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LAO PEOPLE DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

National Assembly

No.
Vientiane Capital,

(DRAFT)

LAW
ON
INTERNATIONAL COOPERATION FOR MUTUAL LEGAL
ASSISTANCE

Part I
General Provisions

Article 1 Objectives

This Law determines the principles, regulations and measures about the managing, following and auditing 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 the Article 7 of 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 on International Cooperation in Criminal Matters shall mean an international treaty about the activities of International cooperation on mutual legal assistance in criminal matters for which Lao PDR is a party;
5. Party shall mean a State, an international or regional organization or other legal entity that voluntarily perform the obligations resulting from such treaties which are effective for such State or organization;
6. Criminal Matters shall mean such matters which are related to criminal offenses and criminal proceedings;
7. Focal Coordination Agency shall mean agency having a duty to be a focal point of coordination and responsible for activities in providing mutual legal assistance in criminal matters in accordance with this Law;
8. Competent Authority in Criminal Proceedings shall mean Investigation – Interrogation Agency, People Prosecutor Office, People’s Court or other Organizations as defined in the Law on Criminal Proceedings;
9. Seizure or Freezing shall mean the prohibition of transfer, prohibition of conversion, buying or temporarily moving the properties, or moving the properties to under authority or temporarily controlled in accordance with a court order or a competent authority;
 - + Seizure shall mean obtaining the properties or movable objects which related to a criminal case as exhibits in accordance with a court order (Acts 18, Article 3 of Criminal Proceedings);
 - + Freezing shall mean the prohibition of buying, selling, transfer, handing over, trading, exchange, pawn, guarantee, construction, repairs, destruction or change or others for movable or immovable properties, including deposit bank accounts which related to a criminal case, in accordance with a court order (Acts 19, Article 3 of Civil Proceedings);
10. Confiscation including a fine (if any) shall mean a judgment to the properties permanently in accordance with a court order or a competent authority;
 - + Confiscation shall mean the nationalization of properties for a wholly or partially owned by offenders, without paying back in accordance with a court order (Article 33 of Criminal);

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;
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 the bilateral or multilateral treaties.

This Law is not applies for transmitting terrorists to cross border, 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 about 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 for officer, and assist in the development of activities on international cooperation for mutual legal assistance in criminal matters.

Part II

International Cooperation for Mutual Legal Assistance

Chapter 1

Scope of International Cooperation for Mutual Legal Assistance

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. Addresses and Identities;
6. Searching and Seizing an evidence;
7. Seizure and Freezing;
8. Return of evidences;
9. Recognizing and Following a court's judgment in criminal matters;
10. Provision of other assistances may be consistent with the treaty to which Lao PDR is a party and the Laws of Lao PDR.

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. Not a criminal offence in accordance with the Law on Criminal or the Laws of Lao PDR, and the Laws of the requesting state;
2. The requesting for cooperation is relates to the investigation-interrogation, claim or punishment of any individuals due to the offences with a nature of political offences or military offences;
3. Provision of the cooperation may be prejudice to the sovereignty, security, social order and essential public interests of the nation or contradicted to the laws of Lao PDR;
4. There are substantial grounds to believe that the request has been made for a purpose of an investigation-interrogation, prosecution order, punishment, or make other damages to any individuals due to the grounds of race, religion, gender, ethnic, nationality or political opinion of those individuals;
5. The request for cooperation relates to the investigation-interrogation, prosecution order or punishment of any individuals regarding to his and/or her committed offences:
 - Has been punished according to the court's judgment of Lao PDR or has been received a pardon from the competent authority of Lao PDR or the requesting state.
 - Has been completed the punishment in accordance with the Laws of the requesting state or the Laws of Lao PDR.
6. The request for cooperation relates to the investigation-interrogation, prosecution order or punishment of any individuals related to the act of offences or omissions occurred in the territory of the requesting state, which is not under the component of criminal offences determined under the Laws of Lao PDR, except there shall be defined differently in the treaty of international cooperation for mutual legal assistance in criminal matter to which Lao PDR is a party or international principles of justice, the internal Laws of the requesting state or Lao PDR may allowing to implement.

7. The requesting states not yet confirmed that they will provide similar legal assistance in the future, which Lao PDR may requesting for cooperation in any criminal matters.
8. The requesting state not yet confirmed that they would use such information or legal assistance as indicated in their requested only and would not use for other purposes besides the criminal matters related to the requested.
9. Providing of cooperation may cause damages to the form of the cases or to the process of criminal proceedings which is proceeding in Lao PDR or in contradiction with the Law on Criminal Procedure of Lao PDR.
10. Providing of cooperation may cause damages to the safety of any individuals who living within or outside Lao PDR.
11. Providing of cooperation may cause a severe burden for Lao PDR.

Chapter 2

Requesting and Consideration of the Request

Article 9 Application or Acceptance of International Cooperation for Mutual Legal Assistance in Criminal Matters

The Application or Acceptance of International Cooperation for Mutual Legal Assistance in Criminal Matters from the requesting state to Lao PDR or from Lao PDR to the requested state shall be made via the focal coordination agency through diplomatic channel.

For the Application or Acceptance of International Cooperation for Mutual Legal Assistance in Criminal Matters shall practice in accordance with the mechanism as defined in the international treaties to which Lao PDR is a party.

For the Application and Acceptance of Cooperation in accordance with the mechanism of the International Criminal Police Organization (INTERPOL) or mechanism of ASEAN Police, shall follow the principles that have been practices in previously.

Article 10 Requesting and Supporting Documents

The Request and Supporting documents for International Cooperation for Mutual Legal Assistance in Criminal Matters shall be made in writing 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 and a period for executing such requested;
4. Explain about the nature of the criminal matters, events or statements or the consolidated summary report of the cases relating to the request for assistances on the situation of case contents, defaults and relevant Laws of the requesting state, including the provisions of maximum penalty.
5. A period for executing such requested.

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, speedy, such as addresses of a person from whom the **statements** are needed, main subjects of a question from which **the statements** are needed, a place where the exhibits and evidences are maintained.

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

The Request for International Cooperation for Mutual Legal Assistance in Criminal Matters from the requesting state to Lao PDR shall be immediately amended within a reasonable time, methods or matters required for assistance which is expressed in such requested in accordance with the principles as defined in the Law on Criminal Procedure of Lao PDR.

Lao PDR will notify the requesting state on the progress or the issues that leading to the delay of the execution of the request or may request such requesting states to provide additional information in case of the difficulty in executing such requested.

Article 12 Requesting for Additional 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.

Article 13 **Timeline**

The requested state shall notify the requesting state on the date, timing, and a place of the execution of the request about the International Cooperation for Mutual Legal Assistance in Criminal Matters in accordance with the treaty to which Lao PDR is a party or the Laws of Lao PDR which has been defined.

Article 14 Requirement of Confidentiality

All information **expressed** in the request of international cooperation for mutual legal assistance in criminal matters from the requesting state to Lao PDR shall be kept as confidentiality and shall not disclose to public for the interest to the form of the cases. They shall not be disclosed or sent to the third state, unless there are any provisions in the Law or the international treaties have been defined in separately whereby such information shall be disclosed in necessary cases for the implementation of the request.

For all information obtained from the assistance according to the of international cooperation for mutual legal assistance in criminal matters, the requesting state shall take all necessary measurements or in accordance with the internal laws to prevent such information

from being used or disclosed or transferred to any individuals or being used without receiving a permission and other than expressed in such requested, except Lao PDR shall agree and made it in a written.

Chapter 3

Execution of International Cooperation for Mutual Legal Assistance in Criminal Matters

Article 15 Taking of Voluntary Statement

In executing the request for international cooperation for mutual legal assistance in criminal matters for taking a voluntary statement from any individuals who living in Lao PDR in order to use such statements in the criminal proceeding in the requesting state, the competent authority in executing the criminal proceeding shall try to take such statement on voluntary basis from such individuals.

Article 16 Taking of Evidences

In executing the request for international cooperation for mutual legal assistance in criminal matters for taking evidences from the competent authority in executing the criminal proceeding shall use its efforts to seek for the information including the statements, documents or relevant records shall be implemented in accordance with the principles as defined in the Law on Criminal Procedure of Lao PDR whereby the competent authority in executing the criminal proceeding shall giving a permission to the representative legal entities or the lawyer of such individuals to participate.

Article 17 Refusal of Providing Evidences

Any individuals who are required to provide any statements, evidences or relevant documents shall have the right to refuse to provide such evidences, if there is a permission mentioned on the Law on Criminal Procedure or the relevant laws of Lao PDR or the laws of the requesting state.

In case of refusal of providing information, evidences, those individuals shall make a written notification on their refusal of providing evidences.

Article 18 Participation of Individuals who living in the requesting state

In case of there is a request to any individuals who living in the territory of Lao PDR to having their presence in the requesting state and with the consents of such persons, Lao PDR may allow such individuals to be present in the territory of the requesting state for:

- Assisting in the investigation-interrogation on the matters associated with the criminal cases;
- Appearing in the proceeding on the criminal cases, excepted when such individuals are the accused.

The focal coordination agency shall directly notify the requesting state on whether if such individuals refused or accepted his/her presence per requested for international cooperation for mutual legal assistance in criminal matters.

The requesting state shall ensure of the safety and responsible for the travelling expense, per-diem, accommodation, including other allowances for the conveniences and facilities for such individuals.

Article 19 Non-consideration as Evidences

The information have been obtained by the unlawful means shall not be considered as evidences.

The information with non-consideration as evidences shall have no legal effective and shall not be used as a ground for legal proceedings.

Article 20 Participation of the Offenders or Individuals who detained in Lao PDR

Lao PDR may considering transfer the offenders and individuals who detained in Lao PDR for temporarily as the followings basis:

- Subject to their consent, to give information or to assist in the investigation-interrogation in criminal proceedings in the requesting state;
- The requesting state shall not request Lao PDR for the extradition against such individuals.

The requesting state shall continue detaining such individuals in accordance with the Laws of the requesting state and shall promptly send such individuals back to Lao PDR after the termination of criminal matters which associated with the temporarily transfer of such individuals.

The detention period in the requesting state shall be counted and included the period of deprived of liberty or detained in Lao PDR.

The requesting state shall ensure and shall responsible for all relevant expenses and the security that associated with the transferring of the offenders or detention and providing of international cooperation for mutual legal assistance in criminal matters in the requesting state.

Article 21 Security Measures

In the events that any individuals as defined in Article 18 and 20 of this Law is appeared in the requesting state pursuant to the request of international cooperation for mutual legal assistance in criminal matters, thus, the requesting state shall be ensured on the security measures for such individuals and shall being protected as following:

- The individuals shall not being detained, unless any individuals as defined in Article 20 of this Law are being prosecuted, being punished or being restricted of personal liberty in any other forms due to the act of offences or omissions that considered as criminal offences to the laws of the requesting state, before their departure to the requesting state;

- The individuals shall not be forced, threatened or enforced by any other means in order to provide the evidences or statements of any other issues, other than the information which indicated in the request of international cooperation for mutual legal assistance in criminal matters, unless such individuals shall voluntarily accepted;
- The individuals who appear in front of the court or the competent authority in executing the criminal proceedings in the requesting state shall not be subjected to the criminal proceedings, unless they are not showing respects to the court or giving the false statements;
- The individuals shall not be subjected to the civil proceedings due to his/her acts or omissions before their departure to the requesting state.

Article 22 Addresses or Identities

The competent authority in executing the criminal proceedings of Lao PDR shall make their efforts to execute the request of international cooperation for mutual legal assistance in criminal matters to find the addresses or identities of any individuals as indicated in the request in accordance with the relevant laws of Lao PDR.

Article 23 Searching and Seizing the Evidences

In the events that the request of international cooperation for mutual legal assistance in criminal matters required for searching, seizing or sending the evidences such as documents, information records or other evidences to the requesting state, the competent authority in executing the criminal proceedings of Lao PDR shall executing such requested pursuant to the following conditions:

- The request shall indicated in details of all necessary information relating to the evidences;
- The Law on Criminal Procedure and other relevant Laws of Lao PDR completely allow to executing.

The Focal Coordination Agency shall cooperate with Ministry of Foreign Affairs to notify the requesting state about the results from searching and seizing the documents or information records and materials per requested, also shall discuss about methods, date and time for sending as defined in Article 25 of this Law.

Article 24 Seizure and Freezing

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 completely allow to executing;
- The materials or assets that being seizure and freezing pursuant to the requests shall not associated with the proceedings in Lao PDR;

The focal coordination agency shall notify the requesting state about the results of the seizure and freezing pursuant to the request.

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

Article 25 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 temporarily return such documents, information records or materials to Lao PDR.

Article 26 Certification and Examination of Documents

Based on the recommendation from the focal coordination agency of Lao PDR, all necessary documents that enclosed to the request for international cooperation for mutual legal assistance in criminal matters 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 sent to the individual or the competent authority which certified by the requesting state but the original hard copied shall be sent to the requested state by officially.

Article 27 Communication via Video Call or Audio through Satellite or Internet

To facilitate the execution of the request for international cooperation in criminal matters, there shall have a communication through electronic or other modern communication in accordance with the request of the requesting state and pursuant to the practicable conditions of the competent authority in criminal proceedings in accordance with the Laws and Regulations.

Article 28 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, except for the following costs which shall be responsible by the requesting state:

- Consultant fees, Lawyer's fees for legal representation, Indemnity fees of individuals who required to have the evidences or experts pursuant to the request of international cooperation in criminal matters;
- Translation fees, Documents certification fees, Printing/Copy fees and Information fees;
- Expenses associated with sending the individuals to the territory of the requesting state and returning to Lao PDR, including: In-Out Allowances, Fees, Per-diem or benefits and others in accordance with their requests;
- Expenses associated with accompanying the officers for controlling the detention and following up;
- 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 have determined on the costs for executing the legal assistance in criminal matters, shall perform in accordance with the treaty.

In case of over expenses for executing the legal assistance in criminal matters, Lao PDR and the requesting state shall discuss more about the additions costs and issues whether to continue or not continue the execution of such requests.

Article 29 Notification of Execution Results

The requesting state shall immediately notify the requested state about the criminal proceedings or the request for assistances from individuals who needed or using information, evidences that relating to seizure and freezing assets in order to executing the request of mutual legal assistance in criminal matters in the territory of the requesting state.

Article 30 Budgets

The activities of international cooperation for mutual legal assistance in criminal matters shall taking the state budgets. In addition, there are funds support, a support from individuals, entities, internal and international organizations.

The sectors that responsible for activities of international cooperation for mutual legal assistance in criminal matters as defined in Article 33 of this Law shall preparing the budget plan for carrying out their activities, then present to the state to consider.

Chapter 4

Implementation of Criminal Convictions of Foreign Countries

Article 31 Implementation of Criminal Convictions of Foreign Countries

The implementation of criminal convictions of foreign countries upon receiving the request of international cooperation in criminal matters for the implementation of criminal convictions of the court of the requesting state to confiscate assets from the proceed of offences and/or materials used in the proceed of offences in Lao PDR in accordance with the court ruling or the competent authority of the requesting state, the focal coordination agency shall requesting the People's Supreme Court office to consider giving the authority to the People's Court at provincial level, at central level where the requesting assets are located, consider recognized the judgment and implementing the Court decisions of the requesting state in accordance with the Laws.

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 consider.

Article 32 Consideration about the Implementation of Criminal Convictions of Foreign Countries

Upon receiving the authority from the People's Supreme Court Office, the relevant People's Court Offices shall researching on such requests, and also collecting necessary evidences to proposes the people's court at provincial/central levels to consider judging within 30 days from the date of receiving the proposals.

The consideration about the implementation of the foreign Court decisions in the court meeting shall have only the jury, Chief of Prosecutor, Investigation-Interrogation Office, Ministry of Foreign Affairs, Ministry of Justice, Representative of the Embassy or the Consular of the requesting state, and the Competent Authority Officer of Lao PDR.

Article 33 Rights of the Court for Consideration about the Implementation of Criminal Convictions of Foreign Countries

The court shall have the rights for considering about the implementation of the foreign court decisions as follows:

1. Investigate the proceed of offences that specified in such request whether it's the offences as defined in the Laws of Lao PDR or not;
2. Investigate the proceed of 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 or not.

In the event that the Court finds the reasonable grounds, the Court shall recognizing and implementing such Court decisions in accordance with the requesting and handing over the assets to the requesting state within 30 days from the date of reading the court decisions.

In the event that the Court finds beyond the Non-reasonable grounds for the implementation of the Court decisions as defined in this Law or in other Laws, the Court shall making a decision for not allows to implementing such requests.

The Court is the organization who have a competent authority to agree with the implementation of the criminal convictions of the foreign court decisions.

The decisions of the people's courts shall be a final decision which is not able to appeals or against.

Article 34 Repeal the Seizure and Freezing Orders

When the Court shall not considering the request about the implementation of the foreign court decisions due to there is not enough reasonable, the focal coordination agency shall place the orders to repeal the seizure and freezing assets by their duties or assigns the Public Prosecutor Office or relevant organizations who have issued the orders to be in charge of issuing the repeal orders for immediately.

Article 35 Handing over the assets to the Requesting State

After the Effectiveness of Court Agreement, the focal coordination agency shall propose to Ministry of Foreign Affairs to coordinate with the requesting state for preparing and handing over the assets to the requesting state within 30 days or within the date as specified in the treaty starting from the date of reading the court decisions.

The Focal Coordination Agency shall be in charge for handing over the assets to the requesting state by the participating from the Investigation-Interrogation Office, Ministry of Justice, Ministry of Foreign Affairs, relevant Organizations, and the State representative, and shall having a memo for this event.

Part III

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

Article 36 Filling the Request of Cooperation for mutual legal assistance in criminal matters

Filling the request of 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 37 Criminal Proceedings Consideration

When there is the needed to request the foreign countries to providing cooperation for mutual legal assistance in criminal matters about filling the evidences, handing over the judiciary documents, Seizure, Freezing, Confiscation, implementing the court decisions of the court of Lao PDR or others cooperation as defined in Article 7 of this Law. The criminal proceedings agency shall propose to the focal coordination agency via the central

organization to considering about cooperation for mutual legal assistance in criminal matters for Lao PDR.

Article 38 Consideration of the Focal Coordination Agency

Upon receiving the request of cooperation for mutual legal assistance in criminal matters from the Criminal Proceedings Agency, the Focal Coordination Agency shall researching on such request in the basis of evidences as defined in the treaty between Lao PDR and the requested state and in Article 8 of this Law. When it is already consistent, then sending such request to the requested state in order to considering through the channels of the treaty or this Law have defined.

Article 39 Participating the Consideration of the Execution on the Request in Overseas

When there is the needed, the Focal Coordination Agency, the Investigation-Interrogation Office and other relevant organizations, shall participating the consideration about the execution on the request of cooperation for mutual legal assistance in criminal matters of the requested state, such as: finding assets from the proceed of offences or materials using in the proceed of offences, collecting information, seizure, freezing or confiscation, to warrant the benefits of criminal proceedings in Lao PDR.

Article 40 Handing over the Successful Outcome of Cooperation for Mutual Legal Assistance in Criminal Matters

Upon receiving the successful outcome of cooperation for mutual legal assistance in criminal matters, the Focal Coordination Agency shall handing over the outcome of cooperation for mutual legal assistance in criminal matters to the relevant Criminal Proceedings Agency to continue proceedings pursuant to the Law.

**Part IV
Prohibitions**

Article 41 General Prohibitions

Individuals, legal entities 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 state security, rights and obligations 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, demand, provide or receive the bribes in the activities of international cooperation for mutual legal assistance in criminal matters as for personal benefits;
5. To have other behaviors violating the laws, international agreements, and the treaties to which Lao PDR is a party.

Article 42 Prohibitions for the Officers or relevant Organizations

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

1. To abuse the powers, duties, positions, to threat or menace other persons for their personal benefits and for its own parties;
2. To ask for, demand, receive or provide the bribes and to embezzle the properties or exhibits to become their own properties;
3. To withhold, retain, delay the time for consideration of the request of international cooperation for mutual legal assistance in criminal matters without any reasons 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 in contraction with the laws.

Part V

Management and Inspection

Chapter 1

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

Article 43 The Management Organization of the Activities of International Cooperation for Mutual Legal Assistance

The Government of Lao PDR shall be the centralized manager, agree on the activities of international cooperation for mutual legal assistance in criminal matters by assign the People's Supreme Court Office as a focal coordinator and coordinate with Ministry of Public Security, the People's Court, Ministry of foreign Affairs, Ministry of Justice, and Local Administration Office.

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

1. The Public 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 44 Rights and Duties of the Public Prosecutor Office

In managing the activities of international cooperation for mutual legal assistance in criminal matters, the Public Prosecutor Office as a focal coordination agency shall have the following rights and duties:

1. To research 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 coordinate with foreign organizations about the international cooperation for mutual legal assistance in criminal matters;
3. To receive the request of cooperation for mutual legal assistance in criminal matters from individuals, legal entities, and organizations;
4. 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, seizure, freezing assets and materials pursuant to the request;
5. To notify Ministry of Foreign Affairs on the execution of the request of international cooperation for mutual legal assistance in criminal matters from time to time or the urgent cases in order to coordinate with the requesting state;
6. To collect information, statistics on the international cooperation for mutual legal assistance in criminal matters in order to notify the relevant parties;
7. To participate in the negotiation and consultation on the bilateral or multilateral treaties on the international cooperation for mutual legal assistance in criminal matters;
8. 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;
9. To summarize and report on the activities of international cooperation for mutual legal assistance in criminal matters in accordance with the scope of its own responsibilities;
10. To use the rights and perform other duties as defined in the Laws.

Article 45 Rights and Duties of Ministry of Public Security

In managing the activities of international cooperation for mutual legal assistance in criminal matters, Ministry of Public Security shall have the following rights and duties:

1. To research 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 focal coordination agency about the request for mutual legal assistance in criminal matters from individuals, legal entities, and organizations;
4. To collect information, evidences, seizure or freezing assets that related to the criminal cases pursuant to the request for mutual legal assistance in criminal matters in properly manner and in accordance with the Law on Criminal Procedure;
5. To participate in the negotiation and consultation on the bilateral or multilateral treaties on mutual legal assistance in criminal matters;
6. 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;
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 46 Rights and Duties of the People's Supreme Court Office

In managing the activities of international cooperation for mutual legal assistance in criminal matters, the People's Supreme Court Office shall have the following rights and duties:

1. To research 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 provide a technical instruction on the international cooperation for mutual legal assistance in criminal matters;
3. To participate in the negotiation, the consultation and having a comment on the bilateral or multilateral treaties on mutual legal assistance in criminal matters;
4. 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;
5. 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;
6. To use the rights and perform other duties as defined in the Laws.

Article 47 Rights and Duties of Ministry of Foreign Affairs

In managing the activities of international cooperation for mutual legal assistance in criminal matters, Ministry of Foreign Affairs shall have the following rights and duties:

1. To research 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 according to the proposal of the focal coordination agency;
3. To receive and send the request of international cooperation for mutual legal assistance in criminal matters to the focal coordination agency;
4. To collaborate with the focal coordination agency about sending the evidences, seizure and confiscation for the execution of the request of international cooperation for mutual legal assistance in criminal matters;
5. To notify or be notified on the execution of the request of international cooperation for mutual legal assistance in criminal matters in the requesting state to notify the focal coordination agency and relevant sectors;
6. To participate in the negotiation and consultation on the bilateral or multilateral treaties on mutual legal assistance in criminal matters per Government assign;
7. 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;
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 48 Rights and Duties of Ministry of Justice

In managing the activities of international cooperation for mutual legal assistance in criminal matters, Ministry of Justice shall have the following rights and duties:

1. To research 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 bilateral or multilateral treaties on the international cooperation for 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 49 Rights and Duties of Local Administration Offices

The local administration offices have the rights and duties to help the Ministry of Public Security, the Public prosecutor Office and relevant officers about 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 the Activities of International Cooperation for Mutual Legal Assistance in Criminal Matters

Article 50 Inspection Organizations of the Activities of International Cooperation for Mutual Legal Assistance in Criminal Matters

The inspection organizations of the activities of International Cooperation for Mutual Legal Assistance in Criminal Matters shall including:

The internal inspection organizations and external inspection organizations.

1. The internal inspection organizations are the same organization with the management organizations as defined in Article 32 of this Law;
2. The external inspection organizations are the National Assembly, the People Assembly at Provincial level and the State Inspection organization.

Article 51 Contents of Inspection

The inspection shall have the following contents:

1. The exercise of the rights and duties of the officers on the activities of international cooperation for mutual legal assistance in criminal matters;
2. The implementation of policies and the application of measures to the violators to the laws 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 52 Forms of Inspection

The inspection shall having three forms as follows:

1. Regular inspection as planned shall means the inspection as planned and conducted in accordance with the fixed plans on regular basis with a certain time period as planned with a fixed schedule;

2. Inspection by out of planned with prior notice shall means the inspection conducted with no plans fixed and when it is deemed necessary by prior notifying served to the inspected targets;
3. Emergency Inspection shall means the urgent inspection without a prior notification.

The inspection of the activities of international cooperation for mutual legal assistance in criminal matters shall be conducted strictly in accordance with the Laws.

Part VI

Policies towards Persons with Outstanding Achievements and Measures against Violators

Article 53 Policies towards Persons with Outstanding Achievements

Individuals, legal entities or organizations who having outstanding achievements in the implementation of this Law, such as: providing cooperation and collaboration, providing of correct information and promptly in the international cooperation for mutual legal assistance in criminal matters shall be awarded or received other incentives in accordance with the regulations.

Article 54 Measures against Violators

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

Part VII

Final Provisions

Article 55 Implementation

The Government of Lao People's Democratic Republic, the Supreme Public Prosecutor Office, Ministry of Public Security, the People's Supreme Court Office, Ministry of Foreign Affairs, Ministry of Justice, other relevant Organizations and Local Administration Offices shall implement this Law.

Article 56 Effectiveness

This Law will be effective from the date of that 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