

Law on Mutual Legal Assistance

Unofficial Translation



LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

The Lao President

No. 236/LP
Vientiane Capital, dated: 24 December 2020

DECREE of the PRESIDENT

LAO PEOPLE'S DEMOCRATIC REPUBLIC

On the Promulgation of the Law on Mutual Legal Assistance in Criminal Matters

- Pursuant to Chapter VI, Article 67, Clause 1 of the Constitution of the Lao People's Democratic Republic (amended version 2015);
- Pursuant to Resolutions of the National Assembly, No. 20/NA, dated on 12 November 2020;
- Pursuant to Proposal of the National Assembly Standing Committee, No. 27/NASC, dated on 10 December 2020.

The President of the Lao People's Democratic Republic Decrees That:

Article 1. The Law on Mutual Legal Assistance in Criminal Matters is hereby promulgated.

Article 2. This decree shall enter into force on the date it is signed.

The President of the Lao PDR

[Seal and Signature]

Bounhang VORACHITH



LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

National Assembly

No. 20/NA
Vientiane Capital, 12/11/20

**Resolution of the National Assembly
On the Approval of the Law on Mutual Legal Assistance in Criminal Matters**

Pursuant to Article 53, Clause 1 of the Lao Constitution (Amended Version, 2015), and Article 11, Clause 1 of the Law on National Assembly and the Law on Provincial People's Assembly (Amended Version, 2020).

After the 10th Session of NA's 8th Legislature have thoroughly and deeply considered the contents of the Law on Mutual Legal Assistance in Criminal Matters in the Agenda for November 12, 2020.

The NA's Meeting Agrees:

Article 1. Approve the Law on Mutual Legal Assistance in Criminal Matters with the votes of more than a half.

Article 2. This resolution shall enter into force on the date it is signed.

The President of the National Assembly

[Seal and Signature]
Pany YATHORTOU



**Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity**

National Assembly

No.88/NA
Vientiane Capital, 12 November, 2020

Law on Mutual Legal Assistance in Criminal Matters

PART I General Provisions

Article 1. Purpose

This Law defines the principles, regulations and measures on the management, monitoring and inspection of the work of mutual legal assistance in criminal matters in order that this work is properly implemented, allowing cooperation in hindering and combating crimes, effective investigation and prosecution of criminal cases, aiming to protect the interests of the state and citizens, contributing to the protection and development of the country.

Article 2. Mutual Legal Assistance in Criminal Matters

Mutual legal assistance in criminal matters is a mutual cooperation and assistance in criminal matters between the State of Lao PDR and foreign states.

Article 3. Definitions

The key terms used in this Law have following meanings:

1. **Requesting state** refers to a state requesting for legal assistance in criminal matters from another state;
2. **Requested state** refers to a state being requested for legal assistance in criminal matters by another state;
3. **An instrument of crime** refers to any object or property being used in committing a crime;
4. **Criminal proceeding organization** refers to the investigation organizations, the People's Prosecutors and the People's Courts;
5. **A crime** refers to any unlawful behavior or act which is subject to criminal punishment in accordance with the laws of Lao PDR and the laws of the requesting state;
6. **In criminal** refers to matters related to the penal code and the criminal procedure;
7. **Personal identity** refers to identification, characteristics and others.

Article 4. Principles of Mutual Legal Assistance in Criminal Matters

Mutual legal assistance in criminal matters shall be implemented in accordance with the following principles:

1. Respect for the independence, sovereignty and the complete territory of each state, non-interference in other's internal affairs, equality between all parties and in receiving benefits;
2. Respect and follow the constitution and laws of Lao PDR, and the treaties that Lao PDR is a party to;
3. Ensure the national security, public security and social orderliness;
4. Respect for the dignity and freedom of associated persons;
5. Ensure that the liaison with concerned sectors is provided properly and quickly.

Article 5. Scope of Application of the Law

This Law is used for mutual legal assistance in criminal matters between the state of Lao PDR and the requesting state or the requested state.

Unless the treaty that Lao PDR is a party to defines otherwise, this Law is not used for matters related to extradition, transfer of prisoners, transfer of criminal case files.

Article 6. International Cooperation

The State encourages and promotes cooperation with foreign countries, the regions and international in regards to mutual legal assistance in criminal matters by exchanging the lessons; information; technologies, organizing trainings; seminars, upgrading of knowledge, technical capacity and providing assistance to each other in order to improve the works related to mutual legal assistance in criminal matters.

PART II

Requesting for Mutual Legal Assistance in Criminal Matters

Chapter 1

Scope of Requesting for Assistance and Rejection of Request

Article 7. Scope of Requesting for Mutual Legal Assistance in Criminal Matters

The scope of requesting for mutual legal assistance in criminal matters is as follows:

1. Receiving testimonies;
2. Providing information and evidence;
3. Participation of persons in requesting state;
4. Participation of persons serving penalties or being detained;
5. Finding address and personal identity;
6. Searching, seizure and delivery of evidence;
7. Seizure or freezing of assets, objects;
8. Confiscation of assets and objects;
9. Other criminal matters which are requested for or being requested.

Article 8. Rejection of Requests for Assistance

Lao PDR refuses to provide mutual legal assistance in criminal matters based on any of the following conditions:

1. Providing such assistance may affect the sovereignty, security, stability of the country or the general interests of Lao PDR;
2. Providing such cooperation does not correspond to the treaties that Lao PDR is a party to and the laws of Lao PDR;
3. Behaviour associated with the request for assistance is not a criminal offence as determined in the Penal Code or other laws of Lao PDR and the laws of the requesting state;
4. The request for assistance is associated with any investigation, prosecution or penalty of any person with offences related to political or military offences;
5. The request for assistance has a basis causing a belief that it is made with the purpose of investigation, prosecution, punishment or creating other damage to any person for reasons of race, religion, sex, ethnic, nationality or political matters of that person;
6. The requesting state does not confirm that it shall provide assistance on similar matters that Lao PDR may request for;
7. The requesting state does not clearly define the details and objectives of using the information or the assistance in its request;
8. Providing such assistance may cause damage to the concerned case or steps of the criminal case proceedings which is in process in the Lao PDR or in contrast with the Law on Criminal Procedures of Lao PDR;
9. Providing such assistance may cause damage or insecurity to any person in or outside of the territory of Lao PDR;
10. Providing such assistance may create heavy obligations to the Lao PDR.

Chapter 2

Making Requests and Considering a Request

Article 9. Making Requests for Mutual Legal Assistance in Criminal Matters

To make a request for legal assistance in criminal matters from the requesting state to Lao PDR, the request shall be submitted to the Central Authority via the diplomatic channel. For submission of requests for legal assistance in criminal matters in accordance with the treaties to which Lao PDR is a party, shall be made in accordance with the mechanism described in the relevant treaty.

Article 10. A Request for Mutual Legal Assistance in Criminal Matters

A request for mutual legal assistance in criminal matters shall consist of the following contents:

1. Name and location of the competent organization of the requesting state;
2. Purpose and reasons of the request and types or categories of the required assistance;
3. Requesting issue or any specific request;
4. Explanation about the characteristics of criminal matters, the situation and statement or a summary of the case related to the request, such as the case content, offence and relevant laws of the requesting state including the maximum penalty;
5. The time limit for implementation of the request.
6. Address of the person required for taking testimony and the issues that requires the testimony for;
7. Place for keeping the exhibit or evidence.

A request for mutual legal assistance in criminal matters shall consist of complete relevant documents.

The request and enclosed documents shall be dated, signed and sealed by the authorized organization of the requesting state, and shall be translated into Lao or other languages as determined by applicable treaties.

Article 11. Consideration of the Request for Mutual Legal Assistance in Criminal Matters

When receiving a request for mutual legal assistance in criminal matters from the requesting state, the Central Authority shall check the request and attached documents. If the request and relevant documents are correct and complete, they shall be further sent to the criminal proceeding organization to perform an assistance. If the request and relevant documents are incorrect or incomplete, the Central Authority shall inform the requesting state to improve or reconstruct the document and resend them, or reject the request.

The criminal proceeding organization shall quickly perform the assistance in accordance with the time limit defined in the request and corresponding with the principles as defined in the Law on Criminal Procedure of Lao PDR.

The Central Authority shall inform the requesting state about the progress or relevant problems causing the delay in implementing the request or asking the requesting state for providing extra information in the case of difficulty in implementation of such a request.

Article 12. Keeping Information Confidential

Lao PDR shall keep the information about the request for mutual legal assistance in criminal matters, of the requesting state, as confidential, and not disclose to the public, for the benefit of the case and not to be disclosed or delivered to the third state, except where there is a written agreement of the requesting state.

The requesting state shall apply necessary measures or in accordance with its domestic laws to ensure that the information, obtained from the assistance associated with the request for mutual legal assistance in criminal matters, is not used or disclosed or transferred to other persons, or is used without permission, beyond the purpose stated in the request, unless Lao PDR has agreed to its use in writing.

Chapter 3

Operation of Mutual Legal Assistance in Criminal Matters

Article 13. Taking of Testimony

The giving of a statement by a person in Lao PDR for the purpose of being used in criminal case proceedings shall be done on the voluntary basis of the concerned person and in accordance with the laws of Lao PDR.

Article 14. Providing Information and Evidence

The criminal proceeding organizations shall search for and collect information and evidence being requested for, including demanding the person, juristic person and organization to provide the information in accordance with the laws of Lao PDR in order to provide to the requesting state.

The person, juristic person and organization being required for providing information and evidence have the rights to reject to provide the information and evidence in accordance with the Law on Criminal Procedure and other laws of Lao PDR, but has to inform the competent authority, in writing, of the reasons for rejecting to provide such information or evidence.

Article 15. Participation of the Person in the Requesting State

If there is a request for any person, living in the territory of Lao PDR, to be present in the requesting state which is based on his or her consent, Lao PDR may agree to allow the person to travel to the territory of the requesting state in order to:

- help in investigation of the matters related to the criminal case;
- present in proceedings associated with criminal cases, except where the person is the accused person.

The Central Authority shall inform the requesting state if the required person refuses or agrees to participate in the request for mutual legal assistance in criminal matters.

The requesting state shall guarantee the safety and take responsibility for the costs of travelling, food allowance, accommodation including other expenses in order to provide convenience to the person.

Article 16. Participation of the Person Serving a Sentence or in Detention

Lao PDR may consider permission for the person serving a sentence or in detention in Lao PDR, to be temporally transferred based on his or her consent to provide testimony or help in criminal proceedings in the requesting state.

The requesting state shall continue to detain the person in accordance with the relevant laws of the requesting state, and shall return the person to Lao PDR immediately after finishing the testimony taking process or assistance in criminal proceeding.

Time period of detaining the person in the requesting state shall be calculated and added to the time period of the person being on imprisonment or detained in Lao PDR.

The requesting state shall guarantee the safety and take responsibility for the costs of expenditures associated with transfer of the punished or detained person.

Article 17. Safety Measures

In a case of a person, as described in article 15 and 16 of this Law, is presenting in the requesting state in accordance with the request for assistance, the requesting state shall assure the safety measures and the person shall be protected as follows:

1. The person, as determined in article 15, shall not be detained, except the person as described in article 16 of this Law;
2. The person shall not be forced, threatened or by any other means to provide information and evidence or statement about other matters, beyond the matters stated in the request for mutual legal assistance in criminal matters;
3. The person shall not be criminally prosecuted based on his or her own statement while participating in the trial at the court hearing or by the criminal proceeding organization in the requesting state;
4. The person shall not be prosecuted for civil proceedings due to the acts or neglects of his or hers before travelling to the requesting state.

Article 18. Finding Location or Personal Identity

The criminal proceeding organizations of Lao PDR shall conduct searches for location or identity of the person described in the request for mutual legal assistance in criminal matters by following the relevant laws of Lao PDR.

Article 19. Search, Seizure and Delivery of Evidence

The criminal proceeding organizations of Lao PDR shall conduct searches, seizure and delivery of information and evidence which are documents, records and objects as the request based on the following conditions:

- the request determines the details about the required information and evidence;
- the laws of Lao PDR allow to operate so.

The Central Authority shall inform the requesting state about the results of searches and seizure of such information and evidence as described in article 9 of this Law and discuss the means and time for delivery of such information and evidence.

Article 20. Seize or Freezing Assets, Materials

The criminal proceeding organizations of Lao PDR shall seize or freeze assets, materials which are in Lao PDR, in accordance with the request, based on the following conditions:

- together with the request, there must be the original copy of the order for seizing or freezing the assets, objects as well as the requirements, legal provisions allowing the requesting state to proceed so;
- the laws of Lao PDR allow to operate so;

The Central Authority shall inform the requesting state about the results of seizing or freezing assets, objects as described in article 9 of this Law.

Management and protection of the seized and frozen assets, objects shall be done in accordance with the Law on Criminal Procedure of Lao PDR.

Article 21. Returning of Evidence

The requesting state shall return provided evidence to Lao PDR, as agreed, when the criminal proceeding is completed.

In a case of necessity that the evidence is required for any criminal proceeding, Lao PDR has the right to ask the requesting state for returning the evidence to Lao PDR before the completion of the criminal proceeding.

Article 22. Verification and Checking the Accuracy of Documents

Based on the proposal of the Central Authority of Lao PDR, the documents enclosed with the request for mutual legal assistance in criminal matters shall be verified for accuracy by the requesting state.

A document shall be considered as accurately verified when it is officially signed and/or stamped by the court or the authorized authority in accordance with relevant laws of the requesting state.

Documents being sent in the form of electronics such as photos, fingerprints, photographs to prove the identity of a person, copies of documents are as effectual for use as documents sent by post or delivered by hands if they are verified by the authorized organization of the requesting state.

Article 23. Implementation of the Request Electronically

Implementing a request for mutual legal assistance in criminal matters may be done electronically in accordance with the proposal of the requesting state and/or based on the capable conditions of the criminal proceeding organizations as described in the laws of Lao PDR.

Article 24. Cost of Implementing the Request for Mutual Legal Assistance in Criminal Matters

The requesting state shall take responsibility for the expenditure costs for implementing the request for mutual legal assistance in criminal matters as follows:

1. Fees and service charges for consultations, litigation fee of the lawyer, compensation for the persons required for providing evidence or the experts in according to the request for mutual legal assistance in criminal matters;
2. Fees for translation, fees and service charges for document verification and fees for making copies of documents and information;
3. Expenditure costs related to sending the person to the territory of the requesting state and returning to Lao PDR, including travelling cost, accommodation, allowance, relevant fees, compensation and other costs based on the request of the person;
4. Expenditures associated with sending the officers for control, escort or accompanying;
5. Expenditure associated with electronic communication.

Other expenditure costs, not included in 1 - 5 determined above, the Lao PDR shall take responsible for. If the expenditure cost is considerable, Lao PDR and the requesting state shall discuss together for continuing or discontinuing of implementation of the request.

In the case that there is a treaty on mutual legal assistance in criminal matters that Lao PDR is a party to which defines the implementation cost for the mutual legal assistance in criminal matters, the treaty shall be followed.

Article 25. Informing the Results of Implementation

The requesting state shall inform the Lao PDR, as the requested state, immediately about the results of the mutual legal assistance in criminal matters.

**Chapter 4
Confiscation of Assets and Objects**

Article 26. Confiscation of Assets and Objects

When receiving a request for mutual legal assistance in criminal matters on confiscation of assets and objects in accordance with the court decision of the foreign country, the Central Authority shall consider and ask the People's Prosecutor of the province, the capital, where the assets or objects are located, to consider and propose to the People's Court of the relevant province, the capital to consider and decide on confiscation of such assets and or objects.

In the case that the assets or objects are not ordered to be seized or frozen, the head of the people's prosecutor or the president of the people's court of the relevant province, capital shall issue the order for seizure and freeze the asset or object before the court makes a consideration.

Article 27. Consideration of Confiscation of Assets and Objects

When being assigned by the Central Authority, the relevant people's prosecutor shall study the concerned request and collect necessary evidence, then propose to the people's court at the province level to consider and make judgment as described in the law Lao PDR within ninety days, starts from the date of receiving the request.

Consideration and making a decision on confiscation of assets or objects in a court meeting shall have representatives from the Investigation Organization, Ministry of Foreign Affairs, Ministry of Justice, representatives of the embassy or the consular of the requesting state and relevant officers of the competent authorities of Lao PDR.

Article 28. The Rights of the People's Court in Consideration of Confiscation of Assets and/or Objects

In consideration of confiscation of assets and/or objects in accordance with the court decision of a foreign country, the People's Court of Lao PDR has following rights:

1. Examine the offence, which is described in the request, to see if it is an offence defined in the laws of Lao PDR;
2. Check if the request for mutual legal assistance does not contradict the contents of article 8 of this Law;
3. Re-check the assets or objects to see if it is not associated with the offenses defined in the laws of Lao PDR.

The assets and objects associated with offences defined in the laws of Lao PDR may be confiscated to be the property of Lao PDR in accordance with the final decision of the court.

Article 29. Annulment of The Order for Seizing or Freezing of Assets, Objects

When the People's Court considers the request on confiscation of assets and objects, and sees that it has no reasons, not enough information and evidence, the court shall decide an annulment of the order for seizing or freezing of assets and objects.

Article 30. Handover of the Assets or Objects to the Requesting State

When the People's Court of the province, the capital has made a decision on handing over the confiscated assets or objects to the requesting state, the Central Authority shall ask the Ministry of Foreign Affairs to coordinate with the requesting state for preparation and organizing the handover of assets or objects within thirty days or within the time defined in the relevant treaties, starting from the date of making the decision.

The Central Authority is the main organization for handing over the assets or objects, which is possible to be handed over, to the requesting state with presenting of representatives of the investigation organization, Ministry of Justice, Ministry of Foreign Affairs, relevant organizations and the representatives of the requesting state, and the memorandum of handover shall be made.

In handing over of the confiscated assets or objects, the requesting state shall reimburse the expenditure cost associated with the confiscation of the assets or objects to Lao PDR.

PART III

The Request for Mutual Legal Assistance in Criminal Matters of Lao PDR

Article 31. Request for Mutual Legal Assistance in Criminal Matters

Making a request for legal assistance in criminal matters, of Lao PDR, to a requested state shall be made in accordance with the principles described in article 9 and 10 of this Law or the laws of the requested state.

Article 32. Submission of Request for Mutual Legal Assistance in Criminal Matters

The criminal proceeding organizations, when considers that it is necessary to submit a request for mutual legal assistance in criminal matters to a requested state on proving evidence, providing documents related to case proceedings, seizing, freezing and confiscation of assets and objects in according to the implementation of the Lao PDR's court or other cooperation as described in article 7 of this Law, shall propose to the Central Authority to consider and make a request for mutual legal assistance in criminal matters for Lao PDR.

Article 33. Consideration of the Central Authority

When receiving a proposal from a criminal case proceeding organization, the Central Authority shall study the proposal based on the treaty between Lao PDR and the requested state and article 8 of this Law, and if it sees that it is consistent, the Central Authority shall submit the request to the requested state.

Article 34. Participating in a Consideration of Implementation of the Request in the Requested State

The Central Authority, the investigation organization, together with other relevant organizations shall participate in consideration of implementation of the request for mutual legal assistance in criminal matters in the requested state, such as in searching for locations or person's identity, searching for assets or objects obtained from committing offences which were used in committing offences, obtaining testimony statements, seizing, freezing or confiscation of assets and objects in order to ensure the benefits of criminal proceedings in Lao PDR.

PART IV The Central Authority

Article 35. The Central Authority

The Central Authority for implementing the work of mutual legal assistance is the Office of the Supreme People's Prosecutor.

Article 36. Rights and Duties of the Central Authority

The Central Authority has rights and duties as follows:

1. Study, consider the request for mutual legal assistance in criminal matters of the requesting state and of the Lao PDR;
2. Coordinate with concerned organizations on mutual legal assistance in criminal matters;
3. Monitor, inspect the implementation of the request for mutual legal assistance in criminal matters;
4. Inform the requesting state on the implementation of the request for mutual legal assistance in criminal matters;
5. Carry out other tasks as described in the laws.

PART V Prohibitions

Article 37. General Prohibitions

The persons, juristic persons and organizations are prohibited to undertake the following behaviours:

1. Take advantage of the operation of mutual legal assistance in criminal matters for creating damages to the political regime, national security, rights and righteous interests of the citizens as well as the interests of the nation;
2. Process the mutual legal assistance in criminal matters without the state's permission;
3. Create obstacles to hinder the works of mutual legal assistance in criminal matters described in this Law;

4. Ask for, demand, offer or take bribes from other persons, in the works of mutual legal assistance in criminal matters;
5. Having other behaviors which are violating the laws.

Article 38. Prohibitions for Staff and Officers

The state employees and officers are prohibited to undertake the following behaviours:

1. Abuse of power, duties, position to force, threaten other persons for the interests of their own and their partisans;
2. Ask for, demand, take or offer bribes and misappropriation of assets or properties in dispute;
3. Illegally procrastinate, retard, delay the times for consideration of implementing the mutual legal assistance in criminal matters;
4. Disclose the secrets of the work of mutual legal assistance in criminal matters without permission of the relevant state organizations;
5. Having other behaviors which are violating the laws.

PART VI

Management and Inspection

Chapter 1

Management of the Work on Mutual Legal Assistance in Criminal Matters

Article 39. Management Organizations

The Government of Lao PDR centrally and uniformly governs the works on mutual legal assistance in criminal matters by assigning the Office of The Supreme People's Prosecutor as the main actor in coordination and liaison with other relevant sectors.

The management organizations for the work on mutual legal assistance in criminal matters consist of:

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

Article 40. Rights and Duties of The Office of The Supreme People's Prosecutor

In the management of the work on mutual legal assistance in criminal matters, the Office of Supreme People's Prosecutor has rights and duties as follows:

1. Studies, makes policies, laws, treaties related to mutual legal assistance in criminal matters;
2. Directs, leads and inspects the People's Prosecutors at all levels in implementing the request for mutual legal assistance in criminal matters;
3. Accumulates information, statistics on mutual legal assistance in criminal matters, and informs all relevant sectors;
4. Participates in negotiations, discussions and provides comments on treaties related to mutual legal assistance in criminal matters, between Lao PDR and another country;

5. Coordinates and cooperates with foreign countries in regards to the work on mutual legal assistance in criminal matters;
6. Summarizes and reports on the implementation of the work on mutual legal assistance in criminal matters to the Government;
7. Uses the rights and implements other tasks as described in the laws.

Article 41. Rights and Duties of the Ministry of Public Security

In the management of the work on mutual legal assistance in criminal matters, the Ministry of Public Security has rights and duties as follows:

1. Studies and makes policies and laws related to the work on mutual legal assistance in criminal matters;
2. Directs and encourages the implementation of the request for mutual legal assistance in criminal matters;
3. Receives the request and proposes to the Central Authority to coordinate about the request for mutual legal assistance in criminal matters of the person, juristic person and the organization;
4. Takes testimony statements and provides information; evidence; address; personal identity, searches and collects evidence, seizes or freezes the assets and delivers the prisoner or the accused person associated with the case in accordance with the request for legal assistance in criminal matters;
5. Participates in negotiations, discussions and provides comments on the treaties related to mutual legal assistance in criminal matters between Lao PDR and another country;
6. Coordinates and cooperates with foreign countries in regards to the work on mutual legal assistance in criminal matters;
7. Summarizes and reports on the implementation of the work on mutual legal assistance in criminal matters to the Government;
8. Uses the rights and implements other tasks as described in the laws.

Article 42. Rights and Duties of The People's Supreme Court

In the management of the work on mutual legal assistance in criminal matters, the People's Supreme Court has rights and duties as follows:

1. Studies and provides comments on the draft policies and laws related to the work on mutual legal assistance in criminal matters;
2. Provides technical advice on mutual legal assistance in criminal matters to the people's courts of the province;
3. Directs the people's courts on consideration of requests for mutual legal assistance in criminal matters;
4. Participates in negotiations, discussions and provides comments on treaties related to mutual legal assistance in criminal matters between Lao PDR and another country;
5. Coordinates and cooperates with foreign countries in regards to the work on mutual legal assistance in criminal matters;
6. Summarizes and reports on the implementation of the work on mutual legal assistance in criminal matters to the Government;
7. Uses the rights and implement other tasks as described in the laws.

Article 43. Rights and Duties of Ministry of Foreign Affairs

In the management of the work on mutual legal assistance in criminal matters, the Ministry of Foreign Affairs has rights and duties as follows:

1. Studies and provides comments on the draft policies and laws related to the work on mutual legal assistance in criminal matters;

2. Communicates and coordinates with the requesting state based on the proposal of the Central Authority;
3. Receives and delivers the request for mutual legal assistance in criminal matters, of the requesting state, to the Central Authority;
4. Collaborates with the Central Authority in regards to the handover of evidence, seizing and confiscation of assets for implementation of the request for mutual legal assistance in criminal matters;
5. Informs, or receives a notification, on implementation of mutual legal assistance in criminal matters in the requesting state to the Central Authority and other relevant sectors;
6. Participates in the negotiations, discussions and provides comments on treaties related to mutual legal assistance in criminal matters between Lao PDR and another country;
7. Communicates and cooperates with foreign countries in relation to the work on mutual legal assistance in criminal matters;
8. Summarizes and reports on the implementation of the work related to mutual legal assistance in criminal matters to the Government;
9. Uses the rights and implements other tasks as described in the laws.

Article 44. Rights and Duties of the Ministry of Justice

In the management of the work on mutual legal assistance in criminal matters, the Ministry of Justice has rights and duties as follows:

1. Studies and provides comments on the draft policies and laws related to the work on mutual legal assistance in criminal matters;
2. Participates in, encourages, supports and collaborates with the sectors and organizations related to mutual legal assistance in criminal matters;
3. Collecting statistics, data, information related to the implementation of mutual legal assistance in criminal matters;
4. Participates in negotiations, discussions and provides comments on the treaties related to mutual legal assistance in criminal matters between Lao PDR and another country;
5. Communicates and cooperates with foreign countries in regarding the work on mutual legal assistance in criminal matters;
6. Summarizes and reports on the implementation of the work related to mutual legal assistance in criminal matters to the Government;
7. Uses the rights and implement other tasks as described in the laws.

Article 45. Rights and Duties of Ministries, Organizations and the Local Administration Organizations

In the management of the work on mutual legal assistance in criminal matters, the Ministries, organizations and Local Administration Organizations has the rights and duties in coordination with the competent authorities of Lao PDR on implementation of mutual legal assistance in criminal matters in accordance with the roles, rights and duties as described in the laws.

Chapter 2

Inspection of the Work on Mutual Legal Assistance in Criminal Matters

Article 46. Inspecting Organizations

The inspecting organizations for the work on mutual legal assistance in criminal matters consist of:

1. The internal inspecting organization which is the same organization as the management organization as described in article 39 of this Law;
2. The external inspecting organizations are the National Assembly, The Provincial People's Assemblies and the State Inspection Authority.

Article 47. Contents of the Inspection

Inspection has the following contents:

1. The exercise of rights and duties of the officers in regards to the work on mutual legal assistance in criminal matters;
2. The implementation of policies and applying of measures on the person violating the laws related to mutual legal assistance in criminal matters;
3. Other matters related to mutual legal assistance in criminal matters.

Article 48. Inspection Formats

The inspection has 3 formats as follows:

1. Inspection based on regular plan which is an inspection regularly conducted based on the regular plan with exact defined time.
2. Inspection by providing advance notification is an inspection outside of the plan by informing the person to be inspected in advance.
3. Urgent inspection is an immediate inspection without a notification in advance to the person to be inspected.

Conducting an inspection of the work on mutual legal assistance in criminal matters shall strictly follow the laws.

PART VII Budget

Article 49. Budget

The budget for operation of mutual legal assistance in criminal matters is from the state budget, participation, contribution of persons, juristic persons and organizations of both domestic and international, and from the provision of the requesting state.

Article 50. Management and Use of Budget

The management organization of the work on mutual legal assistance in criminal matters, as described in article 39 of this Law, shall manage and use the budget by preparing a budget plan for the work on mutual legal assistance and present to the Government for consideration as described in the Law on State Budget.

PART VIII Policy toward Persons with Outstanding Performance and Measures Against Violators

Article 51. Policy toward Persons with Outstanding Performance

The persons, juristic persons or organizations with outstanding performance in implementing this Law shall receive appreciation or other policies in accordance with the regulations.

Article 52. Measures Against Violators

The persons, juristic persons or organizations violating this Law shall be subject to re-education, verbal warning, disciplinary acts, fines, payment of compensation on civil damage or criminal punishment in accordance with the laws.

**PART IX
Final Provisions**

Article 53. Implementation

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

Article 54. Effectiveness

This Law shall enter into force after the President of the Lao People's Democratic Republic issues the Presidential Decree on Promulgation, and after this Law has been published in the Official Gazette of the Government for fifteen days.

Other regulations and provisions which contradict this Law shall be void.

The President of the National Assembly

[Seal and Signature]

Pany YATHORTOU