or the Consular of the requesting state, and respective competent authority of the Lao PDR.

#### **Article 28      The Right of the People's Court on Consideration of Assets and Items Confiscation**

The court shall have the rights for considering on the execution of foreign criminal judgments as follows:

1. To review the offences that specified in such request whether it's the offences as defined in the Laws of the Lao PDR;
2. To review the identified offences whether it's not indicated under the provisions of refusal of cooperation as defined in Article 8 and the principles as defined in Article 4 of this Law;
3. Examine whether the assets or items is truly belong to, or under the right of such natural person, legal person or organization.

In the event that such assets and items are involved with the offense specified in the law of the Lao PDR then the court will confiscate such assets and items.

The assets and items belonging to the state will not be confiscated.

#### **Article 29      Repeal of the Seizure and Freezing Orders**

When the court does not consider a request for confiscation of assets and items due to it finds that there is a non-reasonable ground, then the central coordination agency shall issue a repeal of seizure and freezing order or assign the people's prosecutor office or respective agency who issued such order to issue the repeal order immediately.

#### **Article 30      Handing Over the Assets to the Requesting State**

In the event that the competent people's court of the Lao PDR agrees to send the confiscated assets and items to the requesting state, the central coordination agency shall inform the Ministry of Foreign Affair to coordinate with the requesting state to prepare and proceed to deliver of such confiscated assets and items to the requesting state within 30 days or within the timeframe specified in the treaty from the date of reading a court judgment.

The central coordination agency is the main player in charge of handing over the assets or items that could be handed over to the requesting state under the witness of investigation body,

Ministry of Justice, Ministry of Foreign Affair, relevant agencies and representative of the requesting state including a minutes of the event.

The return of confiscated assets and items to the requesting state shall be deducted from the cost of work carried out for the confiscation of such assets and items and then repay to the Lao PDR.

### **Part III**

## **Requesting of Cooperation for Mutual Legal Assistance in Criminal Matters of Lao PDR**

### **Article 31 Filling the Request of Cooperation for mutual legal assistance in criminal matters**

Filling the request of international cooperation for mutual legal assistance in criminal matters from foreign countries to Lao PDR shall proceed through the principles as defined in Article 9, 10 and 11 of this Law.

### **Article 32 Submission of a Request for International Cooperation for Mutual Legal Assistance in Criminal Matters**

When there is the needed to request the foreign countries to providing cooperation for mutual legal assistance in criminal matters regarding filling the evidences, handing over the judiciary documents, Seizure, Freezing, Confiscation of asset and item, implementation of the court decisions of the court of Lao PDR, or others cooperation as defined in Article 7 of this Law. All related proposal shall be sent to the central coordination agency to consider a request on international cooperation for mutual legal assistance in criminal matters for Lao PDR.

### **Article 33 Consideration of the Central Coordination Agency**

Upon receiving the request of cooperation for mutual legal assistance in criminal matters from the Criminal Proceedings Agency, the central coordination agency shall commence consideration on such request on the basis of principle as defined in the treaty between Lao PDR and the requested state and in Article 8 of this Law. In a case of consistent, then the request shall be sent to the requested state through the diplomacy channels as defined in this law.

### **Article 34 Participating the Consideration of the Execution on the Request in Overseas**

When there is the needed, the focal coordination agency, investigative body and other relevant organizations shall participating the consideration of the execution on the request of international cooperation for mutual legal assistance in criminal matters at the requested state such as finding assets obtain from the proceeds of crime or materials used in the proceed of

offences, testimony collection, seizure, freezing or confiscation of assets and items to ensure the benefits of criminal proceedings in Lao PDR.

## **Part IV**

### **Central Coordination Agency**

#### **Article 35 Central Coordination Agency**

The central coordination agency responsible for the implementation of international cooperation for mutual legal assistance in criminal matters is under the responsibility of the Supreme People's Prosecutor Office.

#### **Article 36 Role and Function of the Central Coordination Agency**

The central coordination agency has the right on the following conditions:

1. To study, consider the request for international cooperation for mutual legal assistance in criminal matters of the requesting state and the Lao PDR;
2. To coordinate with relevant competent authorities in charge of international cooperation for mutual legal assistance in criminal matters;
3. To monitor and inspect the implementation of the request for mutual legal assistance in criminal matters;
4. To inform the requesting state on the execution of the request for international cooperation for mutual legal assistance in criminal matters;
5. To perform other duties as specified in the law.

## **Part V**

### **Prohibitions**

#### **Article 37 General Prohibitions**

Natural person, legal person or organizations are prohibited to have the following behaviors:

1. To opportunistically use the activities of international cooperation for mutual legal assistance in criminal matters to prejudice the political regime, the national security, rights and benefit of citizens as well as the benefits of nation;
2. To execute the international cooperation for mutual legal assistance in criminal matters without a permission from the state;
3. To create obstructions or impediments to the activities of international cooperation for mutual legal assistance in criminal matters as defined in this Law;
4. To ask for, claim for, provide or receive bribes in the activities of international cooperation for mutual legal assistance in criminal matters as for personal benefits;
5. To have other behaviors that violating the law.

**Article 38 Prohibitions of the Officers or relevant Organizations**

Official civil servants or relevant organizations are prohibited to have the following behaviors:

1. To abuse the powers, duties, positions, to threat or intimidate other persons for their personal benefits and for its own parties;
2. To ask for, claim for, receive or provide the bribes and to embezzle the properties or exhibits to become their own properties;
3. To withhold, retains, delay process for consideration of the request of international cooperation for mutual legal assistance in criminal matters in unlawful manner;
4. To disclose the secrets of the activities of international cooperation for mutual legal assistance in criminal matters without a permission from the relevant authorities;
5. To have other behaviors that violates the laws.

**Part VI**

**Management and Inspection**

**Chapter 1**

**Management of International Cooperation for Mutual Legal Assistance in Criminal Matters**

**Article 39 The Management Organization of International Cooperation for Mutual Legal Assistance in Criminal Matters**

The Government of Lao PDR shall be the centralized manager and agree on the activities of international cooperation for mutual legal assistance in criminal matters.

The Management Organization of Activities of International Cooperation for Mutual Legal Assistance in Criminal Matters shall include:

1. The Supreme People's Prosecutor Office;
2. Ministry of Public Security;
3. The People's Supreme Court Office;
4. Ministry of Foreign Affairs;
5. Ministry of Justice;
6. Local Administration Office.

**Article 40 Rights and Duties of the Supreme People's Prosecutor Office**

The Supreme People's Prosecutor Office shall have the following rights and duties:

1. To study and having a comment on the policies, laws and regulations concerning the activities of international cooperation for mutual legal assistance in criminal matters in accordance with the scope of its own responsibilities;
2. To take the lead, guidance and inspecting the public prosecutor offices at all levels in executing the request for mutual legal assistance in criminal matters such as: collecting the evidences, issuance of order for seizure, freezing asset and items pursuant to the request;
3. To collect information, statistics on the international cooperation for mutual legal assistance in criminal matters in order to notify the relevant parties;
4. To participate in the negotiation, consultation, and having a comment on the treaties where the Lao PDR is party to concerning the international cooperation for mutual legal assistance in criminal matters;
5. To communicate and cooperate with foreign jurisdiction on the activities of international cooperation for mutual legal assistance in criminal matters in accordance with the scope of its own responsibilities;
6. To summarize and report the activities of international cooperation for mutual legal assistance in criminal matters in accordance with the scope of its own responsibilities;
7. To use the rights and perform other duties as defined in the Laws.

#### **Article 41      Rights and Duties of Ministry of Public Security**

Ministry of Public Security shall have the following rights and duties:

1. To study and having a comment on the policies, laws and regulations about the activities of international cooperation for mutual legal assistance in criminal matters in accordance with the scope of its own responsibilities;
2. To take the lead and support the execution of the request of international cooperation for mutual legal assistance in criminal matters in accordance with the scope of its own responsibilities;
3. To receive the request and propose to the central coordination agency concerning the request for mutual legal assistance in criminal matters of natural person, legal person, and organizations;
4. To collect testimony and evidences, addresses, identities, inspect, maintain the evidences, seize or freeze assets, and extradition or defendant who involved in the criminal cases pursuant to the request for mutual legal assistance in criminal matters;
5. To participate in the negotiation, consultation, and having a comment on treaties where the Lao PDR is party to regarding mutual legal assistance in criminal matters;
6. To communicate and cooperate with foreign jurisdiction on the activities of international cooperation for mutual legal assistance in criminal matters in accordance with the scope of its own responsibilities;

7. To summarize and report on the activities of international cooperation for mutual legal assistance in criminal matters to the higher authorities in accordance with the scope of its own responsibilities;
8. To use the rights and perform other duties as defined in the Laws.

#### **Article 42     Rights and Duties of the People's Supreme Court Office**

The People's Supreme Court Office shall have the following rights and duties:

1. To study and having a comment on the policies, laws and regulations concerning the activities of international cooperation for mutual legal assistance in criminal matters in accordance with the scope of its own responsibilities;
2. To provide a technical advice on the international cooperation for mutual legal assistance in criminal matters;
3. To consider on the implementation of the foreign criminal judgment, repeal the order on seizure and freezing of asset and to provide asset that involved with criminal offense to the requesting state as identified in the request for international cooperation for mutual legal assistance in criminal matters;
4. To participate in the negotiation, consultation, and having a comment on treaties where the Lao PDR is party to on mutual legal assistance in criminal matters;
5. To communicate and cooperate with foreign countries on the activities of international cooperation for mutual legal assistance in criminal matters in accordance with the scope of its own responsibilities;
6. To summarize and report on the activities of international cooperation for mutual legal assistance in criminal matters the higher authorities in accordance with the scope of its own responsibilities;
7. To use the rights and perform other duties as defined in the Laws.

#### **Article 43     Rights and Duties of Ministry of Foreign Affairs**

Ministry of Foreign Affairs shall have the following rights and duties:

1. To study and having a comment on the policies, laws and regulations about the activities of international cooperation for mutual legal assistance in criminal matters in accordance with the scope of its own responsibilities;
2. To communicate and coordinate with the requesting state in accordance with the proposal of the central coordination agency;
3. To receive and send the request of international cooperation for mutual legal assistance in criminal matters to the central coordination agency;
4. To collaborate with the central coordination agency concerning a sending of evidences, seizure, freezing and confiscation of assets and items for the execution of the request of international cooperation for mutual legal assistance in criminal matters;

5. To notify or be notified on the result of the execution of the request of international cooperation for mutual legal assistance in criminal matters in the requesting state to notify the central coordination agency and relevant sectors;
6. To participate in the negotiation, consultation, and having a comment on the treaties where the Lao PDR is party to regarding mutual legal assistance in criminal matters;
7. To communicate and cooperate with foreign jurisdiction on the activities of international cooperation for mutual legal assistance in criminal matters in accordance with the scope of its own responsibilities;
8. To summarize and report on the activities of international cooperation for mutual legal assistance in criminal matters the higher authorities in accordance with the scope of its own responsibilities;
9. To use the rights and perform other duties as defined in the Laws.

#### **Article 44      Rights and Duties of Ministry of Justice**

Ministry of Justice shall have the following rights and duties:

1. To study and having a comment on the policies, laws and regulations on the activities of international cooperation in criminal matters in accordance with the scope of its own responsibilities;
2. To participate, encourage, support and collaborate with relevant sectors and relevant organizations regarding to the activities of international cooperation for mutual legal assistance in criminal matters in accordance with the scope of its own responsibilities;
3. To collect statistics, data and information on the activities of international cooperation for mutual legal assistance in criminal matters;
4. To participate in the negotiation, consultation and having a comment on the treaties where the Lao PDR is party to regarding international cooperation for mutual legal assistance in criminal matters;
5. To communicate and cooperate with foreign jurisdiction on the activities of international cooperation for mutual legal assistance in criminal matters in accordance with the scope of its own responsibilities;
6. To summarize and report on the activities of international cooperation for mutual legal assistance in criminal matters the higher authorities in accordance with the scope of its own responsibilities;
7. To use the rights and perform other duties as defined in the Laws.

#### **Article 45      Rights and Duties of Ministries, Central and Local Administration Offices**

The Ministries, Central and Local administration offices have the rights and duties to coordinate with the Competent Authority of Lao PDR concerning the activities of international



cooperation for mutual legal assistance in criminal matters in accordance with the obligations and duties as defined in the Laws and Regulations.

## **Chapter 2**

### **Inspection of International Cooperation for Mutual Legal Assistance in Criminal Matters**

#### **Article 46      Inspection Organization of International Cooperation for Mutual Legal Assistance in Criminal Matters**

The Inspection organization of international cooperation for mutual legal assistance in criminal matters consists of internal inspection and external inspection organization.

1. The internal inspection organizations are the same organization with the management organizations as defined in Article 39 of this Law;
2. The external inspection organizations are the National Assembly, the People Assembly at Provincial level and the State Inspection organization.

#### **Article 47      Contents of Inspection**

The inspection shall have the following contents:

1. The exercise of the rights and duties of the respective officers on the activities of international cooperation for mutual legal assistance in criminal matters;
2. The implementation of policies and the measures apply to the violators and regulations on the international cooperation for mutual legal assistance in criminal matters;
3. Other issues relating to the international cooperation for mutual legal assistance in criminal matters.

#### **Article 48      Forms of Inspection**

The inspection shall have three forms as follows:

1. Regular inspection shall means the inspection conducted in regular basis and in accordance with the fixed plans;
2. Unplanned inspection shall means the inspection conducted with no fixed plan by sending a notice prior to actual inspection take place;
3. Emergency Inspection shall mean the urgent inspection without a prior notification

## **Part VII**

### **Budgets**

#### **Article 49     Budgets**

The activities of international cooperation for mutual legal assistance in criminal matters shall make use of the state budgets. In addition, there are also additional source of funds comes from a support of natural person, legal person and internal and international organizations.

The organization that responsible for activities of international cooperation for mutual legal assistance in criminal matters as defined in Article 39 of this law shall preparing the budget plan for carrying out their activities and then present to the government for consideration.

#### **Article 50     Management and Budgets Utilization**

The inspection organization of international cooperation for mutual legal assistance in criminal matters as defined in article 39 of this law is to act as administer and utilize such budgets as stipulated in the state budget law.

## **Part VIII**

### **Policies toward Persons with Outstanding Achievements And Measures against Violators**

#### **Article 51     Policies toward Persons with Outstanding Achievements**

Natural person, legal person or organizations who having outstanding achievements in the implementation of this law shall be awarded or received other incentives in accordance with the regulations.

#### **Article 52     Measures against violators**

Natural person, legal person or organizations who violating this Law shall be educated, subjected to disciplinary measures, fines, compensate for a civil damage or criminal punishment in accordance with a minor and severe cases.

## **Part IX**

### **Final Provision**

#### **Article 53     Implementation**

The Government of Lao People's Democratic Republic, the Supreme People's Prosecutor Office, and the People's Supreme Court Office shall implement this Law.

**Article 54      Effectiveness**

This Law will be enter into effective from the date the President of the Lao People's Democratic Republic issues a presidential decree to promulgate and after 15 days after it is published in the National Gazette.

All regulations and provisions that are contrary to this Law are repealed.

**The President of the National Assembly**