



LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

National Assembly

No. 64/PO

DECREE
of the
PRESIDENT
of the
LAO PEOPLE'S DEMOCRATIC REPUBLIC

**On the Promulgation of
the Amended Law on the [Office of the] Public Prosecutor**

Pursuant to Chapter 6, Article 67, point 1 of the Constitution of the Lao People's Democratic Republic, which provides for the promulgation of the Constitution and of laws which are adopted by the National Assembly;

Pursuant to Resolution No. 50/NA, dated 21 October 2003, of the National Assembly of the Lao People's Democratic Republic regarding the adoption of the Amended Law on the Office of Public Prosecutor; and

Pursuant to Proposal No. 26/NASC, dated 27 October 2003, of the National Assembly Standing Committee.

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

Article 1. The Amended Law on the Office of Public Prosecutors is hereby promulgated.

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

Vientiane, 5 November 2003

The President of the Lao People's
Democratic Republic

[Seal and Signature]

Khamtai SIPHANDON



LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

National Assembly

No.50/NA
21 October 2003

**LAW
ON THE
OFFICE OF THE PUBLIC PROSECUTOR
OF THE
LAO PEOPLE'S DEMOCRATIC REPUBLIC**

**Part I
General Principles**

Article 1. Purpose of the Law on the Office of the Public Prosecutor¹

The Law on the Office of the Public Prosecutor of the Lao People's Democratic Republic defines rules and principles on the establishment and operations of the Office of the Public Prosecutor[,] aiming to strengthen justice, and social and public order, to protect the interests of Party organisations, State organisations, the Lao Front for National Construction, mass organisations, social organisations, and enterprises, and to protect the rights and interests of citizens.

¹ The term "Public Prosecutor" has been chosen because it is the English term commonly used in Laos for this title/institution. Readers from common law jurisdictions should note that the Lao Public Prosecutor has considerably more powers than public prosecutors in their home jurisdictions and is more akin to a procurator in socialist systems. Another translation in common use is "People's Prosecutor". This law also uses the term "prosecutor" – see Article 4.

Article 2. Status² and Role of the Office of the Public Prosecutor³

The Office of the Public Prosecutor is a State organisation that has the role to monitor and inspect⁴ the proper and uniform adherence to laws by all ministries, ministry-equivalent organisations, government organisations⁵, the Lao Front for National Construction, mass organisations, social organisations, local administrations⁶, enterprises, and citizens and to exercise the right to prosecute [offenders].

Article 3. The Rights and Duties of the Office of the Public Prosecutor

The Office of the Public Prosecutor has the following rights and duties:

1. To monitor and inspect the proper and uniform adherence to laws and regulations by all ministries, ministry-equivalent organisations, government organisations, the Lao Front for National Construction, mass organisations, social organisations, local administrations, enterprises, and citizens, and this shall be referred to as general monitoring and inspection;
2. To monitor and inspect compliance with laws by investigation⁷ organisations;

² The same word in Lao is used to describe physical locations and the “position” of an organisational component in relation to the larger system in which it is situated. Where the latter meaning is intended, the word has been translated as “status”.

³ The term “office of the public prosecutor” is used interchangeably in this law to refer to the overall prosecutorial structure and to individual offices at various levels (e.g., central, provincial, municipal). The translators have adopted the following convention in this law. Where the context clearly indicates that the reference is to the overall structure, the translators have translated the Lao term in capitals as “the Office of the Public Prosecutor”. The translation convention in other cases is explained in the context of Article 20.

⁴ In the Lao language, the same word is used to represent all of the following related (but slightly different) concepts: “control”, “inspection”, “supervision”, “audit” and “monitoring”. Here, the context suggests that two of the connotations of this Lao word are intended and have the translators have therefore included both: “monitor” and “inspect”. Readers should note the other possible meanings intended.

⁵ Literally, “organisations that belong to the government”. This term is different from the more common “State organisations”, which is used in other parts of this law. The intention may have been to exclude the line of organisations under the National Assembly, which would not be considered organisations that “belong” to the government but might instead be considered a line of organisations with parallel authority. Both such lines would be included in the term “State organisations”. However, the translators are unable to definitively resolve whether the terms are intended to be different in this sense or are used interchangeably.

⁶ The term “local administration” and its variants (e.g., “provincial and city administration”) are used in this law in three ways: first (and most commonly), as a tangible noun phrase referring to the persons or groups that, at local level, administer the country; second, as an abstract noun phrase referring to the concept of administration; and third, as an adjectival phrase.

⁷ The Lao word is a compound word “investigation-interrogation”, where investigation has the sense of inquiries through means other than the questioning of witnesses. Since the English word “investigation” does not connote a similar exclusion or carve-out, the translators have translated the compound word simply as “investigation”.

3. To monitor and inspect adherence to laws in court proceedings and judgment enforcement;
4. To monitor and inspect adherence to laws in places of arrest, places of detention, re-education centres, [and] prisons during the implementation of deprivation of liberty and the enforcement of court measures;
5. To examine proposals for [granting] pardon to prisoners;
6. To undertake measures to counter crime and other violations of the laws; to eliminate and prevent the causes and conditions which result in wrongdoing;
7. To ensure complete, thorough, and objective investigation of criminal cases and to issue measures to prevent wrongdoing in coordination with State organisations and other organisations;
8. To ensure that offenders receive punishment according to the laws and to not allow innocent people to be punished;
9. To undertake the whole investigation or those portions of it within its authority as provided by the laws;
10. To exercise such other rights and perform such other duties as provided by the laws.

Article 4. The Principles of Organisation and the Operations of the Office of the Public Prosecutor

The Office of the Public Prosecutor at various levels consists of a uniform and centralised system. [This organisation] is led by the Supreme Public Prosecutor, and the lower-level prosecutors⁸ are under⁹ higher-level prosecutors. In the implementation of their duties, the local Public Prosecutors shall only comply with the laws and instructions of the Supreme Public Prosecutor.

The Office of the Public Prosecutor undertakes [its activities] based on equity¹⁰ in accordance with the laws of the Lao People’s Democratic Republic, ensures proper and uniform adherence to the laws in coordination with the local administrations, and issues measures that are necessary to search out violations of the laws, to eradicate all causes of violations of the laws, to restore the violated rights of citizens, and to prosecute offenders in court.

⁸ Readers should be careful to distinguish between several very similar terms that are used in this law. “prosecutor” is used to refer to all the prosecutors (including the Supreme Public Prosecutor, the various head prosecutors and their deputies). “public prosecutor” is also used in most provisions to refer generically to individual prosecutors. However, in the administrative structure of the local offices, the head of the office is called “the Public Prosecutor” and his deputies within that office “the deputy public prosecutors”. Even though Lao does not use capitals and the translators’ general practice has been to use the lower case unless referring to a title held by only one institution or person (e.g., the President of the State or the Supreme Public Prosecutor), the translators will depart from that practice in this law. In this law, the translators will use the term “Public Prosecutor” in uppercase when it is clear that a reference to the heads of offices is intended.

⁹ Literally “belong to”.

¹⁰ The term “equity” is used in the common sense of “fairness” or “justice”.

The activities of the Office of the Public Prosecutor contribute to educating citizens to respect and comply with the laws and rules of life in the society.

Article 5. Consideration of Petitions and Complaints

Public prosecutors at all levels may consider and deal with petitions and complaints of the citizens, and recommendations of State organisations, the Lao Front for National Construction, mass organisations, and social organisations as provided by the laws, and may issue necessary measures to restore violated rights and to protect the legitimate rights and interests of those citizens and organisations.

Part II

Monitoring and Inspection by Public Prosecutors

Chapter 1

General Monitoring and Inspection

Article 6. The Purpose of General Monitoring and Inspection

Within the scope of their rights and duties, the Supreme Public Prosecutor and lower-level public prosecutors monitor and inspect the proper and uniform adherence to laws by the ministries, ministry-equivalent organisations, government organisations, the Lao Front for National Construction, mass organisations, social organisations, local administrations, enterprises, and citizens and monitor and inspect the issuance of legal acts¹¹ of such organisations to ensure conformity with the laws.

Article 7. Rights and Duties of Public Prosecutors in General Monitoring and Inspection

Within the scope of their responsibilities, public prosecutors at all levels have the rights and duties to:

1. Demand submission of decisions, orders and other legal acts¹² of the ministries, ministry-equivalent organisations, government organisations, the Lao Front for National Construction, mass organisations, social organisations, local administrations, and enterprises, and monitor and inspect such legal acts for compliance with the laws;
2. Monitor compliance with the laws by the ministries, ministry-equivalent organisations, State organisations, the Lao Front for National Construction, mass organisations, social organisations, local administrations, enterprises and civil servants according to the complaints of the public. If it is found that there is

¹¹ The term “legal acts” has the meaning of “legal documents”.

¹² That is, the public prosecutors can require these organisations to submit their edicts and legal instructions for review.

- wrongdoing, they shall propose to concerned authorities to deal with the issues[;] if an offence is found, the public prosecutors shall take criminal action against the offenders;
3. Summon concerned individuals to provide explanations regarding violations of the laws;
 4. Propose the suspension or cancellation¹³ of the legal acts of ministries, ministry-equivalent organisations, government organisations, the Lao Front for National Construction, mass organisations, social organisations, local administrations, and enterprises which are not in compliance with the laws to such organisations or to relevant higher-level authorities.
Any proposal from the public prosecutors must be considered within thirty days from the date that such proposal is received;
 5. Make proposals to State organisations, the Lao Front for National Construction, mass organisations, social organisations and enterprises regarding the restriction and eradication of violations of the laws and the causes and conditions which cause wrongdoing to arise;
 6. Exercise such other rights and perform such other duties as provided by the laws.

Article 8. Effect of the Execution of Legal Acts of Public Prosecutors

Decisions, orders, instructions and notifications of public prosecutors at all levels issued within the scope of their authority are binding upon all State organisations, the Lao Front for National Construction, mass organisations, social organisations, enterprises and citizens.

Chapter 2
Monitoring and Inspection of Adherence to Laws
by Investigation Organisations

Article 9. Objectives of Monitoring and Inspection of Adherence to Laws by Investigation Organisations

The Supreme Public Prosecutor and lower-level public prosecutors monitor and inspect the adherence to laws by investigation organisations to:

1. Search for all wrongful acts that occur and to not allow those offenders to escape punishment under the laws;
2. Not allow any individual to be criminally punished unlawfully or without evidence or to have any of their rights unlawfully restricted;
3. Ensure that the detention, arrest, and imprisonment of offenders are in compliance with laws and not allow detentions, arrests, or personal or building searches without a prosecutorial or court

¹³ They themselves cannot cancel but can require the organisations to cancel.

- order, except where such arrests or searches of buildings [occur in the context of]¹⁴ on-the-spot-arrests¹⁵ or urgent cases;
4. Ensure that the investigation organisations strictly adhere to laws and regulations regarding proceedings in criminal cases.

Article 10. Rights and Duties of Public Prosecutors in the Monitoring and Inspection of Adherence to Laws by Investigation Organisations

In the monitoring and inspection of adherence to laws by investigation organisations, and within the scope of their responsibilities, public prosecutors at all levels have the rights and duties to:

1. Demand criminal case files, documents, evidence, and other data relating to any offence from the investigation organisation for inspection;
2. Participate in the investigation of criminal cases and, in necessary cases, conduct the investigation themselves. In such investigation, the public prosecutor may assign an interrogator¹⁶ to undertake the task on his¹⁷ behalf;
3. Cancel illegal or unreasonable orders of the investigation organisations;
4. Give instructions in writing regarding investigations in criminal cases, prevention of crimes¹⁸, interpretation of any offence, implementation of investigation measures and the conduct of search for offenders;
5. Issue orders on arrests, detentions, escorting¹⁹, [and] building searches relating to offences not occurring in the presence of relevant officials or in cases which are not urgent, and issue orders for temporary release;
6. Extend the time required for investigations and determine detention periods as provided by the laws;
7. Send case files back to the investigation organisations along with instructions relating to additional investigation;

¹⁴ Literally “are in the case of”.

¹⁵ Literally “offence in the presence”. This refers to an offence the commission of which is directly observed by anyone. The observer need not be an official.

¹⁶ See footnote 7. Here, only part of the Lao compound word “investigator-interrogator” is used, namely “interrogator”.

¹⁷ Readers should note that the Lao language does not distinguish between genders in pronouns. In this translation, a reference to a gender is a reference to all genders, unless the context requires otherwise. The translators’ decision to use the male gender was made in the interests of simplicity and consistency.

¹⁸ The term “offence” is used throughout this law, as in the Penal Law, to refer generally to criminal acts. There are three levels of such criminal acts as set out in Article 7 of the Penal Law. A “crime” (the category specifically referred to in this provision) is the third, most serious level of offence.

¹⁹ This refers to the act of “escorting” apprehended persons.

8. Order investigation officials who have violated the laws in any case proceedings to cease the investigation;
9. Open investigations, dismiss cases or suspend case proceedings, prosecute offenders in court and send case files to court;
10. Exercise such other rights and perform such other duties as provided by the laws.

Article 11. Effect of Orders and Instructions of Public Prosecutors

All orders and instructions of public prosecutors at all levels which are issued in compliance with the laws are enforceable against all investigation organisations.

Chapter 3

**Monitoring and Inspection of Adherence to Laws
in Court Proceedings and Judgment Enforcement**

Article 12. Objectives of Monitoring and Inspection of Adherence to Laws in Court Proceedings and Judgment Enforcement

The Supreme Public Prosecutor and lower-level public prosecutors monitor and inspect the adherence to laws by the courts so that cases are processed properly, completely, thoroughly, objectively, and according to the stage of proceedings²⁰ in order to ensure that court instructions, orders and decisions²¹ are based on sound reasons, made in accordance with the laws and enforced correctly.

²⁰ I.e., applying the appropriate procedures at each stage of court proceedings. Readers may wish to refer to the Law on Civil Procedure and the Law on Criminal Procedure for more information on such procedures. Generally, many of the terms used and institutions referred to in this article 13 are explained or described in those two laws.

²¹ Lao has very specific words for rulings of courts at different levels and of different sorts. Readers may wish to refer to the Law on Peoples Courts, the Law on Civil Procedure and the Law on Criminal Procedure for more information on these matters. Similar terms are used in this law. The term “decision” refers generically to the ruling of a court on the subject matter of the claim. The term “instruction” is used to refer to directions of a court on matters collateral to the subject matter of the claim (e.g., an instruction that expert evidence is required). The term “order” is used to refer to decisions of a court that are rendered without a trial or hearing (e.g., an undisputed declaration of affiliation).

Article 13. Rights and Duties of Public Prosecutors in the Monitoring and Inspection of Adherence to Laws in Court Proceedings

In the monitoring and inspection of adherence to laws in court proceedings, and within the scope of their responsibilities, the public prosecutors at all levels have the rights and duties to:

1. Sue in civil matters to protect the interests of the State and society as provided by the laws;
2. Request a first instance court to send any case file to them;
3. Participate in court hearings of criminal and civil cases and make statements to the court;
4. Submit objections against instructions, orders and decisions in civil or criminal matters that are not final, [that are] of the people's courts at their own [respective] levels, and that are unreasonable or not in accordance with the laws;
5. Propose to withdraw their objection before the issuance of a decision;
6. Reopen a case upon discovering new data or evidence;
7. Exercise such other rights and perform such other duties as provided by the laws.

Article 14. Rights and Duties of Public Prosecutors in the Monitoring and Inspection of Judgment Enforcement

In the monitoring and inspection of judgment enforcement, and within the scope of their responsibilities, public prosecutors at all levels have the rights and duties to:

1. Propose to judgment enforcement officers to:
 - report on the state of the enforcement of court instructions, orders and decisions;
 - execute final²² court instructions, orders and decisions which have not yet been enforced.
2. Propose changes to, and the cancellation or suspension of, any improper enforcement of instructions, orders and decisions.

Article 15. Participation in the General Meeting of Judges

The Supreme Public Prosecutor participates in the General Meeting of Judges²³ to examine the use of laws in case proceedings and the adjudication of cases throughout the whole country.

²² Readers may wish to refer to the Law on Judgment Enforcement for information on when decisions become final. Generally, many of the terms used in this article 14 are explained in that law.

²³ Readers may wish to refer to Article 24 of the Law on People's Courts for more information on this committee of judges that functions as the advisory board of the People's Supreme Court.

If it is seen that the decision of the General Meeting of Judges is not in compliance with the laws, the Supreme Public Prosecutor reports to the National Assembly Standing Committee.

Chapter 4
Monitoring and Inspection of Adherence to Laws
at Places of Arrest, Places of Detention, Re-education Centres, Prisons,
and other Places for the Enforcement of Court Measures

Article 16. Objectives of Monitoring and Inspection of Adherence to Laws at Places of Arrest, Places of Detention, Re-education Centres, Prisons, and other Places for the Enforcement of Court Measures

In the monitoring and inspection of adherence to laws at places of arrest, detention, re-education centres, prisons and other places for the enforcement of court measures, and within the scope of their responsibilities, the public prosecutors are to ensure proper adherence to the laws and regulations governing conditions for arrest, detention, re-education, deprivation of liberty, and other enforcement of court measures²⁴.

Article 17. Rights and Duties of Public Prosecutors in the Monitoring and Inspection of Adherence to Laws at Places of Arrest, Places of Detention, Re-education Centres, Prisons, and other Places for the Enforcement of Court Measures

In the monitoring and inspection of adherence to laws at places of arrest, places of detention, re-education centres, prisons, and other places for the enforcement of court measures, and within the scope of their responsibilities, public prosecutors at all levels have the rights and duties to:

1. Systematically or at any time, inspect the places of arrest, places of detention, re-education centres, and prisons, and other places for the enforcement of court measures;
2. Inspect documents relating to arrest, detention, imprisonment, [and] re-education, and inspect the enforcement of other court measures;
3. Question detainees, arrested persons, prisoners, and persons in re-education, and others who are subject to the enforcement of other court measures;
4. Inspect the actions of officials against individuals who have been detained, arrested, imprisoned, re-educated, or are subject to the enforcement of other court measures. If it is found that any action of an official violates the laws, the public prosecutors shall warn that official; if the action constitutes an offence, they shall take criminal action against such official;
5. Order the immediate release of detainees, arrested persons, prisoners, persons in re-education, and those who are subject to

²⁴ The term “measures” has the meaning of “punishments” or “penalties”. Readers may wish to the Penal Law for more information on these “measures”.

the enforcement of other court measures [where such restraint is] not according to the laws;

6. Inspect various orders and regulations of committees in charge of the places of arrest, places of detention, re-education centres, and prisons to ensure that they are in compliance with the laws, and ask such committees to explain the reasons for violations of the laws;

Committees in charge of places of arrest, places of detention, re-education centres, and prisons shall comply with orders of the public prosecutors relating to compliance with regulations on arrest, detention, re-education, and imprisonment as provided by the laws;

7. Exercise such other rights and perform such other duties as provided by the laws.

Article 18. Duty to Send Requests and Complaints of Offenders to Public Prosecutors

Requests and complaints of accused persons, defendants, prisoners, or persons in re-education centres that are addressed to public prosecutors shall be sent by the committees in charge of places of arrest, places of detention, re-education centres and prisons within forty eight hours from the time they were received.

Part III

Examination of [Grants of] Pardon to Prisoners

Article 19. Rights and Duties of the Supreme Public Prosecutor in the Examination of [Grants of] Pardon to Prisoners

In the examination of whether to grant pardon to prisoners, the Supreme Public Prosecutor has the rights and duties to:

1. Establish a committee to examine the proposal for granting pardon to prisoners at the central, provincial and city levels;
2. Study and develop regulations, decisions, orders, instructions, and notifications on the grant of pardon to prisoners;
3. Direct and guide the study and development of the list of prisoners that meet the conditions for pardon and[,] thereafter[,] to propose to the National Assembly Standing Committee to consider to propose to the President of the State.²⁵

²⁵ The Supreme Public Prosecutor may propose a list of prisoners to the National Assembly Standing Committee, which has the power to “consider” (which carries the connotation of being able to make some “decision” on the matter being considered) the list and to further propose the list to the President of the State.

Part IV
Organisational Structure of the Office of
the Public Prosecutor in the Lao People's Democratic Republic

Article 20. Organisational Structure of the Office of the Public Prosecutor

The organisational structure of the Office of the Public Prosecutor consists of:

- The Office of the Supreme Public Prosecutor;
- Offices of the appellate public prosecutors;
- Offices of the provincial [or] city public prosecutors;
- Offices of the district [or] municipal public prosecutors;
- Offices of the military prosecutors²⁶.

Offices of the appellate public prosecutors, offices of the provincial [or] city public prosecutors, and offices of the district [or] municipal public prosecutors shall [each] be referred to as an office of local public prosecutors.

The organisation and operations of the offices of the military prosecutors will be provided in specific legislation.

Chapter 1
The Office of the Supreme Public Prosecutor

Article 21. Status and Role of the Office of the Supreme Public Prosecutor

The Office of the Supreme Public Prosecutor is the highest monitoring and inspection authority within the system of the Office of the Public Prosecutor in the Lao PDR, and it has the role to direct and guide the Office of the Public Prosecutor at all levels in the monitoring and inspection of the proper and uniform adherence to laws throughout the whole country.

Article 22. Location of the Office of the Supreme Public Prosecutor

The Office of the Supreme Public Prosecutor is located in Vientiane Capital City.

²⁶ The Lao language does not require that nouns contain information as to whether they are in the singular or plural. Where the translators are aware that there can only be one institution of the sort (e.g., only one Office of the Supreme Public Prosecutor), the translators have used the singular and have used capital letters. In this article, the translators have chosen the plural form to refer to offices of prosecutors at the lower levels because, conceptually, there could be more than one of these offices. However, readers may wish to note that, at the time of translation, some of these levels of prosecutors (e.g., the military prosecutor) maintain only one office.

Article 23. Structure of the Office of the Supreme Public Prosecutor

The Office of the Supreme Public Prosecutor consists of:

The Supreme Public Prosecutor;
Deputy supreme public prosecutors;
Interrogators;
Supporting mechanism.

Article 24. Rights and Duties of the Office of the Supreme Public Prosecutor

The Office of the Supreme Public Prosecutor has the rights and duties to:

1. Monitor and inspect adherence to laws throughout the whole country;
2. Administer the organisation and operations of the offices of local public prosecutors;
3. Develop training programs and upgrade [the knowledge and skills] of the staff of the Office of the Public Prosecutor;
4. Examine and summarise reports on the operations of the Office of the Public Prosecutor, on case statistics, and on accused persons and prisoners throughout the whole country;
5. Provide legal guidance and information to the offices of local public prosecutors and the offices of the military prosecutors;
6. Coordinate and cooperate with foreign countries on prosecutorial activities and laws;
7. Exercise such other rights and perform such other duties as provided by the laws.

Article 25. Appointment and Removal of the Supreme Public Prosecutor

The Supreme Public Prosecutor is appointed and removed by the National Assembly on the proposal of the President of the State.

The term of office of the Supreme Public Prosecutor is equal to the term of office of the National Assembly.

Article 26. Rights and Duties of the Supreme Public Prosecutor

The Supreme Public Prosecutor has the rights and duties to:

1. Direct and monitor the Office of the Public Prosecutor at all levels;
2. Propose to the People's Supreme Court to re-open cases when new data or evidence is found;
3. Provide opinions on case proceedings when a public prosecutor is an accused person;
4. Lead the examination of and make proposals for granting pardon to prisoners;

5. Lead the study of, and propose, draft laws and other legislation to the National Assembly or the National Assembly Standing Committee;
6. Request the National Assembly Standing Committee to interpret the law for proper and uniform implementation;
7. Propose to the President of the State to appoint or remove deputy supreme public prosecutors;
8. Appoint, transfer, and remove local public prosecutors, interrogators, and other staff working in the Office of the Public Prosecutor;
9. Train and upgrade [the knowledge and skills] of staff of the Office of the Public Prosecutor;
10. Report on the status of the organisation and the operations of the Office of the Public Prosecutor to the National Assembly or the National Assembly Standing Committee when the National Assembly is not in session;
11. Exercise such other rights and perform such other duties as provided by the laws.

Article 27. Deputy Supreme Public Prosecutors

Each deputy supreme public prosecutor is appointed and removed by the President of the State, based on the proposal of the Supreme Public Prosecutor.

Deputy supreme public prosecutors have responsibilities to assist the Supreme Public Prosecutor and will be assigned by the Supreme Public Prosecutor to undertake specific tasks.

When the Supreme Public Prosecutor is engaged on other matters, the assigned deputy supreme public prosecutor will act on his behalf.

Article 28. Organisational Structure of the Office of the Supreme Public Prosecutor

To ensure the implementation of its responsibilities and operations, the Office of the Supreme Public Prosecutor has the following supporting mechanism:

- The Cabinet;
- Organisation and Personnel Department;
- Department of General Monitoring and Inspection;
- Department of Criminal Case Monitoring and Inspection;
- Department of Civil Case Monitoring and Inspection;
- Department of Prison Monitoring and Inspection.

When it is deemed necessary, new departments may be established or certain departments may be abolished.

The organisational structure, number of staff and operations of the supporting mechanism will be provided in the internal regulations of the Office of the Supreme Public Prosecutor.

Chapter 2 Offices of the Appellate Public Prosecutors

Article 29. Status and Role of the Offices of the Appellate Public Prosecutors

The offices of the appellate public prosecutors are organisations in the structure of the Office of the Public Prosecutor of the Lao People's Democratic Republic, and have the role to monitor, within the scope of their responsibilities, the proper and uniform adherence to laws.

Article 30. The Establishment of the Offices of the Appellate Public Prosecutors

Offices of the appellate public prosecutors are established in the northern, central, and southern regions of the Lao Peoples Democratic Republic.

The provinces [and] cities that are to be under the jurisdiction of an office of the appellate public prosecutors in a region and the location for the establishment of the office of the appellate public prosecutors in such region will be defined in specific regulations.

Article 31. Organisational Structure of the Offices of the Appellate Public Prosecutors

[Each] office of the appellate public prosecutors consists of:

The Appellate Public Prosecutor;
Deputy appellate public prosecutors;
Interrogators;
Supporting mechanism.

Article 32. Rights and Duties of the Offices of the Appellate Public Prosecutors

[Each] office of the appellate public prosecutors has the following rights and duties:

1. To monitor, within the scope of its responsibilities, adherence to the laws;
2. To administer the organisation and operations of the offices of the provincial [or] or city public prosecutors that are under its supervision;

3. To examine and summarise reports on the operations of the offices of the provincial [or] city public prosecutors that are under its supervision and within the scope of its responsibilities, including reports on the statistics of cases, and on accused persons and prisoners;
4. To provide legal guidance and information to the offices of the provincial [or] city public prosecutors that are under its supervision;
5. To exercise such other rights and perform such other duties as provided by the laws.

Article 33. Rights and Duties of the Appellate Public Prosecutors

Each Appellate Public Prosecutor has the following rights and duties:

1. To direct and monitor the operations of the office of the appellate public prosecutors of which he is in charge²⁷, and the offices of the provincial [or] city public prosecutors that are under his supervision;
2. To report to the Supreme Public Prosecutor on the status of the organisation and operations of the office of the appellate public prosecutors of which he is in charge;
3. To provide technical guidance to the offices of the provincial [or] city public prosecutors that are under his supervision;
4. To exercise such other rights and perform such other duties as provided by the laws.

Article 34. Deputy Appellate Public Prosecutor

[Each] deputy appellate public prosecutor has duties to assist the Appellate Public Prosecutor in the implementation of his duties and will be assigned to specific tasks by the Appellate Public Prosecutor.

When the Appellate Public Prosecutor is engaged on other matters, the assigned deputy appellate public prosecutor will act on his behalf.

Article 35. Supporting Mechanism of the Offices of the Appellate Public Prosecutors

To ensure the implementation of their tasks, [each] office of the appellate public prosecutors has the following supporting mechanism: Cabinet and certain divisions.

The organisational structure, number of staff, and operations of the supporting mechanism of the offices of the appellate public prosecutors will be decided by the Supreme Public Prosecutor.

²⁷ Literally “at his own level”. Although it is possible to read this term as including other offices of the appellate public prosecutor “at same level”, the translators believe that the intended meaning is “his own office”.

Chapter 3 **Offices of the Provincial [or] City Public Prosecutors**

Article 36. Status and Roles of the Offices of the Provincial [or] City Public Prosecutors

The offices of the provincial [or] city public prosecutors²⁸ are organisations in the structure of the Office of the Public Prosecutor of the Lao People's Democratic Republic, and have the role to monitor, within the scope of their responsibilities, the proper and uniform adherence to laws.

Article 37. The Establishment of the Offices of the Provincial [or] City Public Prosecutors

Offices of the provincial [or] city public prosecutors are established in each province or city of the Lao People's Democratic Republic.

Article 38. Organisational Structure of the Offices of the Provincial [or] City Public Prosecutors

[Each] office of the provincial [or] city public prosecutors consists of:

The Public Prosecutor²⁹ of the province or city;
Deputy provincial [or] city public prosecutors;
Interrogators;
Supporting mechanism.

Article 39. Rights and Duties of the Offices of the Provincial [or] City Public Prosecutors

[Each] office of the provincial [or] city public prosecutors has the following rights and duties:

1. To monitor, within the scope of its responsibilities, adherence to the laws;
2. To administer the organisation and operations of the offices of the district [or] or municipal public prosecutors that are under its supervision;
3. To examine and summarise reports on the operations of the offices of the district [or] municipal public prosecutors that are under its supervision and within the scope of its responsibilities, including reports on the statistics of cases, and on accused persons and prisoners;
4. To provide legal guidance and information to the offices of the district [or] municipal public prosecutors that are under its supervision;

²⁸ There are separate offices of the provincial public prosecutors and offices of the city public prosecutors.

²⁹ "Public Prosecutor" (with initial capitals) is used to refer to the head prosecutor in each office.

5. To exercise such other rights and perform such other duties as provided by the laws.

Article 40. Rights and Duties of the Provincial and City Public Prosecutors

Each provincial or city Public Prosecutor has the following rights and duties:

1. To direct and monitor the operations of the office of the provincial [or] city public prosecutors of which he is in charge, and the offices of the district [or] municipal public prosecutors that are under his supervision;
2. To report on the status of the organisation and operations of the provincial [or] city office of the public prosecutors of which he is in charge to the [relevant] supervising office of the appellate public prosecutors;
3. To provide technical guidance to the offices of the district [or] municipal public prosecutors that are under his supervision;
4. To exercise such other rights and perform such other duties as provided by the laws.

Article 41. Deputy Provincial [or] City Public Prosecutors

[Each] deputy provincial or city public prosecutor has duties to assist the Public Prosecutor of the province or city in the implementation of his duties and will be assigned to specific tasks by the Public Prosecutor of the province or city.

When the Public Prosecutor of the province or city is engaged on other matters, the assigned deputy provincial or city public prosecutor will act on his behalf.

Article 42. Supporting Mechanism of the Offices of the Provincial [or] City Public Prosecutors

To ensure the implementation of their tasks, [each] office of the provincial [or] city public prosecutors has the following supporting mechanism: Cabinet and certain units.

The organisational structure, operations of the supporting mechanism, and number of staff of the offices of the provincial and city public prosecutors will be decided by the Supreme Public Prosecutor.

Chapter 4

Offices of the District [or] Municipal Public Prosecutors

Article 43. Status and Roles of the Offices of the District [or] Municipal Public Prosecutors

The offices of the district [or] municipal public prosecutors³⁰ are organisations in the structure of the Office of the Public Prosecutor of the Lao People's Democratic Republic, and have the role to monitor, within the scope of their responsibilities, the proper and uniform adherence to laws.

Article 44. The Establishment of the Offices of the District or Municipal Public Prosecutors

Offices of the district [or] municipal public prosecutors are established in each district or municipality of the Lao People's Democratic Republic.

If a district or municipality cannot establish an office of public prosecutors, the Supreme Public Prosecutor will issue an order to assign that power to a neighbouring office of public prosecutors.

Article 45. Organisational Structure of the Offices of the District [or] Municipal Public Prosecutors

[Each] office of the district [or] municipal public prosecutors consists of:

The Public Prosecutor³¹ of the district or municipality;
Deputy district [or] municipal public prosecutors;
Interrogators;
Supporting mechanism.

Article 46. Rights and Duties of the Offices of the District [or] Municipal Public Prosecutors

[Each] office of the provincial [or] city public prosecutors has the following rights and duties:

1. To monitor, within the scope of its responsibilities, adherence to the laws;
2. To examine and summarise reports on the operations within the scope of its responsibilities, including reports on the statistics of cases, and on accused persons;
3. To exercise such other rights and perform such other duties as provided by the laws.

³⁰ There are separate offices of the district public prosecutors and offices of the municipal public prosecutors.

³¹ "Public Prosecutor" (with initial capitals) is used to refer to the head prosecutor in each office.

Article 47. Rights and Duties of the District or Municipal Public Prosecutor

Each provincial or city Public Prosecutor has the following rights and duties:

1. To direct and monitor the operations of the office of the district [or] municipal public prosecutors of which he is in charge;
2. To report on the status of the organisation and operations of the office of district [or] municipal public prosecutors of which he is in charge to the [relevant supervising] office of the provincial [or] city public prosecutors;
3. To exercise such other rights and perform such other duties as provided by the laws.

Article 48. Deputy District or Municipal Public Prosecutors

[Each] deputy district or municipal public prosecutor has duties to assist the district [or] municipal Public Prosecutor of the district or municipality in the implementation of his duties and will be assigned to specific tasks by the Public Prosecutor of the district or municipality.

When the Public Prosecutor of the district or municipality is engaged on other matters, the assigned deputy municipal or city public prosecutor will act on his behalf.

Article 49. Supporting Mechanism of the Offices of the District [or] Municipal Public Prosecutors

The supporting mechanism of the offices of the district [or] municipal public prosecutors is a secretary.

The organisational structure, operations of the supporting mechanism, and number of staff of the offices of the district [or] municipal public prosecutors will be decided by the Supreme Public Prosecutor.

**Part V
Public Prosecutors and Interrogators**

Article 50. Standards and Qualifications of Public Prosecutors and Interrogators

Public servants who are to be appointed as public prosecutors or interrogators shall meet the following standards and [possess the following] qualifications:

1. Be Lao citizens who are 25 years of age or above;
2. Have strong political commitment;
3. Have good character, be true and faithful to the interests of the nation, and have good ethics;
4. Have legal education or legal training;

5. Have good health.

The standards and qualifications, and detailed levels of profession, of public prosecutors and interrogators who are to be assigned to each level of the Office of the Public Prosecutor, will be provided in specific regulations.

Article 51. Rights and Duties of Interrogators

Interrogators have the following rights and duties:

1. To conduct the investigation of the case as assigned by the public prosecutors;
2. To review and summarise the case and prepare a statement or order for the public prosecutors as assigned;
3. To take testimony from the plaintiff, defendant, and other persons participating in the case proceedings;
4. To collect data and evidence relating to the case;
5. To exercise such other rights and perform such other duties as provided by the laws.

Part VI

**Budget, Uniform, Badge, Identification Card,
and Seal of Public Prosecutors**

Article 52. Budget of the Office of the Public Prosecutor

The budgets of the Office of the Supreme Public Prosecutor and the offices of the appellate public prosecutors are prepared by the Supreme Public Prosecutor, and thereafter will be proposed to the government to present to the National Assembly for consideration.

The budgets of the offices of the provincial [or] city public prosecutors and the offices of the district [or] municipal public prosecutors are prepared by the Public Prosecutor of such level to propose to the local administration at that level for consideration.

The budget of the military prosecutors is under the budget of the Ministry of National Defence.

Article 53. Identification Card, Badge and Uniform of the Public Prosecutors

The identification card, badge, and uniform of the Office of the Public Prosecutor is considered and decided by the National Assembly.

Article 54. Seal of the Office of the Supreme Public Prosecutor and the Lower-Level Offices of Public Prosecutors

The seal of the Office of the Public Prosecutor is in the form of a circle. In the centre is the national emblem. The inscription along the arc at the top edge is “The Office of the Supreme Public Prosecutor” and the inscription

along the arc at the bottom edge is the name of the office of the public prosecutor of the relevant level. To separate the [two] inscriptions, five-cornered stars are inserted.

Part VII Final Provisions

Article 55. Implementation

The Office of the Public Prosecutor of the Lao People's Democratic Republic is assigned to implement this law.

Article 56. Effectiveness

This law shall enter into force on the date when the President of the Lao People's Democratic Republic issues a decree for its promulgation.

This law replaces the Law on the Office of the Public Prosecutor of the Lao People's Democratic Republic, No. 31/SPA, dated 23 December 1989.

Regulations and provisions that contradict this law are null and void.

Vientiane, 21 October 2003
President of the National Assembly

[Seal and Signature]

Samane VIGNAKET