

Law
On Criminal Procedure
(amended)

Part I
General Provisions

Article 1 (improved). Objectives

This Law defines the principles, regulations and measures on criminal procedures in order to deal with criminal cases in a correct and fair manner, to restrict and prevent the offences, to protect the interest of the State and collective, the legitimate rights and interest of the citizens as well as to educate the citizens to respect and execute the laws with the aim of ensuring social security and public order, and to create the conditions for the multi-ethnic people to contribute in the protection and development of the nation.

Article 2 (improved). Criminal Proceedings

Criminal cases are cases relating to the acts or the negligences which are dangerous to the political, economic or social system of the Lao PDR; to State, collective and individual ownership; to life, health, dignity, rights, liberty of the citizen; to national security and public order as stipulated in the Penal Law or in other laws of the Lao PDR which determine the criminal penalties.

Criminal proceedings are activities of the investigation-interrogation organization, office of public prosecutor, court and other participants to search out the wrongful acts urgently, thoroughly and carefully in order to bring the offenders to case proceedings and to ensure the correct and fair application of the laws so that the offenders shall be punished according to the laws, and the innocents shall not be punished.

Article 3 (new). Interpretation of the Terms

The terms used in this Law shall have the meanings as follows:

- 1. Office of the Prosecutor** means office of public prosecutor and office of military prosecutor;
- 2. Courts** means people's courts and military courts;

3. **Comprehensive** means the case proceeding requires to search for evidences, both for binding and unbinding;
4. **Thoroughly** means the case proceeding requires, in addition to the four components of the offence, to further search for the causes conducive to the decrease or increase of criminal liabilities;
5. **Objective** means the case proceeding must be on the basis of the laws and justice; the information and evidence shall be obtained from the facts and shall not be created by oneself;
6. **Citizens** mean Lao citizen, persons having no nationality, aliens and foreigners;
7. **Detention place** means the place where suspects are physically controlled within the time period prescribed in the law;
8. **Jail** means the place to imprison the accused person during the case proceeding, before the final decision is taken;
9. **Reformatory center** means the place for re-education, administrative reformation of the offenders for minor criminal cases;
10. **Prison** means the place for the execution of penalties of the prisoners in accordance with the final decisions of the court;
11. **Suspect (suspected person)** means the person who is suspected to commit the criminal offence, but there is not yet an order to open an investigation-interrogation;
12. **Accused person** means the person brought for conducting the case proceeding after there is an order of investigation-interrogation;
13. **Defendant** means the person who is prosecuted in the court;
14. **Offender** means the person who is punished by court's decision;
15. **Prisoner** means the person who is imprisoned after convicted by the court;
16. **Strong evidence** means the evidence which is binding, concise that confirms the wrongful acts;
17. **Binding evidence** means the evidence which proves that the accused person or defendant is guilty;
18. **Unbinding evidence** means the evidence which proves that the accused person or defendant is not guilty;
19. **Inspection** means the inspection, collection, gathering of information and evidence, traces of the offence;
20. **Proof** means the use of technical, scientific methods, techniques, arts, etc. to certify the correctness or incorrectness of a target;
21. **Court's decisions** mean order, sentence, decision and judgment of the court;
22. **Court's Order** means a type of decision of the court which relates to the case proceedings, such as: order of seizure of assets or sequestration of assets, order of dismissal of the case, order of arrest, and so on;
23. **Court's Sentence** means a type of decision of the court which related to the sentence on the jurisdiction of the court, of the judicial tribunal, non-acceptance of case for consideration; death sentence, etc.;
24. **Court's Decision** means the decision of the court of first instance;
25. **Judgment** means the decision of the court at appeal level or at cassation level;

26. **Final decisions** mean the decisions, judgments of the court for which the litigants does not apply for appeal, cassation or the chief of office of prosecutor does not request for objection to the decision and the sentence;
27. **Decisions of the Chief of Office of Prosecutor** mean request for objection, decision on non-objection, decision on non-reconsideration, decision on cassation;
28. **Appeal** means the litigants or office of prosecutor are not satisfied with the decision of the court of first instance and have applied for appeal or made objection request;
29. **Application for cassation** means the litigants or office of prosecutor are not satisfied with the judgment of the court at appeal level and have submitted the appeal application or objection request;
30. **Acts** means the acts committed or omitted;
31. **Response to claim (defense)** means the clarification given against the accusation or evidence raised during the court proceedings;
32. **Debate** means the clarification given against the accusation or evidence raised at the court session;
33. **Minor offence** means the offence that the laws prescribe the punishment of public criticism or fines;
34. **Major offence** means the offence that the laws prescribe the punishment of reeducation without deprivation of liberty or punishment of deprivation of liberty from three months to ten years and fines;
35. **Capital crime** means the offence that the laws prescribe the punishment of deprivation of liberty from five years till life imprisonment including fines and death penalty.

Article 4 (new). Policy on Criminal Procedure

The State creates favorable conditions for criminal procedure by formulating policies, laws, regulations; allocating budget; deploying personnel; providing vehicles, equipment, techniques and building infrastructures with the aim of allowing the criminal proceedings are conducted in a speedy and transparent manner, in compliance with the laws and ensuring justice in the society.

The State gives emphasis in advertisement, education and training in laws in order to enable the citizen to be aware, understand, respect and execute the laws and to contribute in the prevention and combating of the crimes.

Article 5 (improved). Necessity for Criminal Proceedings

When there is any of the causes as prescribed in Article 86 of this Law, the head of investigation-interrogation organization or the chief of office of prosecutor must issue an order to open the investigation-interrogation, conduct the investigation-interrogation and use preventive measures as provided in the law with the aim of finding out the offences and the offender for prosecuting in the court for making consideration and decision in accordance with the laws.

Article 6 (improved). Causes Leading to Discontinuation of Criminal Proceedings

The causes leading to the discontinuation of the criminal proceedings are as follows:

1. Non-existence of incident constituting the criminal offence;
2. Lack of component of criminal offence;
3. Expiration of time limit for criminal prosecution;
4. Pardon is granted;
5. There is a mediation agreement in a case where the wrongful act does not endanger the society between the injured party and the accused person as provided in the Penal Law;
6. The injured party has not lodged a complaint or the injured party withdraws the complaint in the case of offence that requires the submission of complaint of the injured party as specified in the Penal Law;
7. There is an offence that causes damage to materials amounted to lower than the amount prescribed in the Penal Law;
8. The offender is dead, except in case death is occurred during the case proceeding at the court;
9. There is an order to dismiss the case or there is a final decision of the court regarding the same case.

For children under fifteen years old who commit the acts that endanger the society, the provisions of the Law on Children's Rights and Interest, the Penal Law and other relevant laws shall be applied.

Article 7 (new). Protection

In criminal procedure, the organizations and individuals conducting criminal proceedings shall receive protection from revenge, threat to their life, health, liberty, honor and dignity, collective property, personal property or family property in accordance with the laws and regulations.

All acts of another individual or organization, such as: coercion, threat, libel and slander which cause damages to the organizations and persons conducting the criminal proceedings shall be subjected to punishment in accordance with the laws.

In criminal procedure, citizens shall receive protection for their life, health, honor and dignity or property.

All acts of the organizations and persons conducting criminal proceedings, such as: beating, torture, coercion and threat which cause damages to the citizens shall be subjected to punishment in accordance with the laws.

Article 8 (new). Scope of Application of the Law

This Law shall apply to the investigation-interrogation organizations, offices of prosecutor, courts and participants in criminal proceedings as stipulated in Article 63 of this Law.

Article 9 (new). International Cooperation

The State promotes foreign, regional and international cooperation concerning criminal procedure through coordination, exchange of lessons, information, technology, upgrade of knowledge and skill to personnel of the organizations conducting criminal proceedings in consistence with the international conventions to which Lao PDR is a party.

Part II Basic Principles of Criminal Procedure

Article 10 (new). Basic Principles of Criminal Procedure

Criminal procedure shall be performed in accordance with the basic principles as follows:

- Legality;
- Prohibition on breaching the rights and freedom of the citizens;
- Equality of the citizens before the laws and the courts;
- Guarantee of right of defense in the case;
- Presumption of innocence;
- Consideration of damages value in criminal cases;
- Authority to adjudicate the cases;
- Collective consideration of the case;
- Independence of the judges;
- Language used in the case proceedings;
- Open trial of the case;
- Request for withdrawal or recusal;
- Non-authorization to participate in the consideration of the same case twice;
- Case proceeding in a comprehensive, thoroughly and objective manner;
- Guarantee of right to file the claim;
- Coordination.

Article11 (new). Legality

The organizations, officers, participants who have the right and duties relating the criminal proceedings must respect, execute the laws and the final decisions of the court in a strict manner.

Article 12 (improved). Prohibition on Breaching the Rights and Freedom of the Citizens

It is not authorized to detain a person without an order of the head of investigation-interrogation organization or of the chief of office of prosecutor.

It is not authorized to arrest, imprison or search the building where the crime is occurred without an order of the chief of office of prosecutor or of the court, except for

the arrest, search of building in case of offence committed in confrontation or in case of urgency only.

In the case when the detention, arrest, imprisonment are carried out in contradiction with the laws or the imprisonment is beyond the period provided in the laws or is not in compliance with the decision of the court, the chief of office of prosecutor must issue an order to release immediately.

It is not authorized to force, threaten, beat or torture the suspect, the accused person of the defendant during the period of case proceedings.

Any individual who detains, arrests, imprisons, conducts the search of building or of person in contravention of the laws shall be subjected to case proceedings and shall be criminally liable and pay compensation for damages which are occurred.

Article 13 (improved). Equality of the Citizens Before the Laws and the Courts

Criminal procedure must be conducted on the basis of equality of all citizens before the laws and the courts without discrimination on the basis of gender, races, ethnicity, socio-economic status, languages, education level, occupation, belief, place of residence and others.

The investigation-interrogation organization, the office of prosecutor and the court must create the conditions to enable the citizens, especially the suspect, accused person, defendant, injured party, civil plaintiff, civil liable person to exercise their rights in accordance with the laws in order to ensure that criminal proceedings are conformed with the facts and are objective.

Article 14 (new). Guarantee of Right of Defense in the Case

The suspected person, accused person and defendant shall have the right to defend the case in which they are suspected or accused by themselves, lawyers or other protectors who shall provide them with legal assistance.

The investigation-interrogation organization, the office of prosecutor and the court must guarantee the right to defend the case of the suspect, accused persons and defendant in order to protect their legitimate rights and interests.

The suspect, accused person and defendant shall have the right to respond to the claim, to debate, to present evidence in order to defend themselves and will not be forced to find out the evidence to prove their innocence.

Article 15 (improved). Presumption of Innocence

In criminal proceedings, as long as the suspected person, the accused person and the defendant have not been convicted, pursuant to the final decision of the court, as wrong doers, they shall be regarded as innocent persons.

Article 16 (new). Consideration of Damage Value in Criminal Case

The consideration of the compensation for damage in criminal case must be performed in conjunction with the adjudication of the criminal case.

In the case where the court is unable to determine the value of the damage, such as: accident case and other cases in which the injured persons are continuing to receive medical treatment, the court shall first make criminal consideration and decision; whereas the compensation for damage, it shall be dealt through civil proceedings.

In case the defendant is dead during the period of case proceedings at the court, the court shall adjudicate his case until completion in accordance with the laws and regulations.

Article 17 (improved). Authority to Adjudicate the Cases

Only the courts have the jurisdiction to adjudicate criminal cases. No individual shall be deemed an offender and shall be punished criminally without a final decision of the court.

Article 18 (improved). Collective Consideration of the Case

The judicial tribunal of the People's Supreme Court, the people's regional court, the people's provincial or city court, the people's zone court, the military high court, the military regional court shall consist of three judges, one of them shall be the presiding judge, and the other two shall be members.

Only the judges who are legally appointed shall have the right to be included in the judicial tribunal.

The decision of the judicial tribunal shall be reached by a majority of votes.

Article 19. Independence of the Judges

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

Article 20. Language Used in Case Proceedings

The case proceedings must be conducted in Lao language. Persons participating in case proceedings who do not know the Lao language shall have the right to use their own language or other language through translation.

Article 21 (improved). Trial in Open Court Hearing

The trial of criminal cases in the court session must be conducted openly, except for the cases concerning the secrets of the State or society, such as offences that concern family relationships, fine tradition of the nation, children, victim of human trafficking which must be conducted in closed session.

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

Article 22 (improved). Request for Withdrawal and Recusal

The persons conducting criminal proceedings, the court clerk, the expert, the specialist or the translator who are the relatives, have the interest or conflict with any

party of the litigants must request for withdrawing themselves from such case proceedings.

If they refuse to withdraw themselves, any party of the litigants shall have the right to request for the recusal of these persons from the case proceedings.

Article 23. Non-Authorization to Participate in the Consideration of the Same Case Twice

A judge who is involved in the consideration of a criminal case once shall not be allowed to participate in the consideration of the same case for a second time at any level of the court, unless otherwise provided in the laws.

Article 24 (improved). Comprehensive, Thorough and Objective Case Proceedings

The criminal proceedings must apply various measures provided by this Law to ensure that case proceedings are comprehensive, thorough and objective with the aim of searching and finding out the binding evidences and unbinding evidences to prove the innocence of the suspected person, accused person or defendant and of examining the reasons conducive to the reduction or increase of criminal liabilities.

In taking the testimony from the suspect, the accused person or the defendant and from the persons who participate in the case, it is not authorized to use violence, force, threat, beating, torture or to apply other unlawful measures.

Article 25 (improved). Guarantee of Right to File the Complaint

Individuals or organizations shall have the right to file the complaint against the investigation-interrogation organization, the office of prosecutor, the court or the concerned persons who perform the duties in contravention to the laws. The claim shall be submitted to the organization of the next higher level or to the organization where such persons work.

The organization which has received such complaint must examine and consider such document in a timely manner, and must notify the result of the examination in writing to the individual or organization which had submitted the complaint within thirty days from the date of receipt of the complaint.

The relevant organizations or individuals who have violated the laws must restore the dignity of, and compensate for the damage to the injured party. Such relevant individuals may be subjected to disciplinary measures or to legal proceedings, depending on the severity of the offence.

Article 26 (new). Coordination

The organizations in charge of criminal proceedings must coordinate and cooperate with state organizations, Lao Front for National Construction, mass organizations, social organizations as well as village administration and families in the prevention and combating of crimes.

These organizations shall, within the limits of their responsibility, cooperate with the organizations in charge of criminal proceedings in carrying out measures to prevent, avoid the causes and conditions that lead to the occurrence of criminal offences.

Part III Evidence in Criminal Cases

Section 1 Evidence

Article 27 (improved). Evidence

Evidence in criminal cases is the actual facts which are gathered according to the process of case proceedings that the investigation-interrogation organization, the office of prosecutor and the court have brought for assessing and using as basis for determining the existence or non-existence of acts which are dangerous to the society, the guilt of the individual committing these acts and other circumstances which are useful for making proper and fair consideration and decision on the criminal case.

Article 28. Types of Evidence

The evidence in criminal cases consists of the following:

1. Physical evidence;
2. Documentary evidence;
3. Evidence from persons.

The evidence mentioned above includes binding evidence which is the evidence to prove that the accused person or defendant is the guilty person, and the unbinding evidence which is the evidence to confirm that the accused person or defendant is innocent.

In criminal proceeding, it is required to seek both binding evidence and unbinding evidence simultaneously.

Section 2 Physical Evidence

Article 29 (new). Physical Evidence

Physical evidence is the trace of the material items, the materials which are used or will be used as tools in committing the crime, such as: guns, knives, fingerprints, bloodstains and other materials which are meaningful for the case.

Article 30 (new). Gathering and Keeping of Physical Evidence

The gathering of physical evidence must be performed immediately when it is found out. The evidence must be fully collected, the condition of the material items must

be recorded and the evidence shall be kept in accordance with the regulations. In case it is not possible to gather the evidence, it is required to take photographs or film and then keep them in consistence with the technical rules.

The physical evidence shall be kept with package or in bag.

The physical evidence or the exhibits of the case must be kept in such manner as to avoid the impacts, degradation, loss, substitution, damage and mixing up.

The keeping of physical evidence shall be performed as follows:

1. Materials which are necessary to keep with package or in bag and close with sealing wax immediately after completing the gathering and the record shall be made in detail and shall be kept in the case file;
2. Material items which are cash, bonds, gold, silver in metallic form, diamond, rubies or other precious objects must be deposited at the bank in accordance with the regulations;
3. Material items which are chemical substance or addicted substance shall be tested and then kept in accordance with the regulations;
4. Materials which are guns, explosives, fuel and other harmful substances shall be handed over to the relevant specialized organizations for keeping including making the record in detail;
5. Materials which are bloodstains, hair, fingerprints, footprint, bullet shells and other materials shall be kept in consistence with the technical rules.

If the physical evidence or exhibits of the case being kept are lost, substituted and damaged without sufficient reason, the officers in charge of keeping these materials shall be criminally liable for this as in accordance with the Penal Law.

Article 31 (new). Dealing with Problems Relating to Physical Evidence

Organizations in charge of criminal proceedings shall have the rights and duties to deal with problems relating to the exhibits of the case which are physical evidence as follows:

1. Materials which are used or will be used in committing the crime or obtained from the wrongful act which are materials subjected to prohibition of possession or use shall be seized and sequestered to the State;
2. Material items of the State which are taken away by the offender or used as tool for committing the crime must be returned to the State;
3. Material items obtained from the wrongful act for which the owner is not known or may not be known shall be sequestered to the State;
4. Material items which are easily degraded and perishable shall be put on sale notice in accordance with the regulations and shall then be brought for enforcement of the court decision;
5. Materials which have no value or are useless shall be destroyed.

Disputes relating to material items which are the evidence in the criminal case shall be resolved in accordance with the laws and regulations.

Section 3 Documentary Evidence

Article 32. Documentary Evidence

Documentary evidence is the evidence derived from letters, records of the investigation-interrogation, records of the activities of the courts, accounts, charts, photographs and other documents relating to the offence.

Article 33 (new). Records of the Persons in Charge of Case proceedings

The records on the arrest, search, seizure or sequestration, inspection of site of incidence, proof of evidence, taking of testimony, questioning in confrontation, certification and re-testing of information of the persons in charge of case proceedings, the records of the court session and other records including letters, accounts, charts, photographs and other documents relating to the offences which are lawfully derived shall be deemed as evidence in criminal case.

Section 4 Evidence from Persons

Article 34 (new). Evidence from Persons

Evidence from persons is the evidence derived from the testimony of the suspects, accused persons or defendants, witnesses, injured parties, civil plaintiffs or civil liable persons; the identification, confirmation, opinions of the experts or specialists relating to the offence.

Article 35 (new). Testimony of the Suspect

The testimony of the suspect is the provision of information verbally or in writing to the questioning of the persons in charge of criminal proceedings as prescribed in Article 52, Clauses 1 and 2 of this Law.

Before taking the testimony of the suspect, it is required to notify the rights and obligations to such person as provided in Article 64 of this Law.

Article 36 (new). Testimony of the Accused Person or Defendant

The testimony of the accused person or defendant is the provision of information of the accused person or defendant to the questioning of the persons in charge of criminal proceedings as prescribed in Article 52 of this Law.

The confession testimony of the accused person or defendant concerning the offence will be deemed as evidence in a case only if such confession is confirmed by strong binding evidence.

The confession testimony of the accused person or defendant concerning the offence obtained through cheating, fooling, forcing, threatening, beating, torturing or by other unlawful acts cannot be used as evidence in a case.

In case the accused person or defendant does not give the testimony, the person in charge of criminal proceedings must make the note of this.

Article 37 (new). Testimony of the Injured Party

The testimony of the injured party is the provision of information relating to the loss to the questioning of the persons in charge of criminal proceedings as prescribed in Article 52 of this Law at the time of the investigation-interrogation, the questioning or the trial of the case in the court session.

The injured party may be questioned about the situation which is important for constituting the evidence in the case and the relationship between him/her and the accused person or defendant.

Article 38 (new). Testimony of the Civil Plaintiff, the Civil Liable Person

The testimony of the civil plaintiff, the civil liable person is the provision of information to the questioning of the persons in charge of criminal proceedings concerning the loss and the compensation for damage, as prescribed in Article 52 of this Law, at the time of investigation-interrogation, the questioning or the trial of the case in the court session.

Article 39 (new). Testimony of the Witnesses

The testimony of the witnesses is the provision of information to the questioning of the persons in charge of criminal proceedings concerning the event which is known, seen, heard by them or heard from other individuals, as prescribed in Article 52 of this Law, at the time of investigation-interrogation, the questioning or the trial of the case in the court session.

The witnesses may be questioned on the situation or event of the case that they have known, seen by themselves including the relationship between them and the suspect, accused person, defendant, injured party, civil plaintiff, civil liable person and other witnesses.

Article 40 (new). Concluding Report of the Expert or Specialist

After completing the proof, the expert or specialist must make the concluding report on the finding of his proof in writing and shall be liable for his concluding report.

In the case when the proof is carried out by an expert committee or specialist committee, the concluding report on the findings of the proof shall be signed by all participating members of the expert committee or specialist committee.

In the event that the opinions of the expert committee or specialist committee are not unanimous, the expert or specialist who does not agree with the concluding report on the finding of the proof shall have the right to include their opinion in such concluding report.

In case the investigation-interrogation organization, the office of prosecutor or the court is not confident about the findings of such proof, it must give its reasons in detail,

and in case the opinions of the expert or specialist are not clear or complete, then it is required to carry out the proof again by increasing the number of experts or specialists or by allowing the expert committee or specialist committee to carry out the proof again or by appointing a new expert committee or specialist committee to carry out the proof.

Section 5 Forming of Evidences

Article 41 (new). Circumstance Requiring to Find Out the Facts

During the investigation-interrogation, prosecution and making decision on the case, the organizations in charge of criminal proceedings must find out the facts relating to the circumstance as follows:

1. Event of the case (acts, day, time, place, vehicle, equipment, method and other circumstances);
2. Guilt of the accused person or defendant (intentional or negligent) and reasons of the offence;
3. Nature and level of danger of the offence including the personality of the accused person or defendant;
4. Nature and level of the loss due to the offence;
5. Causes leading to the avoidance of criminal liability or causes leading to the existence of criminal liability;
6. Reasons conducive to the reduction or increase of criminal liabilities.

Article 42 (new). Not Deemed to be the Evidence

Information derived by the methods which violate this Law shall not be deemed as evidence in the criminal case.

Information which are not deemed as evidence shall not have legal effect and cannot be used as reference in criminal proceedings.

Article 43 (new). Gathering of Evidence

In gathering the evidence, the organizations in charge of criminal proceedings shall have the rights and duties as follows:

1. Taking the testimony of the suspect, accused person, defendant, injured party, civil plaintiff, civil liable person and witnesses;
2. Inspecting the incident site, conducting the search of the building, vehicle and the person, re-testing the information, seizing or sequestering the assets;
3. Summoning the persons who have seen the incident for giving the testimony as witnesses, questioning in confrontation, identifying and confirming;
4. Appointing the expert, specialist for giving the opinions;
5. Demanding the documents or material items which are the evidence in the criminal case from individuals or organizations;
6. Conducting the proof of the evidence;
7. Exercising other rights and performing other duties as provided in the laws and regulations.

Individuals and organizations concerned must perform in compliance with the summon, invitation, demand or appointment of the organizations in charge of criminal proceedings.

Individuals and organizations may gather the evidence in the criminal case and then hand over to the organizations in charge of criminal proceedings.

Article 44 (improved). Verification, Weighting and Assessment of Evidence

The evidence gathered shall be verified, weighted and assessed in term of the conformity with the laws, truth, completeness, relationship with the case and capacity to be used as reference for the consideration or decision of the criminal case.

The organizations in charge of criminal proceedings must verify, weight and assess the evidence on the basis of their comprehensive, thorough and objective consideration with self-confidence.

In conducting the verification, weighting and assessing the evidence, if there is still a doubt whether the accused person or defendant is an offender or is not an offender, then it is required to release such person or to allow such person to be released from the accusation.

In criminal proceedings, the confession of the accused person or defendant shall not be taken as main consideration, but it is required to seek additional evidence to prove the accusation or the offence of such person.

The accused person or defendant who denies or does not confess his offence, but if there is strong evidence, it shall be deemed that such person is an offender.

Part IV Organizations and Participants in Criminal Proceedings

Section 1 Organizations and Persons in charge of Criminal Proceedings

Article 45 (improved). Organizations in Charge of Criminal Proceedings

The organizations in charge of criminal proceedings consist of:

- The investigation-interrogation organizations;
- The offices of prosecutor;
- The courts.

Article 46 (improved). Investigation-Interrogation Organizations

The investigation-interrogation organizations are as follows:

1. Investigation-Interrogation Organization of the police officers;
2. Investigation-Interrogation Organization of the military officers;
3. Investigation-Interrogation Organization of the custom officers;

4. Investigation-Interrogation Organization of the forest officers;
5. Investigation-Interrogation Organization of the anti-corruption officers;
6. Investigation-Interrogation Organization of other parties as provided in the laws.

Article 47 (improved). Rights and Duties of the Investigation-Interrogation Organizations

The Investigation-Interrogation Organizations shall have the rights and duties as follows:

1. Receive and record the declaration on the offence;
2. Timely report on the offence to the chief of office of prosecutor;
3. Issue an order to open the investigation-interrogation and immediately send a copy of such order to report to the chief of office of prosecutor;
4. Conduct the investigation-interrogation;
5. Use preventive measures as provided in the laws including the release of the accused person who is in detention, and report in writing to the chief of office of prosecutor;
6. Submit the application for appeal against orders of the chief of office of prosecutor of their level to the chief of office of prosecutor of the higher level;
7. Coordinate with other concerned organizations;
8. Summarize the investigation-interrogation and prepare the case file together with exhibits for sending to the chief of office of prosecutor.

In the exercise of these rights and the performance of these duties, the investigation-interrogation organizations must perform within the limit of rights and duties as provided in the laws.

Article 48 (improved). Offices of the Public Prosecutor

The offices of public prosecutor consist of:

- Office of the People's Supreme Prosecutor;
- Office of the People's Regional Prosecutor;
- Office of the People's Provincial or City Prosecutor;
- Office of the People's Zonal Prosecutor;
- Office of the Military Prosecutor.

Article 49 (new). Rights and Duties of the Offices of Prosecutor

The rights and duties of the offices of prosecutor in criminal proceedings are as follows:

1. Monitor the enforcement of the laws of the investigation-interrogation organizations;
2. Conduct the investigation-interrogation of certain cases, in part or entirely, as provided in the laws;
3. Order the prosecution of the accused person to the court;
4. Monitor the enforcement of the laws in the case proceedings in the court;
5. Monitor the enforcement of the final decisions of the court;

6. Monitor the enforcement of the laws in the detention places, jails, reformatory centers, prisons and other places which execute the mandatory measures of the court;
7. Coordinate with the investigation-interrogation organizations and other relevant organizations to undertake the prevention and combating of the crimes or offences and other violations of the laws, and to eliminate the causes and conditions leading to the occurrence of the offences;
8. Re-open the case as provided in the laws;
9. Exercise other rights and perform other duties as provided in the laws and regulations.

Article 50 (improved). People's Courts

The people's courts are comprised of:

1. The People's Supreme Court;
2. The People's Regional Court;
3. The People's Provincial or City Court;
4. The People's Zonal Court;
5. The Military Court.

Article 51 (new). Rights and Duties of the Courts

The rights and duties of the courts in criminal proceedings are as follows:

1. Make the consideration and decision on the criminal cases including the compensation for damages as prescribed in Article 16 of this Law;
2. Apply the investigation-interrogation methods and preventive measures when the case file is received by the court;
3. Educate the litigants and mediate on civil issues in the criminal case;
4. Coordinate with other organizations concerned;
5. Exercise other rights and perform other duties as provided in the laws and regulations.

Article 52 (new). Persons in charge of Criminal Proceedings

The persons in charge of criminal proceedings are as follows:

1. Head, Deputy-Head of the Investigation-Interrogation Organization, Investigator-interrogator, and assistant to the investigator-interrogator;
2. Chief, Deputy-Chief of Office of Prosecutor, public prosecutor and assistant to the public prosecutor;
3. President, Vice-President of the Court, judge, assistant to the judge, and court clerk.

Article 53 (improved). Rights and Duties of the Head, Deputy-Head of Investigation-Interrogation Organization

The Head of Investigation-Interrogation Organization shall have the following rights and duties:

1. Organize and directly guide the investigation-interrogation activities of the investigation-interrogation organization;
2. Assign or change the investigator-interrogator to conduct the investigation-interrogation of the criminal cases;
3. Consider the change or cancellation of the order of the investigator-interrogator which is unfounded and is not conformed with the laws;
4. Issue orders to open or not open the investigation-interrogation, the summons, invitations, warrants, orders of arrest, orders of house arrest, orders of seizure or sequestration of assets, orders of release of the accused persons who are remanded, orders of suspension or dismissal of criminal cases;
5. Notify the accusations, rights and obligations to the suspects, accused persons;
6. Issue orders to appoint the translator, expert or specialist;
7. Accept the appointment or proposal for appointment of the lawyer;
8. Request for order of arrest, temporary remanding, temporary release, search of building, suspension of function or position, extension of the investigation-interrogation period and extension of temporary remanding from the chief of office of prosecutor;
9. Summarize and prepare the criminal case file for sending to the office of prosecutor for consideration after having completed the investigation-interrogation;
10. Exercise other rights and perform other duties as provided in the laws and regulations.

The Deputy-Head of the investigation-interrogation organization is charged of assisting the Head in the criminal proceedings based on assignment.

Article 54 (improved). Rights and Duties of the Investigator-Interrogator

The investigator-interrogator assigned to conduct the investigation-interrogation of the case shall have the following rights and duties:

1. Receive and record the testimony, reports or complaints relating to the criminal offences;
2. Make proposals for issuing the summons, invitation, warrant, order of arrest, order of detention at a place, order of seizure or sequestration of assets, order to release the accused person who is arrested, order of suspension or dismissal of the criminal cases;
3. Take the testimony of the suspects, accused persons, injured parties, civil plaintiff, witnesses and other concerned persons;
4. Inspect the incident site, dead body, search of building, vehicle, search of person and collect & gather the evidence regarding the criminal offences;
5. Bring, detain, release the accused persons according to orders of the head of investigation-interrogation organization;
6. Search, arrest, bring, temporarily release the accused person according to orders of the chief of office of prosecutor or of the courts;
7. Notify the accusations, rights and obligations to the suspects, accused persons;
8. Execute orders and report the situation on criminal proceedings to the head of investigation-interrogation organization;

9. Make the summarizing report and prepare the criminal case file for submitting to the head of investigation-interrogation organization;
10. Exercise other rights and perform other duties according to the orders of the head and as provided in the laws and regulations.

In criminal proceedings, the investigator-interrogator must be held responsible before the laws and before the head of investigation-interrogation organization.

Article 55 (new). Rights and Duties of the Assistant to the Investigator-Interrogator

The assistant to the investigator-interrogator shall have the rights and duties as prescribed in Article 54 of this Law based on assignment, except the investigation-interrogation.

Article 56 (new). Rights and Duties of the Chief, Deputy-Chief of Office of Prosecutor

The Chief of Office of Prosecutor shall have the rights and duties as follows:

1. Directly organize and guide the monitoring of the enforcement of laws in the criminal proceedings;
2. Resolve the complaints;
3. Issue an order to open or not open the investigation-interrogation;
4. Notify the accusations, rights and obligations to the suspects, accused persons;
5. Issue an order to change or cancel the order to open or not open the investigation-interrogation of the investigation-interrogation organization;
6. Make proposal to the head of investigation-interrogation organization to change the investigator-interrogator, to conduct the investigation-interrogation;
7. Issue orders to bring, detain, arrest, remand, temporarily release, release, detain at a place, suspend function or position, conduct the search, seize the assets, sequester the assets; issue orders to suspend or dismiss the criminal cases;
8. Monitor the enforcement of orders as specified in Clause 7 above;
9. Cancel the orders issued by the investigation-interrogation organization which are not conformed with the laws;
10. Send the case file to the competent organization for conducting the investigation-interrogation;
11. Issue orders to appoint the translator, expert or specialist;
12. Open the investigation-interrogation and conduct the investigation-interrogation of certain criminal cases, partly or wholly;
13. Order the prosecution of the accused person to the court;
14. Monitor the enforcement of laws in criminal proceedings in the court;
15. Monitor the enforcement of final decisions of the court;
16. Monitor the enforcement of laws at the detention places, jails, reformatory centers, prisons and other places which execute the mandatory measures of the court;
17. Coordinate with the investigation-interrogation organization and other relevant organizations to undertake the prevention and combating of the crimes, and give instructions to individuals or relevant organizations to use measures to eliminate the causes and conditions which lead to the occurrence of the offences;

18. Request for the re-opening of the criminal case in accordance with the laws;
19. Exercise other rights and perform other duties as provided in the laws and regulations.

The Deputy-Chief of Office of Prosecutor is charged of assisting the Chief in criminal proceedings accordingly to the assignment.

Article 57 (new). Rights and Duties of the Public Prosecutor

The public prosecutor shall have the rights and duties as assigned by the Chief of Office of Prosecutor as follows:

1. Conduct the investigation-interrogation of the criminal cases;
2. Notify the accusations, rights and obligations to the suspects, accused persons;
3. Take the testimony of the plaintiffs, defendants and other individuals who participate in the criminal proceedings;
4. Collect the information and evidence relating to the criminal cases;
5. Examine, summarize the criminal case files, prepare the draft of the statement or decision of the chief of office of prosecutor;
6. Participate to the criminal court session;
7. Monitor the enforcement of the final decisions of the court;
8. Monitor the detention places, jails, reformatory centers, prisons;
9. Exercise other rights and perform other duties as provided in the laws and regulations.

Article 58 (new). Rights and Duties of the Assistant to the Public Prosecutor

The assistant to the public prosecutor shall have the rights and duties as assigned by the public prosecutor as follows:

1. Participate and record the testimony of the participants in the criminal proceedings;
2. Assist in the examination, summarization of the criminal file and prepare the draft of the statement or decision of the chief of office of prosecutor;
3. Put the numbers of the cases, classify the criminal cases files and make the list of documents, keep and maintain the statistics of the criminal cases files;
4. Make the list and follow-up the keeping of exhibits of the criminal cases;
5. Make the list and maintain the statistics of the accused persons, prisoners;
6. Prepare the summons, invitations;
7. Exercise other rights and perform other duties as assigned.

Article 59 (new). Rights and Duties of the President, Vice-President of the Court

In criminal proceeding, the President of the Court shall have the rights and duties as follows:

1. Guide the organization and activities relating to the adjudication of criminal cases of the court;

2. Take the decision on the appointment of the judges who are to be members of the judicial tribunal to take charge of examining and adjudicating the criminal cases, and to appoint the court clerk;
3. Decide to change the judge and court clerk before the opening of the court session;
4. Preside over the judicial tribunal to make the consideration and decision on certain criminal cases;
5. Issue orders, notifications and sentences relating to the criminal cases;
6. Exercise other rights and perform other duties as provided in the laws and regulations.

The Vice-President of the Court is charged of assisting the President in the criminal proceeding accordingly to the assignment.

Article 60 (new). Rights and Duties of the Judges

In criminal proceedings, the judges shall have the rights and duties as follows:

1. Examine the criminal cases files being assigned;
2. Take the testimony of the plaintiffs, defendants and other persons who participate in the criminal proceedings;
3. Collect additional information and evidence relating to the criminal cases;
4. Mediate the litigants in criminal cases regarding the civil issues;
5. To be members of the judicial tribunal to decide the criminal cases;
6. Exercise other rights and perform other duties as provided in the laws and regulations.

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

In criminal proceedings, the assistants to the judges shall have the rights and duties as follows:

1. Assist the judges to examine the criminal cases files;
2. Assist the judges in taking the testimony of the participants in the criminal proceedings;
3. Participate and record the mediation of litigants in criminal cases regarding the civil issues;
4. Summarize and report the cases for which they are responsible for examination to the judges;
5. Assist the judges to write the decision of the court;
6. Exercise other rights and perform other duties as assigned.

Article 62 (new). Rights and Duties of the Court Clerk

In criminal proceedings, the court clerk shall have the rights and duties as follows:

1. Receive the cases files and perform the prosecution of criminal case, classify and make the list of documents in the criminal cases files;

2. Issue the summons, invitations in accordance with the instruction of the judges;
3. Participate and record in the taking of testimony and in the mediation of civil issues in criminal cases;
4. Prepare and notify the rules of the court session;
5. Make the record of the court session, be responsible for the correctness and completeness of the record of the court session;
6. Copy the record of the court session for keeping in the criminal case files;
7. Give the explanation and clarification on the justification in order to allow the litigants to understand the decision or judgment on the cases of the court; and notify the right to appeal or apply for cassation;
8. Receive the application for appeal, application for cassation; issue the subscription for appeal or for cassation;
9. Sign the decisions or judgments and other documents for certification in accordance with the laws and regulations;
10. Make the list and keep the exhibits of the cases;
11. Summarize the statistics of the cases, send the decisions or judgments to the court of a higher level and to the concerned office of prosecutor for monitoring;
12. Make the list of documents and send the criminal cases file to the relevant court in case there is a lodging of an application for appeal or for cassation and an objection request of the chief of office of prosecutor;
13. Exercise other rights and perform other duties as assigned.

Section 2

Participants in Criminal Proceedings

Article 63 (improved). Participants in Criminal Proceedings

The participants in the criminal proceedings are:

1. The suspects;
2. The accused persons;
3. The defendants;
4. The injured parties;
5. The civil plaintiff;
6. The civil liable persons;
7. The witnesses;
8. The lawyers or other protectors;
9. The experts;
10. The specialists;
11. The translators.

Article 64 (new). Suspects

Suspects are persons who are suspected to commit the criminal offence, but the investigation-interrogation organization or the office of prosecutor is not yet able to issue an order to open the investigation-interrogation on such persons.

The suspects shall have the following rights:

1. To be informed about the suspicion toward them;
2. Receive the explanations on their rights and obligations;
3. Give the explanations or testimony with regard to the suspicion toward them;
4. Present the evidence;
5. File the complaint against the wrongful acts of the investigation-interrogation organization and of the office of prosecutor;
6. Request for bail for major offence that the laws prescribe the punishment of deprivation of liberty of three years or lower.

The suspects shall have the following obligations:

1. Make appearance in accordance with the summons;
2. Give cooperation to the investigation-interrogation organization and the office of prosecutor.

Article 65 (improved). Accused Persons

Accused persons are persons who are brought for case proceeding by the order to open the investigation-interrogation issued by the head of investigation-interrogation organization or by the chief of office of prosecutor, except for the case where there is a direct prosecution to the court.

The accused persons shall have the following rights:

1. To be informed about the accusations and to respond to such accusations;
2. Receive the explanations on their rights and obligations in the defense of the case;
3. Give the testimony and present the evidence;
4. Request for personal bail and submit other applications;
5. Receive the documents relating to the opening of the investigation-interrogation, records of their testimony, orders relating to the use, change or cancellation of preventive measures, order of suspension, summary report on the results of the investigation-interrogation, order of prosecution and statement of the chief of office of prosecutor, order of dismissal, documents and other orders relating to the case proceedings as prescribed in this Law.
6. See the documents in the case file, copy or take note of the contents of the documents;
7. Take or meet the lawyer or other protector for the purpose of the defense of the case;
8. Request for recusal of the persons in charge of criminal proceedings as provided in Article 52, Clause 1 and Clause 2 of this Law, of the expert, specialist or translator;
9. Lodge the complaint against the acts or the issuance of order of the head of investigation-interrogation organization, the investigator-interrogator, the chief of office of prosecutor or the public prosecutor which are found to be incorrect;
10. Submit the application for appeal, for cancellation of the order of the head of investigation-interrogation organization, the chief of office of prosecutor.

The accused persons shall have the following obligations:

1. Make appearance in accordance with the summons, order of the head of investigation-interrogation organization, the chief of office of prosecutor;
2. Comply with the investigation-interrogation regulations.

Article 66 (improved). Defendants

Defendants are accused persons who are prosecuted to the court.

The defendants shall have the following rights:

1. To be informed about the order of prosecution and to respond to the accusations;
2. Receive the explanations on their rights and obligations in the defense of the case;
3. Take or meet the lawyer or other protector for the purpose of the defense of the case;
4. Give the testimony, response to the accusations and present the evidence;
5. Give the clarifications and answer the questions at the court session;
6. See the documents in the case file, copy or take note of the documents contents, submit applications;
7. Participate in the court session;
8. Request for a recusal of the person in charge of criminal proceedings as provided in Article 52, Clause 2 and Clause 3 of this Law, of the expert, specialist or translator;
9. Give the opinion relating to the debate and to be the last person to give the opinion at the court session;
10. Receive the decision of the court;
11. Submit the application for appeal or for cassation against the decision of the court;
12. Exercise other rights as provided in the laws and regulations.

The defendants shall have the following obligations:

1. Make appearance in accordance with the summons of the court;
2. Comply with the rules and orders of the court at the court session.

Article 67 (improved). Injured Parties

Injured parties are persons who have suffered health or life, materials or mental losses caused by the offences committed by other persons.

The injured persons shall have the following rights:

1. Give the testimony regarding the case;
2. Present the evidence;
3. Submit the applications;
4. Receive the compensation for damages;
5. See the documents in the case file, copy or take note of necessary contents from the case file after the completion of the investigation-interrogation;
6. Participate in the trial of the case at the court session;

7. Request for a recusal of the person in charge of criminal proceedings as provided in Article 52 of this Law, of the expert, specialist or translator;
8. File the complaint against the acts or the orders of the head of investigation-interrogation organization, the investigator-interrogator, the chief of office of prosecutor, the public prosecutor or the court that they consider to be incorrect;
9. Submit the application for appeal, for cancellation of the order of the head of investigation-interrogation organization, of the chief of office of prosecutor, the decision of the court;
10. Agree to mediate with the accused persons or defendants in the cases in which the offences do not endanger the society;
11. Take the lawyer or other protectors in the defense of the cases;
12. Withdraw the petition.

In case of death of the injured parties, their close relatives shall exercise the rights provided in this Article on their behalf.

The injured parties shall have the following obligations:

1. Make appearance in accordance with the summons, order of the head of investigation-interrogation organization, the chief of office of prosecutor or the court;
2. To be liable for their refusal to give the testimony or for giving false testimony.

Article 68 (improved). Civil Plaintiffs

Civil plaintiffs are persons who have filed the civil claims against the accused persons or defendants or the civil liable persons for the payment of compensation for damages to them.

The civil plaintiffs shall have the same rights and obligations as the rights and obligations of the injured parties as stipulated in Article 67 of this Law.

Article 69 (improved). Civil Liable Persons

Civil liable persons are individuals or organizations which have the obligation to pay the compensation for damages due to the offences committed by the accused persons or defendants who are under their supervision.

The civil liable persons may be the parents, adoptive parents, guardians, employers, supervisors, organizations or enterprises.

The civil liable persons shall have the rights as follows:

1. Respond to the claim;
2. Give the explanations concerning the claims;
3. Present the evidence;
4. Submit the requests;
5. See the documents in the case file, copy or take note of necessary contents from the case file after the completion of the investigation-interrogation;
6. Participate in the trial of the case at the court session;

7. Request for a recusal of the person in charge of criminal proceedings as provided in Article 52 of this Law, of the expert, specialist or translator;
8. File the complaint against the acts or the issuance of order of the head of investigation-interrogation organization, the investigator-interrogator, the chief of office of prosecutor, the public prosecutor or the court that they consider to be incorrect;
9. Submit the application for appeal, for cassation of the order of the head of investigation-interrogation organization, the chief of office of prosecutor, the decision of the court;
10. Take the lawyer or other protectors in the defense of the cases.

The civil liable persons shall have the same obligations as the obligations of the injured parties as stipulated in Article 67 of this Law.

Article 70 (improved). Witnesses

Witnesses are individuals who have known and seen the incident of the offence or the circumstance of the case.

Persons who are deaf, blind and mute, the imbeciles, insane persons, children aged below eighteen years, relatives of the litigants may be brought for giving the testimony for seeking the information, but they shall not be considered as witnesses.

The witnesses shall have the following rights:

1. Give the testimony;
2. See the record of their testimony at the investigation-interrogation level;
3. Propose for the modification or addition to the record of their testimony;
4. File the complaint against the acts or the issuance of order of the head of investigation-interrogation organization, the investigator-interrogator, the chief of office of prosecutor, the public prosecutor or the court that they consider to be incorrect;
5. Receive protection in accordance with the laws and regulations from the threat to life, health, property or spirit resulted from the provision of their testimony.

The witnesses shall have the same obligations as the obligations of the injured persons as stipulated in Article 67 of this Law.

Article 71 (improved). Lawyers or other Protectors

Lawyers are individuals who have received the authorization from the State to perform independent profession and provide legal services to individuals, legal entities or organizations and to the society in order to protect the legitimate rights and interest of the clients as provided in the laws.

The lawyers are entitled to participate in criminal case proceedings from the date on which they have received written appointment or request of the client or of the family member or organization of the client.

The lawyers shall have the following rights and duties:

1. Meet with the would-be clients or the clients based on their request after being detained, arrested or remanded;
2. To be informed about the accusation against the client and participate to listen to the taking of testimony of their client;
3. See the documents in the case file, make copies or take note of the contents of the documents;
4. Present the evidence and witnesses;
5. Request for a recusal of the judge, public prosecutor, investigator-interrogator, expert, specialist or translator;
6. Give the opinion; question other participants during the trial of the case at the court session;
7. Raise objection or complaint against incorrect or inappropriate acts of the officers concerned;
8. Submit an appeal, request for cancellation of the orders of the head of investigation-interrogation organization, the chief of office of prosecutor or of the decisions of the court;
9. Request for the granting of bail for a temporary release of their client in accordance with the laws and regulations;
10. Cooperate in bringing their client who is temporarily released to appear to the court or to the office of prosecutor;
11. To be appointed as lawyers in case of offences for which the laws prescribe a death penalty and of other offences as provided in the laws;
12. Receive the summons to allow their client to participate in the case proceedings;
13. Exercise other rights and perform other duties as provided in the laws and regulations.

Other protectors shall have the same rights as the rights of the lawyers, except Clause 11.

Other protectors are individuals who participate in criminal proceedings in order to protect the legitimate rights and interest of the accused persons or defendants, the injured parties, civil plaintiffs or the civil liable persons.

Other protectors are able to participate in criminal proceedings only when they have received the assignment of right, except for the case where they are legal representatives, such as: father, mother, husband or wife, children, guardian.

Other protectors shall have the following obligations:

1. Use all methods of protection as provided in the laws for protecting the legitimate rights and interest of the persons who are under their protection;
2. Make appearance accordingly to the summons of the organization in charge of the case proceedings;
3. Keep the confidentiality of the case proceedings;
4. Contribute in seeking the evidence in order to ensure that the case proceedings are conducted correctly and fairly.

In the case where the accused persons or defendants are children aged below eighteen years, deaf persons, blind persons, mute persons, imbeciles, insane persons,

persons who do not know Lao language and persons whom the laws have provided death penalty, they are required to have the lawyers or other protectors. If the accused persons or defendants do not have the lawyers or other protectors, the relevant organizations in charge of criminal proceedings shall request the Bar Association to appoint the lawyers by duty. The Bar Association shall consider such appointment accordingly to the request of the organization in charge of criminal proceedings within seven days from the date of receipt of the request.

Article 72 (improved). Experts

Experts are individuals who have knowledge and experiences in specialized subjects recognized by relevant institutions and who are capable to give the clarifications on issues related to their specialized subjects.

In proving the evidence, the head of investigation-interrogation organization, the chief of office of prosecutor or the court must issue an order to appoint the experts.

The experts shall have the rights and obligations as follows:

1. Receive the documents and material items that they are required to perform the proof;
2. Participate to listen to the taking of testimony and raise questions on issues related to the targets which are required to be proved;
3. Refuse to perform the proof, but must give the reasons for that;
4. Summarize the outcomes of the proof.

The experts shall perform the proof of the evidence within the scope and time specified in the order of appointment.

The experts give their opinion on their own behalf and shall be liable for such opinion and keep the confidentiality in the case.

Article 73 (new). Specialists

Specialists are individuals who are specialized in certain fields and are capable to give the opinion concerning the issues that the organization in charge of criminal proceeding has given for performing the proof.

In the proof of evidence, the specialists shall receive the appointment in the same manner as the experts.

The specialists have the right to refuse to perform the proof, but must give the reasons.

The specialists give the opinion on their own behalf and shall keep the confidentiality in the case.

Article 74 (improved). Translators

Translators are individuals who have knowledge, skill or experiences in the translation of language of the persons participating in the case proceedings who do not know the Lao Language.

The translator shall receive the appointment in the same manner as the experts.

The translators shall be liable for their translation and shall have the obligation to keep the confidentiality in the case.

The expenses in the translation shall be taken charge as provided the Law on Court Fees.

Part V

Investigation-Interrogation Process

Section 1

Rights and Duties of the Organizations in Charge of Investigation-Interrogation

Article 75 (new). Organizations Having the Rights and Duties

The organizations having the rights and duties to perform the investigation-interrogation are comprised of the investigation-interrogation organizations as stipulated in Article 46 of this Law and the office of prosecutor.

Article 76 (new). Rights and Duties of the Investigation-Interrogation Organization of the Police Officers

The investigation-interrogation organization of the police officers shall have the rights and duties to conduct the investigation-interrogation relating to all the offences which fall under the scope of their rights and duties.

Article 77 (new). Rights and Duties of the Investigation-Interrogation Organization of the Military Officers

The investigation-interrogation organization of the military officers shall have the rights and duties to conduct the investigation-interrogation relating to the military offences during the performance of official duties, the offences occurring at the location of army force, army camp, army units, workshops and factories or prohibited areas of the army.

Article 78 (new). Rights and Duties of the Investigation-Interrogation Organization of the Custom Officers

The investigation-interrogation organization of the custom officers shall have the rights and duties to conduct the investigation-interrogation relating to the breach of regulations on custom and tax regime of the State as stipulated in the Penal Law, the Law on Customs, Law on Taxation and Law on Value-Added Tax.

Article 79 (new). Rights and Duties of the Investigation-Interrogation Organization of the Forest Officers

The investigation-interrogation organization of the forest officers shall have the rights and duties to conduct the investigation-interrogation relating to the violations of the

Penal Law, the Law on Forest and Law on Aquatic and Wild Animals which are criminal offences.

Article 80 (new). Rights and Duties of the Investigation-Interrogation Organization of the Anti-Corruption Officers

The investigation-interrogation organization of the anti-corruption officers shall have the rights and duties to conduct the investigation-interrogation relating to the acts of corruption as prescribed in the Penal Law and in the Law on Anti-Corruption.

Article 81 (new). Rights and Duties of the Investigation-Interrogation Organization of Other Parties

The investigation-interrogation organization of other parties shall have the rights and duties to conduct the investigation-interrogation relating to the offences which are related to their sector as prescribed in the Penal Law and in other relevant laws.

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

The office of prosecutor shall have the rights and duties to conduct the investigation-interrogation relating to the offences as prescribed in the laws.

Article 83 (new). Rights based on Location

The investigation-interrogation organizations shall have the rights and duties to conduct the investigation-interrogation on criminal cases which are taken place in the area under their responsibility or at the residence of the offender.

The investigation-interrogation organizations of district level shall have the rights and duties to conduct the investigation-interrogation of the criminal cases which take place within the limit of their district, municipality.

The investigation-interrogation organizations of provincial level shall have the rights and duties to conduct the investigation-interrogation of the criminal cases which take place within the limit of their province, city.

Investigation-interrogation organizations of central level which have the rights and duties to conduct the investigation-interrogation of the criminal cases are determined in a separate regulation.

The investigation-interrogation organizations of the military officers shall conduct the investigation-interrogation of all military offences which are occurred at the place of army force, army camp, army units, workshops and factories or prohibited areas of the army.

**Section 2
Opening of Investigation-Interrogation**

Article 84 (new). Opening of Investigation-Interrogation

In the case where there is strong evidence proving that an individual has committed a criminal offence, the head of investigation-interrogation organization or the

chief of office of prosecutor must issue an order to open an investigation-interrogation on such individual as provided in Article 91 of this Law.

In case an individual is accused of having committed many kinds of offences, the order must indicate each kind of the offences as well as the Articles of the Penal Law or other laws which prescribe the criminal penalties relating to each of such accusations.

A copy of the order to open the investigation-interrogation and the summary report on the incident which is the basis for the issuance of the order of the head of investigation-interrogation organization must be sent to the chief of office of prosecutor of the same level for information within twenty four hours from the time of the issuance of such order. Within the period of forty eight hours after the receipt of the copy of such order, the chief of office of prosecutor must decide whether he agrees or does not agree with the issuance of such order and shall then send to the head of investigation-interrogation organization for information and execution immediately.

In the case where the chief of office of prosecutor finds that there is another individual who has taken part in committing the offence, but an order is not yet issued to open the investigation-interrogation on such individual, the chief of office of prosecutor shall request the head of investigation-interrogation organization to issue an order to open the investigation-interrogation on such individual.

Article 85 (new). Change or Addition to an Order to Open the Investigation-Interrogation

While conducting the investigation-interrogation, if it is found that the accusation specified in the order to open the investigation-interrogation on the accused person is not conformed with the kind of offence that he has committed or there is other kinds of offence which are not specified in the order to open the investigation-interrogation, the head of investigation-interrogation organization or the chief of office of prosecutor must issue an order to change or make an addition to its order to open the investigation-interrogation.

Within twenty four hours after issuing an order to open the investigation-interrogation on the accused person, the investigation-interrogation organization must send such order, together with the documents that lead to the change or addition to the order to open the investigation-interrogation, for reporting to the concerned chief of office of prosecutor who shall consider and decide whether he agrees or does not agree and then send the decision to the chief of office of prosecutor within twenty four hours.

Section 3 General Rules on Investigation-Interrogation

Article 86 (improved). Causes for Opening an Investigation-interrogation

The causes for opening an investigation-interrogation are as follows:

1. There is a claim or complaint from an individual or organization regarding the offence;
2. The offender has surrendered himself;

3. Discovery of trace of the offence by the investigation-interrogation organization or the office of prosecutor.

During the examination and consideration of the case, if the court finds evidence of a new offence, it shall have the right to request the office of prosecutor to open an investigation-interrogation on the new offence.

Article 87 (new). Claim or Complaint

The claim or complaint relating to the criminal offence can be made verbally or in writing and shall be submitted or reported to the investigation-interrogation organization or to the office of prosecutor which shall receive and make the consideration within the time limit prescribed in this Law. For the claim or complaint of an organization, it shall be made in writing.

In case the claim or complaint is made verbally, the officer who receives the claim or complaint must record the information relating to the history, make copy of the Identity Card or family registration book of the person who makes the claim or complaint, the contents of the claim or complaint, and then the officer and the person who makes the claim or complaint shall put their signature on it. Such record shall be made into two copies, of these: one copy shall be handed over to the person who makes the claim or complaint, and another copy shall be kept in the case file.

The officer who receives the claim or complaint must inform the relevant individual or organization regarding the legal liabilities in case the claim or complaint is groundless or false.

Article 88 (new). Surrender

The surrender is the voluntary self-presentation of an individual to report on his acts to the investigation-interrogation organization or the office of prosecutor.

The officer who accepts the surrender must make the record on the biography and the testimony of the surrendered person. In case he has surrendered to other organization which is not the organization in charge of case proceedings, such other organization must immediately bring such individual to the relevant investigation-interrogation organization or the office of prosecutor located at the nearest place.

Article 89 (new). Discovery of Traces of Offence

The head of investigation-interrogation organization, the investigator-interrogator, the chief of office of prosecutor or the public prosecutor who has found the traces of the offence must make the record on the circumstance of their finding and shall collect initial information for using as basis for the opening of the investigation-interrogation.

Article 90 (new). Time Limit for Consideration of Claim or Complaint

The investigation-interrogation organization must consider the claim or complaint within a time limit of not over five days from the date of receipt of the claim or

complaint. In the case where there are difficulty and complexity, this time limit shall not exceed ten days and any of the following opinions must be given:

1. To issue an order to open the investigation-interrogation;
2. To issue an order not to open the investigation-interrogation;
3. To send the claim or complaint to the competent organization for consideration.

In considering the claim or complaint, before issuing or not issuing an order to open the investigation-interrogation, the officer in charge may demand the initial information and evidence and listen to necessary explanations.

Article 91 (improved). Order to Open an Investigation-Interrogation

In the case where there are sufficient information relating to the offence, the head of investigation-interrogation organization, the chief of office of prosecutor must issue an order to open an investigation-interrogation within the scope of their authorities. The contents of such order to open an investigation-interrogation must indicate the date, time and location of the issuance of the order, name and surname, function and title of the issuer of order, reasons and basis leading to the opening of the investigation-interrogation, location of the offence and the relevant Articles of the Penal Law.

In the case where the head of the investigation-interrogation organization is the issuer of order to open the investigation-interrogation, he shall immediately report to the chief of office of prosecutor and shall assign the investigator-interrogator to conduct the investigation-interrogation. In case the chief of office of prosecutor opens the investigation-interrogation, he may assign the public prosecutor or send an order to open the investigation-interrogation to the investigation-interrogation organization for assigning the investigator-interrogator to conduct the investigation-interrogation.

The opening of an investigation-interrogation may be performed on two cases:

1. On the incident of the offence, in case of finding the traces of the offence but it is not yet known which individual has committed the offence;
2. On the individual who is known to have committed the offence.

In case of minor offences or major offences that the laws prescribe the punishment of deprivation of liberty for a maximum period of three years, if there is sufficient evidence, the head of investigation-interrogation organization must summarize and then send the case file together with the exhibits and the accused person to the office of prosecutor without opening the investigation-interrogation.

The head of investigation-interrogation organization or the chief of office of prosecutor shall change or make an addition to the order to open the investigation-interrogation which is already issued when it is found that such order is not conformed with the actual acts or lacks other accusations.

In the case where the head of investigation-interrogation organization has made a change or addition to his order to open the investigation-interrogation, he must report on

such order to the chief of office of prosecutor for monitoring within twenty-four hours from the time of making such change or addition.

In the case where the chief of office of prosecutor has made the change or addition to an order to open an investigation-interrogation issued by the investigation-interrogation organization, he must send such order to the investigation-interrogation organization within twenty-four hours from the time of making such change or addition.

In the case where the chief of office of prosecutor has made the change or addition to his order to open the investigation-interrogation, he must report on such order to the office of prosecutor of the next higher level within twenty four hours from the time of making such change or addition.

Article 92 (new). Causes Leading to Non-Opening of Investigation-Interrogation

The causes leading to non-opening of the investigation-interrogations are as follows:

1. Non-existence of strong evidence;
2. Existence of any cause as prescribed in Article 6 of this Law.

Article 93 (improved). Order Not to Open an Investigation-Interrogation

In the case where there is a cause as stipulated in Article 92 of this Law, the head of investigation-interrogation organization, the chief of office of prosecutor must issue an order not to open an investigation-interrogation and shall inform individual or organization which filed the claim or complaint about such order.

The litigants have the right to apply for appeal against the order not to open an investigation-interrogation issued by the head of investigation-interrogation organization to the chief of office of prosecutor of the same level, and the litigants have the right to apply for appeal against the order not to open an investigation-interrogation issued by the chief of office of prosecutor to the chief of office of prosecutor of the next higher level within a period of seven days from the date of being informed about such order. The chief of office of prosecutor must consider the application for appeal against the order of not open an investigation-interrogation within five days.

Article 94 (improved). Monitoring of the Opening of Investigation-Interrogation

The chief of office of prosecutor shall have the right and duty of monitoring the adherence with the laws in the opening of investigation-interrogation.

In the case where the head of investigation-interrogation organization has issued an order to open an investigation-interrogation without reliable legal information, the chief of office of prosecutor must issue an order to cancel the order to open the investigation-interrogation of the head of investigation-interrogation organization and then issue an order of dismissal of the case.

In the case where the head of investigation-interrogation organization has issued an order not to open an investigation-interrogation without sufficient reason, the chief of office of prosecutor must issue an order to cancel the order not to open the investigation-interrogation and then issue an order to open the investigation-interrogation by itself.

Article 95 (improved). Activities of the Investigators-Interrogators

Upon receipt of the claim or complaint, the surrender or upon the discovery of any trace of an offence with strong base relating to the offence, the investigators-interrogators must report to the office of prosecutor within twenty four hours.

In the case where it is necessary to perform an investigation-interrogation urgently, the head of investigation-interrogation organization must issue an order to open an investigation-interrogation and to report to the chief of office of prosecutor within twenty four hours from the time of the issuance of the order to open the investigation-interrogation.

Upon receiving the order to open an investigation-interrogation, the investigation-interrogation organization must conduct the investigation-interrogation and use the investigation-interrogation methods and the preventive measures as prescribed in this Law.

Article 96 (new). Place of Conducting an Investigation-Interrogation

The investigation-interrogation shall be performed at the place of occurrence of the offence.

In case it is not possible to know exactly the place of occurrence of the offence, it may be performed at the place of finding, place of living or place of arrest of the accused person.

In case the investigators-interrogators have found out that the offence is not under their responsibility, they must issue an order to open an investigation-interrogation for initially gathering necessary and urgent information and evidence and then send them to the investigation-interrogation organization which has the authority to perform the investigation-interrogation.

Article 97 (new). Offence which is Occurred in Many Places

In the case where the offender has committed the offence in many areas or many provinces, the last place of committing the offence shall be taken as place of case proceedings.

In case of many offences or many kinds of offences, the place where most serious offence is committed shall be taken as place of case proceedings.

Article 98 (new). Assignment to Investigator-Interrogator or Public Prosecutor to Perform the Investigation-Interrogation

In criminal proceedings, the head of investigation-interrogation organization or the chief of office of prosecutor shall have the right to assign one or many investigator(s)-interrogator(s) or public prosecutor (s), depending on the case, to perform the investigation-interrogation.

Article 99 (new). Assignment of Investigation-Interrogation Topics

In the case where it is necessary to gather the information and evidence outside the area under his jurisdiction, the head of investigation-interrogation organization has the right to entrust the investigation-interrogation organization which has the authority in the concerned area to gather the information and evidence according to specified topics and then send them to him.

The topics of investigation-interrogation must be made in writing, in these, it is required to specify a summary of the event of the offence and present each issue which need to be clarified in order to allow other investigation-interrogation organization to perform on its behalf.

The investigation-interrogation organization which receives the topics must complete the work and then send to the investigation-interrogation organization which gives the topics within the time period prescribed in the topics.

Article 100 (new). Record of an Investigation-Interrogation

In conducting an investigation-interrogation, the head of investigation-interrogation organization, the investigator-interrogator, the chief of office of prosecutor or the public prosecutor must make the record in a properly manner.

The contents of the investigation-interrogation record shall be as follows:

1. Date, month, year and place of investigation-interrogation, starting time and ending time of the investigation-interrogation;
2. Name and surname, title, functions, working office of the officer and the recorder; in case there are many participating officers, the name and surname, title, functions, working place of each person shall be indicated;
3. Name and surname, age, nationality, occupation, address of each participant in the case proceedings; for the suspects, accused persons, defendants, civil plaintiffs, civil liable persons, it is required to record the biography of each person;
4. Accusations;
5. Contents of the investigation-interrogation (testimony, results of the questioning in confrontation, proof, test of information, identification and confirmation, searches, seizure or sequestration of assets);
6. Photographs, images or sound recording, fingerprints, footprints, blood stains and other material items, if any.

After completing the record on an investigation-interrogation, it shall be given to the concerned person to read it or it shall be read out to the concerned person as well as to ask for his opinion, and then let him sign and affix the thumbprints on it.

The head of investigation-interrogation organization, the investigator-interrogator, the chief of office of prosecutor or the public prosecutor is not permitted to make an addition, cutting or alteration of the record.

If there is any crossing for deleting or an addition of terms in the investigation-interrogation record, it is required to sign for certification; for the accused person, it is

also required to affix the thumbprint at the start of the line where there is such crossing or addition.

If the investigation-interrogation record has more than one page, the persons subjected to the investigation shall sign and affix their thumbprints on each page.

In the case where the participants refuse to sign and affix their thumbprints on the investigation-interrogation record, this shall be noted at the end of the investigation-interrogation record and then put the signature for certification.

The investigation-interrogation record shall be made in three copies, of these: one copy shall be kept in the case file, another copy shall be given to the investigator-interrogator for keeping, and another copy shall be given to the person giving the testimony.

Article 101 (new). Keeping the Confidentiality of the Investigation-Interrogation

In the case where it is necessary to maintain the confidentiality in the investigation-interrogation, the head of investigation-interrogation organization, the investigator-interrogator, the chief of office of prosecutor or the public prosecutor must notify the participants in the case proceedings in advance concerning the prohibition to disclose the secret. This notice shall be recorded. Participant who commits violation shall be liable criminally.

Article 102 (new). Consideration of Requests of Participants in Case Proceedings

In the event that the participant in case proceedings has made a request on certain issues, such as: the proof of evidence, re-testing of information, seizure or sequestration of assets to compensate the damages, the head of investigation-interrogation organization or the chief of office of prosecutor must consider and deal with such request within seven days from the date of receipt of the request and must notify the results of their consideration in writing to the applicant.

In case the head of investigation-interrogation organization or the chief of office of prosecutor does not agree to deal with or make consideration of the request within seven days, the applicant shall have the right to submit an appeal against the decision to the chief of office of prosecutor of the same level and submit an appeal against the decision of the chief of office of prosecutor to the chief of office of prosecutor of the next higher level within seven days from the date of being informed about such decision. The decision of the chief of office of prosecutor at appeal level shall be the decision of final level.

The chief of office of prosecutor who receives the application for appeal must make the consideration within fifteen days from the date of receipt of the application for appeal.

Article 103 (new). Request for Damage Payment During the Investigation-Interrogation Process

The injured parties or their representatives shall have the right to request for the damage payment due to criminal offence during the process of investigation-

interrogation. In case the applicants do not know such right, the head of investigation-interrogation organization, the investigator-interrogator, the chief of office of prosecutor or the public prosecutor must give the explanations to them.

The request for damage payment may be made verbally or in writing.

In case there is a request for damage payment, the head of investigation-interrogation organization, the investigator-interrogator, the chief of office of prosecutor or the public prosecutor must record such request in detail and in full. The record on the request for damage payment shall be kept in the case file.

Article 104 (new). Becoming a Civil Liable Person

When there is a request for damage payment, the head of investigation-interrogation organization, the investigator-interrogator, the chief of office of prosecutor or the public prosecutor must examine and make consideration concerning the individual or organization which shall be the civil liable person.

In the case where the accused person is a servant or a person who lacks the capacity to act, the person or organization which is the employer or the guardian of such person shall be the civil liable persons.

Article 105 (new). Participation of Translator in an Investigation-Interrogation

In necessary case, it is required to invite an individual who fluently knows the relevant language to be the translator, even the head of investigation-interrogation organization, the investigator-interrogator, the chief of office of prosecutor or the public prosecutor has known the language to be translated well.

The concerned officer must inform the translator about the rights and obligations including the responsibilities and shall make the record which is to be signed by such person.

Article 106 (new). Persons Being Ineligible to Become Translator, Expert or Specialist

The persons who are not eligible to be appointed as translator, expert or specialist are as follows:

1. Injured persons, civil plaintiffs, civil liable persons, relatives of the civil plaintiffs or accused persons in the case;
2. Individuals who are witnesses in the case, protectors, representatives of the injured parties, civil plaintiffs, civil liable persons, the head of investigation-interrogation organization, the investigator-interrogator, the chief of office of prosecutor or the public prosecutor;
3. Individuals or relatives of the persons who have the interest in the case.

Article 107 (new). Guarantee for Compensation for Damages

In order to ensure the compensation for damages according to the request of the injured parties or their representatives, the head of investigation-interrogation organization or the chief of office of prosecutor must consider to issue an order to seize

or sequester the assets of the accused person or of the civil liable person as provided in Article 128 of this Law.

In case the offence has caused damages to the state organizations, Lao Front for National Construction, mass organizations or social organizations, the head of investigation-interrogation organization or the chief of office of prosecutor must, by function, issue an order to seize or sequester the assets of the accused persons or the civil liable persons as prescribed in Article 128 of this Law.

The seizure or sequestration of assets to guarantee the compensation for damage must be within the limit of the value of the damages.

Article 108 (improved). Seizure or Sequestration of Assets, Material Items

In the event that the type, quantity and location of the place of keeping the assets, material items relating to the offence are clearly known and are useful for the case proceedings, the head of investigation-interrogation organization or the chief of office of prosecutor must issue an order to seize or sequester such assets, material items.

In case the assets, material items being seized or sequestered are likely to be damaged, the head of investigation-interrogation organization or the chief of office of prosecutor must appoint a committee to deal with them.

In case there is the evidence certifying that the assets, material items being seized or sequestered are the legal ownership of the injured parties, they shall be returned to such persons.

Article 109 (new). Joining or Separation of Criminal Cases for Conducting an Investigation-Interrogation

An accused person who committed offences of many kinds, or many accused persons who jointly commit the offence of one kind or many kinds including the persons who conceal the offence, the investigation-interrogation shall be conducted as a single case.

The investigation-interrogation of the criminal case may be separated in necessary cases as follows:

1. The investigation-interrogation cannot be fully performed at a reasonable time;
2. The investigation-interrogation has no impact on the facts of the case;
3. The offence committed by children aged under eighteen years old jointly with adults.

In joining or separating the investigation-interrogation, the head of the investigation-interrogation organization must issue an order and notify the chief of office of prosecutor of the same level within twenty four hours from the time of the issuance of the order.

Article 110 (improved). Time Period for Investigation-Interrogation

The investigator-interrogator shall conduct the investigation-interrogation, summarize the investigation-interrogation and prepare the case file together with exhibits

for sending to the office of prosecutor within two months for minor offence and three months for major offence from the date of the issuance of the order to open an investigation-interrogation.

When there is a need to continue the investigation-interrogation, the chief of office of prosecutor may extend the period of the investigation-interrogation for two months at a time, but the aggregate period shall not exceed six months for minor offences; and for three months at a time, but the aggregate period shall not exceed one year for major offence on the basis of the request of the head of investigation-interrogation organization or the public prosecutor. The request for the extension of period in each time shall be made fifteen days before the expiration of the period of the investigation-interrogation.

In the case where there is a return of the case file to the investigation-interrogation organization for additional investigation-interrogation, the additional period for the investigation-interrogation shall not exceed two months from the date the investigation-interrogation organization receives the case file.

In the case where there is a resumption of investigation-interrogation into a suspended case or dismissed case, the investigation-interrogation shall be performed in accordance with the time period provided in Paragraph 1 and Paragraph 2 of this Article from the date of the issuance of order to resume the investigation-interrogation.

In authorizing or not authorizing an extension of period for investigation-interrogation, the chief of office of prosecutor must issue an order in writing with reasons within forty-eight hours from the time of receipt of the request.

Article 111 (improved). Time Period for Temporary Remand

The period for temporary remand for conducting the investigation-interrogation shall not exceed two months for minor offences and three months for major offences from the date of issuing an order of temporary remand.

When there is a need for continuing the investigation-interrogation, the chief of office of prosecutor may extend the period of temporary remand for two months at a time, but the aggregate period shall not exceed six months for minor offences; for major offence, the extension period may be three months at a time, but the aggregate period shall not exceed one year on the basis of the request of the head of investigation-interrogation organization or of the public prosecutor. The request for the extension of period of temporary remand in each time shall be made fifteen days before the expiration of the temporary remand period.

After the expiration of the period of temporary remand, but there is still insufficient evidence to summarize the investigation-interrogation and prepare the case file for sending to the office of prosecutor, the head of investigation-interrogation organization must report to the chief of office of prosecutor for information and for seeking an order to release the accused person and to return his lawful personal belongings in full and in the original condition, and the record of hand-over shall be made in a properly manner.

Article 112 (new). Measures for Cancelling the Causes or Conditions of the Offences

During the investigation-interrogation process, if the causes or conditions leading to the occurrence of the offence are known, the head of investigation-interrogation organization or the chief of office of prosecutor shall propose certain measures to avoid them to the state organizations, Lao Front for National Construction, mass organization, social organizations, enterprises and individuals concerned for consideration.

The concerned individuals or organizations which have applied such measures must inform the head of investigation-interrogation organization or the chief of office of prosecutor within thirty days from the date of receipt of the proposal.

Part VI Investigation-Interrogation Methods and Preventive Measures

Section 1 Taking the Testimony

Article 113 (new). Summons

The head of investigation-interrogation organization, the chief of office of prosecutor shall issue the summons of the accused person who is not detained and the suspect to make the appearance.

The head of the investigation-interrogation organization, the investigator-interrogator, the chief of office of prosecutor or the public prosecutor shall issue the summons of the injured party, civil plaintiff, civil liable person and witnesses for making the appearance.

The summons shall indicate the name and surname, age, nationality, occupation and address of the summoned persons, reasons of the summons, date, time, place of meeting, liabilities in case of failure to make appearance according to the summons.

Article 114 (new). Summons Rules

The summons shall be made in two copies, one copy is given to the accused person who shall take it with him at the time of making the appearance and another copy is kept in the case file. The accused person or the person who receives the summons on his behalf shall sign to certify the receipt of the summons by indicating the day and time of receipt and then send back to the relevant investigator-interrogator. The summons shall indicate the name and surname, address of the accused person, the accusations, place, day and time of making the appearance, name and surname of the officer who receives the appearance and the legal responsibilities in case of non-compliance with the summons.

In the case where the accused person is not present, the summons shall be handed over to the village administration where his house is located or to the office, organization, workshop, factory where he works in order to hand it over to the accused person.

In case of summoning the accused person aged below eighteen years, the summons shall be handed over to the parents, representative or other protector of the accused person.

The summons must be sent to the accused person three days and five days before the appointed date in case the accused person live in remote area.

The office, agency, organization, workshop, factory shall give the authorization to the accused person to make appearance to the relevant officer according to the summons.

In the case where the summoned person has received the summons for three times, but fails to make appearance without reasons, the head of investigation-interrogation organization or the chief of office of prosecutor shall have the right to issue an order to bring such person as provided in Article 137 of this Law.

Regarding the summons of other participants in case proceedings, it shall be performed in the same manner as the summons of the accused person.

Article 115 (improved). Taking the Testimony

Before taking the testimony, it is required to notify the rights and obligations of the persons who give the testimony as stipulated in Articles 67, 68, 69 and 70 of this Law.

The testimony-taking shall be performed at the office of the investigation-interrogation organization or at the office of prosecutor; but in necessary case, it may be performed in other place which is deemed to be suitable.

In taking the testimony, besides the investigator-interrogator or the public prosecutor, one official must also participate for making the record.

In taking the testimony, the record shall be made as provided in Article 100 of this Law.

Article 116 (improved). Taking the Testimony of an Accused Person

The head of investigation-interrogation organization, the investigator-interrogator, the chief of office of prosecutor or the public prosecutor must take the testimony of the accused person immediately after having issued an order to open an investigation-interrogation on such person. If the taking of testimony of the accused person cannot be performed immediately, it is required to make the record and give the reasons.

Before taking the testimony of the accused person, it is required to notify the accusations as well as the rights and obligations to such person as provided in Article 65 of this Law. If there is the participation of other protector or the translator, they shall also be informed of their rights and obligations as provided in Articles 71 and 74 of this Law.

If there are many accused persons, the testimony shall be taken one by one and the record of testimony shall be made. The accused persons may also write the testimony by themselves.

The taking of testimony in each time shall not exceed four hours.

The taking of testimony is not authorized to be performed at night time, except in necessary or urgent cases for which the reasons must be declared in the testimony record.

The taking of testimony is not authorized to be performed by cheating, coercing, threatening, beating or torturing. If there is violation, it shall be subjected to criminal proceedings and to the compensation for damage which is caused by such violation as in accordance with the laws and regulations.

The taking of testimony requires to make a record as prescribed in Article 100 of this Law.

Article 117 (improved). Taking Testimony from Children under Eighteen Years Old, Deaf Persons, Blind Persons, Mute Persons, Imbeciles, Insane Persons

In taking the testimony from children under eighteen years old, deaf persons, blind persons, mute persons, imbeciles, insane persons who are incapable to exercise their own rights, there shall be the participation of the parents, guardians, teachers, lawyers or other protectors in accordance with the laws and the record shall be made as prescribed in Article 100 of this Law.

Article 118 (improved). Taking Testimony from Witnesses

The taking of testimony from the witnesses shall be performed in accordance with Article 115 of this Law.

The taking of testimony from many witnesses shall be performed one by one and they shall be kept in places separated from each other and shall not be allowed to converse with each other.

In taking the testimony from children under eighteen years old, deaf persons, blind persons, mute persons, imbeciles, insane persons, it is required to invite the parents, guardians, teachers, lawyers or other protectors to participate as in accordance with the laws.

Article 119 (improved). Questioning in Confrontation

When the testimonies do not conform with each other, the head of investigation-interrogation organization, the investigator-interrogator or the chief of office of prosecutor, the public prosecutor shall have the right to question in confrontation between the persons giving the testimony; however, the questioning in confrontation in each time shall not involve more than two individuals.

Before conducting the questioning in confrontation, it is required to inform the participants about the liability in refusing or giving false testimony. The notice on such rights and obligations shall be specified in the record of questioning in confrontation.

Before commencing the confrontation, it is required to question on the relationship between participants to the questioning in confrontation and to inform about issues which need further clarifications.

After listening to the testimony, the questioning may be continued to be performed with each participant and be noted in the record as provided in Article 100 of this Law.

Article 120 (improved). Identification and Confirmation

Identification is a method of investigation-interrogation whereby a witness or injured party identifies the accused person whom he knows or saw to be the offender.

Confirmation is a method of investigation-interrogation whereby a witness or injured party certifies the material items relating to the offence or dead body that he has known and seen.

When necessary, the head of investigation-interrogation organization, the investigator-interrogator, the chief of office of prosecutor or the public prosecutor shall require the witnesses, injured parties, suspects or accused persons to identify the individuals or confirm the material items or dead bodies.

Before conducting the identification or confirmation, the persons who will identify individuals or will confirm the material items or dead bodies shall give the testimony regarding the circumstances that he had found out and shall inform about the distinguishing features, appearance and special characteristics of such individuals, material items or dead bodies.

In identification, the individual to be identified shall be brought together with at least three other individuals who have similar physical features, then the person who will identify shall be brought to carry out the identification in a way that ensures the anonymity and safety for such person.

In confirmation of material items, the material items to be confirmed shall be displayed together with at least three other material items that have similar characteristics and are of the same type, and then the person who will confirm shall be brought to carry out the confirmation of the relevant material items.

The records of identification and confirmation shall be made in accordance with Article 100 of this Law.

Section 2 Search, Seizure and Sequestration of Assets

Article 121 (improved). Search

The search may be conducted only when there is an order in writing from the chief of office of prosecutor or the court, except in case of offence committed in presence or of urgency, but this shall be reported to the chief of office of prosecutor for information within twenty-four hours after completing such search.

An order of search shall be effective from the date of signing and shall be executed within twenty-four hours.

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

Article 122 (new). Causes Leading to the Search

The causes leading to the search of buildings, vehicles and persons are as follows:

1. Existence of information which lead to the belief that illegal material items or material items obtained from wrongful acts or objects and documents relating to the offence are being kept or concealed in the buildings, vehicles or in the person;
2. In necessary case in order to gather the documentary evidence and material items relating to the offence.

The search of buildings or vehicles may also be conducted for searching for the offender.

Article 123 (improved). Search of Buildings

Buildings refer to houses and other objects located on the land where such houses are located, boats, rafts which are used as permanent residence of the family, offices, guest-houses, hotels, factories and other buildings.

The search of building must be performed in the presence of the village administrative authority, owner of the house and at least two witnesses. In the event that there is a search of an office, an organization, an enterprise, it shall be conducted in the presence of a representative of such office, organization, enterprise.

A search of any religious place which is one type of buildings, such as: temples, 'sima', church, towers (Hor), and others which are located in the area of the religious place must have the participation of the head monk, the head priest, the persons in charge or representatives of the concerned religious organizations.

The searches of buildings and religious places shall be made during daytime from 6:00 a.m. to 6:00 p.m.. When the search undertaken cannot be completed at 6:00 p.m., it shall continue until it is completed. During the search, the officers who conduct the search shall have the right to not authorize the internal persons to go outside or the external persons to come inside the buildings or not authorize the contact between internal persons with external persons until the completion of the search.

The material items and documents can be seized as exhibits in the case only if they are related to the offence or are objects that contravene the laws.

Article 124 (improved). Search of Vehicles and Individuals

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

The search of any person who is arrested, detained or suspected of concealing illegal objects may be conducted without an order of the chief of office of prosecutor or of the court.

Officer conducting the search of women shall be an individual of the same gender and such search must be performed at enclosed place.

Article 125 (improved). Record of the Search

When the search of a building, vehicle or person has been completed, the officers who conduct such search must make a record of the search and a list of exhibits with details of their appearance, quantity and quality on the spot.

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

Regarding the record of search of vehicle or individual, it shall also be made in three copies, of these, one copy shall be kept in the case file, another copy shall be given to the owner of the vehicle or the searched person, and another copy is to be kept by the officer.

The record of the search shall be made in accordance with Article 100 of this Law.

Article 126 (new). Seizure of Material Items or Documents During the Search

During the search of a building, working place, vehicle and individual, the investigator-interrogator shall have the right to seize the material items or documents which are the evidence or exhibits in the case. The assets or documents which are seized shall be kept in accordance with the provisions in Article 30 of this Law.

Seizure of material items or documents during the search is required to make a record. Such record shall clearly indicate the date, time, searched place, name and surname, title and position of the participants in the search, list of material items which are seized. The completed record shall be read out to the participants who shall sign and affix their thumbprints on it.

The record of the seizure of material items or documents shall be made in accordance with Article 100 of this Law.

Article 127 (new). Seizure of Post Parcels, Packages & Printed Matters and Telegrams

In case there is a suspicion that the post parcels, packages & printed matters and telegrams are related to the offence, the head of investigation-interrogation organization or the chief of office of prosecutor must issue an order of seizure, except in case of necessity or urgency; but after the seizure, a record shall be made and a report shall be sent to the chief of office of prosecutor within twenty-four hours.

Before carrying out the seizure, the officers who execute the seizure order must notify the person in charge of the relevant post-office for information and for giving the cooperation in the implementation which shall be made in the presence of such person.

The record of seizure must have the signature of the person in charge of the post-office and shall be made in accordance with the provisions in Article 100 of this Law.

Article 128 (new). Seizure or Sequestration of Assets Which Are Useful to the Case Proceedings

In conducting the investigation-interrogation, the head of the investigation-interrogation organization shall have the right to issue an order to seize or sequester the assets which are related to the case in order to ensure the compensation for damages, the payment of fines and court fees or to sequester the assets to the state.

The assets which are seized or sequestered may be entrusted to the relevant organization or to the assets owner to safeguard and take charge of these assets. In case there is a violation, such as: sale and purchase, mortgage, assignment, hiding, concealment or destruction, the person in charge of safeguarding shall be held responsible in accordance with the laws.

The seizure or sequestration of assets shall be carried out in the presence of the owner of assets or a representative of his family, the village administration or the relevant organization and two or more witnesses.

Seizure or sequestration of assets requires to make a record which shall indicate the name and surname, position, title of the officers who perform the seizure or sequestration; the name and surname, age, nationality, occupation of each participant; type and quantity of the assets which are seized or sequestered and the prohibitions.

The record of seizure or sequestration of assets shall be made in three copies, one copy shall be given to the owner of the seized assets, another copy shall be given to the village administration where the seized or sequestered assets are located, and another copy shall be kept in the relevant case file.

The record of seizure or sequestration of assets shall be made in accordance with the provision in Article 100 of this Law.

Section 3

Inspection of Incident Site, Inspection of Dead Body, Appointment of Expert or Specialist for Conducting the Inspection and Re-Testing of Evidence

Article 129 (improved). Inspection of Incident Site

In order to search for traces of an offence or evidence, especially the physical evidence, with the aim of making the circumstances of the offence clear, the head of the investigation-interrogation organization, the investigator-interrogator, the chief of office of prosecutor or the public prosecutor shall inspect the incident site, gather material items, documents and so on that are related to the offence.

The inspection of incident site may be conducted before or after the opening of an investigation-interrogation.

The inspection of incident site shall be conducted during daytime from 6:00 a.m. to 6:00 p.m., except in necessary and urgent cases only. When the inspection of incident site being conducted cannot be completed by 6:00 p.m., it shall continue until it is completed.

During the conduct of the inspection of incident site, at least two witnesses shall be present. When deemed necessary, the public prosecutor shall also be invited to participate for monitoring and the representative of the village administration shall also participate.

The head of the investigation-interrogation organization, the investigator-interrogator, the chief of office of prosecutor or the public prosecutor shall have the right to bring the suspects or the accused persons, summon the injured party, witnesses, and invite relevant experts or specialists to participate in the inspection of incident site.

In conducting the inspection of incident site, the head of investigation-interrogation organization, the investigator-interrogator, the chief of office of prosecutor or the public prosecutor shall make the sketch of the incident site, collect the material items relating to the offence and the traces of the offence, and take the photographs.

Article 130 (new). Inspection of Traces in Physical Body

The head of the investigation-interrogation organization, the investigator-interrogator, the chief of office of prosecutor or the public prosecutor shall inspect the physical body of the detained person, arrested person, remanded person, injured party, witnesses for searching for the traces of the offence or other traces which are meaningful to the case.

The person who conducts the inspection of traces in physical body must be of the same gender as the inspected person and at least two witnesses of the same gender must be present. In necessary case, medical officer may be allowed to participate.

It is prohibited to violate the dignity and health of the inspected person.

Article 131 (improved). Inspection of Dead Body

Death without knowing the cause shall be subjected to inspection of dead body.

The head of the investigation-interrogation organization, the investigator-interrogator, the chief of office of prosecutor or the public prosecutor shall conduct the inspection of dead body at the incident site with the participation of at least two witnesses, a forensic physician, relevant expert or specialist. When deemed necessary, the representative of the village administration shall also be invited to participate.

The cutting of dead body for proof or the inspection of dead body which is already buried is required to have an order of the head of investigation-interrogation organization or of the chief of office of prosecutor, the participation of forensic physician and to inform the family or relatives of the dead person. In necessary case, the expert or specialist and the witnesses shall also be invited to participate.

The chief of office of prosecutor shall be invited to participate in the inspection of dead body for monitoring.

Article 132 (improved). Record of Inspection

In the conduct of the inspection of incident site or dead body, the head of investigation-interrogation organization, the investigator-interrogator, the chief of office

of prosecutor or the public prosecutor shall make a record on the spot. The record shall indicate the location, date, time of commencing and time of completing the inspection, name and surname, address, occupation, position and title of the head of investigation-interrogation organization, the investigator-interrogator, the chief of office of prosecutor or the public prosecutor and the persons who participate in the inspection, circumstances that are observed or that occur during the inspection, and the material items, objects which are seized by indicating the type, quantity, appearance, size, weight and quality.

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

The record of inspection of incident site or dead body shall be made in accordance with Article 100 of this Law.

Article 133 (improved). Appointment of Expert or Specialist to Conduct the Verification

When it is deemed necessary to conduct a verification, especially in case where there is a death from unknown causes, a rape or there are doubts about the age, mental capacity of the accused person, the head of investigation-interrogation organization or the chief of office of prosecutor must issue an order to appoint the forensic physician, relevant expert or specialist to conduct the verification.

Such order shall indicate the name and surname of the forensic physician, relevant expert or specialist, the issues to be verified, the time period for verification, the rights and obligations of the expert or specialist.

The head of investigation-interrogation organization, the investigator-interrogator, the chief of office of prosecutor or the public prosecutor must notify such order to the accused person, injured party, civil plaintiff, civil liable person. These persons have the right to request for objection against the appointed expert or specialist within seven days from the date of being informed of the order of appointment.

When the verification is completed, the expert or specialist shall make the summary report on their opinions for sending to the head of investigation-interrogation organization or the investigator-interrogator, the chief of office of prosecutor or the public prosecutor within the time period being assigned.

Verification may be undertaken by one or several experts or specialists or several times. In case of re-verification, a larger number of experts or specialists shall be required.

Article 134 (improved). Re-Enactment

In order to verify and confirm the correctness of information, the head of investigation-interrogation organization or the investigator-interrogator, the chief of office of prosecutor or the public prosecutor may undertake the re-enactment by requiring the accused person or the defendant to demonstrate their action again. In such re-enactment, the injured person or the witness may be requested to demonstrate their action again. The re-enactment shall be photographed, filmed, measured and sketched.

Re-enactment shall be conducted in the presence of at least two witnesses, and the injured parties may also participate. In necessary case, the chief of office of prosecutor and relevant expert or specialist must also participate.

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

A record of re-enactment shall be made in accordance with Article 100 of this Law.

Section 4 Preventive Measures

Article 135 (new). Basis Conducive to the Application of Preventive Measures

In order to timely prevent the offence or when there is the basis leading to the belief that the accused person or the defendant will create difficulties to the investigation-interrogation, the prosecution or the consideration and decision of the case including the enforcement of the decision of the court, the investigation-interrogation organization, the office of prosecutor or the court shall have the right to use preventive measures as provided in Article 136 of this Law.

Article 136. Types of Preventive Measures

The preventive measures are divided into the following types:

- Issuance of warrants;
- Detention;
- Arrest;
- Remand;
- Temporary release;
- House-arrest;
- Suspension of functions or position.

Article 137 (improved). Issuance of Warrants

In the event that the suspect, accused person who are not remanded, the witness, civil plaintiff, civil liable person have received summons for three times, but failed to appear without sufficient reasons, the head of investigation-interrogation organization, the chief of office of prosecutor or the court shall issue warrants to bring such person.

The warrants shall be executed from 6:00 a.m. to 6:00 p.m., except in the case where the suspect or the accused person is going to escape or has no fixed residence.

The execution of the warrants is the right and duty of the police officers or of the military officers in case of military offence. Before bringing the person, it is required to read out the warrant to the person subjected to the warrant.

It is prohibited to bring pregnant women or persons who are sick and cannot leave the place and who have the certification of the physicians.

Article 138 (improved). Detention

If, after taking the testimony of the suspect, some reliable evidence is found to prove that such person has committed an offence for which the laws prescribe the penalty of deprivation of liberty, the head of investigation-interrogation organization or the chief of office of prosecutor may issue an order to detain such suspect for forty-four hours in order to conduct the investigation-interrogation, but the head of investigation-interrogation organization must report in writing to the chief of office of prosecutor within twenty-four hours from the time of detention.

In the detention, the investigator-interrogator or the public prosecutor shall read out the order of detention and inform the rights and obligations to the detainee and then notify the detention place to the family, office, organization or enterprise where such person works within twenty-four hours.

Within forty-eight hours from the time of issuing the detention order, the investigator-interrogator or the public prosecutor shall form the opinions as follows:

1. If it is found out that there are no reliable information and evidence which may be the basis for issuing an order to open an investigation-interrogation, the investigator-interrogator shall ask for an order of release from the head of investigation-interrogation organization, and shall then release the detainee and immediately report in writing to the chief of office of prosecutor for information. For the public prosecutor, he shall ask for an order of release from the chief of office of prosecutor;
2. If it is found out that there are reliable information and evidence which may be the basis for issuing an order to open an investigation-interrogation, the head of investigation-interrogation organization must issue an order to open an investigation-interrogation. For the public prosecutor, he is required to ask for an order to open an investigation-interrogation from the chief of office of prosecutor;
3. When it is deemed necessary to conduct the remand in order to proceed the investigation-interrogation, the head of investigation-interrogation organization shall ask for an order of remand from the chief of office of prosecutor. For the public prosecutor, he shall ask for an order of remand from the chief of office of prosecutor.

After receiving the request for an order of remand from the head of investigation-interrogation organization or the public prosecutor, the chief of office of prosecutor shall make the sentence within twenty-four hours whether to release or to remand the detainee.

Article 139 (improved). Arrest

The arrest of any individual shall require to have an order of arrest in writing from the chief of office of prosecutor or the court, except for the arrest in case of offence committed in presence or in urgent case as prescribed in Article 140 of this Law.

In considering the issuance of an order of arrest, the chief of office of prosecutor or the court shall base on the following conditions:

1. There is an order to open an investigation-interrogation;

2. There is an act which is a criminal offence for which the laws prescribe the penalty of deprivation of liberty;
3. There is reliable evidence in the case.

In addition, such arrest shall also be based on certain conditions, such as: the accused person may flee, destroy the evidence, commit new offence, hurt the injured party, witness or the accused person may be hurt by the injured party or by other individuals.

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

In the arrest, the officer must read out the arrest order and notify the accusation, rights and obligations to the arrested person for information.

After the arrest of an accused person, the investigator-interrogator or the public prosecutor shall immediately take the testimony of the arrested person and must report in writing to the chief of office of prosecutor within twenty-four hours.

Within twenty-four hours from the time of arrest, the investigator-interrogator or the public prosecutor shall form an opinion whether to release or to remand.

If an opinion is formed to release or it is necessary to remand in order to conduct an investigation-interrogation, the head of investigation-interrogation organization or the public prosecutor shall ask for an order to release or an order to remand from the chief of office of prosecutor.

After receiving the request for release or for remand from the head of investigation-interrogation organization or from the public prosecutor, the chief of office of prosecutor shall make the sentence within twenty-four hours whether to allow the release or to issue an order to remand.

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

Beating or torture of the arrested person is prohibited.

Arrests shall, in every case, be notified to the family, village administration, office, organization or enterprise to which the concerned individual is attached within twenty-four hours along with the notification on the place of the jail.

Article 140 (improved). Arrest in Case of Offence Committee in Presence and in Urgent Case

The offences committed in presence refer to offences committed by individual in the following cases:

1. Individual who is in the process of committing an offence or who has just finished committing an offence;

2. Individual who has committed an offence and is being chased or there is an individual who has known and seen the incident or the injured person who has identified such individual as being the offender;
3. Individual who has the traces of offence in his physical body, in the house or in the working place during the time that such offence has just occurred.

Offences in urgent case refer to offences committed by the individual in the following cases:

1. Individual suspected to have committed an offence who has bad history or uncertain residence;
2. Individual suspected to have committed an offence who is fleeing.

Arrests in case of offence committed in presence and in urgent case do not require to have an order from the chief of office of prosecutor or of the court. But the arrest in urgent case can be carried out only by the investigator-interrogator.

In the case where the arrest is made by person who is not the investigator-interrogator, the arrested person must be immediately taken for handing-over to the investigator-interrogator. For the arrest in remote area, the arrested person shall be taken for handing-over to the investigator-interrogator within a period not exceeding seven days from the date of arrest.

Article 141 (improved). Record of an Arrest

In any case, a record shall be made for an arrest for using as evidence.

A record of an arrest shall indicate the name, surname, rank, title, position and work place of the investigator-interrogator and the name, surname, age, occupation, rank, title, position and address of the arrested person, date, time and place of arrest, accusations, causes, information and evidence leading to the arrest.

A record of an arrest shall indicate the name, quantity, type, weight, quality, appearance and other feature of the material items which are seized as exhibits and the material items which are personal belongings of the arrested person.

Material items which are lawful personal belonging of the arrested person must be handed over to his family in full and in the original condition, and the hand-over record shall be made in a properly manner in the presence of the arrested person. In case the material items which are the personal belonging of the arrested persons are not in full or are not in the original condition, the officer in charge of safeguarding such material items shall be criminally liable as provided in the Penal Law.

After making the record of an arrest, it shall be read out to the participants in the arrest who shall sign and affix their thumbprints.

Article 142 (improved). Remand

Remand is a temporary imprisonment before the final decision of the court is taken.

A remand shall require to have an order in writing from the chief of office of prosecutor or the court and shall be based on the conditions prescribed in Article 139 of this Law.

The person subjected to remand shall be confined in separation from prisoners and must be in suitable condition because he is still considered to be an innocent.

The time period of remand shall be in compliance with the provision of Article 111 of this Law and shall be included in the period of punishment.

Article 143 (improved). Temporary release

Temporary release is the release of the accused person temporarily before the decision is taken by the court.

The temporary release shall require to have an order in writing from the chief of office of prosecutor or the court.

During the case proceedings, the chief of office of prosecutor or the court may decide to temporarily release by duty or according to the request of the accused person, the organization to which he is attached, the representative, the husband or wife, the guardian, father, mother or close relative of the accused person.

The temporarily release can be conducted only when there are the following conditions:

1. Being a minor offence that the laws prescribe the penalty of deprivation of liberty of three years and lower, except for recidivistic or habitual offence;
2. Having the information or basis which lead to believe that the accused person or defendant will not flee, will not destroy the evidence, will not commit a new offence, will not hurt the injured party, witness or the accused person will not be hurt by other individuals.

In the temporary release according to the request of the accused person, of the organization to which he is attached, the representative, husband or wife, guardian, father or mother or close relative of the accused person, it is required to deposit a bail accordingly to the case.

In the case where the temporarily released person had fled from the case proceedings, the bail shall be used to pay the compensation for damage first, and the remaining amount shall be confiscated to the state according to the decision of the court. If the concerned person has performed the obligations correctly and fully in compliance with the conditions of temporary release, such bail shall be returned to the guarantor.

Article 144 (improved). House Arrest

House arrest is the prohibitions for the accused person or defendant to go outside certain place in order to ensure the case proceedings.

For house arrest, there must be an order from the head of investigation-interrogation organization, the chief of office of prosecutor or the court to forbid the accused person or defendant from going outside the defined place.

The head of investigation-interrogation organization, the chief of office of prosecutor or the court shall send an order of house arrest to the village administration where the accused person or defendant resides and shall assign such village administration to undertake the supervision and follow-up until the issuance of order of cancellation.

In case the accused person or defendant has violated the order of house arrest, he shall be subjected to another preventive measure which is more rigorous.

Article 145 (improved). Suspension of Functions or Position

Suspension of functions or position is the suspension of functions or position of the suspect or the accused person because the offence is related to the functions or position of such person so as to avoid the obstacle to the investigation-interrogation.

In suspension of functions or position, there shall be an order in writing from the chief of office of prosecutor.

An order to suspend the functions or position must be sent to the organization to which the suspect or the accused person is attached in order to consider the suspension of functions or position. The person subjected to the suspension of functions or position shall still be entitled to receive the salary normally.

The chief of office of prosecutor may nullify the order to suspend the functions or position when it is deemed to be no more necessary.

Section 5 Suspension, Dismissal and Ending of Investigation-Interrogation

Article 146 (improved). Suspension of Investigation-Interrogation

Suspension of investigation-interrogation is the temporary ceasing of investigation-interrogation as a result of any of the following causes:

1. The accused person is in hiding, escaping from the case proceedings or the place of living of such person is not known;
2. It is unable to know who is the offender;
3. The accused person is seriously ill or becomes insane with the certification of the physician.

There will be the suspension of investigation-interrogation due to the first and second causes only when the time limit for the investigation-interrogation comes to an end.

For the suspension due to the first cause, before issuing an order to suspend the investigation-interrogation, the head of investigation-interrogation organization must request for an order to arrest and then to undertake the pursuit in order to arrest the accused person.

For the suspension due to the third cause, the head of investigation-interrogation organization or the chief of office of prosecutor must issue an order to send the accused person for medical treatment.

The suspension of an investigation-interrogation shall require to have an order from the head of investigation-interrogation organization or from the chief of office of prosecutor in case the investigation-interrogation is conducted by the office of prosecutor. An order to suspend the investigation-interrogation of the head of investigation-interrogation must be reported to the chief of office of prosecutor for information within twenty-four hours.

In case there are many accused persons, but the cause leading to the suspension of an investigation-interrogation is not concerned with all the accused persons, the suspension of an investigation-interrogation shall then be specifically applied to those accused persons involving the suspension only.

The order to suspend a case must be notified to the injured parties or the civil plaintiffs who are the litigant within three official days from the date of the issuance of the order, and they shall have the right to apply for an appeal within seven days from the date of being informed about such order.

The appeal against an order of suspension of the head of investigation-interrogation organization shall be submitted to the chief of office of prosecutor of the same level. An appeal against an order of suspension of the chief of office of prosecutor shall be submitted to the chief of office of prosecutor of next higher level. In case of non-satisfaction, they shall have the right to request for cassation within seven days.

Criminal cases which have been suspended may be dismissed when the time limit for prosecution has been expired.

Article 147 (improved). Resumption of Suspended Investigation-Interrogation

When the cause for the suspension of investigation-interrogation ceases to exist and the time limit for prosecution has not been expired, the head of the investigation-interrogation organization or the chief of office of prosecutor must issue an order to resume the investigation-interrogation which has been suspended.

Article 148 (improved). Dismissal of a Case

Dismissal of a case is the termination of the case proceedings because of the following causes:

1. When there exist any cause set out in Article 6 of this Law;
2. When there is insufficient evidence to prove that the accused person is the offender.

In the event that there is a case dismissal, the chief of office of prosecutor shall immediately issue an order to release the accused person and shall return all lawful personal items including objects seized as exhibits which are the property of the accused person.

There are two types of case dismissal as follows:

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

The dismissal of the case based on laws is the dismissal of case as provided in Point 1 of this Article.

The dismissal of the case based on evidence is the dismissal of case as provided in Point 2 of this Article.

An order to dismiss a case shall be notified to the injured parties or the civil plaintiffs within three official days from the date of issuing the order and they shall have the right to apply for appeal within seven days from the date of being informed of such order.

For a dismissal order of the head of investigation-interrogation organization, an appeal shall be submitted to the chief of office of prosecutor of the same level. For a dismissal order of the chief of office of prosecutor, an appeal shall be submitted to the chief of office of prosecutor of next higher level. In case of non-satisfaction, they shall have the right to request for cassation within seven days.

In the case where there is a dismissal of a case, the summary report on the investigation-interrogation shall clearly indicate the situation of the investigation-interrogation activities, the cause and basis leading to the dismissal of the case.

Article 149 (improved). Resumption of Investigation-Interrogation of a Dismissed Case

The case dismissal based on laws cannot be allowed to resume an investigation-interrogation.

The case dismissal based on evidence may be allowed to resume an investigation-interrogation.

The resumption of an investigation-interrogation of a dismissed case may be performed only when there is new evidence and the time limit for prosecution has not been expired.

In the resumption of an investigation-interrogation of a dismissed case, the chief of office of prosecutor must issue an order to cancel the order to dismiss such case, and then issue an order to resume the investigation-interrogation.

Article 150 (new). Ending of an Investigation-Interrogation

An investigation-interrogation shall be ended only when the head of investigation-interrogation organization or the investigator-interrogation, the chief of office of prosecutor or the public prosecutor has completed the investigation-interrogation and has made the summary report on the results of the investigation-interrogation.

The summary report on the results of an investigation-interrogation is comprised of the content as follows:

- Facts of the offence;
- Evidence that proves the offence;

- Opinion on the investigation-interrogation;
- Preventive measures being carried out in the past period;
- Exhibits of the case and use of measures of seizure of assets, sequestration of assets to ensure the enforcement of the decision of the court;
- Reasons and basis leading to prosecution including proposals for dealing with the case.

After that, it is required to prepare the case file for sending to the office of prosecutor together with the exhibits within three days. In case an order to dismiss a case is issued, it shall be immediately reported to the office of prosecutor.

Part VII
Rights and Duties of the Office of Prosecutor in
Monitoring and Inspecting the Adherence to Laws of the
Investigation-Interrogation Organizations and in the Prosecution

Section 1

Rights and Duties of the Office of Prosecutor in
Monitoring and Inspecting the Adherence to Laws
by the Investigation-Interrogation Organizations

Article 151 (improved). Rights and Duties of the Office of Prosecutor

In the monitoring and inspection of the adherence to laws by the investigation-interrogation organizations, the office of prosecutor office shall have the following rights and duties:

1. Lodge a complaint, open an investigation-interrogation and prosecute the offenders, use measures to prevent the offender from being let off from the case proceedings;
2. Conduct the monitoring and inspection of the adherence to the regulations relating to the investigation-interrogation;
3. Conduct the monitoring and inspection in order to ensure that individuals are not detained, arrested or put in prison in contravention of the laws;
4. Conduct strict monitoring and inspection in order to ensure that innocent persons are not punished;
5. Demand the criminal case file, documents and other information relating to the offence from the investigation-interrogation organization for inspection;
6. Participate in the investigation-interrogation of criminal cases and, when necessary, to conduct the investigation-interrogation by itself;
7. Cancel the order of the head of investigation-interrogation organization which is not conformed with the laws or which is unreasonable;
8. Provide written instructions on the investigation-interrogation of criminal case, search for offenders, interpretation of an offence, use of various measures in investigation-interrogation;

9. Issue warrants, orders to arrest, detain, search of building, and issue an order to temporarily release;
10. Extend the period for investigation-interrogation and the period of remand, as provided in this Law;
11. Send the case file back to the investigator-interrogator or the public prosecutor together with the instruction for additional investigation-interrogation;
12. Order the investigator-interrogator or the public prosecutor who breaches the laws during the case proceedings to cease the investigation-interrogation and take legal action against such persons if such breach constitutes a criminal offence;
13. Suspend the case proceedings or dismiss the case according to the causes provided in Articles 146 and 148 of this Law;
14. Exercise other rights and perform other duties as provided by the laws.

Article 152 (improved). Time Period for Examination of a Case and Giving Opinion

The chief of office of prosecutor shall examine the case received from the investigation-interrogation organization or the public prosecutor within no later than fifteen days from the date of receipt of the case file and shall then issue any of the following orders:

1. If it is deemed that the investigation-interrogation of the case is still incomplete, the chief of office of prosecutor must send the case file back to the investigation-interrogation organization or the public prosecutor together with the issues which require additional investigation-interrogation;
2. If it is deemed that there is any cause for suspension of an investigation-interrogation as provided in Article 146 of this Law, the chief of office of prosecutor shall issue an order to suspend the case proceedings;
3. If it is deemed that there is any cause for dismissal of a case as provided in Article 148 of this Law, the chief of office of prosecutor shall issue an order to dismiss the case;
4. If it is deemed that the preventive measures that the head of investigation-interrogation organization, the investigator-interrogator or the public prosecutor has used is not appropriate for the circumstances of the case, the chief of office of prosecutor has the right to modify, add, nullify or cancel such measures;
5. If it is deemed that there is sufficient and concise information and evidence, the chief of office of prosecutor shall issue an order to prosecute the accused person to the court.

After taking an opinion mentioned above, the chief of office of prosecutor must notify the accused person, the injured party, the civil plaintiff and the civil liable person within three official days from the date of issuing the order.

The Litigants shall have the right to see the case file, read the order of the chief of office of prosecutor, take notes or copy the documents in the case file.

The office of prosecutor must send the order of prosecution and the case file together with the exhibits to the court within three official days from the date of issuing the order to prosecute.

In case it is deemed that the case which is in the process of examination is not within the scope of its rights and duties, the chief of office of prosecutor must send the case file to the office of prosecutor which has the duty and right to proceed with the case.

The time period for examining the case and taking the opinion of the office of prosecutor at appeal and cassation levels shall not be later than thirty days from the date of receipt of the case file.

Article 153 (new). Sending the Case File Back for Additional Investigation-Interrogation

After examining the case file, the office of prosecutor may send the case file back to the investigation-interrogation organization for additional investigation-interrogation in the following cases:

1. The information and evidence provided are not complete, and the office of prosecutor is unable to conduct the additional investigation-interrogation by itself;
2. There is the basis for opening the investigation-interrogation of the accused person or other conspirators in the same case who are not yet brought for prosecution;
3. There is a breach of Law on Criminal Procedure.

In sending the case file back to the investigation-interrogation organization, the chief of office of prosecutor shall make the issues for additional investigation-interrogation.

The investigation-interrogation organization must send the case file together with the summary report on the results of the additional investigation-interrogation to the relevant office of prosecutor within thirty days from the date of receipt of the issues for additional investigation-interrogation.

Section 2 Prosecution to the Court

Article 154 (new). Prosecution of Accused Person to the Court

Prosecution to the court is the issuance of an order by the chief of office of prosecutor which presents the accusations against the accused person to the court for making the consideration and decision.

An order of prosecution to the court shall have the contents as follows:

1. Day-month-year and place of issuance of the order to prosecute;
2. Name, surname, functions and title including the signature of the person issuing the order to prosecute;
3. Name and surname of the accused person, age, nationality, ethnic group, occupation, number of Identity Card or family registration book, address;
4. Accusations, date-month-year of remand, temporary release, place of remand, Articles of the Penal Law and of other laws which prescribe the criminal punishment.

The chief of office prosecutor shall notify an order of prosecution to the accused person or to the lawyer or other protector of the accused person who shall sign for acknowledgement within three official days before sending the case file to the court. In case the order of prosecution is not signed, it shall be noted on it.

In the prosecution of the accused person to the court, it is required to send the case file and the exhibits to the court for making the consideration in accordance with the laws.

Article 155 (new). Offence Committed by Children which Not to be Sent to the Court

The acts of children aged below eighteen years but not lower than fifteen years which constitute a minor offence or major offence that does not endanger the society for which the laws prescribe the punishment of deprivation of liberty of less than three years shall not be sent to the court, and shall be dealt with in accordance with the Law on Protection of children Rights and Interest and with the Penal Law.

Article 156 (new). Statement

Statement is the opinion of the chief of office of prosecutor which distinguishes the offence of the defendant to the court by pointing out four components of the criminal offence, namely: material component, objective component, subjective component and actor's component; the reasons conducive to the reduction or increase of criminal liabilities; other conditions which are important for the case; Articles of the Penal Law and of other laws that prescribe criminal punishment, Law on Criminal Procedure, Law on Office of Public Prosecutor and other relevant laws.

The accused person, the lawyer or other protector of the accused person shall have the right to read and take note or copy the content of the statement.

The statement of the office of prosecutor is determined in a specific regulation.

Section 3 Direct Prosecution to the Court

Article 157 (new). Direct Prosecution to the Court

Direct prosecution to the court is that the chief of office prosecutor orders the prosecution to the court without opening an investigation-interrogation.

Article 158 (new). Conditions for Direct Prosecution to the Court

The direct prosecution to the court shall have the following conditions:

1. Being minor offence or major offence that the laws prescribe the punishment of deprivation of liberty of less than three years.
2. Having sufficient evidence, particularly it is an offence committed in confrontation and there is the confession of the accused person.

Article 159 (new). Process of Direct Prosecution to the Court

When all the conditions are met as provided in Article 158 of this Law, the head of investigation-interrogation organization or the public prosecutor must send the case file together with the exhibits and the accused person to the office of prosecutor within forty eight hours, or seven days for remote areas, from the date of occurrence of the event or from the date of complaint.

The chief of office of prosecutor shall order the prosecution to the court directly within forty eight hours from the time of receipt of the case file.

Part VIII
Case Proceedings in the Courts of First Instance

Section 1
Jurisdiction of the Courts in Making Decisions
on Criminal Cases at First Instance

Article 160 (new). Courts Having the Jurisdiction to Make Decisions on Criminal Cases At First Instance

The courts which have the jurisdiction to make the decisions on criminal cases at first instance are as follows:

1. The people's zonal court has the jurisdiction to make consideration and decision at first instance on the criminal cases that the laws prescribe the punishment of deprivation of liberty of less than three years, except for the cases relating to the offences committed by children;
2. The people's provincial or city court has the jurisdiction to make the decision at first instance on the criminal cases which are not under the jurisdiction of the people's zonal court;
3. The military regional court has the jurisdiction to make consideration and decision at first instance on the criminal cases relating to the offences which are occurred in the field of military affairs or within the military areas.

Article 161 (new). Jurisdiction of the People's Zonal Court and the People's Provincial or City Court

In Making consideration and decision, the people's zonal court and the people's provincial or city court shall perform as follows:

1. All criminal offences which fall in any article of the Penal Law or of other laws that prescribe the punishment of deprivation of liberty of less than three years shall be under the jurisdiction of the people's zonal court;
2. All criminal offences which fall in any article of the Penal Law or of other laws that prescribe the punishment of deprivation of three years and above and all offences committed by children in case there is no juvenile tribunal shall be under the jurisdiction of the people's provincial or city court;

3. For criminal cases involving many offenders, some of whom the laws have prescribed the punishment of deprivation of liberty of three years and above, such cases shall be under the jurisdiction of the people's provincial or city court.

Article 162 (new). Geographic Jurisdiction of the Courts

The geographic jurisdiction of the courts in deciding the criminal cases of the people's court and military court is as follows:

1. The court at the place where the offence is committed, except in necessary case in order to ensure the safety and justice, the president of the people's supreme court has the right to decide on allowing the court in other place to make the decision on the case;
2. For the offences that one person has committed in many places or many provinces, the provisions in Article 97 of this Law shall be applied;
3. In case the offence is committed in an airplane, boat, ship, passenger or freight, of Lao PDR which are providing services inside the country or abroad, the court where the airplane, boat, ship has first landed at the airport or first stopped at the port of Lao PDR shall be the court which has the jurisdiction.
4. For a Lao citizen who has committed an offence in a foreign country and is brought for prosecution in Lao PDR, the people's provincial or city court of the latest residence of such person in Lao PDR shall have the jurisdiction. In case the latest residence in Lao PDR of such person is not known, the president of the people's supreme court shall decide on allowing a court to have the jurisdiction.

Article 163 (new). Sentence on Jurisdiction of the Court

In case there is the dispute in the sentence on the jurisdiction of the court, it is required to perform as follows:

1. The sentence on the jurisdiction of the people's zonal courts in the same province, city shall be taken by the president of the people's provincial or city court;
2. The sentence on the jurisdiction of the people's zonal courts in different provinces shall be taken by the president of the people's regional court;
3. The sentence on the jurisdiction of the people's provincial or city courts among themselves shall be taken by the president of the people's supreme court;
4. The sentence on the jurisdiction of the people's courts and the military court shall be taken by the president of the people's supreme court.

Section 2

Acceptance of a Case for Consideration

Article 164 (improved). Acceptance of a Case for Consideration

A court shall accept a criminal case file for consideration only when there is an order of prosecution to the court from the chief of office of prosecutor.

Article 165 (improved). Time Period for Considering a Case at the Court of First Instance

The people's zonal court, the people's provincial or city court of first instance and the military regional court shall consider and decide on the case within thirty days from the date of receipt of the order of prosecution from the chief of office of prosecutor.

For the cases which are directly prosecuted, the consideration and decision shall be made within forty-eight hours from the time of receipt of an order of direct prosecution from the chief of office of prosecutor. The decision of court in this case may be subjected to an appeal, but there is no right for requesting for cassation.

Article 166 (improved). Court Measures

In court proceedings, the court has the right to use investigation-interrogation methods and preventive measures as provided in this Law.

In case there is the use, change or nullification of preventive measures, the court shall immediately notify the office of prosecutor of the same level, the defendant, the civil plaintiff, the lawyers, other protectors or the place of remand of the defendant.

Article 167 (improved). Examination of the Case by the Court

After the court has received the case file from the office of prosecutor, the president of the court shall assign one judge to examine the correctness and completeness of the case proceedings of the investigation-interrogation organization, the office of prosecutor and the order of prosecution of the chief of office of prosecutor and then to submit the case file to the president of the court for making the consideration and decision according to the cases as follows:

1. Send the case file back to the office of prosecutor for conducting additional investigation-interrogation if it is deemed that the investigation-interrogation is incomplete;
2. Send the case file back to the office of prosecutor to issue an additional prosecution order if it is deemed that there are other offences or other individuals that are not yet covered by the prosecution order;
3. Decide on the date, time for the court hearing if it is deemed that the investigation-interrogation has been conducted correctly and completely.

After the president of the court issues a decision as mentioned above, it is required to notify to the defendant and other participants in the case proceedings within three days from the date of the issuance of such decision.

Article 168 (new). Sending the Case File Back for Additional Investigation-Interrogation

The president of the court shall issue an order to send the case file to the office of prosecutor for conducting additional investigation-interrogation or additional prosecution according to the cases as follows:

1. Lack of important evidence;
2. Have the basis leading to the belief that the defendant still has other offences or there are other offenders in the same case who are not yet prosecuted.

The additional investigation-interrogation requires to prepare the issues and to clearly indicate the issues that need to be investigated-interrogated.

In the additional investigation-interrogation, if there are the causes which lead to the dismissal of the case as provided in Article 148 of this Law, the chief of office of prosecutor shall issue an order to dismiss the case and then to notify the court for information.

If the office of prosecutor is unable to collect additional information as request by the court and still confirms its prosecution order, the court shall then take the case for consideration at the court session.

Article 169 (new). Content of an Order to Take the Case for Consideration

After the judge has completed the examination of the case file, the president of the court shall issue an order to take the case for consideration at the court session.

The main contents of the order are as follows:

1. Name and surname, age, nationality, occupation and address of the defendant;
2. Accusations and the articles of the Penal Law or of other laws that prescribe the criminal punishment according to the prosecution order;
3. Date, time and venue of the court session.

Article 170 (new). Summons of Individuals or Organizations for Giving the Testimony

In order to enable the trial of the case to proceed in a comprehensive, thorough and objective manner, the court shall summon the concerned individuals or organizations to make appearance for giving the testimony or bringing evidence for presenting to the court session as provided in Article 113 of this Law.

Section 3

General Regulations on Case Proceedings in the Court Session

Article 171 (new). Judicial Tribunal of First Instance

The judicial tribunal of first instance is comprised of three judges, one of them is the president and the other two are members.

The judge who is president of the judicial tribunal has the duty of leading the trial of the case in an impartial manner in the court session.

The judges who are members of the judicial tribunal must participate in the trial of the case in the court session from the commencement till the completion.

In the case where the trial of the case in the court session has already proceeded for some time, but there is a judge in the judicial tribunal who is unable to continue to participate in the court session, the president of the court must appoint a new judge for replacement, and the trial of the case must be recommenced.

Article 172 (New). Court Session Regulations

Before starting the court session, the court clerk must notify the regulations to the participants in the court session.

All persons in the court session must respect the judicial tribunal, follow the regulations and instructions of the president of the judicial tribunal.

When the judicial tribunal members entering and leaving the court session and the time of reading the decision, all persons must stand up to respect the court.

Individuals who are summoned to participate in the trial of the case in the court session shall have the right to present their opinion to the judicial tribunal after receiving the authorization from the president of the judicial tribunal. If the person subject to the trial has health problem, the president of the judicial tribunal can authorize him to give the testimony by sitting down.

Children aged below eighteen years shall not allowed to enter the court session, except for the children who commit offence and children who are victims.

Detailed regulations relating to the court session are determined separately.

Article 173 (new). Measures Against Persons Breaching the Court Session Regulations

Individuals who breach regulations of the court session shall be subjected to a warning, an order to leave or to take out from the court session or to prosecute on the spot, in necessary case.

The security officer at the court session must maintain order and execute order of the president of the judicial tribunal toward the offender.

Article 174 (new). Participation of the Chief of Office of Prosecutor

The chief of office of prosecutor shall participate in the trial of case in the court session of the court of the same level or may assign a public prosecutor to participate in the court session in his place.

Article 175 (new). Participation of the Defendant

The defendant must participate in the trial of the case in the court session according to the summons of the court.

In case the defendant who is not detained does not participate in the trial of the case without reason, he shall be brought to participate as provided in Article 137 of this Law.

If the defendant is unable to participate in the court session due to sufficient reasons, the court shall postpone the court session.

If the defendant becomes ill in a suddenly manner in the court session, the judicial tribunal shall adjourn the trial until the defendant is recovered and becomes normal.

If the defendant has fled, the judicial tribunal must issue an order to arrest him for bringing to case proceedings.

The defendant who is remanded shall, at the time of participating in the court session, have the right to meet with his lawyer or other protector only. He may contact with other persons only upon receiving the authorization from the president of the judicial tribunal.

The defendant who is not remanded must participate in the court session from the commencement till the completion.

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

The injured party, the civil plaintiff and the civil liable person shall participate in the court session according to the summons of the court.

In the case where the injured party, the civil plaintiff or the civil liable person has not participated in the court session, the judicial tribunal shall, depending on the case, consider whether to postpone or to conduct the trial of the case in the court session.

Article 177 (new). Participation of the Witness

The witness must participate in the court session for giving the clarification on the circumstances of the case.

If the witness does not participate in the trial of the case without reason, he shall be brought to the court session as provided in Article 137 of this Law.

If the witness is unable to participate, but had already given the details relating to the case to the investigator-interrogator or to the public prosecutor, the court shall take the record of the testimony of such person to read out in the court session. In case the court considers that the issue being raised is important and necessary, the judicial tribunal shall postpone the trial of the case.

Article 178 (new). Participation of the Lawyer or Other Protector

The lawyer or other protector of the defendant has the obligation to participate in the case proceedings in the court session and shall send their statement in writing to the court before the opening date of the court session.

In the case where the accused persons or the defendants are children aged less than eighteen years, deaf person, blind person, mute person, imbecile and offenders that the laws prescribe death penalty, it is necessary to have the participation of the lawyers or other protectors.

In case the lawyer or other protector does not participate in the court session, the court shall open the court session for conducting the trial of the case in accordance with the regulations, except the lawyer or other protector of the defendant has the reasons for which the court shall postpone the trial.

Article 179 (new). Participation of the Expert or Specialist

The expert or specialist shall participate in the court session for giving the opinion and explanations.

If the expert or specialist is unable to participate, the judicial tribunal shall consider whether to postpone or to conduct the trial of the case based on the importance and necessity of the participation of such expert or specialist.

Article 180 (new). Participation of the Translator

The translator shall participate in the court session to perform the translation of language.

If the translator is unable to participate, the judicial tribunal must postpone the court session.

Article 181 (improved). Suspension and Postponement of Trial of the Case in the Court Session

The suspension of the trial of the case in the court session is a cease of the court session temporarily because there is an incidence which obstructs the trial of the case, particularly the defendant becomes ill suddenly or losses the capacity to act.

The postponement of the trial of the case is the decision to take the case for conducting the trial in another day due to the necessity to demand for new evidence or any participant in the case who is important for the consideration of the case does not participate in the court session or due to force majeure or contingencies.

Article 182 (new). Time Period of the Postponement of the Court Session

The judicial tribunal has the right to decide on the time period of the postponement of the court session, but the maximum time period of each postponement shall not exceed seven days from the date of the decision on the postponement.

Article 183 (new). Scope for Consideration and Decision on the Case

The court shall mainly take the order of prosecution of the chief of office of prosecutor and the requests of the litigants for consideration based on the information and evidence and the results of the trial in the court session. The court shall consider all proposals in the order of prosecution and all requests in accordance with the laws. Issues which are not presented by the office of prosecutor or the litigants shall not be taken for consideration by the court.

Article 184 (new). Record of the Court Session

The record of the court session shall have the contents as follows:

1. Name and motto of the country;
2. Day, time and venue of the court session;
3. Number and date-month-year of the case;
4. Name and surname of the judicial tribunal members;
5. Name and surname of the chief or the representative of the office of prosecutor and of the court clerk;
6. Name and surname of the defendant, the injured party, the civil plaintiff, the civil liable person, the lawyer or other protector;

7. Accusations; date-month-year of detention or arrest, remand; place of remand; date-month-year of temporary release;
8. Notification of rights and obligations to the participants;
9. Questions and answers of the participants; if there is filming or sound recording, it shall be clearly indicated in the record;
10. Decision of the court;
11. Notification on the right to appeal or objection request against the decision;
12. Time of the closing of the court session.

The chief or the representative of the office of prosecutor, the defendant, the injured party, the civil plaintiff, the civil liable person, the lawyer or other protector shall have the right to read the record of the court session and the right to make proposal for improvement or addition before signing and/or affixing their thumbprints.

In case a person does not sign and or affix his thumbprints, the court clerk shall note it in the record.

The president and members of the judicial tribunal must check the court session book and then sign the record of the court session jointly with the court clerk.

A copy of the record of court session is made for keeping in the relevant case file.

Section 4 **Opening of the Court Session**

Article 185 (new). Procedure for Opening the Court Session

The opening of the court session shall be performed according to the procedure as follows:

1. The court clerk notifies the court session regulations to the session of the court;
2. The court clerk reports on the participants in the court session before the judges enter the court session;
3. The court clerk takes the case file and hand-over to the judges for conducting the trial;
4. The president of the judicial tribunal gives an opening speech to open the court session and read an order to take the case for considering in the court session;
5. The president of the judicial tribunal asks the defendant concerning the acknowledgement of the accusation.

Article 186 (new). Notifying on Case Taken for Consideration

After the defendant acknowledges the accusations according to the order of prosecution of the chief of office of prosecutor and the order of the president of the court, the president of the judicial tribunal shall notify the case which is taken for consideration to the litigants and other participants in the case proceedings.

Article 187 (new). Notifying on Name of the Judges, Court Clerks and Chief of Office of Prosecutor

The president of the judicial tribunal shall notify the name and surname of the judges, the court clerk, the chief of office of prosecutor to the participants of the court session in successive order as follows: president of the judicial tribunal, the judges, the court clerk and the chief of office of prosecutor or representative of the chief of office of prosecutor.

Article 188 (new). Right of Recusal

The president of the judicial tribunal shall notify the right of recusal of the judicial tribunal or any individual in the judicial tribunal, the court clerk, the chief of office of prosecutor or the representative of the chief of office of prosecutor, the expert, the specialist or the translator to the litigants and shall ask the opinion of the litigants.

The litigants shall have the right to request for recusal of the judicial tribunal, any individual as mentioned in paragraph 1 above if it is found that such individual is the relative, has the interest or dispute with any party of the litigants. In such case, the president of the judicial tribunal shall temporarily close the court session for considering and deciding on this issue at a closed-door session.

Article 189 (new). Outcome of the Consideration on Recusal

After considering the recusal in a closed-door session, the judges will come out to the court session accordingly to the regulation prescribed in Article 172 of this Law.

If the request for recusal has the justification, the individual subject to the recusal shall be replaced. If the request for recusal has no justification, the president of the judicial tribunal shall confirm the judges and inform about the reasons for not changing the judges or other individuals who are subjected to the recusal and then continue to conduct the trial.

Article 190 (new). Explanation on Rights and Obligations of the Expert, Specialist and Translator

In the case where the expert, specialist and translator participate in the court session, the president of the judicial tribunal shall notify the name and surname, occupation and responsibilities and explain the rights and obligations of such persons as provided in Articles 72, 73 and 74 of this Law.

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

After asking the name and surname, age, occupation and address of each witness, the president of the judicial tribunal shall explain their rights and obligations as provided in Article 70 of this Law.

**Section 5
Trial of Case in the Court Session**

Article 192 (improved). Regulations on Trial of Case in the Court Session of First Instance

The trial of a case in the session of the court of first instance shall be conducted directly, verbally, openly or confidentially in some cases, with arguments, continually and without changing the judges.

In the trial of a case in the session of the court of first instance, the court shall directly determine the facts of the case by questioning and listening the testimony of the defendant, injured party, civil plaintiff, civil liable person, witnesses, expert or specialist; the proof of evidence; and listening the statement of the chief of office of prosecutor and the statement of the lawyer or other protector.

The presiding judge has the right to lead the trial of the case in an impartial manner in the court session.

The presiding judge asks about the biography of the defendant, notifies the prosecution order of the chief of office of prosecutor and the accusations to the defendant.

The judges shall listen the testimony of the injured party or civil plaintiff, defendant, civil liable person, attorney, witnesses and other participants in the case proceedings.

During the trial of the case, the chief of office of prosecutor, the judges have the right to put additional questions to the litigants and other participants in the case proceedings upon receiving the authorization of the presiding judge. The judges shall bring exhibits and evidence in the case for presenting to the court session and then open the debate.

If there is a change in the judicial tribunal, the trial of the case shall be conducted again.

Article 193 (new). Reading Out an Order to Prosecute the Accused Person

Before conducting the trial of a case, the presiding judge shall request the chief of office of prosecutor who is present to read out the order to prosecute the accused person.

Article 194 (new). Case Trial Methods

In the trial of a case, the judges must seek the evidence for determining the circumstances fully, each fact of the offence in the case in accordance with the process of the trial of the case.

In the trial of each individual, the presiding judge shall be the first to put the question; then the judges shall put the question and, after that, the chief of office of prosecutor, the lawyer or other protector shall put the question. The judges, the chief of office of prosecutor, the lawyer or other protector are required to have the authorization of the presiding judge before questioning the participants.

The participants in the trial of case in the court session shall have the right to make the request to the presiding judge to raise the question relating to the circumstances in order to clarify the facts of the case.

The expert or specialist may question the participants on the issues which relate to their opinion.

Article 195 (improved). Trial of the Accused Person

The presiding judge shall commence the trial of the case with questioning the defendant regarding his biography, the acknowledgement of the prosecution order and accusations, the circumstances of the case. After that, the president of the judicial tribunal shall continue the trial on the issues which are not yet clear, complete and other issues.

In the case where there many defendants, the judges shall conduct the trial one by one.

If the testimonies of the defendants are likely to affect each other, the judges shall separate the trial of the defendants. In this case, it is required to notify the testimony of the previous defendant to the separated defendant who shall have to right to raise question to the previous defendant.

The chief of office of prosecutor has the right to question on the circumstances of the case which relate to the accusations against the defendant.

The lawyer or other protector shall have the right to question and raise issues on the circumstances relating to the protection of rights and interests of his client.

The participants to the trial of the case shall have the right to request the presiding judge to continue to question on the circumstances that relate to themselves.

In case the defendant refuses to answer question, the judges shall continue to question other persons and verify the information and evidence relating to the case.

Article 196 (new). Trial of the Injured Party, Civil Plaintiff, Civil Liable Person, Lawyer Or Other Protector

After completing the trial of the defendant, the judges shall conduct the trial of the injured party, the civil plaintiff, the civil liable person, their lawyer or other protector. In case there are issues which are not complete, clear or there are some points of their testimony differ from each other, the judges shall continue the trial.

Article 197 (new). Trial of the Witnesses

The judges shall conduct the trial of the witness one by one in case there are many witnesses by separating them from each other and they shall not be informed of the content of the testimony of another witness who is in the process of the trial.

In the trial of the witness, the judges shall question in order to know the relations between the witness and the defendant or other persons relating to the case.

The judges request the witnesses to clearly talk about the circumstances of the case that they have known, have seen; and shall continue to question on issues which are not yet complete or not yet clear.

The witness who is already questioned in the court session shall remain in the court room in order to facilitate additional questioning.

In necessary case, in order to ensure the safety for the witnesses or their close relatives, the judges shall use necessary protection measures as provided in the laws.

Article 198 (new). Giving the Opinion by Expert or Specialist

The expert or specialist shall participate in the court session according to the invitation of the court for giving their opinion to the court concerning the issues for which they are appointed to prove.

In the court session, the expert or specialist has the right to give additional explanations on their summary report.

In case the expert or specialist is unable to participate in the session of the court, the presiding judge shall notify the content of the summary report of the expert or specialist to the court session.

The chief of office of prosecutor, the lawyer or other protector of the defendant and other participants in the court session shall have the right to give their view relating to the summary report of the expert or specialist and shall question on issues which are not clear or are not consistent with the summary report.

In necessary case, the judges can request the expert or specialist to conduct additional proof or to re-conduct the proof.

Article 199 (new). Presentation of Evidence

The chief of office of prosecutor, the defendant, the lawyer or other participants present their view relating to the physical evidence.

The physical evidence, photographs, images or sound recording or records shall be brought for showing or presenting in the court session.

Evidence which is brought for showing or presenting to the court session shall be verified by the judges for its correctness, consistence and relationship with the case.

Article 200 (new). Ending of the Trial

When it is deemed that all circumstances of the case have been fully brought for trial in the court session, the presiding judge shall ask the participants in the court session if there is an additional evidence that they wish to present or additional issue that they wish to conduct the trial. If there is the request or the questioning which is reasonable, the judges shall continue to conduct the trial until all issues are clear and complete.

If there is no request or no questioning, it shall be deemed that the trial is ended.

**Section 6
Debates in the Court Session**

Article 201 (new). Rules Regarding the Debates

After the ending of the trial in the court session, the presiding judge shall open the debate.

The debate commences with the explanations of the chief of office of prosecutor on the binding evidence and the penal liabilities of the defendant.

The defendant shall give the view to protect himself even there is the lawyer or other protector.

The civil plaintiff, the civil liable person and other persons shall also have the right to present their view to protect their rights and interest. In case these persons have their lawyer or other protector, then such lawyer or other protector shall be the protector of their rights and interest.

Article 202 (new). Debates

The defendant, the lawyer or other protector give their views on the accusations, then the presiding judge requests the chief of office of prosecutor to give the clarifications on their views.

The presiding judge shall give time for debate and create conditions to enable participants to present their views, but they shall not be allowed to give views which are not related to the case.

The civil plaintiff and the civil liable person have the right to present on civil issues.

If the participants in the debate have no more opinion or request, the presiding judge shall declare the closing of the debate, except in the case as prescribed in paragraph 2 of Article 203 of this Law.

After that, the presiding judge shall request the chief of office of prosecutor to make a statement.

Article 203 (new). Final Views of the Defendant

After the chief of office of prosecutor has made the statement, the presiding judge shall allow the defendant to be the last person to give the views.

In case the final views of the defendant have new circumstance which is important to the case and is reliable, the presiding judge must conduct additional trial or debate. When there is no more circumstance, the presiding judge shall declare temporary recess of the court session for taking the case to consider at a closed-door session.

Section 7 Consideration of a Case at a Closed-Door Session and Pronouncement of Decision

Article 204 (improved). Consideration of a Case at a Closed-Door Session

In considering the case at closed-door session, the judges shall perform in a detailed, comprehensive, thorough and objective manner based mainly on the results of the trial in the court session in order to ensure correct and fair decision.

The final consideration made during a closed-door session must be reached based on the majority of votes by allowing the junior judges to express their opinion and vote

first, and the presiding judge shall be the last person to express the opinion and vote. The dissenting judge has the right to express his opinion in writing which is to be kept in the case file for the consideration of the court at a higher level.

The judges shall sign on the draft of decision at the closed-door session.

Article 205 (new). Decision

The court issues a decision on criminal case on behalf of the Lao People's Democratic Republic.

The decision on criminal case is comprised of:

1. Introduction part;
2. Case content part;
3. Adjudication part;
4. Decision part.

The decision of the court is determined in a specific regulation.

Article 206 (improved). Pronouncement of the Decision

After having considered the case at the closed-door session, the presiding judge must take the decision to read out in an open court session and to notify the right to appeal the decision of the court.

After reading out the decision, if the defendant does not know Lao language, the translator shall translate the decision to the defendant in full.

Article 207 (improved). Decision in Presence, Deemed in Presence and Decision by Default

Decision in presence is the decision of the court that the plaintiff and the defendant participate in the consideration of the case, except for the consideration and judgment of a case in the court at cassation level.

Decision which is deemed in presence is the decision of the court that the plaintiff and the defendant have received the summons for participating in the court session, but have not come to participate without reason or in the case of minor offence that the defendant or civil plaintiff request the court to consider and decide on the case without their presence. In this case, these persons shall have no right to make an objection request against the decision of the court, but they only have the right to appeal.

Decision by default is the decision of the court that the defendant, civil plaintiff, injured party or civil liable person have not participated in the court session; the court has already sent the summons, but they have not received them due to certain causes, such as: the summons did not reach their hand. In such case, the defendant, the civil plaintiff, the injured party or the civil liable person shall have the right to request for objection within twenty days from the date of being informed about the decision. The same judicial tribunal shall reconsider this case in the presence of these persons and in accordance with the regulations on consideration of case in the court of first instance.

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

The types of decision of the court of first instance are as follows:

1. Decision on punishment:
 - Deprivation of liberty, fine, possible seizure of assets or material items and other penalties as prescribed in the Penal Law;
 - Suspension of penalty, wholly or partly.
2. Decision on release from accusation:

In the case when the defendant is subjected to the decision on punishment as provided in paragraph 1 of this Article and has caused damages, if there is a request, the judges shall make the consideration on the compensation for such damages and may make a sentence on temporary execution as provided in the Law on Civil Procedure.

In the case where there is no appeal or objection request against the decision of the court of first instance, such decision shall be deemed as final decision to which the application for appeal or for cassation cannot be made. The court shall send such decision together with the case file to the organization in charge of the enforcement of court decisions for enforcement as provided in Part XI of this Law.

Article 209 (new). Release of the Defendant

In the court session, the judicial tribunal of first instance shall pronounce the decision and shall then release the detained defendant immediately in the following cases:

1. The defendant is subject to be released from accusations;
2. The defendant is subject to the reformation penalty without deprivation of liberty;
3. The defendant is subject to the suspension of penalty;
4. The defendant is subject to the penalty of deprivation of liberty which is equal to the period that he has been remanded.

Article 210 (new). Printing and Handing-Over of Court Decision

The court must print and hand-over the decision of the court to the defendant, the office of prosecutor, the investigation-interrogation organization of the same level, the lawyer or other protector of the defendant within ten days from the date of pronouncement of the decision of the court.

In the case where a decision is made by default of the defendant, the court decision shall be sent to the village administration where the latest residence of the defendant is located for informing him.

The injured party, civil plaintiff, civil liable person, other persons who have the right and interest related to the case or their representatives shall have the right to request the court to provide them with the copy the court decision.

Part IX

Case Proceedings in the Courts at Appeal Level

Article 211 (new). Courts with Jurisdiction of Judgment of Cases at Appeal Level

The courts which have the jurisdiction of judgment of cases at appeal level are as follows:

1. The people's provincial or city court has the jurisdiction of judgment at appeal level of the criminal cases that the people's zonal court has made the decision at first instance for which there is an application for appeal or an objection request;
2. The people's regional court, the military high court have the jurisdiction of judgment at appeal level of the criminal cases that the people's provincial or city court, the military regional court have made the decision at first instance for which there is an application for appeal or an objection request.

Article 212. Right to Appeal

The defendant, the lawyer or other protector of the defendant shall have the right to apply for appeal against the decision of the court.

The civil plaintiff, the civil liable person, the lawyer or other protector shall have the right to apply for appeal against the decision of the court relating to civil issues only.

The application for appeal against the decision of the court shall be submitted to the court which makes the decision at first instance.

Article 213 (improved). Objection Request of the Office of Prosecutor

The objection request of the office of prosecutor against the decision of the court which is deemed to lack strong reasons or to be inconsistent with the laws shall be the right of the office of prosecutor of the same level with the court, and of the office of prosecutor of the next higher level.

Article 214 (improved). Application for Appeal and Request for Objection Against the Decision of the Court

The court of appeal level will accept a case for consideration only when there is an application for appeal or a request for objection.

The right to apply for appeal or to request for objection against the order, sentence of the court of first instance shall be exercised within seven days from the date of being informed. For the decision of the court of first instance, the time period for applying for appeal or objection is twenty days from the date of pronouncement or from the date of being informed about the decision.

In case there is a subscription of appeal or subscription of objection against the decision of the court, it is required to submit the application for appeal or request for objection within twenty days from the date of subscription of appeal or subscription of objection.

Article 215 (improved). Regulations on Application for Appeal or Request for Objection Against the Decision of the Court

In the case where there is an application for appeal or request for objection against the order, sentence and/or decision of the court, the application for appeal or the request for objection shall be submitted to the court of appeal level through the court which has made the decision on the case at first instance. The court of first instance must give the instruction to the applicant of appeal on the time limit for appeal, the writing of application for appeal, the appeal fees and other rights of such person. The court of first instance shall receive the application for appeal or the objection request of the chief of office of prosecutor even if the time period for applying for the appeal or requesting objection is expired. After the ending of the time period for applying for appeal or requesting for objection, within three days, the court of first instance must send the application for appeal or the request for objection together with the case file to the court of appeal level.

Regarding the subscription for appeal or objection request , it shall be performed in the same manner as the application for appeal or objection request as prescribed in paragraph 1 of this Article.

In the event that the court of first instance does not accept or delays the acceptance of the application for appeal or request for objection against the decision of the court, the applicant for appeal or the person requesting for objection shall have the right to directly apply for appeal or request for objection to the court of appeal level.

When the court of first instance has received the application for appeal or the request for objection, but has delayed, beyond the time limit, the sending of case file to the court of appeal level, the applicant of appeal or the person requesting for objection shall have the right to request the court of appeal level to demand such case file for making the consideration.

In case there is the application for appeal or request for objection against the decision of the court of first instance, it is required to notify the application for appeal or request for objection to another party of the litigants in order to allow him to respond to the appeal or objection request. If the defendant is remanded, he shall be notified through the jail officer.

Before considering the judgment of a case in the court of appeal level, the applicant for appeal or the person requesting for objection shall have the right to give additional explanations on his application for appeal or request for objection, give the opinion regarding the response to the appeal of another party or to the request for objection of the chief of office of prosecutor.

Article 216 (improved). Time Period for Consideration of a Case of the Court of Appeal Level

The court of appeal level shall consider and adjudicate the case within forty five days from the date of receipt of the case file.

Article 217 (improved). Right to Add, Change and Withdraw the Application for Appeal Or Request for Objection

Before making consideration of a case at the court of appeal level, the persons concerned with the case and the chief of office of prosecutor shall have the right to request for adding, changing or withdrawing their application for appeal or request for objection.

In the event that the application for appeal or the request for objection is withdrawn, the persons concerned with the case or the chief of office of prosecutor will not have the right to apply for appeal or request for objection again.

In the event that the application for appeal or the request for objection is withdrawn in full, the court at appeal level shall cease the case proceedings, and the decision of the court of first instance shall become the final decision from the date the court of appeal level issues a sentence to cease the case proceedings. If the application for appeal or the request for objection is withdrawn partly, the court of appeal level shall only consider the part which is not withdrawn.

Article 218 (improved). Presentation and Consideration of Additional Evidence at the Court of Appeal Level

Before opening the court session or during the trial of a case in the court session, the persons prescribed in Article 217 of this Law shall have the right to present new evidence before the chief of office of prosecutor makes the statement in the court session.

The evidence previously presented and the evidence which is additionally presented shall be taken for consideration in the court session. The judgment of the court of appeal level shall be based on both the evidence previous presented and new evidence which are the basis for the consideration and adjudication of the case.

Article 219 (improved). Regulations on Consideration of a Case at the Court of Appeal Level

The consideration of a case at the court of appeal level shall be performed in the same manner as the consideration of a case at the court of first instance as prescribed in Articles 167, 170 to 207 of this Law.

After the presiding judge has given the speech to open the court session and the judge in charge of the case has reported, the presiding judge shall allow the applicant for appeal or the chief of office of prosecutor of appeal level to present the reasons relating to their application for appeal or request for objection.

In case there is the presentation of new evidence, the court shall notify the chief of office of prosecutor of appeal level and the participants in the court session. After that, the defendant, injured party, civil plaintiff, lawyer or other protector shall be allowed to give the explanations to the court. Regarding the regulations on the trial, debate and consideration and decision at closed-door session, they shall be performed in the same manner as in the court of first instance.

Article 220 (improved). Scope of Rights in Considering a Case of the Court of Appeal Level

In consideration of a criminal case, the court of appeal level shall review the decision in respect of the compliance with the laws and the reasons of the decision based mainly on the results of the trial of the case in the court session or on new additional evidence. The court of appeal level not only considers the matters of appeal or objection, but it has to review the whole case proceedings that relate to all defendants in the same case, even though some defendants do not appeal or the chief of office prosecutor does not make the request for objection.

In consideration of the case, the court of appeal level has the right to make the judgment to reduce the penalty for the defendant, but has no right to further increase the penalty for the defendant, except when there is an objection request of the chief of office of prosecutor only.

Article 221 (new). Judgment of the Court of Appeal Level

The court of appeal level makes the judgment on behalf of the Lao People's Democratic Republic.

The judgment of the court of appeal level is comprised of:

1. Introduction part;
2. Case contents part;
3. Case form part;
4. Adjudication part;
5. Judgment part.

The judgment of the court of appeal level is determined in a specific regulation.

Article 222 (improved). Types of Judgments of the Court of Appeal Level

The types of judgments of the court of appeal level are as follows:

1. To confirm the decision of the court of first instance in its entirety;
2. To amend the decision of the court of first instance partly or entirely; make additional judgment to increase or reduce the penalty for the offence that the court of first instance imposed;
3. To nullify the decision and send the case to a new judicial tribunal at the court of first instance in order to consider the case or send the case back to the original judicial tribunal if such judicial tribunal has not yet considered certain requests;
4. To nullify the decision of the court of first instance and make the judgment to release the defendant from the accusations.

The judgment of the court of appeal level is the final judgment in the aspect of the contents of the case.

The court of appeal level which has made the judgment shall complete the printing of the judgment within ten days from the date of the judgment.

In case there is no application for cassation or request for objection against the judgment of the court of appeal level, such judgment shall be deemed as final judgment. The court must send such judgment together with the case file to the court decisions enforcement organization.

In the case where the court of appeal level has made the judgment as stipulated in Clause 3 of this Article, the defendant, civil plaintiff, civil liable person, lawyer or other protector and the chief of office of prosecutor shall not be authorized to apply for cassation or request for objection.

Article 223. Reasons Leading to Nullification or Amendment of a Decision

The reasons leading to the nullification or amendment of a decision of the court of first instance are as follows:

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

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

In the case where the court of appeal level has sent a case back to the court of first instance for re-consideration, the consideration of such case shall be performed in accordance with the general regulations on case proceedings.

In the re-consideration of the case, the court of first instance can increase the penalty only when the re-investigation-interrogation of the case reveals the facts that prove that the defendant has committed another offence, and there is an additional prosecution order from the chief of office of prosecutor.

Part X

Case Proceedings in the Courts of Cassation Level

Article 225 (new). Courts Having the Jurisdiction to Make Judgment of a Case at Cassation Level

The courts which have the jurisdiction to make the judgment of the cases at cassation level are as follows:

1. The people's regional court has the jurisdiction to make the judgment at cassation level for the cases that the people's provincial or city court has made the judgment at appeal level;
2. The people's supreme court has the jurisdiction to make the judgment at cassation level for the cases that the people's regional court, the military high court have made the judgment at appeal level.

Article 226 (improved). Request for Cassation or Objection to Judgment

The defendant, civil plaintiff, civil liable person, attorney or other protector or the chief of prosecutor office has the right to request for cassation or objection to an order, sentence and judgment at appeal level to the court of cassation level in order to review the conformity with the laws.

The court of cassation level may accept the order, sentence and judgment of the court of appeal level for consideration only when there is the request for cassation by the defendant, civil plaintiff, civil liable person, attorney or other protector or there is the objection request of the chief of prosecutor office.

The defendant, civil plaintiff, civil liable person, attorney or other protector or the chief of prosecutor office has the right to request for cassation or objection to the order, sentence of the court of appeal level within seven days from the date of being informed of such order, sentence. For the judgment of the court of appeal level, the request for cassation or objection shall be made within fifteen days from the date such judgment was read out or the date of being informed of such judgment.

In case of subscription of the request for cassation or objection, it is required to submit the application for cassation or objection request within forty five days from the date of subscription.

Article 227 (improved). Regulations on Request for Cassation

In the case where there is an application for cassation or request for objection against an order, sentence and judgment of the court, the applicant for cassation or objection shall submit their application for cassation or request for cassation to the court of cassation level through the court of appeal level which has made the judgment of such case. The court of appeal level shall give the instruction on the time period, how to write the application, fees and their other rights in the request for cassation. The court of appeal level shall accept the application for cassation or the request for objection even if the timeframe has expired. After the ending of the time period for applying for cassation or objection, within three days, the court of appeal level must send the application for cassation or request for objection together with the case file to the court of cassation level.

For the subscription for application for cassation or request for objection, it shall be performed in the same manner as the application for cassation or request for objection as stipulated in paragraph one of this Article.

In the event that the court of appeal level does not accept or delays to accept the application for cassation or request for objection against the judgment of the court, the applicant for cassation or objection has the right to directly submit the request for cassation or objection to the court of cassation level.

Once the timeframe for the request has ended, if the court of appeal level which has received the application for cassation or request for objection delays, beyond the time limit, the submission of the case file to the court of cassation level, the applicant for

cassation or objection has the right to request the court of cassation level to demand such case file for consideration.

In the case where there is an application for cassation or a request for objection against the judgment, the court of appeal level must inform about such application for cassation or request for objection to another party in order to allow it to prepare the response to the application for cassation or request for objection. If the defendant is in jail, he should be informed through the jail officer.

Before making consideration and adjudication of the case at the court of cassation level, the applicant for cassation or objection has the right to submit a written explanation to provide additional reasons for his application for cassation or request for objection, to make comment on the response to the application for cassation of another party or the objection request of the chief of office of prosecutor.

Article 228 (new). Time Period of Consideration of the Court of Cassation Level

The court of cassation level must consider and make a judgment of the case within thirty days from the date of receipt of the case file.

Article 229 (improved). Consideration of Application for Cassation or Request for Objection

The court of cassation level considers the application for cassation or request for objection in the court session with the presence of the chief of office of prosecutor who shall make a statement.

If necessary, the court of cassation level may summon the person subjected to court decision or other concerned person to participate in the court session.

After opening the court session, the presiding judge or member of the judicial tribunal who is responsible for the case shall report on the status of the case, the relevant order, sentence or judgment, contents of the application for cassation or request for objection together with his comments on the case. After that, the other members of the judicial tribunal, the chief of office of prosecutor have the right to question the responsible to report the case, and other persons concerned in the case shall have the right to request and provide their comment on the case during the court session.

After the chief of office of prosecutor has made his statement, the presiding judge of the judicial tribunal shall declare a temporary recess of the court session in order to make consideration and judgment in at closed-door session. Finally, he will bring the judgment to read out in the court session.

Article 230 (new). Judgments of the Court of Cassation Level

The court of cassation level makes the judgment on the case on behalf of the Lao People's Democratic Republic.

The judgment is comprised of:

1. Introduction part;
2. Case contents part;

3. Case form part;
4. Adjudication part;
5. Decision part.

The judgment of the court of cassation level is determined in a specific regulation.

Article 231 (improved). Types of Judgment of the Court of Cassation Level

The types of the judgment of the court of cassation level are as follows:

1. Not accept the application for cassation or request for objection for consideration, if the defendant, civil plaintiff, civil liable person, lawyer or other protector or the chief of office of prosecutor do not comply with regulations on application for cassation or request for objection;
2. To terminate the application for cassation or request for objection, and confirm the order, sentence or judgment of the court of appeal level in its entirety;
3. To nullify the order, sentence or judgment of the court of appeal level entirely without sending the case back to the court of appeal level for consideration, and then allow the defendant to be released from accusation;
4. To nullify the order, sentence or judgment of the court of appeal level partially or in its entirety, and then send the case file to a new or previous judicial tribunal of the court of appeal level, in case the previous judicial tribunal has not yet considered certain requests or there is a breach of laws;

Article 232 (improved). Reasons Conducive to Nullification of Order, Sentence or Judgment of the Court of Appeal Level

The reasons conducive to the nullification of the order, sentence or judgment of the court of appeal level are the following cases:

1. The imposition of the penalty is not appropriate to the nature, degree of danger to the society of the offence and the personality of the offender;
2. There is a breach of regulations on criminal procedure or an incorrect use of the Penal Law.

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

In its consideration of the application for cassation and request for objection, the court of cassation level has the duty to consider only matters relating to legal aspects as presented in the application for cassation or the request for objection and will not again conduct the trial relating to the facts of the case.

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

If it is found that the court of appeal level has made the judgment to release the defendant from accusation incorrectly or if it is found that the imposition of the penalty to the convicted defendant is not consistent with the actual offence, the court of cassation level must nullify such judgment and then send the case file to a new judicial tribunal of the court of appeal level for re-consideration.

Article 234 (improved). Re-consideration of a Case by the Court of Appeal Level

After the court of cassation level has nullified the judgment and send a case back to the court of appeal level for making the judgment again, the consideration of such case shall be performed in accordance with the regulations provided in Article 219 of this Law.

In the event that the new judicial tribunal of the court of appeal level delivers a judgment which is not in conformity with the judgment of the court of cassation level, if the defendant does not apply for cassation, the chief of office of prosecutor shall have the right to request for objection, by duty, to the court of cassation level.

In the re-consideration of the case, if the court of cassation level makes the same judgment and send the case back to the court of appeal level for the second time, the new judicial tribunal of the court of appeal level must definitely comply with the judgment of the court of cassation level.

Part XI

Enforcement of Courts' Decisions

Section 1

General Regulations on Enforcement of Courts' Decision

Article 235 (improved). Courts' Decisions to be Taken for Enforcement

The decisions of the courts which are taken for enforcement are as follows:

1. Final orders, sentences and decisions of the courts of first instance;
2. Orders, sentences, decisions and judgments of the courts which are to be enforced temporarily;
3. Final orders, sentences and judgments of the court of appeal level;
4. Orders, sentences and judgments of the court of cassation level.

The decisions or judgments which shall be immediately enforced, even there is the application for appeal, for cassation or request for objection, are as follows:

1. Decision or judgment to effect the release of the defendant from accusation;
2. Decision or judgment to effect the suspension of penalty;
3. Decision or judgment on penalty of deprivation of liberty and that the penalty of deprivation of liberty imposed by the court is equal to the period that the defendant is previous remanded.

Article 236 (new). Procedures of Enforcement of Courts Decisions

Within seven days from the date of receipt of the final decision or judgment of the court, the presiding judge of the judicial tribunal which has considered the case at first instance shall issue an order to enforce the decision or judgment of the court or assign another court of the same level to issue an order to enforce the decision or judgment of the court.

An order to enforce the decision of the court shall indicate the name and surname, title and position of the person issuing the order, name of the organization in charge of enforcement of court decisions; name and surname, date of birth and address of the prisoner; the decision or judgment that the prisoner has to execute.

The copy of the order to enforce the decision and the copy of the court decision shall be sent to the organization in charge of enforcement of court decisions, the prisoner and the office of prosecutor of the same level as the organization in charge of enforcement of court decisions.

In the event that the prisoner is temporarily released, the order to enforce the decision must clearly indicate that the enforcement shall be performed within seven days from the date of receipt of the order and such prisoner shall present himself to the office of the prison-reformatory police in order to execute the court decision.

In case the prisoner who is temporarily released fails to present himself or has escaped after the court has decided to punish him, the court must issue an order to arrest the prisoner and send it to the investigation-interrogation organization of the same level for execution.

Article 237 (improved). Organizations in Charge of Enforcement of Court Decisions

The organizations in charge of the enforcement of the court decisions are as follows:

1. Prison of the Public Security Headquarter of the province, city and Department of Prison-Reformatory Police under the Ministry of Public Security shall enforce the court decisions relating to the penalty of deprivation of liberty;
2. Office of Enforcement of Military Court Decisions shall enforce the final orders, sentences, decisions and judgments of the military court;
3. Village administrative organization shall perform the duties of follow-up, education of individuals who are subjected to the penalties of house-arrest or penalty suspension;
4. Office of Enforcement of Court Decisions of the Department of Justice of the province, city and Unit of Enforcement of Court Decisions of the Office of Justice of the district, municipality shall take charge of the compensation for damages, fines, seizure of assets and reformatory penalty without deprivation of liberty in criminal cases.

Article 238 (improved). Release of Prisoner

When the prisoner has fully served the penalty of deprivation of liberty for the period of the court decision, the officer of the prison shall report to the chief of the public

security headquarter of the relevant locality or to the Director General of the Department of Prison-Reformatory Police regarding the release of the prisoner and shall also report to the chief of office of prosecutor for information. If such person is not yet released, the chief of office of prosecutor must issue an order to release immediately.

The conditional release of a prisoner before the term period shall be performed in accordance with the Penal Law.

The release of prisoner through the granting of pardon by the President of the State on the occasion of important days of the nation shall be performed in accordance with the legislation on granting of pardon.

The release of prisoner through the granting of amnesty shall be performed in accordance with the decision of the National Assembly.

The release of prisoner according to various cases mentioned above shall be immediately executed, even though the civil plaintiff will apply for appeal, for cassation or the prisoner has not yet paid the compensation for damage or the fines. For the compensation for damage or fine penalty, the office or unit of enforcement of court decisions shall be charged with the implementation.

Article 239 (improved). Methods of Implementation of the Release of Prisoner

The release of a prisoner shall be performed as follows:

1. After the prisoner has fully served the penalty accordingly to the court decision, has received the release before the term period, has been granted pardon of release or is released according to an order of the chief of office of prosecutor, the chief of the prison shall prepare and take the person to be released for educating and writing the pledge. At the time of release, it is required to invite the village administration and inform the family or relative of such person to participate and shall assign the village administration to continue the education;
2. The officer in charge of keeping the lawful personal material items of the released person must hand-over such material items to such person in full and in the original condition, and shall make the record of the hand-over in a properly manner. In case the return of such material items is not in full and is not in the original condition without reason, the keeping officer shall be held responsible as provided in Article 141 of this Law;
3. In the release of prisoner, the chief of the prison shall make the record on the release as in accordance with the laws and regulations.
4. In case the released prisoner has no family or relative to receive him or has no condition to return home by himself, the chief of prison shall calculate the cost of meal and travel based on the actual condition such person and shall give documents to such person for handing over to the village administration;
5. In case of release of prisoner who is a foreigner who has not yet paid the compensation for damage, before giving the authorization to leave the Lao PDR, such person must pay the compensation for damage in full accordingly to the decision of the court.

Section 2
Enforcement of Penalty of Deprivation
of Liberty and other Penalties

Article 240 (new). Enforcement of Penalty of Deprivation of Liberty

Prisoners who are subjected to punishment by the court decision of deprivation of liberty, including those who are temporary released and who are not remanded, shall be brought for the execution of the penalty of deprivation of liberty at the prison.

The chief of the jail or prison must inform the family of the prisoner regarding the place where the prisoner serves the penalty within fifteen days from the date of receiving the prisoner.

In case the prisoner is in jail, the officer of the jail or the officer of the prison shall authorize the prisoner to meet with his relative according to the request before taking him for execution of penalty.

Article 241 (new). Suspension of Enforcement of Penalty of Deprivation of Liberty

The person subjected to punishment of deprivation of liberty by the court decision, but is not yet put in jail, shall have the right to request for the suspension of execution of such penalty of deprivation of liberty by submitting a request to the Chief of the Public Security Headquarter of the province, city or to the Director General of Department of Prison & Reformatory Police under the Ministry of Public Security.

Within ten days from the date of receipt of such application, the concerned officer shall make the consideration. When there is any of the causes as prescribed in Article 242 of this Law, the Chief of the Public Security Headquarter of the province, city or the Director General of Department of Prison & Reformatory Police shall issue an order to suspend the enforcement of the penalty of deprivation of poverty and then send this order to the person subjected to the penalty and report to the chief of office of prosecutor for monitoring.

When the suspension period is over, within ten days and the concerned person has not presented himself to the police officer for execution of penalty without sufficient reasons, the police officer shall bring the relevant person for execution of penalty immediately.

Article 242 (new). Causes Leading to Suspension of Enforcement of Penalty of Deprivation of Liberty

The causes leading to the suspension of the enforcement of the penalty of deprivation of liberty are as follows:

1. The prisoner is seriously ill with the certification of the physicians; when he is cured, he shall be brought for penalty enforcement;
2. Pregnant woman or woman having baby aged less one year, up to the baby has one year or over;

3. In case the prisoner is punished of deprivation of liberty for a period of less than three years and is the main labor force of the family; if he is brought for penalty enforcement, his family will be severely affected. He shall have the right to request for suspension for one year period;
4. In case it is necessary to perform the official duty and there is the certification of the relevant organization, except for offences that endanger the society and national security. The relevant person shall have the right to request for the suspension for one year period.

The period of suspension of enforcement of penalty of deprivation of liberty in the cases mentioned above shall not be included to the period of enforcement of penalty.

Article 243 (new). Supervision of Prisoners Suspended from Enforcement of Penalty

Prisoners who are suspended from the enforcement of penalty of deprivation of liberty shall be supervised by the local administration, organizations where they reside or where they work. They cannot move to other places without receiving the authorization from the concerned supervisor.

During the period of suspension of enforcement of penalty, if the prisoner has committed serious offence or there are reliable information that he will flee, the Chief of the Public Security Headquarter of the province, city or to the Director General of Department of Prison & Reformatory Police who has issued the order to suspend the enforcement of penalty must cancel such order and then issue a warrant to bring such person for enforcement of penalty and send such warrant to the chief of office of prosecutor for monitoring.

Article 244 (new). Enforcement of Suspended Penalty, Reformation Penalty without Deprivation of Liberty

The prisoner who is subjected to suspended penalty by the decision of the court shall be assigned to the local administration, the organization to which he is attached or where he works to take charge of monitoring and educating.

The enforcement of court decision relating to the reformation penalty without deprivation of liberty shall be performed on persons who earn the income only.

The official in charge of the enforcement of court decisions must notify such court decision to the organization or place where the person subjected to enforcement of court decision works in order to deduct the salary or wage for depositing as revenue of the State.

Article 245 (new). Enforcement of Penalty of House Arrest

The prisoner who is subjected to the penalty of house arrest by the decision of the court shall be assigned to the local administration, the organization to which he is attached or the working place for enforcement of house arrest penalty.

The prisoner who is subjected to house arrest shall not be allowed to go out from certain places or to go inside certain places as stipulated in the court decision.

Article 246 (new). Enforcement of Penalty of Fine and Compensation for Damage

In the enforcement of decision on criminal case relating to the penalty of fine and compensation for damage, the office or unit of enforcement of court decisions shall perform in accordance with the provisions prescribed in the Law on Enforcement of Court Decisions.

Article 247 (new). Enforcement of Penalty of Seizure of Assets, Seizure of Material Items

In the enforcement of the decision on criminal case relating to the penalty of seizure of assets and seizure of material items, the office or unit of enforcement of court decisions shall perform in accordance with the decision of the court, whether the person subjected to the decision is still executing the penalty, has been granted pardon or has been released from the penalty.

**Section 3
Transfer of Prisoner**

Article 248 (new). Transfer of Prisoner

Transfer of prisoner is taking a prisoner from one prison to another prison in order to continue the enforcement of penalty accordingly to the decision of the court.

The conditions for the transfer of prisoner are determined in a specific regulation.

Article 249 (new). Submission of Application for Transfer of Prisoner

The application for transfer of prisoner shall be submitted the Public Security Headquarter of the province, city or to the Department of Prison & Reformatory Police for submitting to the Minister of the Public Security Ministry for consideration and decision and report shall be sent to Office of the Supreme People's Prosecutor for monitoring.

Article 250 (new). Consideration of Application for Transfer of Prisoner

The Public Security Headquarter of the province, city or the Department of Prison & Reformatory Police shall consider the application for transfer of prisoner within a period of not over twenty days and shall then submit to the Ministry of Public Security for making the consideration within fifteen days from the date of submission.

When the Ministry of Public Security has approved the transfer of the prisoner, the Public Security Headquarter of the province, city or the Department of Prison & Reformatory Police where the prisoner lives must collect the information relating to the biography, health, enforcement of punishment and other issues and, at the same time, the prisoner is required to return the material items that belong to another person or to the collective. For his personal items, he may take with him, but it is required to inform the Public Security Headquarter of the province, city or the Department of Prison & Reformatory Police of the place which receives the prisoner for continuing the enforcement of punishment.

Transfer of prisoner is required to ensure safety and delivery to destination.

When the transfer of prisoner is completed, a report shall be sent to the office of prosecutor for monitoring.

For the transfer of prisoner in military prison, the Ministry of National Defense shall be charged of making the decision.

Article 251 (new). Expense Relating to the Transfer of Prisoner

The expense in the transfer of prisoners shall be taken charge as follows:

1. For transfer of prisoner according to request, it shall be the responsibility of the applicant;
2. For transfer of prisoner according to duty, it shall be the responsibility of the State organization which makes the decision to transfer.

Section 4

Conditional Liberation Before the Term

Article 252 (new). Liberation Before the Term

Liberation before the term refers to the release of the prisoners who have already served the sentence partly, have made progress, self-improvement, have been a model in the execution of rules of the prison and in working, have been changed in mentality and are remorseful for their wrongful acts in the past.

Article 253 (new). Conditional Liberation Before the Term

Prisoners who receive consideration for liberation before the term shall be the prisoners as prescribed in Article 252 of this Law and who have already served the penalty as follows:

1. Half of the sentence, for offenders who were less than eighteen years old when the offence was committed;
2. Two-third of the sentence, for offenders aged eighteen years and above ;
3. Fifteen years, for offenders who are sentenced to life imprisonment.

Recidivist offenders and persons sentenced to a death penalty commuted into life imprisonment cannot be granted liberation before the term.

Article 254 (new). Regulations on Consideration for Conditional Liberation Before the Term

The consideration for conditional liberation before the term shall be based on the request of the prisoner or the proposal of the Chief of Public Security Headquarter of the province, city or the Director General of Department of Prison & Reformatory Police.

The request of the prisoner or the proposal of the Chief of Public Security Headquarter of the province, city or of the Director General of Department of Prison & Reformatory Police shall be sent to the chief of office of prosecutor of the province, city for giving the statement to the people's provincial or city court where the relevant prisoner serves the punishment.

The chief of office of prosecutor shall examine and issue a statement within fifteen days from the date of receipt of the request or the proposal of the Chief of Public Security Headquarter of the province, city or the Director General of Department of Prison & Reformatory Police. After that, the chief of office of prosecutor shall submit to the court for consideration and decision within ten days from the date of receipt of the statement of the chief of office of prosecutor.

The people's provincial or city court or the military court where the prisoner serves the penalty shall consider the conditional liberation before the term and set out the conditions to be imposed upon the person who is granted of liberation for execution. If, within a period of five years, the person who is granted the liberation before the term has complied with such conditions and have not committed any new offence, the remaining punishment shall be lifted. In the event that the conditions are not respected during such period, the person who is granted liberation before the term shall be subjected to serve the remaining penalty; in the event that a new offence is committed during this period, the person who is granted liberation before the term shall be subjected to serve the new penalty in addition to the remaining former penalty.

Section 5 Death Penalty

Article 255 (improved). Regulations on Enforcement of Death Penalty

After making the final decision or judgment on death penalty, the court shall immediately send such decision or judgment together with the case file to the President of the People's Supreme Court and the Chief of Office of the Supreme People's Prosecutor.

Within sixty days from the date of receipt of the case file, the decision or the judgment, the President of the People's Supreme Court and the Chief of Office of Supreme People's Prosecutor shall jointly examine the case file in order to find out whether the decision or judgment on death penalty is correctly in accordance with the actual facts of the case and with the laws. When it is found to be correct, the President of the People's Supreme Court shall issue the sentence to confirm the correctness of such decision or judgment on death penalty. In case it is found to be incorrect, the Chief of Office of Supreme People's Prosecutor shall submit the objection request against such decision or judgment on death penalty in accordance with the regulations on re-opening of the case.

The decision or judgment on death penalty may be taken for enforcement only when there is a sentence of the President of the People's Supreme Court or there is no objection request of the Chief of Office of Supreme People's Prosecutor and there is no pardon granted by the President of the State.

The prisoner subjected to death penalty by the decision of the court shall have the right to apply for pardon to the President of the State within thirty days from the date of being informed about the sentence of the President of the People's Supreme Court confirming the decision or judgment on death penalty.

The enforcement of death penalty shall be carried out after one year from the date the President of the State issues the decision on non-granting pardon or, in case there is no application for pardon, from the date the People's Supreme Court issues the sentence.

Article 256 (new). Enforcement of Decision on Death Penalty

After the expiry of the period of one year as stipulated in Article 255 of this Law, the president of the court which had considered the case at first instance must issue an order to enforce the decision on death penalty.

The committee for enforcement of court decisions is determined in a specific regulation.

The committee for enforcement of court decisions shall verify the biography, Identity Card or family registration book of the prisoner in order to ensure that it is the true prisoner who is subjected to death penalty according to the decision of the court.

In case the prisoner is a woman, before issuing a decision to enforce the decision of the court, the president of the court which had considered the case at first instance must verify whether such prisoner has any cause or condition which is not allowed to enforce the decision on death penalty as prescribed in the Penal Law, such as: the woman is pregnant or has a baby aged less than one year. In case there is the basis not allowing the enforcement of death penalty, the president of the court shall postpone the enforcement of the death penalty.

Before the execution, the committee for enforcement of court decisions shall read or let the concerned person to read the order to enforce the decision on death penalty, the sentence of the President of the People's Supreme Court and the Presidential Decree of the President of the State on non-granting the pardon, in case there is an application for pardon.

The enforcement of death penalty shall be performed by using methods provided in the Penal Law.

The enforcement of death penalty requires to make a record which shall indicate that the documents mentioned in paragraph four of this Article are read out to the concerned person or are given to the concerned to read them by himself . In addition, the record shall indicate the last words, letter and material items of the person subjected to death penalty by court decision which shall be handed over to her husband or his wife or his/her relatives.

In necessary and special case, the committee for enforcement of court decisions must postpone the enforcement of court decision and report to the president of the court which had considered the case at first instance in order to report to the President of the People's Supreme Court .

Section 6 Monitoring of the Office of Prosecutor Concerning the Enforcement of Court Decisions

Article 257 (new). Rights and Duties of the Office of Prosecutor in Monitoring the Place of Enforcement of Penalty

In monitoring the enforcement of the laws at the prison & reformatory center under the scope of its responsibility, the office of prosecutor shall have the rights and duties as follows:

1. To find out whether the transfer, medical treatment outside and liberation of the prisoners are carried out in accordance with the laws and regulations or not; if it is found to be incorrect, the measures to remedy shall be issued in a timely manner;
2. To conduct the inspection of the prison & reformatory center and the place of implementing other measures of the court in a systematic manner or at any time as provided in the laws;
3. To inspect the documents relating to the release, reformation and use of other measures of the court;
4. To inspect the supervision of persons subjected to reformation and other measures of the court, and to question such persons;
5. To inspect the acts of officers towards persons who are subjected to reformation and other measures of the court. In case it is found that officers have committed the acts that violate the laws and regulations, warning shall be given to them. If it is a criminal offence, case proceedings shall be conducted in accordance with the laws;
6. To issue an order to immediately release the person subjected to reformation or to other measures of the court which are not conformed with the laws;
7. To participate, examine, consider, select, classify and make the list of the prisoners who are eligible for receiving pardon and inspect the implementation of the granting of pardon in accordance with the Presidential Decree of the President of the State;
8. To check the list of names of the persons subjected to reformation or prisoners at the prison, persons who have received authorization to go for medical treatment or the prisoners who have received the authorization to be transferred;
9. To inspect the orders and regulations of the committee in charge of the prison & reformatory center in order to ensure the compliance with the laws, and ask this responsible committee to explain the reasons of the violation of the laws. The committee in charge of the prison & reformatory center must comply with the order of the chief of office of prosecutor relating to the respect of regulations on imprisonment and reformation as provided in the laws;
10. To exercise other rights and perform other duties as provided in the laws and regulations.

Article 258 (new). Rights and Duties of the Office of Prosecutor in Monitoring the Enforcement of Court Decisions

In monitoring the enforcement of the court decisions under the scope of its responsibility, the office of prosecutor shall have the rights and duties as follows:

1. To request the officials in charge of enforcement of court decisions to:
 - Report on the status of the enforcement of the court decisions;
 - Enforce the final decisions of the court which are not yet enforced;

2. To inspect the correctness of the enforcement of the court decisions, particularly the enforcement of the laws, compensation for damages, collection and deposit of court fees, state tax and fines for depositing to the budget, sequestration of assets and sequestration of material items to the state, enforcement of criminal penalties;
3. To make proposals on the change, cancellation or suspension of the enforcement which are not conformed with the decision of the court.

The officials in charge of the enforcement of court decisions must execute all proposals of the office of prosecutor within thirty days from the date of receipt of the proposal.

Part XII Re-Opening of a Case

Article 259 (improved). Acceptance of a Re-Opened Case for Consideration

The final decision or judgment of the court may be re-opened.

Only the People's Supreme Court has the right to consider the case at the re-opening level.

The People's Supreme Court shall accept a case for consideration at the level of a re-opening only if there is a request from the Chief of Office of the Supreme People's Prosecutor based on new information or evidence.

The re-opening of a case shall take place upon a request of the litigants or of the Chief of Office of the Supreme People's Prosecutor under its duties. The re-opening of a case by duty of the Chief of Office of the Supreme People's Prosecutor is to ensure the compliance with the laws.

Article 260 (improved). Causes Leading to the Re-opening of a Case

The causes leading to the re-opening of a case in the event that new information or evidence is discovered are as follows:

1. The witnesses in the case gave false testimony, the expert or specialist gave false opinion, the translation was inaccurate or use of false evidence which lead to a wrong decision on the case;
2. The judge, the chief of office of prosecutor, the public prosecutor or the head of investigation-interrogation organization, the investigator-interrogator had made inaccurate conclusion of the case or were partial which lead to a wrong decision on the case;
3. There are other facts which indicate the innocence of the person subject to court decision that the court was not aware when making such decision or judgment;
4. The regulations on case proceedings are violated or the application of laws is not correct.

Article 261. Time Period for the Re-opening of a Case

The re-opening of a case in case of discovering new information or evidence with the objective of increasing the criminal liability of the convicted person may be performed within a period of one year only from the date of the final decision of the court. The re-opening of a case with the objective of decreasing or lifting the criminal liability of the convicted person may be performed without the limit of time period.

The death of the convicted person shall not be an obstacle to the re-opening of a case for the purpose of finding the truth relating to the accusations against such person.

Article 262 (improved). Submission and Consideration of Application for Re-Opening a Case

An individual or organization having discovered new information or evidence relating to the case for which there is a final sentence, decision or judgment shall submit its application to the Chief of Office of the Supreme People’s Prosecutor.

In the consideration of the application for reopening a case, when there are certain reasons as prescribed in Article 260, Clauses 1, 2 and 3 of this Law, the Chief of Office of the Supreme People’s Prosecutor must send the application for re-opening a case to the chief of office of prosecutor where the case proceeding at first instance had taken place in order to issue an order to open an investigation-interrogation on the new information or evidence discovered. In the event that there is a reason as prescribed in Article 260, Clause 4 of this Law, the Chief of Office of the Supreme People’s Prosecutor shall issue a decision to request for the re-opening of a case according to request or by duty.

In case the Chief of Office of the Supreme People’s Prosecutor considers that there is no reason for re-opening a case, he shall issue a decision on not re-opening a case and then notify the concerned individual or organization.

Article 263 (improved). Re-Opening of a Case of the Chief of Office of Prosecutor

After the completion of the investigation-interrogation conducted because of the discovery of new information or evidence, if it is found that there is reason for re-opening a case, the chief of office of prosecutor who conducted the case proceeding at first instance must send the case file together with documents of the investigation-interrogation and his comments to the Chief of Office of the Supreme People’s Prosecutor for filing the request for re-opening of case to the Supreme People’s Court. However, if it is found that there is no reason to re-open a case, the relevant chief of office of public shall report to the Chief of Office of the Supreme People’s Prosecutor for deciding on non-reopening of a case.

Article 264 (improved). Jurisdiction in Reopening of a Case of the People’s Supreme Court

In the consideration of the re-opening of a case, the People’s Supreme Court shall have the jurisdiction as follows:

1. Terminate the request for the re-opening of a case of the Chief of Office of the Supreme People’s Prosecutor;

2. Nullify the decision and the judgment and then allow the defendant to be released from accusations;
3. Nullify the decision and the judgment and then send the case file to a new judicial tribunal of the court at first instance for consideration.

The consideration of a case by a new judicial tribunal of the court of first instance shall be performed in accordance with the general regulations on case proceedings at the court of first instance.

Part XIII

Medical Treatment Measures

Article 265 (new). Medical Treatment Measures

Medical treatment measure is the application of humanitarian policy toward detained persons, accused persons, defendants and prisoners at the prison & reformatory center when they become insane, ill, have communicated diseases, etc... by allowing them to go outside for medical treatment at a medical service center in accordance with the regulations.

Article 266 (improved). Use of Medical Treatment Measures

During the investigation-interrogation or during the case proceeding at the court, the chief of office of prosecutor or the president of the court has the right to use medical treatment measure toward the remanded persons who become insane, seriously ill, have communicated diseases, addicted to alcohol or drugs with the certification of the physicians by sending them to get medical treatment at public hospital or specific medical care center. When they are recovered, they shall brought for case proceedings or for enforcement of penalty if the claim period is not yet expired or the time period for penalty enforcement is not yet ended. In case of enforcement of penalty, the chief of public security headquarter of the province, city or the Department of Prison & Reformatory Police shall have the right to use the medical treatment measure toward the person subjected to penalty enforcement, but must report to the chief of office of prosecutor within twenty four hours for monitoring.

The time period of medical treatment shall be included in the period of penalty enforcement.

Article 267 (new). Types of Medical Treatment Measures

The types of medical treatment measures are as follows:

1. Medical treatment in emergency case;
2. Supervision and protection of person under medical treatment.

Article 268 (improved). Medical Treatment in Emergency Case

In case the detained person, accused person, defendant and prisoner in the prison & reformatory center become ill in a suddenly manner and the physicians of the prison & reformatory center are unable to treat them, the chief of the prison & reformatory center must accompany the patient to a public hospital for treatment and then report to the chief of the public security headquarter of the district, municipality or the chief of the public security headquarter of the province, city or the Department of Prison & Reformatory Police, the chief of office of prosecutor or the president of the court within twenty four hours.

Article 269. Supervision and Protection of Person under Medical Treatment

The detained person, accused person, defendant and prisoner in the prison & reformatory center must be taken for medical treatment at the hospital or the specific medical care center of the State only.

The supervision and protection of the person under treatment shall be the responsibility of the police officers. If the police officers cause the flee of the detained person, accused person, defendant and prisoner who are taken for medical treatment, they shall be liable criminally as prescribed in the laws.

Part XIV International Cooperation in Criminal Proceedings

Article 270. Principles of International Cooperation in Criminal Proceedings

The international cooperation in criminal proceedings between the organizations having the jurisdiction in criminal case proceedings of Lao PDR and of foreign countries shall be on the basis of the principles of respect for independence, sovereignty of states, territorial integrity, equality, mutual benefits and must comply with the Constitution of the Lao PDR and the fundamental principles of the international laws.

Article 271. International Cooperation in Criminal Proceedings

The international cooperation in criminal proceedings shall be performed in consistence with the agreements that Lao PDR has signed with foreign countries or with the international conventions that Lao PDR is a party and in accordance with the laws of the Lao PDR.

In the event that Lao PDR has not signed the agreement or has not become a party of the international convention relating to criminal proceedings, Lao PDR may perform on the basis of mutual cooperation and assistance, but this shall not contradict with the Constitution and the laws of the Lao PDR.

Article 272 (improved). Implementation of Judicial Assistance

In the provision of judicial assistance, the competent organizations conducting criminal proceedings in the Lao PDR shall comply with the international conventions to which the Lao PDR is a party and shall comply with this Law.

The provision of judicial assistance may aim at extraditing or exchanging of prisoners, seizure or sequestration of assets of the accused persons or defendants, provision of information on crimes, data and material items relating to the cases, enforcement of court decisions, cooperation in combating of cross-border crimes and others.

Article 273. Refusal to Provide Judicial Assistance

The competent organizations conducting criminal proceedings of the Lao PDR may refuse to provide the judicial assistance in the following cases:

1. The request for judicial assistance is not in conformity with the international convention to which the Lao PDR is a party and with the laws of the Lao PDR;
2. The provision of the judicial assistance will affect the sovereignty, security, stability of the nation or the important interest of the Lao PDR.

**Part XV
Final Provisions**

Article 274. Implementation

The Government of the Lao People's Democratic Republic, the People's Supreme Court, the Office of the Supreme People's Prosecutor and other organizations concerned are charged with the implementation of this Law.

Article 275. Effectiveness

This Law shall enter into force from the date the President of the Lao People's Democratic Republic issues a Decree on its promulgation.

This Law supersedes the Law on Criminal Procedure No. 01/NA, dated 15 May 2004.

President of the National Assembly

Pany YATHOTU

Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

National Assembly

No. 079/NA

Resolution
of the National Assembly
of the Lao People's Democratic Republic
on the Adoption of the Law on Criminal Procedure (amended)

Pursuant to Article 53, Clause 2 of the Constitution and Article 3, Clause 1 of the Law on National Assembly of the Lao People's Democratic Republic relating to the rights and duties of the National Assembly.

After the 3rd Ordinary Session of the National Assembly, Seventh Legislature, has widely and deeply examined and considered the contents of the Law on Criminal Procedure (amended) at the Afternoon Session on 10 July 2012,

The Session Decides:

Article 1: To adopt the Law on Criminal Procedure (amended) with unanimous votes in favour.

Article 2: This Resolution is effective from the date it is signed.

Vientiane, 10 July 2012

President of the National Assembly

Pany YATHOTU

Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

President of the State

No. 236/PO

Vientiane, 01 August 2012

Decree
of the President
of the Lao People's Democratic Republic
on the Promulgation of the Law on Criminal Procedure (amended)

- Pursuant to the Constitution of the Lao People's Democratic Republic in Chapter VI, Article 67, Clause 1;
- Pursuant to Resolution of the National Assembly No. 079/NA, dated 23 July 2012;
- Referring to the letter of proposal of the National Assembly's Standing Committee No. 07/NASC, dated 23 July 2012.

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

Article 1: The Law on Criminal Procedure (amended) is hereby promulgated.

Article 2: This Presidential Decree shall enter into force from the date it is signed.

President of the Lao PDR

Choummaly SAYASONE

