



LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

President's Office

No. 62/PO

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

On the Promulgation of the Law on the People's Court (amended version)

- Pursuant to Chapter VI, Article 67, paragraph 1 of the Constitution of Lao People's Democratic Republic, on the promulgation of Constitution and of laws that have been adopted by the National Assembly;
- Pursuant to Resolution No. 49/NA, dated 21 October 2003, of the National Assembly of the Lao People's Democratic Republic, on the adoption of the Law on the People's Court (amended version);
- Pursuant to the Letter of Proposal No. 25/SC dated 27 October 2003 of the Standing Committee of the National Assembly

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

Article 1. The Law on the People's Court (amended version) is hereby promulgated.

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

Vientiane, 5 November 2003

President of the Lao People's Democratic
Republic

[Seal and Signature]

Khamtay SIPHANDONE



LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

People's Supreme Assembly

No. 05/PSA
21 October 2003

LAW ON THE PEOPLE'S COURTS

Part I General Principles

Article 1. (New) Status and Roles of the People's Courts

The people's courts are the judicial organs of the State, which have [the following roles:] to adjudicate cases, aiming to educate the citizens to be patriotic to the nation and the regime of the people's democracy; to protect and maximize the outcomes of the revolution, the political regime, the society and economy, party organs, State organs, the Lao Front for National Construction, the mass organisations, and the social organisations; to protect the legitimate rights and benefits of the citizen; to ensure fairness and justice; to maintain the public order and peace throughout society; [and] to increase equity, and eliminate and prevent the violation of the laws.¹

In the Lao People's Democratic Republic, only the people's courts are authorized to strictly adjudicate cases in accordance with the laws.

Article 2. (New) The Rights and Duties of the People's Courts

The people's courts have the rights and duties to:

1. Adjudicate, educate, and punish violators of the laws;
2. Discover and eliminate the causes and conditions leading to violation of the laws;
3. Increase the people's knowledge about the political regime, [increase the people's] awareness of the laws and of the implementation of such laws and State regulations, and maintain the discipline of living in society;
4. Coordinate with relevant organisations, both domestic and international, in order to perform their duties; [and]
5. Coordinate and cooperate with foreign countries on legal and judicial matters.

¹ For readability, the punctuation has been modified.

Article 3. (New) The Jurisdiction of the People’s Courts

The people’s courts have the judicial power to adjudicate criminal, civil, commercial, family and juvenile cases, and such other cases as authorized by the laws.

Article 4. (New) Equality before the Laws and the Courts

All Lao citizens are equal before the laws and the courts, irrespective of their gender, race, ethnicity, socio-economic status, language, educational level, occupation, beliefs, place of origin or other [factors].

Lao citizens have the right to take an action to court on issues pertaining to any action that affects their lives, health, rights and freedoms, dignity or properties.

Foreign individuals, aliens and and apatrids² who are in the territory of the Lao People's Democratic Republic shall have the same rights as Lao citizens, unless otherwise provided by the laws.

Article 5. (New) Adjudication in accordance with the Laws and the Effect of Orders of the People’s Courts

In its adjudication, a court must comply with the laws of the Lao People's Democratic Republic. In the event that any matter is not determined by the laws, the court must make a decision upon the facts and such decision must be in accordance with fairness and court precedents. For any action that is not defined as a criminal act under the Penal Law, the court cannot issue any criminal judgment or impose any penalty on such action.

The judgment of the People's Supreme Court on a matter that is not (or is not clearly) defined by the laws shall be considered as a court precedent, which the people's courts shall comply with until such matter is regulated by a law.³

A court shall issue its order in the name of the Lao People's Democratic Republic.

The judgments made by the people’s courts and having become legally effective must be respected by all organisations of the party, the State and the Lao Front for National Construction, by all mass and social organisations, by enterprises, and by all citizens; individuals and organisations concerned⁴ must strictly implement them in accordance with Article 85 of the Constitution.

² Readers may wish to refer to the Law on Lao Nationality for the distinction between foreign individuals, aliens and apatrids (i.e., persons unable to certify their citizenship).

³ Readers may wish to refer to the Law on Judgment Enforcement for information on the kinds of decisions, orders and instructions which would be considered “final” and “enforceable”.

⁴ The word “concerned” is used in the sense of “involved in” or “directed under”.

Judgments that have become legally effective cannot be changed.

Article 6. (New) Judicial Tribunals

“Judicial tribunals”⁵ [refers to] tribunals made up of the judges of the People's Supreme Court, [the judges of] the appellate courts, [and the judges of the] provincial, city,⁶ district and municipal courts; [each such tribunal] comprises three judges, one of them taking on the role of presiding judge, and the other two as members of the tribunal.

The order of each tribunal shall be given effect to in accordance with the opinion of the majority of its members.

The deliberations of judicial tribunals shall be secret.

Article 7. (New) The Independence of the People's Courts

In examining and deciding cases, the people's courts shall be impartial and comply with the laws.

Article 8. Language used in Judicial Proceedings

Court proceedings must be in the Lao language. Persons involved in the proceedings who do not know the Lao language have the right to use their own language or other languages through translators.

Article 9. Hearings shall be in Public

All cases in the people's courts shall be heard in public, except for cases that concern secrets of the State or the society, which shall be heard in proceedings closed to the public.

Article 10. (New) Right of Action

The accused person in a criminal case and the parties in a civil case have the right of action to litigate their matters personally or to have a lawyer or a legal representative to protect their rights and benefits in proceedings.

The procedures [to be observed by] the lawyers and the legal representatives in proceedings are regulated by the criminal and civil procedure laws.

⁵ The quotation marks have been added and are not in the original Lao text.

⁶ The generic term “city people's court” or “metropolitan people's courts” is often interchangeably translated as Vientiane city people's court because Vientiane is, as of 2005, the only city. This term is intended to include the Special Zone People's Court (although the specific words are not stated in the Lao text). Readers may wish to refer to the Law on Local Administration for information on the structure of local administration at provincial, municipal, district and city levels.

Article 11. (New) Participation in Court Proceedings by Representatives of the Lao Front for National Construction, and the Mass and Social Organisations

Representatives of the Lao Front for National Construction, or of the mass and social organisations have the right to participate in proceedings in the people’s courts as provided by the criminal and civil procedure laws.

Article 12. (New) Levels of Decision by the People’s Courts

The people’s courts make decisions at the following three levels:

- At first instance;
- On appeal [or at second instance]; [and]
- On cassation.⁷

The people’s district and municipal courts each have the jurisdiction to make decisions as the courts of first instance in accordance with the evidence and the laws.

The people’s provincial and city courts each have the jurisdiction to make the following decisions in accordance with the evidence and the laws:

- Decisions at first instance; [and]
- Decisions on appeal from decisions at first instance made by the district and municipal courts.

The appellate courts have the jurisdiction to make decisions based on the evidence and the laws.

The People's Supreme Court has the jurisdiction of cassation as provided by the laws.

Article 13. (New) Review of Court Decisions and Administration of the Courts

In order to ensure that the people's courts and the military courts have exercised their jurisdictions properly as provided by the laws and [that their decisions] are uniform throughout the country [the following courts have the following monitoring powers].⁸

⁷ Note that the judicial powers of Lao courts are akin to civil law courts, rather than common law courts. Courts have greater leeway in re-hearing evidence on appeal and judges are active in the investigation of the case. Also, a distinction is made between appeals from first instance decisions and appeals from appeals, which are referred to as “cassation”.

⁸ This Article sets out powers of managerial oversight pursuant to which a higher-level court may examine the decisions of lower courts generally to ensure their consistency. It is not intended to refer to the hearing of specific appeals against specific decisions.

The People's Supreme Court may examine and review the proceedings and decisions of the appellate courts and the military courts.

The appellate courts may examine and review the evidence, proceedings and decisions made by the people's provincial and city courts under their jurisdiction.

The people's provincial and city courts may examine and review the evidence, proceedings and decisions made by the people's district and municipal courts under their jurisdiction.

The People's Supreme Court manages the administration of all people's courts and the military courts.

Article 14. (New) Participation in and Monitoring of Court Proceedings by the Public Prosecutors

The public prosecutors⁹ have the right to participate in trials and hearings, and to monitor whether the people's courts are exercising their jurisdiction in accordance with the regulations and within the scope of such jurisdiction, as provided by the laws.

Part II

The System of the People's Courts in the Lao People's Democratic Republic

Article 15. (New) The System of the People's Courts in the Lao People's Democratic Republic

The system of the people's courts in the Lao People's Democratic Republic comprises:

- The People's Supreme Court;
- The appellate courts;
- The people's provincial and city courts;
- The people's district and municipal courts; [and]
- The military courts.¹⁰

⁹ The term “public prosecutor” has been chosen because it is the English term commonly used in Laos for this title/institution. Other common translations are “people’s prosecutor” and “people’s public prosecutor”. 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. In addition, readers should note that the term is principally used to refer to the “office” or “organisation” of public prosecutors rather than to refer to individual prosecutors. In this Article, the reference is to the persons (i.e., the individual prosecutors) rather than the office.

¹⁰ As of the time this law was promulgated, only the high military court has been established (see Part II, Chapter 5 of this law). However, the translators have used the plural form in anticipation of other military courts being established (and the law is drafted consistently with such anticipation).

Appellate courts, provincial courts, city courts, district courts and municipal courts are local courts.¹¹

Chapter 1 **The People's Supreme Court**

Article 16. (New) Status and Role of the People's Supreme Court

The People's Supreme Court is the highest judicial organ of the Lao People's Democratic Republic, and has the role to adjudicate cases, to administer the organisation of the people's courts and to supervise the administrative work of the local courts and the military courts as provided by the laws.

Article 17. (New) Location of the People's Supreme Court

The People's Supreme Court is located in Vientiane Capital City.

Article 18. (New) Organisational Structure of the People's Supreme Court

The People's Supreme Court comprises:

- The President;
- The vice-presidents;
- The judges;
- The General Assembly of Judges;
- The court's chambers; [and]
- The administrative departments.

Article 19. (New) Rights and Duties of the People's Supreme Court

The People's Supreme Court has the following rights and duties:

1. To supervise and examine the legal correctness and uniformity of the proceedings of the local courts and military courts;
2. To advise the people's local courts and military courts of the precedents [of the People's Supreme Court];
3. To review on cassation appeals from the decisions of the appellate, provincial, and city courts in respect of questions of law, when such review is required by the litigants or by the objection of the Public Prosecutor;
4. To re-open decisions of lower courts that have become final¹²;

¹¹ These courts are attached to local administrations, unlike the People's Supreme Court which is located in Vientiane and regarded as a central court.

¹² Readers may wish to refer to Part VIII of the Civil Procedure Code for information on circumstances in which a case (even after it is final) may be re-opened at the request of the Office of the Supreme Public Prosecutor. Readers should note that the jurisdiction to adjudicate cases on cassation and the jurisdiction to re-open cases are reserved to the People's Supreme Court.

5. To consider the [jurisdictional scope] of all levels of courts throughout the country;
6. To provide commentaries on the resolutions passed by the General Meeting of Judges in order to ensure that the lower people's courts and military courts gain a proper understanding of such resolutions and implement such resolutions in accordance with their terms;
7. To supervise the administrative work and the organisational structure of the appellate, provincial, city, district, [and] municipal courts;
8. To [implement] measures, as necessary, on the organisational structure, reform and administration of the courts;
9. To supervise the capacity building¹³ of the judges, court registrars, and personnel of the courts;
10. To inspect and monitor the performance of the courts, study and research on the improvement of the courts, collect court statistics, analyse court statistics, and other work; [and]
11. To exercise such other rights and perform such other duties as provided by the laws.

Article 20. (New) Appointment and Removal of the President of the People's Supreme Court

The President of the People's Supreme Court is appointed or removed by the National Assembly based on the recommendation of the President of the State.

The term of office of the President of the People's Supreme Court shall be the same as the term of office of the National Assembly.

Article 21. (New) Rights and Duties of the President of the People's Supreme Court

The President of the People's Supreme Court has the right to preside over any judicial tribunal of the People's Supreme Court.

The President of the People's Supreme Court has the following rights and duties:

1. To supervise the performance of the work of the People's Supreme Court, the General Assembly of Judges, [and] the General Meeting of Judges¹⁴; and to call for meetings of the General Assembly of Judges and the General Meeting of Judges;

¹³ The term “capacity building” is used in the sense of “building abilities and resources”.

¹⁴ The “General Assembly of Judges” and the “General Meeting of Judges” are two different institutions. The first is described in Article 24 of this law. The second is described in Part IV of this law. Both terms are used to describe a “body of judges” rather than actual meetings.

2. To report on the organisation and work of the people's courts and the military courts to the National Assembly, or its Standing Committee during the recess of the National Assembly.
3. To propose the appointment or removal of the vice-presidents of the People's Supreme Court to the President of the State;
4. To determine the number of the judges at all levels of the courts and to make proposals to the Standing Committee of the National Assembly on the appointment, transfer or removal of [the following judicial positions:] the judges of the People's Supreme Court; the presidents, vice-presidents and judges of the appellate courts; the presidents, vice-presidents and judges of the people's provincial, city, district, [and] municipal courts; [and] the chief, vice-chief and judges of the military courts;¹⁵
5. To issue legal instructions on law enforcement and case proceedings in order to ensure their uniformity;
6. To issue orders on the death penalty decisions of the local courts and military courts;
7. To issue orders determining the jurisdiction of courts;
8. To supervise the study and research [of draft laws and other legal documents] and to present such draft laws and other legal documents to the National Assembly or its Standing Committee for consideration and approval;
9. To design the organisational structure of the People's Supreme Court and the local courts and to propose such structure to the National Assembly for approval; [and]
10. To exercise such other rights and perform such other duties as provided by the laws.

Article 22. (New) The Vice-Presidents of the People's Supreme Court

The vice-presidents of the People's Supreme Court are appointed or removed by the President of the State, based on the recommendation of the President of the People's Supreme Court.

A vice-president of the People's Supreme Court is the chief of the high military court.

A vice-president of the People's Supreme Court has the right to preside over any judicial tribunal of the People's Supreme Court.

Each vice-president of the People's Supreme Court has the duty to assist the President of the People's Supreme Court in the court's work, and may be assigned responsibilities for specific tasks by the President of the People's Supreme Court.

In the event that the President of the People's Supreme Court is engaged in other matters, a vice-president of the People's Supreme Court is assigned to be the acting president of the People's Supreme Court.

¹⁵

For readability, the punctuation and structure of this paragraph have been modified.

Article 23. (New) Rights and Duties of the Judges

The rights and duties of the judges of the People's Supreme Court and the local courts are defined in Article 56 of this law.

Article 24. (New) The General Assembly of Judges¹⁶

The General Assembly of Judges is the committee of the People's Supreme Court, and comprises: the President, all vice-presidents, all heads of the court's chambers, and a number of judges of the People's Supreme Court; [its composition is subject to] the approval of the Standing Committee of the National Assembly, based on the recommendation of the President of the People's Supreme Court.

The General Assembly of Judges of the People's Supreme Court shall not exceed fifteen members.

The General Assembly of Judges of the People's Supreme Court has the following rights and duties:

1. To review draft laws and other legal documents [pertaining to] the people's courts;
2. To consider and draft the instructions on law enforcement and legal proceedings in order to ensure their correctness and uniformity;
3. To consider drafts of the precedents of the People's Supreme Court;
4. To consider the death penalty decisions of the local courts and military courts [and to propose dispositions] for the President of People's Supreme Court to issue the final order;
5. To consider proposals of the Public Prosecutor calling for the re-opening of cases;
6. To consider the appointment, transfer or removal of the vice-presidents of the People's Supreme Court and to make proposals to the President of the People's Supreme Court for his¹⁷ consideration so that he may in turn make proposals to the President of the State for consideration;
7. To consider the appointment, transfer or removal of the judges of the People's Supreme Court, [and] the presidents, vice-presidents, and judges of the people's local courts, and to make proposals to the President of the People's Supreme Court for his consideration

¹⁶ Each court has its "advisory board" or "board of directors". For the People's Supreme Court it is the "General Assembly of Judges". The analogue for the other levels of court is their "councils". In this translation, the term "General Assembly of Judges" shall be used consistently to refer only to this management group of the People's Supreme Court and not the other courts.

¹⁷ The reader 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.

- so that he may in turn make proposals to the National Assembly for consideration;
8. To prepare the agenda and supporting documents for the General Meeting of Judges;
 9. To evaluate the performance of activities of the people's courts, particularly, the proceedings of the courts;
 10. To draft the annual report of the People's Supreme Court on the court's activities to be submitted to the National Assembly and its Standing Committee; [and]
 11. To exercise such other rights and perform such other duties as provided by the laws.

The meeting of the General Assembly of Judges is held at least once every three months.

The meeting of the General Assembly of Judges can be held only if more than two-thirds of its total members are present.

Decisions of the meeting of the General Assembly of Judges shall be made by the vote of more than one-half of the members participating in the meeting.

Article 25. (New) The Chambers of the People's Supreme Court

The People's Supreme Court consists of various chambers: the criminal, civil, commercial, family, juvenile and other chambers.

Each chamber of the People's Supreme Court comprises: the president, the vice-president, judges, judges' assistants and court registrars.

All chambers of the People's Supreme Court have the rights and duties as defined by paragraphs 3, 4, 5 and 11 of Article 19 of this law.

Article 26. (New) The Administrative Departments of the People's Supreme Court

In order to ensure the performance of the People's Supreme Court, the People's Supreme Court has various administrative departments: the cabinet [which is in charge of operations and finance]; the department of personnel and organisation; the department of judicial administration, inspection and statistics; and the judicial training centre.

In the event that it is necessary for the purpose of carrying out additional tasks, the People's Supreme Court may establish more departments or divisions.

The organisational structure, manpower, and the mandate of the administrative departments of the People's Supreme Court are specified by the regulations of the People's Supreme Court.

Chapter 2 The Appellate Courts

Article 27. (New) Status and Role of the Appellate Courts

The appellate courts are one component of the system of the people's courts of the Lao People's Democratic Republic, [and] have the role to adjudicate on appeal the decisions at first instance of the people's provincial and city courts.

Article 28. (New) The Establishment of the Appellate Courts

The appellate courts are established in the northern, middle and southern regions of the Lao People's Democratic Republic.

The territorial jurisdiction of each appellate court over specified provinces and the location of each appellate court are as provided in specific regulations.

Article 29. (New) The Organisational Structure of the Appellate Courts

Each appellate court comprises:

- The president;
- The vice-presidents;
- The judges;
- The council;
- The court's chambers; [and]
- The administrative departments.

Article 30. (New) Rights and Duties of the Appellate Courts

Each appellate court has the following rights and duties:

1. To adjudicate on appeal the decisions at first instance of the provincial and city courts, against which an appeal or objection has been lodged by the parties or the Public Prosecutor, respectively;
2. To adjudicate on appeal the instructions, rulings and other orders of the provincial and city courts, against which an appeal or objection has been lodged by the parties or the Public Prosecutor, respectively;
3. To apply the legal instructions and precedents of the People's Supreme Court to the provincial, city, district, [and] municipal courts in order to ensure the correct and uniform implementation of the laws; [and]
4. To exercise such other rights and perform such other duties as provided by the laws.

Article 31. (New) The Jurisdiction to Request Re-Assignment of a Case for Consideration

Each appellate court has the jurisdiction to request that a case be re-assigned from a provincial or city court to such appellate court for consideration if such case is important or complicated, as provided by specific regulations.

Article 32. (New) Rights and Duties of the Presidents of the Appellate Courts

The president of each appellate court has the right to preside over any judicial tribunal of such appellate court.

The president of each appellate court has the following rights and duties:

1. To take the leadership role in implementing and carrying out the activities of such appellate court;
2. To report on the implementation and carrying out of such appellate court's activities to the General Meeting of Judges and the People's Supreme Court; [and]
3. To exercise such other rights and perform such other duties as provided by the laws.

Article 33. (New) The Vice-Presidents of the Appellate Courts

The vice-presidents of each appellate court have the right to preside over any judicial tribunal of such appellate court.

The vice-presidents [of each appellate court] have the duty to assist the president of such appellate court in carrying out the court's activities, and may be assigned responsibilities for specific tasks by the president of such appellate court.

In the event that the president of an appellate court is engaged in other matters, a vice-president shall be assigned as the acting president of such appellate court.

Article 34. (New) The Council of Appellate Judges

The council of appellate judges is the [council of each appellate court and] comprises: the president of that appellate court, all vice-presidents, the presidents of the court's chambers, and a number of judges of that appellate court.

Each council of appellate judges has the following rights and duties:

1. To [deliberate on] important matters, such as cases involving the death penalty and other important cases;
2. To assess, evaluate and draw lessons from the performance of activities of the people's courts, particularly, the proceedings of the courts; [and]
3. To exercise such other rights and perform such other duties as provided by the laws.

Article 35. (New) Chambers of the Appellate Courts

Each appellate court has the following chambers: the criminal, civil, commercial, family, juvenile and other chambers.

Each chamber of an appellate court comprises: the president of the chamber, the vice-presidents, judges, judge's assistants and court registrars.

The chambers of the appellate courts have the rights and duties as provided in paragraphs 1, 2, and 4 of Article 30 of this law.

Article 36. (New) Administrative Divisions

In order to ensure the performance of each appellate court, such court has various administrative divisions: the cabinet, and some [other] divisions.

The activities of the administrative divisions are specified by the appellate court's regulations.

**Chapter 3
The People's Provincial and City Courts**

Article 37. (New) Status and Role of the People's Provincial and City Courts

The people's provincial and city courts are one component of the court system of the Lao People's Democratic Republic, and have [the following roles:] to adjudicate at first instance those cases which are not within the jurisdiction of the district and municipal courts; and to adjudicate on appeal the decisions at first instance of the district and municipal courts.

Article 38. (New) The Establishment of the People's Provincial and City Courts

The people's provincial and city courts shall be established in each province or city.

Article 39. (New) The Organisational Structure of Provincial and City Courts

Each provincial or city court comprises:

- The president;
- The vice-presidents;
- The judges;
- The council;
- The court's chambers; [and]
- The administrative divisions.

Article 40. (New) Rights and Duties of the People's Provincial and City Courts

Each people's provincial or city court has the following rights and duties:

1. To adjudicate at first instance those cases which are not within the jurisdiction of the district and municipal courts;
2. To adjudicate on appeal the decisions at first instance of the district and municipal courts, against which an appeal or objection has been lodged by the parties or the Public Prosecutor, respectively;
3. To apply the legal instructions and precedents of the People's Supreme Court to the district and municipal courts in order to ensure the correct and uniform implementation of the laws; [and]
4. To exercise such other rights and perform such other duties as provided by the laws.

Article 41. (New) The Jurisdiction to Request Re-Assignment of Cases or to Submit Cases

Each people's provincial or city court has the jurisdiction to request that a case be re-assigned from a district or municipal court to such provincial or city court for consideration at first instance, if such case is important or complicated, as provided by specific regulations.

If, during the adjudication on appeal of a case which is under its jurisdiction, [the people's provincial or city court considers] the case to be complicated such that it cannot be settled by such court, such court may submit such case to an appellate court for adjudication on appeal, provided that such submission has the prior approval of the president of such appellate court.

Article 42. (New) Rights and Duties of the Presidents of the People's Provincial and City Courts

The president of each people's provincial or city court has the right preside over any judicial tribunal of such people's provincial or city court.

The president of each people's provincial or city court has the following rights and duties:

1. To take the leadership role in implementing and carrying out the activities of such provincial or city court;
2. To report on the implementation and carrying out of the activities of such people's provincial or city court to the General Meeting of Judges, the People's Supreme Court and the appellate court which has jurisdiction over it; [and]
3. To exercise such other rights and perform such other duties as provided by the laws.

Article 43. (New) Vice-Presidents of the People's Provincial and City Courts

The vice-presidents of each people's provincial or city court have the right to preside over any judicial tribunal of such people's provincial or city court.

The vice-presidents [of each people's provincial or city court] have the duty to assist the president of such court in carrying out the court's activities, and may be assigned responsibility for specific tasks by the president of such people's provincial or city court.

In the event that the president of a people's provincial or city court is engaged in other matters, a vice-president is assigned as the acting president of such people's provincial or city court.

Article 44. (New) Councils of Provincial or City Judges

The council of provincial or city judges is the [council of each provincial or city court and] comprises: the president of that provincial or city court, all vice-presidents, presidents of the court's chambers, and a number of judges of that provincial or city court.

The councils of provincial or city judges have the same rights and duties as provided by Article 34 of this law.

Article 45. (New) Chambers of the People's Provincial and City Courts

Each people's provincial or city court has the following chambers: the criminal, civil, commercial, family, juvenile and other chambers.

Each chamber of a people's provincial or city court comprises: the president of the chamber, the vice-presidents, judges, judges' assistants and court registrars.

The chambers of the people's provincial or city courts have the rights and duties as provided by paragraphs 1, 2, and 4 of Article 40 of this law.

Article 46. (New) Administrative Divisions of the People’s Provincial and City Courts

In order to ensure the performance of each people’s provincial or city court, such court has various administrative divisions: the cabinet, and some [other] divisions.

The activities of the administration divisions are specified by the regulations of such people’s provincial or city court.

**Chapter 4
The People’s District and Municipal Courts**

Article 47. (New) Status and Role of the People’s District and Municipal Courts

The people’s district and municipal courts are one component of the court system of the Lao People’s Democratic Republic; their main role is to educate the people about the laws and to mediate parties’ disputes; they also adjudicate minor criminal cases and small claims for civil cases, as provided by the laws.

Article 48. (New) The Establishment of the People’s District and Municipal Courts

District and municipal courts shall be established in each district and municipality.

In the event that any district or municipality is not yet able to establish its own people’s court, the President of the People’s Supreme Court is authorized to issue a decision assigning a neighboring district or municipal court temporary jurisdiction over such district or municipality.

Article 49. (New) The Organisational Structure of the People’s District and Municipal Courts

Each people’s district or municipal court comprises:

- The president;
- The judges; [and]
- The administrative officers.

Article 50. (New) Rights and Duties of the People’s District and Municipal Courts

Each people’s district or municipal court has the following rights and duties:

1. To educate the people about the laws and to mediate disputes between parties, and this is their principal duty;

2. To adjudicate the following cases:
 - civil cases where the amount claimed does not exceed 20,000,000 Kip;
 - cases involving family relationships, other than disputes over matrimonial property, matrimonial debts or custody of children;
 - cases involving child support;
 - cases involving proof of consanguinity, or seeking a court declaration that a person is incompetent, missing or dead;
 - minor criminal cases as provided by Article 22 of the Penal Law; [and]
 - such other cases that it is authorized to hear, as provided by the laws.

Article 51. (New) Administrative Officers of the People’s District and Municipal Courts

The administrative officers of each people’s district or municipal court are the court registrars.

The activities of the administrative officers are specified by the regulations of such people’s district or municipal court.

**Chapter 5
The Military Courts**

Article 52. (New) Status and Role of the Military Courts

The military courts are one component of the court system of the Lao People’s Democratic Republic, and have the role to adjudicate criminal cases involving offences that pertain to military matters or occur within the compounds of an army base.

Article 53. (New) The Organisational Structure and Personnel of the Military Courts

The military courts [currently] comprise the high military court, which is located in Vientiane.

For each region, regional military courts shall be established.

In the event that a region is not yet able to establish its own regional military court, the President of the People's Supreme Court, in coordination with the Minister of National Defence, is authorized to issue a decision assigning [the military court of] a neighboring region temporary jurisdiction over such region.

The high military court and [each] regional military court comprises: the chief, vice-chiefs, judges and court registrars.

The chief of the high military court is a vice-president of the People's Supreme Court.

The judges of the military courts are appointed or removed by the Standing Committee of the National Assembly, based on the recommendation of the President of the People's Supreme Court after coordination with the Minister of National Defence.

Article 54. (New) The Activities of the Military Courts

The activities of the military courts are defined by specific regulations which are issued by the Standing Committee of the National Assembly, based on the recommendation of the President of the People's Supreme Court after coordination with the Minister of National Defence.

**Part III
Judges**

Article 55. (New) Qualifications and Criteria for a Judge

A judge of the people's court of the Lao People's Democratic Republic must:

1. Be a Lao citizen and be at least 25 years of age;
2. Have strong political [commitment];
3. Have good behavior, be patriotic, safeguard the national interests, and possess good ethics;
4. Have obtained a law degree or legal professional skills; [and]
5. Be in good health.

Specific qualifications, criteria, and standards applying to judges at different levels of the people's courts are as provided by specific regulations, which are approved by the Standing Committee of the National Assembly.

Article 56. (New) Rights and Duties of Judges

Judges have the following rights and duties:

1. To study case files that are assigned to them;
2. To take the testimony of the plaintiff, defendant, and other persons that participate in court proceedings;
3. To collect the evidence in a case;
4. To mediate cases;
5. To preside over judicial tribunals; [and]
6. To exercise such other rights and perform such other duties as provided by the laws.

Article 57. (New) Safeguards for Judges

Judges can only be arrested or investigated upon the approval of the Standing Committee of the National Assembly.

In the event that it is necessary to arrest a judge [before the Standing Committee's approval can be obtained] because of the urgency of the matter, such arrest must be reported to the Standing Committee of the National Assembly immediately, and approval for further investigative measures must be obtained.

Furthermore, the arrest of any judge of the people's appellate, provincial, city, district, [and] municipal courts must be reported to the People's Supreme Court.

The arrest of any judge of the military courts must be reported to the People's Supreme Court and the Ministry of National Defence.

**Part IV
The General Meeting of Judges**

Article 58. (New) Status, Role and Composition of the General Meeting of Judges

The General Meeting of Judges is the supreme organisation of the judicial organ, and has the role to supervise all levels of the people's courts in order to ensure the correct and uniform implementation of the laws throughout the country.

The General Meeting of Judges comprises: the President of the People's Supreme Court as the chairperson of the meeting, all vice-presidents and judges of the People's Supreme Court, and all presidents of the appellate courts, provincial courts, city courts and the high military court. In addition, the Standing Committee of the National Assembly, the Supreme Public Prosecutor, the Minister of Justice, the Minister of National Defence, the Minister of Public Order and other persons as required are invited to participate in the meeting; the participants by invitation have the right to express views and opinions, but have no right to vote.

Article 59. (New) Duties of the General Meeting of Judges

The General Meeting of Judges has the following duties:

1. To hear reports on the activities and future direction of the people's courts from the General Assembly of Judges, the chambers of the People's Supreme Court, and the presidents of the appellate courts, the provincial courts, the city courts and the high military court;
2. To evaluate the courts' statistics and performance, and the application of laws by the courts;

3. To review erroneous orders, rulings, and other decisions at all levels of the people's courts and the military courts, in order to guide the people's courts that have jurisdiction to correct such errors;
4. To decide on [strategic improvements] to the organisational structure of the people's courts;
5. To issue resolutions relating to the organisational structure of the people's courts, the implementation of the courts' activities, and the laws; [and]
6. To consider other important issues relating to the work of the people's courts.

Article 60. (New) Convening a General Meeting of Judges

The General Meeting of Judges is held at least once every two years.

The General Meeting of Judges may be convened only if at least two-thirds of the total members are present.

Resolutions of the General Meeting of Judges shall be made by the vote of more than one-half of the members participating in the meeting.

Part V

The Staffing, Budget, Uniform, and Seal of the People's Courts

Article 61. (New) The Staffing of the People's Courts

The personnel structure of the People's Supreme Court, appellate courts, and provincial, city, district, and municipal courts is approved by the Standing Committee of the National Assembly, based on the recommendation of the President of the People's Supreme Court.

The personnel structure of the military courts is approved by the Standing Committee of the National Assembly, based on the recommendation of the President of the People's Supreme Court after coordination with the Minister of National Defence.

Article 62. (New): The Budget of the People's Courts

The budgets of the People's Supreme Court and the appellate courts are formulated by the People's Supreme Court and proposed to the government, which in turn submits them to the National Assembly for consideration.

The budgets of the people's provincial, city, district, and municipal courts are formulated by each people's provincial, city, district or municipal court and proposed to their respective local administrations for consideration.

The budgets of the high military court and regional military courts are formulated by such courts and proposed to the Ministry of National Defence, which in turn submits them to the government after coordination with the People's Supreme Court.

Article 63. (New) Uniform of the People's Courts

The uniform of the judges and other court staff are regulated by the decision of the Standing Committee of the National Assembly.

Article 64. (New) Seal of the People's Courts

Each people's court has its own circular seal. In its centre is the national emblem. The inscription on the top edge is "The People's Supreme Court" and on the bottom edge, such court's own name. To separate the [two] inscriptions, a five-cornered star is inserted.

**Part VI
Final Provisions**

Article 65. (New) Implementation

The People's Supreme Court of the Lao People's Democratic Republic shall implement of this law.

Article 66. (New) Entry into Force

This law enters into force on the date of the promulgating decree issued by the President of the Lao People's Democratic Republic.

This law replaces the Law on the People's Courts of the Lao People's Democratic Republic No 32/SPA, dated 23 December 1989. All other provisions and regulations which contradict this law are null and void.

Vientiane, 21 October 2003

President of the National Assembly

[Seal and Signature]

Samane VIYAKETH