



LAO PEOPLE'S DEMOCRATIC REPUBLIC  
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

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President's Office

No.04/PO  
9 January 1990

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

**On the Promulgation of the Penal Law**

Pursuant to the resolution dated 2 December 1975 of the people's representatives of the country on the appointment of the President;

Pursuant to the Law No. 4/SPA dated 19 April 1988 on the Supreme People's Assembly of the Lao People's Democratic Republic; [and]

Pursuant to [the letter] No. 29/SPA, dated 23 December 1989, of the fourth session of second Supreme People's Assembly on the adoption of the Penal Law.

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

**Article 1.** The Penal Law is hereby promulgated.

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

Vientiane, 9 January 1990  
The President of the Lao People's  
Democratic Republic

*[Seal and Signature]*

Phoumy VONGVICHIT



LAO PEOPLE'S DEMOCRATIC REPUBLIC  
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

President's Office

No. 51/PO  
25 April 2001

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

**On the Promulgation of the Amendments to Laws**

Pursuant to Chapter 5, Article 53, point 1 of the Constitution of the Lao People's Democratic Republic;

Pursuant to Resolution No. 06/NA, dated 10 April 2001, of the National Assembly of the Lao People's Democratic Republic on the adoption of Amendments to Laws; and

Pursuant to Proposal No. 06/SC, dated 20 April 2001, of the National Assembly Standing Committee.

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

**Article 1.** The Amendments to the Penal Law Specific Part, Article 51 to Article 62, including Article 7 in the General Part are hereby promulgated.

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

Vientiane, 25 April 2001  
The President of the Lao People's  
Democratic Republic

*[Seal and Signature]*

Khamtai SIPHANDON



LAO PEOPLE'S DEMOCRATIC REPUBLIC  
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

President's Office

No. 142/PO  
9 November 2005

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

**On the Promulgation of the Amended Penal Law**

Pursuant to Chapter 6, Article 67, point 1 of the Constitution of the Lao People's Democratic Republic;

Pursuant to the promulgation of the Constitution and laws adopted by the National Assembly;

Pursuant to Resolution No. 56/NA, dated 9 November 2005, of the National Assembly of the Lao People's Democratic Republic, on the adoption of the Amended Penal Law; and

Pursuant to Proposal No. 19/SC, dated 18 November 2005, of the National Assembly Standing Committee.

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

**Article 1.** The Amended Penal Law is hereby promulgated.

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

Vientiane, 9 December 2005  
The President of the Lao People's  
Democratic Republic

*[Seal and Signature]*

Khamtai SIPHANDON



LAO PEOPLE'S DEMOCRATIC REPUBLIC  
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

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National Assembly

No. 12/NA  
9 November 2005

## PENAL LAW

### GENERAL PART

#### Chapter 1 General Principles

##### Article 1. Role of the Penal Law

The role of the Penal Law is to safeguard the political, economic and social system of the Lao People's Democratic Republic, the property of the State, collectives and individuals, the life, health, rights and freedom of the people, and the national security and public order; to counter and prevent offences; and to educate all citizens to respect the laws.<sup>1</sup>

In order to implement this role, this law defines certain acts as offences<sup>2</sup> and subjects the perpetrator to penalties.

##### Article 2. (New) Basis of Penal Responsibilities

An individual can only be charged with and punished for an offence based on intentional or negligent acts deemed dangerous for society as defined in the Penal Law or in other laws of the Lao People's Democratic Republic that define criminal penalties, and [such individual can be punished] only when a decision is rendered by a court.

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<sup>1</sup> For readability, the punctuation in this sentence has been modified.

<sup>2</sup> The terms “offence” and “infraction” are used to refer generally to criminal acts. There are three levels of such criminal acts as set out in Article 8. “Minor offence”, “major offence” and “crime” are used specifically to refer to those three levels. The translators are aware that the Specific Part of the Penal Law does not in fact categorise offences into these three levels.

## **Chapter 2** **Territorial Scope of Penal Law**

### **Article 3. (New) Application of Penal Law within the Territory of the Lao People's Democratic Republic**

This law is binding in the territory of the Lao People's Democratic Republic. An individual who commits an offence within the territory of the Lao People's Democratic Republic may be charged and punished in accordance with the Penal Law or other laws of the Lao People's Democratic Republic that define criminal penalties.

In the event that diplomatic representatives or individuals benefiting from the diplomatic immunity conferred by international conventions commit offences in the territory of the Lao People's Democratic Republic, these cases shall be solved through diplomatic channels.

### **Article 4. Application of Penal Law outside the Territory of the Lao People's Democratic Republic**

Lao citizens who commit offences outside the territory of the Lao People's Democratic Republic shall be charged with and punished for such offences if they are defined [as offences under] the Penal Law of the Lao People's Democratic Republic.

Aliens and apatrids residing in the Lao People's Democratic Republic<sup>3</sup> who commit offences outside the territory of the Lao People's Democratic Republic shall also be charged and punished.

Foreign individuals who commit offences outside the territory of the Lao People's Democratic Republic shall be charged and punished as provided in the Penal Law of the Lao People's Democratic Republic if such a case is provided for in international conventions.

### **Article 5. [Period of Effectiveness of] the Penal Law**

This law enters into force on the day it is promulgated.

Any new law calling for lighter penalties or eliminating any offence provided in former laws shall take retroactive effect.

New laws stipulating new offences or calling for heavier punishment than that provided in an earlier law shall not take retroactive effect.

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<sup>3</sup> Readers may wish to refer to the Law on Lao Nationality for the distinction between citizens, foreign individuals, aliens and apatrids (i.e., persons unable to certify their nationality).

## **Chapter 2** **Offences and Offenders**

### **Article 6. (New)      Definition of Offence**

All acts and abstentions deemed dangerous to the political, economic or social system of the Lao People's Democratic Republic, to the property of the State, collectives or individuals, to the lives, health, integrity, rights or freedom of the people, or to national security or public order as provided in the Penal Law or in other laws of the Lao People's Democratic Republic that define criminal penalties shall be considered offences.

All acts or abstentions with all the components of offences but resulting in damage under 500,000 Kip shall not be considered offences, except for acts of recidivism or acts performed as a profession.

### **Article 7. (New)      Components of Offences**

The components of an offence [refer to] those objective and subjective characteristics of behaviour that the Penal Law defines as together constituting an offence.<sup>4</sup>

An offence consists of four components as follows:

- Material component<sup>5</sup>;
- Objective component;
- Subjective component;
- Actor's component.

The material component of an offence [refers to] the social relationship that is regulated by the Penal Law, and that is affected by the offence.

The objective component of an offence [refers to] the external characteristics of the behaviour that has caused, or [is evidence of] an intention to cause, damage to a social relationship that is regulated by the Penal Law, including the time, location, vehicle<sup>6</sup>, equipment, circumstances and means used for committing the offence.

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<sup>4</sup> Although it only refers to the Penal Law, this provision is not intended to prohibit offences from being defined in other laws.

<sup>5</sup> The translators understand that the idea of "material component" is based on a socialist concept of materialism and refers to the social importance of the relationships (which may include the relationship between a person and property) to be regulated.

<sup>6</sup> In the Lao language, the same word is used for "instruments", "vehicles" and "means" in their conceptual sense (e.g., "words are the vehicles of meaning") and also to refer to physical, tangible instruments and vehicles. Generally, the translators have used the more neutral "means" rather than "vehicles", which is likely to be understood as tangible, motorised vehicles, unless the context clearly indicates that vehicles is intended.

The subjective component of an offence [refers to] the characteristics of the attitude and state of mind of the offender regarding his act of offence, as expressed externally through the behaviour that constitutes the offence.

The actor's component of an offence refers to the fact that in order to be liable, the offender must be mentally competent, must not be insane, and must have reached the age of majority, that is, at least 15 years of age<sup>7</sup>.

## **Article 8. (New) Categories of Offences**

Offences are divided into three categories:

- “Minor offences”<sup>8</sup> are offences punished under the law by public criticism or fine;
- “Major offences”<sup>9</sup> are offences punished under the law by re-education without deprivation of liberty, and imprisonment from three months to ten years, and fines; [and]
- “Crimes”<sup>10</sup> are offences punished under the law by imprisonment from five years up to the death penalty.

## **Article 9. Intentional Offences**

Intentional offences are voluntary acts or abstentions of the offender, which are undertaken with full knowledge of their dangerous nature for society and their consequences.<sup>11</sup>

## **Article 10. Negligent Offences**

Negligent offences are acts or abstentions of the offender undertaken carelessly with full knowledge that such acts or abstentions might be dangerous for society, and where the consequence is expected and possible to anticipate, although the offender [himself] does not believe or expect that such consequence would take place.<sup>12</sup>

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<sup>7</sup> The translators are aware that the specific age referred to in this article (15 years) is different from the age of majority specified in other laws.

<sup>8</sup> The quotation marks have been added and are not in the original text.

<sup>9</sup> The quotation marks have been added and are not in the original text.

<sup>10</sup> The quotation marks have been added and are not in the original text.

<sup>11</sup> For readability, the structure of this sentence has been modified. There are two principal requirements under this article – voluntariness and knowledge of consequences.

<sup>12</sup> For readability, the structure of this sentence has been modified.

## **Article 11. Offences Pertaining to Several Categories**

An offence pertaining to several categories refers to an act or several acts of infraction committed by an individual, [where such act or acts are] classifiable under two or more categories,<sup>13</sup> transgress several articles of the Penal Law, and with respect to which a decision shall be rendered at the same time and in the same court.

## **Article 12. Recidivism**

Recidivism refers to an intentional offence committed by an individual while he<sup>14</sup> is still serving his sentence for a previous intentional offence, or an intentional offence committed by an individual within a period of five years after serving a sentence for the same or a similar intentional offence.

## **Article 13. Preparation to Commit Offences**

“Preparation to commit an offence”,<sup>15</sup> refers to the preparation of materials, conditions or other factors in order to commit an intentional offence.

Such preparation to commit an offence shall only be charged or punished if deemed dangerous for society, as provided in the specific part of this law.<sup>16</sup>

Preparation to commit offences shall be punished according to the articles prescribing penalties for the offence itself.

## **Article 14. Attempts to Commit Offences**

“Attempt to commit an offence”,<sup>17</sup> refers to the taking of intentional acts which are components of an offence but where the offence was not completed because of circumstances outside the control of the offender, making such acts not successful.

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<sup>13</sup> There is insufficient textual evidence to confirm whether this comma should be interpreted as “and” or “or”.

<sup>14</sup> 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 (as is the case in some Articles). The translators’ decision to use the male gender pronoun as the default translation was made in the interests of simplicity and consistency.

<sup>15</sup> The quotation marks have been added and are not in the original text.

<sup>16</sup> Readers should not assume that all preparations and attempts to commit an offence are punishable. Rather, the articles in the specific part of this law specifically prescribe whether preparation or attempt of an offence is punishable.

<sup>17</sup> The quotation marks have been added and are not in the original text.

Such attempts to commit an offence shall only be charged or punished if deemed dangerous for society, as provided in the specific part of this law.<sup>18</sup>

Attempts to commit an offence shall be punished according to the articles prescribing penalties for the offence itself.

#### **Article 15. Voluntary Abandonment of Offences**

Any individual who voluntarily abandons the completion of an offence during its preparation or attempt shall not be charged or punished, unless [any act of preparation or attempt which he has taken] is itself a [separate] offence as provided in this law.

#### **Article 16. Definition of Offender**

An offender is an individual who has committed any acts or abstentions that cause danger to society and [where such acts or abstentions] satisfy all the components of an offence as provided in the laws.

#### **Article 17. (New) Participation in an Offence**

“Participation in an offence”<sup>19</sup> refers to intentional participation in an offence by two or more persons.

Participants in an offence are:

- Authors;
- Implementers;
- Inciters; and
- Accomplices.

The author is the one who has planned, organised or given instructions to commit the offence;

The implementer is the one who has directly committed the offence;

Inciters are persons persuading others to commit offences; [and]

Accomplices are persons who have intentionally assisted in the offence, or who have previously agreed to hide the offender, to hide instruments and tools of the offence, to efface traces of the offence or to conceal any proceeds from the offence.

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<sup>18</sup>

*Ibid.*

<sup>19</sup>

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

## **Chapter 4** **Exemption from Charge and Punishment**

### **Article 18. (New) Circumstances that Lead to Exemption from Penal Liability**

Circumstances that lead to exemption from penal liability are as follows:

1. Force and threat;
2. Legitimate defence;
3. State of necessity;
4. Performance of professional duty;
5. Implementation of order;
6. Playing of sports;
7. Offences against which complaints must be lodged by the damaged parties;
8. Expiration of the term of prosecution.

### **Article 19. Force and Threat**

Any individual committing an offence under force or threat in circumstances where such force or threat could not have been avoided shall not be charged or punished.

In the event that such offence is a crime, [the] force or threat shall only constitute extenuating circumstances regarding punishment.

### **Article 20. Legitimate Defence**

Acts of “legitimate defence”<sup>20</sup> refers to acts taken by an individual to safeguard the interests of the State or society, [or to safeguard] his own or another individual's life, health, [or] legitimate rights and interests against acts of aggression dangerous for the society; but such acts of aggression must be truly existing and dangerous, and the acts of legitimate defence must be contemporaneous with and proportionate to the acts of aggression.

Acts of legitimate defence are not considered offences.

### **Article 21. State of Necessity**

[An act taken in a] “state of necessity”<sup>21</sup> refers to an individual's act which is necessary to avoid threats against the interests of the State or society, [or against] his own or another individual's life, health, [or] legitimate rights and interests, where such threats cannot be avoided by other methods and are

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<sup>20</sup> The quotation marks have been added and are not in the original text.

<sup>21</sup> The quotation marks have been added and are not in the original text.

not created by such individual, and where the damage caused by such act is less than the damage that would have resulted from the threat.

Acts taken in a state of necessity are not considered offences.

### **Article 22. (New)      Performance of Professional Duty**

The “performance of a professional duty”<sup>22</sup> shall be regarded as a circumstance that leads to exemption from penal liability if it meets the following criteria:

1. The act shall be within the scope of the rights and duties [of the actor];
2. The act shall be in conformity with professionalism and with laws and regulations.

### **Article 23. (New)      Implementation of Order**

The “implementation of an order”<sup>23</sup> shall be regarded as a circumstance that leads to exemption from penal liability if it meets the following criteria:

1. [The actor] shall have received an order from a person who has the right and duty to issue the order;
2. The order shall be issued in conformity with laws and regulations;
3. The person implementing the order shall have the right and duty to implement such order;
4. The person implementing the order shall implement the order within the scope of the order and in conformity with laws and regulations.

### **Article 24. (New)      Playing of Sports**

The “playing of sports”<sup>24</sup> shall be regarded as a circumstance that leads to exemption from penal liability if the playing of sports is conducted within the rules of the sport.

### **Article 25.      Offences Against which Complaints Must be Lodged by the Damaged Parties**

No criminal proceedings may be brought [in respect of] offences that are not dangerous for society and [in respect of which] the damaged party does not lodge any complaint, including the following matters: physical violence between close relatives without serious injury or physical disability; libel,

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<sup>22</sup> The quotation marks have been added and are not in the original text.

<sup>23</sup> The quotation marks have been added and are not in the original text.

<sup>24</sup> The quotation marks have been added and are not in the original text.

slander, insult, and outrage to the body or the reputation of the dead; infraction of property rights of close relatives; and violation of domicile and privacy.<sup>25</sup>

The withdrawal of a complaint lodged by the damaged party shall terminate such criminal proceedings.

#### **Article 26. Effectiveness of Prosecution**

Prosecutions shall not be considered effective unless filed within:

- One year, in the case of minor offences;
- Seven years, in the case of major offences;
- Fifteen years, in the case of crimes.

The [filing period for] effectiveness of a prosecution starts from the day the offence is committed. In the event a second offence is committed while legal proceedings are pending in respect of an earlier offence, the [filing period for] effectiveness of the [first] prosecution shall [re-start] from the day the later offence is committed. In the event of evasion of court proceedings, [the filing period for] effectiveness shall start from the day the offender presents himself or is arrested.

### **Chapter 5 Penalties**

#### **Article 27. Purposes of Penalties**

Penalties do not only aim to punish offenders, but also to re-educate punished individuals to bear a pure spirit towards work, to comply correctly and strictly with the laws, to respect the discipline of social life, and to avoid recidivism on the part of the punished offender and other individuals.

Punishment does not aim to generate physical suffering or to outrage human dignity.

#### **Article 28. Categories of Punishment**

##### a /. Principal penalties

1. Public criticism;
2. Re-education without deprivation of liberty;
3. Deprivation of liberty;
4. Death penalty.

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<sup>25</sup>

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

b /. Additional penalties

1. Fines (in certain circumstances, it might become a principal penalty);
2. Confiscation of items [connected to the offence];
3. Confiscation of property;
4. Deprivation of election rights;
5. House arrest.

The confiscation of property and house arrest shall be inflicted on the offender only when such penalty is provided in the specific part of this Penal Law.

[In addition to] the principal and additional penalties, the court can request relevant authorities to withdraw driving licenses or other permits, to relieve the offender from [performing] or forbid [the offender] to perform a function or duty, to withdraw orders, medals or titles, and to deport the offender.

**Article 29. Public Criticism**

Public criticism refers to the criticising of the offender in court. In necessary cases, the court's decision might be published in a newspaper or by other methods.

**Article 30. Re-education without Deprivation of Liberty**

Re-education without deprivation of liberty is a punishment inflicted upon the offender at his place of work or at other locations, [and pursuant to which] five to twenty per cent of his total salary is remitted to the State in accordance with the court's decision.

A penalty of re-education without deprivation of liberty must not exceed one year.

**Article 31. Deprivation of Liberty**

Deprivation of liberty may be imposed for three months to twenty years or life imprisonment.

Life imprisonment may not be imposed on offenders who are less than eighteen years old and on women in a state of pregnancy when the offence is committed.

### **Article 32. Death Penalty**

The death penalty is the specific punishment to be imposed on offenders in especially serious cases as stated in the specific part of this law.

The death penalty is carried out by shooting.

It is forbidden to inflict a death sentence on offenders who are less than eighteen years old at the time of the offence, and on women who are in a state of pregnancy at the time the offence is committed, when the court makes its decision, or when the sentence is imposed.

### **Article 33. Fines**

Fines are financial penalties determined by the court according to the cases<sup>26</sup> and within the limits as stated by this Penal Law.

The fine must be computed in accordance with the gravity of the offence on the basis of the offender's economic status. In the event that the offender does not have the capacity to pay the fine, the court may commute such fine into the penalty of re-education without deprivation of liberty.

It is forbidden to commute a fine into deprivation of liberty and vice versa.

### **Article 34. Confiscation of Property and [Connected Items]**

“Confiscation of property”<sup>27</sup> refers to the confiscation by the State of part or all of an offender’s property without any compensation.

A sentence of confiscation of property may only be imposed in serious cases as stated in the specific part of this law.

In the event that the confiscation of all of the offender’s property is imposed, exception must be made for property necessary for the livelihood of the offender and his family according to the list attached to this law. In the event that partial confiscation of property is imposed, the court must set up a clear list of the property to be confiscated.

“Confiscation of items [connected to the offence]” refers to [the confiscation] by the State of items that were used in the offence or in the preparation for the offence, or that were obtained from an intentional offence. Items belonging to other individuals used in the offence shall be confiscated by the State if the owner lending them is not in good faith or if confiscation is deemed necessary for national security.

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<sup>26</sup> An offence under an Article may attract different levels of punishment or fine, depending on specified circumstances. For each offence, the Article sets out the different “cases” of circumstances and the respective punishments for such “case”.

<sup>27</sup> The quotation marks have been added and are not in the original text.

Items belonging to the State or collectives shall not be confiscated but shall be returned to the relevant authorities.

#### **Article 35. Suspension of Right to Vote and to Be Elected**

Suspension of the right to vote and to be elected is inflicted on offenders committing crimes.

[Where the offender has also been sentenced to deprivation of liberty,] the penalty of suspension of the right to vote and to be elected must not exceed five years from the day after he has finished serving his sentence.

#### **Article 36. House Arrest**

House arrest forbids the sentenced offender from leaving a place of residence or from entering other territories as assigned or forbidden by a decision of the court.

[Where the offender has also been sentenced to deprivation of liberty,] house arrest must not exceed five years from the day after he has finished serving his sentence.

The sentence of house arrest may not be imposed on offenders who are less than eighteen years old and on women in the state of pregnancy or women in charge of small children who are less than eight years old at the time the offence is committed.

House arrest is defined in the specific part of this law.

### **Chapter 6 Prescription of Penalties**

#### **Article 37. General Regulations on the Prescription of Penalties**

The court prescribes penalties on the basis of legal provisions on the punishment of offences. In prescribing penalties, the court must consider the nature and degree of the social threat posed by the offence, the personality of the offender, and circumstances conducive to the reduction or the increase of penal responsibilities.

#### **Article 38. (New) Characteristics of Dangerous Offences**

An offence is characterised as dangerous based on the category [of the offence] and the method [used to commit] the offence.

#### **Article 39. (New) Levels of Danger of an Offence**

The level of danger of an offence depends on the resulting loss to life, health, integrity, and property caused by the intentional or negligent offence.

There are three levels of loss to property as follows:

1. Low level or minor loss is from 500,000 Kip to 20,000,000 Kip;
2. Medium level or medium loss is from more than 20,000,000 Kip to 50,000,000 Kip;
3. High level or high loss is from more than 50,000,000 Kip.

**Article 40. (New) Circumstances Conducive to the Reduction of Penal Responsibilities**

Circumstances conducive to the reduction of penal responsibilities are:

1. An offender is less than eighteen years old;
2. A female offender's state of pregnancy;
3. A legitimate defence;
4. An offence committed under the strong emotional shock generated by an illegal act of the victim;
5. An offence committed under force or threat;
6. An offender acts to prevent damage from being caused by his offence or compensates for the damage voluntarily and in good faith;
7. An offence committed because of the offender's own or of his family's seriously difficult situation;
8. An offender expresses remorse and surrenders to officials, and acknowledges and reveals offences committed by himself and others;
9. A first offence, if it does not cause serious danger to society; [and]
10. An offender has shown merit towards the nation.

In the prescription of penalties, the court might take into consideration other factors not provided in this article but [which would commonly be considered relevant] to reduce penal responsibilities.

**Article 41. Circumstances Conducive to the Increase of Penal Responsibilities**

Circumstances conducive to the increase of penal responsibilities are

1. Recidivism;
2. Offences committed by organised groups;
3. Offences committed from greed;
4. Offences towards minors, aged persons, vulnerable persons, or persons materially or in other ways dependent on or under the charge of the offender;
5. Initiation of minors into committing or participating in offences;
6. Barbarous or outrageous acts of infraction towards the victim;
7. Offences with serious consequences;
8. Offences committed during calamities;
9. Offences committed through methods dangerous to the public;

10. Offences committed in a state of drunkenness or drug abuse, and based on the nature of the committed offences, the court has the absolute right to decide whether or not to increase the penal responsibilities;
11. Intentional imposition of guilt on honest persons; [and]
12. Offenders guilty of concealing other offences or using violence to escape.

**Article 42. Prescription of Penalties for the Preparation of and Attempts [to Commit] Offences**

Prescription of penalties for the preparation of and attempts [to commit] offences must take into consideration their nature and degree of social threat, the degree of implementation of the offender's ill intentions, and the causes of such unsuccessful offences. The court may impose sentences with lighter penalties than those legally prescribed.

**Article 43. (New) Prescription of Penalties for Accomplices to and Inciters of Offences**

Prescription of penalties for complicity in and incitement of offences must be considered on an equal basis as other forms of participation in such offences, but, taking into consideration the nature and degree of the complicity and incitement, the court may sentence lighter penalties than those prescribed.

**Article 44. Prescription of Penalties for Young Offenders**

Prescription of penalties for a child [offender] who was under 18 years of age at the time of the offence shall take into account the level<sup>28</sup> and characteristics of such offence, [but] the court may prescribe penalties under the level that is defined by the laws.

**Article 45. Prescription of Penalties for Offences Pertaining to Several Categories**

Where the same act [or set of acts] constitutes an offence pertaining to several categories,<sup>29</sup> the prescription of penalties must be made on the basis of the legal provision providing for the heaviest punishment.

The prescription of a [total] penalty for several offences pertaining to several articles [in this law] must be made by adding the penalties for each separate offence, but the final result must not exceed the highest penalty that could have been imposed for the most serious offence among such offences.

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<sup>28</sup> The Lao word translated as “level” in this article is not the same as the words that have been translated as “category” and “case” in other articles. It may refer to the “level of danger” of an offence but this is not clear from the original text.

<sup>29</sup> An “offence pertaining to several categories” is defined in Article 11.

Additional penalties may be added to the principal penalties in the event that such additional penalty is provided for in the specific part of this law.

In the event that a court decision has been issued and become final, or the offender has served the sentence in whole or in part, but it is determined that additional offences had previously been committed by the offender, the prescription of penalties must be made according to the above mentioned procedures.

In the event that the offender commits an offence after a court decision has been issued and become final or while he is serving his sentence, the court may add the remaining part of the penalty which is still due to be executed in whole or in part to the newly sentenced penalty.

Fines must be executed one by one, and are not subject to the above-mentioned procedures for adding and consolidating penalties.

#### **Article 46. Prescription of Penalties on Recidivism**

An offender guilty of recidivism in major offences shall be punished by adding half of the maximum penalty prescribed for major offences under this law to the penalty sentenced by the court for the current offence.

Recidivism in crimes is conducive to an increase of penal responsibilities as stated in Article 41 of this law.

#### **Article 47. Stay of Execution of Penalty**

The “stay of execution”<sup>30</sup> of deprivation of liberty, re-education without deprivation of liberty or fines as the principal penalty, refers to the suspension of the execution of such penalties for a period of five years. If during such period, the offender is not convicted of any other intentional offence, the penalty shall be lifted. But in the event of a second intentional offence, if the offender is sentenced to be deprived of liberty and such a sentence is final, the offender must execute the new penalty in addition to the one which has been suspended.

The suspension of the execution of a penalty can be in whole or in part. Recidivists, those offenders sentenced to three years of deprivation of liberty or more, or those sentenced for crimes cannot benefit from a stay of execution of penalties.

#### **Article 48. Inclusion of Preventive Custody in the Execution of the Penalty**

The total duration of preventive custody must be included [when] calculating the sanctions of deprivation of liberty or of re-education without deprivation of liberty. One day of preventive custody is equal to one day of

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<sup>30</sup>

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

deprivation of liberty or three days of re-education without deprivation of liberty.

**Article 49. Exemption of Penalties by Sending Offenders to Administrative Authorities or Social Organisations for Re-education**

If it is determined that the offence constitutes a minor offence and that the offender's personality does not present any threat towards society, the court may send the offender to administrative authorities or social organisations for re-education.

**Chapter 7  
Circumstances Conducive to Exemption of Penalties  
and Conditional Liberation before Term**

**Article 50. Circumstances Conducive to the Exemption of Penalties**

Punishments shall be lifted in the following circumstances:

- Death of the offender;
- Expiry of the time limit for execution of the court's decision;
- Grant of pardon to the offender.

**Article 51. Limitation Period for Execution of the Court's Decision**

Penalties shall not be imposed by the court unless executed within the following limitation periods:

- One year for minor offences;
- Seven years for major offences;
- Fifteen years for crimes.

The limitation period starts on the day the court's sentence becomes final. In the event that the offender commits a new offence, the limitation period for execution of the court's decision in respect of any previous unexecuted sentence shall re-start on the day the second offence is committed. In the event that the offender evades penalties during the period of effectiveness of the sentence, the limitation period shall re-start from the day the offender presents himself or is arrested.

**Article 52. Conditional Liberation before Term**

“Conditional liberation before term”,<sup>31</sup> based on the suggestion of the reformatory centre's responsible committee, may be granted to progressive, repenting, and exemplary working offenders, who have served half of their sentences in the case of offenders who were less than eighteen years old when the offence was committed, two thirds of the sentence in the case of adult offenders and fifteen years for offenders sentenced to life imprisonment.

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<sup>31</sup>

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

The local people's court executing the sanction of sentences is entitled to consider the grant of conditional liberation before term and to outline the conditions to be imposed upon the liberated offender. If within a period of five years, the offender who is granted conditional liberation before term has correctly complied with the outlined conditions and has not committed any further offences, the remaining punishment shall be lifted.

In the event that the outlined conditions are not respected during such period [of 5 years], the offender who is granted conditional liberation before term [shall be liable] to serve the remaining sentence. In the event that a new offence is committed during such period [of 5 years], the offender [shall be] liable to serve the new sentence in addition to the former remaining sentence.

Recidivist offenders or offenders sentenced to a death penalty committed into imprisonment cannot be granted liberation before term.

## **Chapter 8 The Court's Measures of Re-education and Medical Treatment**

### **Article 53. (New) Measures Towards Children**

For children under fifteen years of age who have committed an act that is dangerous to society, the following measures may be applied:

1. Require [the child] to request the damaged party's pardon by appropriate means;
2. Require the parents or guardians to pay civil compensation;
3. Send [the child] back to the person(s) having charge of the child for re-education; or
4. Send [the child] to administrative authorities and social organisations for re-education.

The court may apply the above-mentioned measures to children between fifteen and eighteen years old who commit minor and major offences.

### **Article 54. Measures Applied by the Court towards Mentally Disturbed Offenders**

Offenders committing offences under a state of mental disturbance or offenders in possession of their full conscience [during the offence who become] subject to mental disturbances before a sentence is imposed by the court or while serving the sentence, may benefit from measures pertaining to medical treatment, such as being sent to psychiatric hospitals or specific medical care centres.

After recovering from such a disturbance to his state of mental health, the offender must be brought back and sentenced by the court or the sentence must be executed if the lodged complaint or the court's decision is still valid.

The duration of medical treatment is to be included in calculating the period of execution of the punishment.

**Article 55. Measures Applied by the Court towards Offenders Addicted to Alcohol or Drugs**

The court may apply measures of medical treatment in asylums or specific medical centres towards offenders addicted to alcohol or drugs who have committed offences and are not sentenced to deprivation of liberty<sup>32</sup>. In the event that [such addicted] offender is sentenced to deprivation of liberty, the court must apply measures of medical treatment while such offender is serving his sentence, and if after completion of such penalties, the medical treatment is yet to be completed, the court may apply measures for medical treatment by sending the offender for cures in hospitals or entrusting him to the care of administrative authorities, social organisations or collectives to continue his re-education and medical treatment.

After recovering from such an addiction or abuse, the offender must be brought back and sentenced by the court or the sentence must be served if the lodged complaint or the court decision is still valid.

The duration of medical treatment is to be included in calculating the period of execution of the sentence.

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<sup>32</sup>

For readability, the structure of this sentence has been modified.

## SPECIFIC PART

### Chapter 1 Offences against National Security And Social Orderliness

#### **Article 56. Treason to the Nation**

Any Lao citizen in contact and cooperating with foreigners or foreign organisations for the purpose of undermining the independence, sovereignty, territorial integrity, grand political causes, defence and security, economy, or culture and society of the Lao People's Democratic Republic shall be punished by ten to twenty years of imprisonment and shall be fined from 10,000,000 Kip to 500,000,000 Kip. Furthermore, such person's property may be confiscated as provided under Article 34 of this law, and such person may be placed under house arrest, sentenced to life imprisonment or subject to the death penalty.

Any preparation or attempt to commit such an offence shall also be punished.

Any Lao citizen assigned by foreigners or foreign organisations to commit an offence under this article but [who] voluntarily reports the facts to the authorities in advance before such offence is committed shall not be punished.

#### **Article 57. Rebellion**

Any person participating in activities causing civil unrest in order to overthrow or weaken the administration shall be punished by ten to twenty years of imprisonment and shall be fined from 10,000,000 Kip to 500,000,000 Kip. Furthermore, such person's property may be confiscated as provided under Article 34 of this law, and such person may be placed under house arrest, sentenced to life imprisonment or subject to the death penalty.

Any preparation or attempt to commit such an offence shall also be punished.

#### **Article 58. Spying**

Any foreign individual, alien, or apatriot gathering intelligence or State or official documents of a confidential nature for the purpose of damaging or undermining the Lao People's Democratic Republic shall be punished by eight to twenty years of imprisonment and shall be fined from 5,000,000 Kip to 300,000,000 Kip. Furthermore, such person's property may be confiscated as provided under Article 34 of this law, and such person may be placed under house arrest, sentenced to life imprisonment or subject to the death penalty.

Any individual gathering intelligence or State or official documents of a confidential nature for the purpose of relaying [them] to Lao rebels carrying

out activities undermining the Lao People's Democratic Republic shall be punished by five to ten years of imprisonment and shall be fined from 5,000,000 Kip to 200,000,000 Kip. Furthermore, such person's property may be confiscated as provided under Article 34 of this law, and such person may be placed under house arrest.

The acts of Lao citizens in gathering intelligence or State or official documents of a confidential nature for the purpose of relaying [them] to foreigners or foreign organisations for the purpose of damaging or undermining the Lao People's Democratic Republic shall be considered treason against the nation and shall be punished as provided under Article 56 of this law.

Any attempt to commit such an offence shall also be punished.

#### **Article 59. Territorial Violation Affecting National Security**

Any armed person violating the territory of the Lao People's Democratic Republic and thereby affecting the national security shall be punished by five to fifteen years of imprisonment and shall be fined from 3,000,000 Kip to 150,000,000 Kip.

Any attempt to commit such an offence shall also be punished.

#### **Article 60. (New) Physical Harm Against the Interests of National Security**

Any person causing physical harm to leaders of the Lao People's Democratic Republic with the purpose of undermining or weakening State authority shall be punished by ten to twenty years of imprisonment and shall be fined from 10,000,000 Kip to 150,000,000 Kip.

Where such physical harm results in death, the offender shall be punished by life imprisonment and shall be fined from more than 150,000,000 Kip to 1,000,000,000 Kip or may be subject to the death penalty.

Any person causing physical harm to representatives of the State, civil servants, or persons performing the activities of the State or social organisations with the purpose of undermining or weakening State authority shall be punished by five to ten years of imprisonment and shall be fined from 5,000,000 Kip to 50,000,000 Kip.

Where such physical harm results in death, such person shall be punished by ten to twenty years of imprisonment and shall be fined from 10,000,000 Kip to 100,000,000 Kip, or shall be sentenced to life imprisonment and be fined from 150,000,000 Kip to 500,000,000 Kip, or shall be subject to the death penalty.

Any person causing physical harm to leaders coming to visit the Lao PDR or members of their families or accompanying delegation, or to representatives of foreign countries or international organisations who are

working in the Lao PDR or members of the families of those representatives, with the purpose of causing division in or undermining international relations or causing acts of war shall be punished by five to fifteen years of imprisonment and shall be fined from 10,000,000 Kip to 150,000,000 Kip.

Where such physical harm results in death, the offender shall be punished by life imprisonment and shall be fined from more than 150,000,000 Kip to 1,000,000,000 Kip, or shall be subject to the death penalty.

In addition to the above punishments, penalties may include the confiscation of property as provided under Article 34 of this law and house arrest.

Any preparation or attempt to commit such an offence shall also be punished.

#### **Article 61. Destruction**

Any person who, with the intention of undermining or weakening the State or the national economy, commits any of the following acts shall be punished by eight to twenty years of imprisonment and shall be fined from 5,000,000 Kip to 100,000,000 Kip: destroying, damaging, or burning plants, factories, offices, agency buildings, roads, communication facilities, transport vehicles, telecommunication equipment or other facilities constituting the economic infrastructure[,] [or] releasing toxic chemicals or viruses among communities or animals.<sup>33</sup> Furthermore, such person's property may be confiscated as provided under Article 34 of this law, and such person may be placed under house arrest, sentenced to life imprisonment or subject to the death penalty.

Any preparation or attempt to commit such an offence shall also be punished.

#### **Article 62. Disruption of State or Social Undertakings**

Any person responsible for the disruption of industry, trade, transport, agriculture, finance, or other services constituting the economic infrastructure and activities of State and social organisations[,] through acts or failures to act or by using his position to cause division within or weaken the State and undermine the national economy[,] shall be punished by five to twenty years of imprisonment and shall be fined from 3,000,000 Kip to 100,000,000 Kip. Furthermore, such person's property may be confiscated as provided under Article 34 of this law, and such person may be placed under house arrest, sentenced to life imprisonment or subject to the death penalty.

Any preparation or attempt to commit such an offence shall also be punished.

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<sup>33</sup> For readability, the structure of this sentence has been modified.

### **Article 63. Forgery of Bank Notes or Use of Forged Bank Notes**

Any person using printing equipment or other means to forge bank notes or foreign currencies[,] or importing forged bank notes for circulation in the Lao People's Democratic Republic[,] shall be punished by five to fifteen years of imprisonment and shall be fined from 10,000,000 Kip to 150,000,000 Kip.

Any person forging bank notes or importing forged bank notes either through an organised group or in substantial quantity shall be punished by ten to twenty years of imprisonment and shall be fined from 20,000,000 Kip to 300,000,000 Kip.

Any preparation or attempt to commit such an offence shall also be punished

Any person knowingly making use of forged bank notes shall be punished by three months to five years of imprisonment and shall be fined from 200,000 Kip to 5,000,000 Kip.

Any person knowingly having forged bank notes in his possession but failing to notify the authorities shall be punished by three months to two years of imprisonment and shall be fined from 100,000 Kip to 500,000 Kip.

### **Article 64. (New) Money Laundering**

Any person conducting activities in order to convert money or items derived from corruption, drug trafficking, human trafficking, trade in weapons of war or other offences into legal money by depositing them in banks, buying land, buying houses, lending to other persons or other means shall be considered as having engaged in money laundering, and shall be punished by one year to three years of imprisonment and shall be fined one third of the laundered amount.

Any preparation or attempt to commit such an offence shall also be punished.

Accomplices in money laundering shall be punished by six months to two years of imprisonment and shall be fined 1 percent of the laundered amount.

### **Article 65. Propaganda against the Lao People's Democratic Republic**

Any person conducting propaganda activities against and slandering the Lao People's Democratic Republic, or distorting the guidelines of the Party and policies of the government, or circulating false rumours causing disorder by words, in writing, through print, newspapers, motion pictures, videos, photographs, documents or other media which are detrimental to the Lao People's Democratic Republic or are for the purpose of undermining or

weakening State authority shall be punished by one to five years of imprisonment and shall be fined from 500,000 Kip to 10,000,000 Kip.

**Article 66. Division of Solidarity**

Any person dividing or causing resentment between ethnic groups and social strata with the intention of undermining national solidarity shall be punished by one to five years of imprisonment and shall be fined from 500,000 Kip to 10,000,000 Kip.

**Article 67. Civil Commotion**

Any person who is enrolled in an armed organisation and who engages in attacking and destroying plants, factories, offices, or social organisations or taking civil servants and civilians as prisoners or killing them, or robbing State, collective, or individual property with the intention of undermining the foundations of social order shall be punished by five to twenty years of imprisonment and fined from 5,000,000 Kip to 100,000,000 Kip. Furthermore, such person's property may be confiscated as provided under Article 34 of this law, and such person may be placed under house arrest, sentenced to life imprisonment or subject to the death penalty.

Any preparation or attempt to commit such an offence shall also be punished.

**Article 68. Destruction or Attack of Detention and Reformatory Centres**

Any person using force to destroy or attack detention and reformatory centres with the intention to abduct or liberate accused persons and prisoners in such centres, or using violence to abduct accused persons or prisoners during transfer shall be punished by five to twenty years of imprisonment and shall be fined from 5,000,000 Kip to 100,000,000 Kip. Such person may also be placed under house arrest, sentenced to life imprisonment or subject to the death penalty.

Any person causing disorder in or undermining the internal regulations of detention and reformatory centres or enticing accused persons and prisoners to escape shall be punished by one to five years of imprisonment and shall be fined from 500,000 Kip to 10,000,000 Kip.

Any preparation or attempt to commit such an offence shall also be punished.

**Article 69. Joining the Enemy, Sheltering Persons Acting against the Revolution**

Any person who escapes<sup>34</sup> to join the enemy in fighting the revolution shall be punished by three years to ten years of imprisonment and shall be fined from 500,000 Kip to 100,000,000 Kip.

Any person concealing, hiding, sheltering or assisting a person acting against the revolution shall be punished by one to five years of imprisonment and shall be fined from 200,000 Kip to 50,000,000 Kip.

**Article 70. Offence against Friendly Countries**

Any person committing an offence under Article 56 to Article 69 of this law against a friendly country shall be punished by the penalties applicable to those offences as if they were committed against the Lao People's Democratic Republic.

**Article 71. Disclosure of State or Administrative Secrets**

Any person responsible for the safekeeping, preservation and use of documents pertaining to State secrets who discloses such secrets or allows the disclosure of such secrets or loses such documents shall be punished by three to five years of imprisonment and shall be fined from 500,000 Kip to 10,000,000 Kip.

In the case of administrative secrets,<sup>35</sup> the offender shall be punished by one to three years of imprisonment and shall be fined from 100,000 Kip to 5,000,000 Kip.

**Article 72. Gatherings Aimed at Causing Social Disorder**

Any person organising or participating in the gathering of groups of persons to conduct protest marches, demonstrations and others with the intention of causing social disorder, shall, where such action causes damage to the society, be punished by one to five years of imprisonment and shall be fined from 200,000 Kip to 50,000,000 Kip.

Any attempt to commit such an offence shall also be punished.

**Article 73. Destruction and Removal of Boundary Markers**

Any person intentionally destroying or damaging any boundary marker,<sup>36</sup> or intentionally removing any boundary marker in a manner that

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<sup>34</sup> The literal translation is “escapes the revolution to join”.

<sup>35</sup> The phrase “administrative secrets” is a literal translation. The translators believe this may refer to secrets of administrative bodies below the central or State level, but there is insufficient textual evidence to depart from the literal translation.

does not comply with the laws, shall be punished by six months to three years of imprisonment and shall be fined from 5,000,000 Kip to 20,000,000 Kip.

**Article 74. Destruction and Denigration of the National Emblem or National Flag**

Any person destroying or denigrating the national emblem or the national flag in a manner which affects the honour and prestige of the Lao People's Democratic Republic, shall be punished by three months to two years of imprisonment and shall be fined from 200,000 Kip to 3,000,000 Kip.

**Article 75. Mobilisation of Unlawful Migration or Immigration**

Any person publicly encouraging and misleading people into fleeing abroad, migrating or immigrating in contravention of the laws shall be punished by six months to three years of imprisonment and shall be fined from 1,000,000 Kip to 10,000,000 Kip.

In severe cases or in the event of recidivism, the offender shall be punished by six months to five years of imprisonment and shall be fined from 2,000,000 Kip to 20,000,000 Kip.

**Article 76. Unlawful Production, Possession and Use of Weapons or Explosives**

Any person producing, possessing, keeping, wearing or using weapons of war<sup>37</sup> or explosives in contravention of the laws shall be punished by six months to five years of imprisonment and shall be fined from 500,000 Kip to 10,000,000 Kip.

**Article 77. Unlawful Trade in Weapons or Explosives**

Any person purchasing and selling weapons of war or explosives in contravention of the laws shall be punished by six months to five years of imprisonment and shall be fined from 1,000,000 Kip to 20,000,000 Kip.

Any person purchasing and selling weapons of war or explosives as a regular profession, as part of an organised group or in a substantial quantity, shall be punished by five to ten years of imprisonment and shall be fined from 5,000,000 Kip to 50,000,000 Kip.

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<sup>36</sup> The phrase “boundary marker” is a reference to marks (including physical signposts) that delineate the border of a territory.

<sup>37</sup> Lao law makes a distinction between weapons for warfare and homemade weapons for hunting and legitimate personal use.

### **Article 78. Theft, Misappropriation, Robbery of Weapons or Explosives**

Any person obtaining weapons of war or explosives through theft, misappropriation or robbery shall be punished by two to five years of imprisonment and shall be fined from 2,000,000 Kip to 25,000,000 Kip.

Any person obtaining weapons of war or explosives through theft, misappropriation or robbery as a regular profession, as a part of an organised group or in a substantial quantity, shall be punished by five to ten years of imprisonment and shall be fined from 5,000,000 Kip to 50,000,000 Kip.

### **Article 79. Loss of Weapons or Explosives Belonging to the State or Collectives**

Any person negligently causing the loss of weapons of war or explosives belonging to the State or collectives shall be punished by three months to three years of imprisonment or by re-education without deprivation of liberty, and shall be fined from 100,000 Kip to 1,500,000 Kip.

### **Article 80. (New) Offence Relating to Chemical Weapons**

Chemical weapons consist of toxic or poisonous<sup>38</sup> substances used for human destruction.

Any person who engages in the production, sale, purchase, handing over, exchange, possession or transport of chemical substances for the production of chemical weapons shall be punished as follows:

- [Any of the above acts involving chemical substances] under five thousand grams shall be punished by five years to six years of imprisonment and shall be fined from 5,000,000 Kip to 6,000,000 Kip;
- [Any of the above acts involving chemical substances] exceeding five thousand grams and up to ten thousands grams shall be punished by six years to eight years of imprisonment and shall be fined from more than 6,000,000 Kip to 8,000,000 Kip;
- [Any of the above acts involving chemical substances] exceeding ten thousand grams shall be punished by eight years to ten years of imprisonment and shall be fined from more than 8,000,000 Kip to 10,000,000 Kip.

Any person who engages in the production, sale, purchase, handing over, exchange, possession or transport of [chemical weapons], or in inciting or promoting the use of chemical weapons, shall be punished as follows:

- [Any of the above acts involving chemical substances] under five thousand grams shall be punished by seven years to eight years of

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<sup>38</sup>

The Lao word is a compound word: “toxic-poisonous”.

- imprisonment and shall be fined from 100,000,000 Kip to 200,000,000 Kip;
- [Any of the above acts involving chemical substances] exceeding five thousand to ten thousands grams shall be punished by eight years to ten years imprisonment and shall be fined from more than 200,000,000 Kip to 300,000,000 Kip;
  - [Any of the above acts involving chemical substances] exceeding ten thousands grams shall be punished by ten years to twelve years imprisonment and shall be fined from more than 300,000,000 Kip to 500,000,000 Kip.

Any person who engages in the use of chemical weapons shall be punished as follows:

- If [such use] results in minor damage, [such person] shall be punished by five years to twenty years imprisonment and shall be fined 700,000,000 Kip to 1,500,000,000 Kip;
- If [such use] results in medium damage, [such person] shall be punished by life imprisonment and shall be fined 2,000,000,000 Kip to 5,000,000,000 Kip;
- If [such use] results in large damage, [such person] shall be punished by the death penalty.

Any attempt to commit such an offence shall also be punished.

#### **Article 81. Unlawful Production and Possession of Radio Communication Equipment**

Any person producing, possessing or installing radio communication equipment in contravention of the laws shall be punished by six months to three years of imprisonment and shall be fined from 300,000 Kip to 3,000,000 Kip.

#### **Article 82. Performance of Medical Profession without License**

Any person treating patients without an official license for the purpose of generating gains shall be fined from 100,000 Kip to 500,000 Kip.

Where the offender has caused a patient to become an invalid or to die, such offender shall be punished by three months to five years of imprisonment and shall be fined from 500,000 Kip to 5,000,000 Kip.

#### **Article 83. Forbidden Gambling**

Any person indulging in forbidden gambling shall be fined from 200,000 Kip to 2,000,000 Kip.

Any person consenting to the use of his house as a gambling premises or acting as the chief gambler or found to have engaged in [gambling] recidivism, shall be punished by three months to two years of imprisonment or

by re-education without deprivation of liberty and shall be fined from 500,000 Kip to 10,000,000 Kip.

#### **Article 84. Hooliganism**

Any person breaching the rules and discipline of social life and making use of violence, threats, offensive language or other activities inconsistent with social orderliness shall be punished by public criticism and shall be fined from 50,000 Kip to 500,000 Kip.

A recidivist shall be punished by three months to one year of imprisonment or re-education without deprivation of liberty and shall be fined from 100,000 Kip to 1,000,000 Kip.

#### **Article 85. Violation of Traffic Security**

Any person intentionally damaging or obstructing roads, modifying or damaging traffic signs, signals, or kilometre marks, or using violence or threats against vehicle drivers, thereby causing a traffic accident, shall be punished by six months to two years of imprisonment and shall be fined from 100,000 Kip to 1,000,000 Kip.

Where such an offence results in severe injuries or physical disability, the offender shall be punished by two to five years of imprisonment and shall be fined from 200,000 Kip to 2,000,000 Kip.

Where such an offence results in the loss of life, the offender shall be punished by six to ten years of imprisonment and shall be fined from 300,000 Kip to 3,000,000 Kip.

Where such an offence is committed negligently, the offender shall be punished by a fine of 50,000 Kip to 300,000 Kip.

Where such an offence is committed negligently and results in severe injuries, injuries to several persons or physical disability, the offender shall be punished by six months to three years of imprisonment and shall be fined from 100,000 Kip to 1,000,000 Kip.

Where such an offence is committed negligently and results in the loss of life, the offender shall be punished by two to five years of imprisonment and shall be fined from 200,000 Kip to 2,000,000 Kip.

Where such an offence is committed negligently and results in the loss of many lives, the offender shall be punished by five to eight years of imprisonment and shall be fined from 500,000 Kip to 5,000,000 Kip.

### **Article 85. Violations of Traffic Regulations Resulting in Accidents**

Any person violating any traffic regulations, thereby causing an accident and injury to other persons shall be fined from 50,000 Kip to 300,000 Kip.

Where such an offence results in severe injuries, injuries to several persons or physical disability, the offender shall be punished by six months to three years of imprisonment and shall be fined from 100,000 Kip to 500,000 Kip.

Where such an offence results in the loss of life, the offender shall be punished by two to five years of imprisonment and shall be fined from 150,000 Kip to 700,000 Kip.

Where such an offence results in the loss of many lives, the offender shall be punished by five to ten years of imprisonment and shall be fined from 200,000 Kip to 1,000,000 Kip.

### **Article 86. Flight from the Scene of the Accident**

Any person who causes an accident and flees from the scene shall be punished by six months to two years of imprisonment and shall be fined from 200,000 Kip to 1,000,000 Kip.

Any attempt to commit such an offence shall also be punished.

## **Chapter 2 Offences against the Life, Health and Honour of a Person**

### **Article 88. Murder**

Any person intentionally causing the death of another person shall be punished by ten to fifteen years of imprisonment and shall be fined from 1,000,000 Kip to 5,000,000 Kip.

Any person committing murder as a regular profession, committing a planned murder, committing a barbarous murder, murdering civil servants performing their duties, several persons, or a pregnant woman, or murdering a person to conceal another offence, shall be punished by ten to twenty years of imprisonment and shall be fined from 2,000,000 Kip to 10,000,000 Kip. Furthermore, such person may be placed under house arrest or sentenced to life imprisonment or subject to the death penalty.

Any person committing murder due to severe moral outrage in response to the victim's unlawful act, where such outrage results in an unavoidable compulsion, shall be punished by three to five years of imprisonment and shall be fined from 500,000 Kip to 2,000,000 Kip.

Any preparation or attempt to commit such an offence shall also be punished.

#### **Article 89. Death Caused Negligently**

Any person causing another person's death negligently or inadvertently<sup>39</sup> shall be punished by two to five years of imprisonment and shall be fined from 200,000 Kip to 1,000,000 Kip.

Where such an offence results in the death of several persons, the offender shall be punished by five to ten years of imprisonment and shall be fined from 300,000 Kip to 2,000,000 Kip.

#### **Article 90. Battery**

Any person intentionally causing physical injury to another person shall be punished by three months to one year of imprisonment and shall be fined from 100,000 Kip to 500,000 Kip.

Where such an offence results in severe injuries or is committed by a group of persons, the offender shall be punished by one to five years of imprisonment and shall be fined from 500,000 Kip to 1,500,000 Kip.

Where such an offence causes the victim to become an invalid or to die, the offender shall be punished by five to ten years of imprisonment and shall be fined from 700,000 Kip to 3,000,000 Kip.

Any attempt to commit such an offence shall also be punished.

#### **Article 91. Physical Injuries Caused Negligently**

Any person causing physical injury to another person negligently or inadvertently shall be fined from 50,000 Kip to 300,000 Kip.

Where such an offence results in severe injuries, injuries to several persons or physical disability, the offender shall be punished by six months to three years of imprisonment and shall be fined from 100,000 Kip to 500,000 Kip.

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<sup>39</sup> In this translation, “negligence” is used in the sense set out in Article 10, while “inadvertently” is used to describe actions which cause a result by accident where the offender may not have given any thought to the consequences (e.g., turning a corner, the driver knocks a pedestrian down without realising the pedestrian is there).

## **Article 92. Unlawful Abortion**

Any person performing an unlawful abortion on another person shall be punished by two to five years of imprisonment and shall be fined from 200,000 Kip to 5,000,000 Kip.

Where the offender performs an unlawful abortion or performs an abortion as a regular profession and the abortion results in the degradation of the mother's health or her death, the offender shall be punished by five to ten years of imprisonment and shall be fined from 300,000 Kip to 10,000,000 Kip.

Any woman performing an abortion on herself or unlawfully recruiting another person to perform such an operation shall be punished by three months to one year of imprisonment and shall be fined from 100,000 Kip to 500,000 Kip.

Any attempt to commit such an offence shall also be punished.

## **Article 93. Failure to Provide Assistance to Persons in Danger**

Any person discovering another person in a life- or health-threatening situation, but failing to provide assistance although such assistance could have been provided, or failing to request the assistance of other persons, shall be punished by three months to one year of imprisonment and shall be fined from 100,000 Kip to 500,000 Kip.

Any person who has a duty to provide assistance, but fails to perform his duty in providing assistance to persons in life- or health-threatening situations, shall be punished by one to three years of imprisonment and shall be fined from 200,000 Kip to 1,000,000 Kip.

## **Article 94. Defamation and Libel**

Any person severely damaging the honour of another person through written, oral or other means shall be punished by three months to one year of imprisonment or by re-education without deprivation of liberty and shall be fined from 50,000 Kip to 300,000 Kip.

Any person libelling another person through written, oral or other means resulting in severe damage to the other person's honour<sup>40</sup> shall be punished by three months to one year of imprisonment or by re-education without deprivation of liberty and shall be fined from 50,000 Kip to 300,000 Kip.

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<sup>40</sup> The distinction between the two offences described in this Article is that in the first paragraph, the statements may be true; in the second, they are not.

**Article 95. Insults**

Any person using indecent language [(whether written or oral)] or indecent acts against another person to cause severe damage to the second person's honour shall be punished by three months to one year of imprisonment or by re-education without deprivation of liberty and shall be fined from 50,000 Kip to 300,000 Kip.

**Article 96. Denigration of Corpse or Reputation of a Deceased**

Any person using indecent acts or words towards the corpse, reputation, burial ground or stupa of a deceased person thereby affecting the public morale shall be punished by three months to one year of imprisonment or by re-education without deprivation of liberty and shall be fined from 50,000 Kip to 300,000 Kip.

**Chapter 3  
Offences against Civil Rights and Freedoms**

**Article 97. Duress**

Any person exercising duress against another person by using force or weapons or threats to compel such other person to act or to refrain from acting according to the offender's will but contrary to the compelled person's will and to the detriment of such compelled person shall be punished by three months to three years of imprisonment and shall be fined from 100,000 Kip to 1,000,000 Kip.

Where such an offence involves hijacking cars, ships or aircraft, the offender shall be punished by three to ten years of imprisonment and shall be fined from 1,000,000 Kip to 50,000,000 Kip.

**Article 98. (New) Violation of Safety Regulations Relating to Air [Transport], Airports and Harbours**

Any person using weapons or force to highjack, take control of or seize any air plane, ship or car, or to destroy any airport or harbour shall be punished by ten years to twenty years imprisonment and shall be fined from 100,000,000 Kip to 500,000,000 Kip;

Where such an offence causes large damage to life, health or property, [the offender] shall be punished by life imprisonment and shall be fined from 1,000,000,000 Kip to 10,000,000,000 Kip or may be punished by the death penalty.

Any attempt to commit such an offence shall also be punished.

### **Article 99. Unlawful Arrest and Detention**

Any person unlawfully arresting or detaining another person shall be punished by six months to two years of imprisonment and shall be fined from 500,000 Kip to 3,000,000 Kip.

Where such an offence causes degradation to the health of the arrested or detained person, the offender shall be punished by two to five years of imprisonment and shall be fined from 700,000 Kip to 5,000,000 Kip.

Where such an offence causes the arrested or detained person to become an invalid or to die, the offender shall be punished by five to fifteen years of imprisonment and shall be fined from 1,000,000 Kip to 7,000,000 Kip.

### **Article 100. Trade and Abduction of Human Beings**

Any person engaging in the trade and abduction of human beings for ransom, sale or other purposes shall be punished by five to fifteen years of imprisonment and shall be fined from 5,000,000 Kip to 50,000,000 Kip.

### **Article 101. (New) Taking of Hostages**

Any person forcing, arresting or detaining another person as a hostage and threatening to kill, physically harassing or continuing to detain such person in order to force others, such as persons or organisations, to act or not to act as a condition to the release of the person held hostage, shall be punished from ten to twenty years of imprisonment and shall be fined from 10,000,000 Kip to 50,000,000 Kip.

When many persons are taken as hostage, tortured or physically harassed, suffer harm or are caused to die, [the offender] shall be punished by life imprisonment and shall be fined from 150,000,000 Kip to 500,000,000 Kip or death penalty.

Any attempt to commit such an offence shall also be punished.

### **Article 102. Violation of Individual Freedom**

Any person breaching another person's individual freedom to engage in lawful speech, writing, gathering, meetings and other [freedoms] shall be punished by three months to one year of imprisonment or by re-education without deprivation of liberty and shall be fined from 100,000 Kip to 300,000 Kip.

### **Article 103. Trespass of Residence**

Any person committing unlawful trespass of residence through the use of force, threat or forged documents, by impersonating an official or otherwise

shall be punished by six months to two years of imprisonment and shall be fined from 300,000 Kip to 1,000,000 Kip.

#### **Article 104. Violation of Personal Confidential Matter**

Any person disclosing another person's confidential matter which has come to the offender's knowledge during the performance of his profession or duties, thereby causing damage to the other person, shall be punished by three to six months of imprisonment and shall be fined from 50,000 Kip to 500,000 Kip.

Any person opening another person's letters, telegrams or other documents or listening in on a telephone conversation between other persons, thereby causing damage to other persons, shall be punished by three to six months of imprisonment and shall be fined from 50,000 Kip to 500,000 Kip.

#### **Article 105. Obstruction of the Right to Vote and of Election**

Any person obstructing [another person's] civil right to vote or to be elected to the National Assembly through the use of threats, bribery or misdirection shall be punished by three months to one year of imprisonment and shall be fined from 100,000 Kip to 1,000,000 Kip.

#### **Article 106. Forgery or Destruction of Election Documents**

Any person forging or destroying election documents, or forging or destroying ballots or the results of an election to the National Assembly, shall be punished by one to two years of imprisonment and shall be fined from 200,000 Kip to 2,000,000 Kip.

### **Chapter 4 Offences against State and Collective Property**

#### **Article 107. Robbery of State or Collective Assets**

Any person violently attacking or using a direct threat against another person's life or health in order to take any State or collective asset<sup>41</sup> shall be punished by five to ten years of imprisonment and shall be fined from 1,000,000 Kip to 10,000,000 Kip.

Where such acts of robbery are performed as a regular profession, as part of an organised group, or result in severe injuries or the loss of life or substantial damage, the offender shall be punished by ten to twenty years of imprisonment and shall be fined from 5,000,000 Kip to 20,000,000 Kip. Furthermore, such person's property may be confiscated as provided under

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<sup>41</sup> The phrases "State asset", "collective asset" and their variants are used with the first term as an adjective, i.e., "assets belonging to the State". Readers may wish to refer to the Property Law for more information illustrating how these terms are typically used.

Article 34 of this law, and such person may be placed under house arrest, sentenced to life imprisonment or subject to the death penalty.

Any preparation or attempt to commit such an offence shall also be punished.

#### **Article 108. Theft and Forceful Misappropriation of State or Collective Property**

Any person misappropriating any State or collective asset by theft shall be punished by six months to three years of imprisonment and shall be fined from 100,000 Kip to 5,000,000 Kip.

Any person misappropriating any State or collective asset by mugging<sup>42</sup> shall be punished by one to three years of imprisonment and shall be fined from 200,000 Kip to 7,000,000 Kip.

Where the theft is performed through forced entry, or by damaging fences, doors, cases<sup>43</sup>, cupboards and others, the offender shall be punished by one to three years of imprisonment and shall be fined from 200,000 Kip to 7,000,000 Kip.

Where such theft or mugging is performed as a regular profession, as part of an organised group, or causes substantial damage, the offender shall be punished by three to seven years of imprisonment and shall be fined from 1,000,000 Kip to 10,000,000 Kip.

Any attempt to commit such an offence shall also be punished.

#### **Article 109. Swindle of State or Collective Property**

Any person engaging in trickery by any means to cause a person in charge of any State or collective asset or other person to hand over [such asset] shall be punished by six months to three years of imprisonment and shall be fined from 200,000 Kip to 7,000,000 Kip.

Where the swindle is performed as a regular profession, by an organised group or causes substantial damage, the offender shall be punished by three to seven years of imprisonment and shall be fined from 5,000,000 Kip to 15,000,000 Kip.

Any attempt to commit such an offence shall also be punished.

#### **Article 110. Embezzlement of State or Collective Assets**

Any person abusing any confidence in order to embezzle, appropriate or replace<sup>44</sup> any State or collective asset which has been assigned to such

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<sup>42</sup> The word “mugging” is used in the sense of theft in the presence of other people.

<sup>43</sup> The word “cases” is used in the sense of a trunk or other container for belongings.

person to keep, transport, use in construction, repair or for any other purpose shall be punished by six months to three years of imprisonment and shall be fined from 200,000 Kip to 7,000,000 Kip.

Where embezzlement is performed as a regular profession, by an organised group or causes substantial damage, the offender shall be punished by three to seven years of imprisonment and shall be fined from 5,000,000 Kip to 15,000,000 Kip.

Any attempt to commit such an offence shall also be punished.

### **Article 111. Intentional Destruction or Damage to State or Collective Property**

Any person intentionally destroying or damaging any State or collective asset by any means or in any manner shall be punished by one to three years of imprisonment and shall be fined from 200,000 Kip to 1,000,000 Kip.

Where such an offence causes substantial damage or threatens the life or health of the public, the offender shall be punished by three to ten years of imprisonment and shall be fined from 500,000 Kip to 5,000,000 Kip.

Any attempt to commit such an offence shall also be punished.

### **Article 112. Destruction of Artefacts or Architecture of Artistic Value**

Any person destroying any artefact or architecture of artistic value, whether under collective or personal ownership, or exporting such objects without approval shall be punished by one to five years of imprisonment or fined as provided under the regulations governing the preservation of artefacts.

Any person destroying or damaging any stupa, sacred site or other object, or excavating a temple navel or destroying or selling Buddhist statues or other sacred objects shall be punished by two to seven years of imprisonment and shall be fined from 1,000,000 Kip to 10,000,000 Kip.

### **Article 113. Negligent Damage to State or Collective Property**

Any person negligently causing substantial or non-substantial damage to any State or collective asset, where such damage affects the society or the economic infrastructure, shall be punished by three months to three years of imprisonment or by re-education without deprivation of liberty and shall be fined from 200,000 Kip to 1,500,000 Kip.

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<sup>44</sup> These three terms have the connotations of “to take in whole”, “to take in part” and “to replace with something else”, respectively.

#### **Article 114. Lack of Responsibility in Managing State or Collective Property**

Any person who has the [direct] duty to manage any State or collective asset and who causes substantial damage to such asset due to the failure to abide by management regulations shall be punished by six months to three years of imprisonment and shall be fined from 200,000 Kip to 2,000,000 Kip.

#### **Article 115. Unlawful Possession of State or Collective Property**

Any person intentionally possessing any State or collective asset that he has acquired, gathered or exploited or that has been handed over to him by another person, and who does not notify the authorities<sup>45</sup> shall be punished by three months to two years of imprisonment and shall be fined from 100,000 Kip to 300,000 Kip.

Where such an offence involves State or collective property of high value or in substantial quantity, the offender shall be punished by two to five years of imprisonment and shall be fined from 200,000 Kip to 5,000,000 Kip.

#### **Article 116. Concealment and Unlawful Trade of State or Collective Property**

Any person accepting, purchasing, preserving, concealing or selling any State or collective property with the knowledge that such property was acquired by robbery, theft, mugging, swindle, embezzlement or otherwise shall be punished by three months to two years of imprisonment and shall be fined from 500,000 Kip to 5,000,000 Kip.

Where such an offence is performed as a regular profession, as part of an organised group, or causes substantial damage, the offender shall be punished by one to five years of imprisonment and shall be fined from 1,000,000 Kip to 10,000,000 Kip.

#### **Article 117. Abuse of State or Collective Property**

Any persons using State or collective property for personal benefit, thereby causing substantial damage to the State or collective shall be punished by three months to two years of imprisonment and shall be fined from 100,000 Kip to 5,000,000 Kip.

### **Chapter 5 Offences against Personal Property**

#### **Article 118. Robbery of Personal Assets**

Any person violently attacking [another person] or using a direct threat against another person's life or health in order to take such person's property

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<sup>45</sup> The reader may wish to refer to the Property Law for the obligation to report the finding of lost property (whether belonging to the State or collectives, as covered in this Article, or to other persons, as covered in Article 123).

shall be punished by four to eight years of imprisonment and shall be fined from 800,000 Kip to 8,000,000 Kip.

Where such an offence is performed as a regular profession or as part of an organised group, or causes severe injuries or the loss of life or substantial damage, the offender shall be punished by eight to fifteen years of imprisonment and shall be fined from 3,000,000 Kip to 15,000,000 Kip.

Any preparation or attempt to commit such an offence shall also be punished.

#### **Article 119. Theft and Mugging of Personal Property**

Any person appropriating another person's property by theft[, that is,] without such other person's knowledge, shall be punished by three months to two years of imprisonment or by re-education without deprivation of liberty and shall be fined from 100,000 Kip to 3,000,000 Kip.

Any person appropriating another person's property by mugging shall be punished by six months to three years of imprisonment and shall be fined from 150,000 Kip to 5,000,000 Kip.

Where theft is performed through forced entry or by damaging fences, doors, cases, cupboards and others, the offender shall be punished by six months to three years of imprisonment and shall be fined from 200,000 Kip to 5,000,000 Kip.

Where theft or mugging is performed as a regular profession, as part of an organised group or causes substantial damage, the offender shall be punished by three to five years of imprisonment and shall be fined from 1,000,000 Kip to 8,000,000 Kip.

Any attempt to commit such an offence shall also be punished.

#### **Article 120. Swindle of Citizens**

Any person engaging in trickery by any means to cause a person to hand over his asset shall be punished by three months to two years of imprisonment and shall be fined from 200,000 Kip to 5,000,000 Kip.

Where such swindle is performed as a regular profession, as part of an organised group or causes substantial damage, the offender shall be punished by two to five years of imprisonment and shall be fined from 500,000 Kip to 10,000,000 Kip.

Any attempt to commit such an offence shall also be punished.

### **Article 121. Embezzlement of Citizens' Assets**

Any person abusing any confidence in order to embezzle, appropriate or replace any property entrusted to him for keeping or for any other purpose shall be punished by three months to two years of imprisonment and shall be fined from 200,000 Kip to 5,000,000 Kip.

Where such an offence is performed as a regular profession, as part of an organised group or causes substantial damage, the offender shall be punished by two to five years of imprisonment and shall be fined from 500,000 Kip to 10,000,000 Kip.

Any attempt to commit such an offence shall also be punished.

### **Article 122. Intentional Destruction of or Damage to Citizens' Property**

Any person intentionally destroying or damaging another person's property by any means or in any manner shall be punished by six months to two years of imprisonment and shall be fined from 100,000 Kip to 1,000,000 Kip.

Where such an offence causes substantial damage or threatens the life or health of the people, the offender shall be punished by two to seven years of imprisonment and shall be fined from 300,000 Kip to 3,000,000 Kip.

Any attempt to commit such an offence shall also be punished.

### **Article 123. Unlawful Possession of Property**

Any person intentionally possessing another person's property which he has found, collected, or exploited or which the other person has handed over by mistake, without notifying the authorities shall be punished by three months to one year of imprisonment and shall be fined from 50,000 Kip to 200,000 Kip.

Where such property is of high value or in substantial quantity, the offender shall be punished by one to three years of imprisonment and shall be fined from 200,000 Kip to 3,000,000 Kip.

### **Article 124. Concealment and Unlawful Trade of Citizens' Property**

Any person accepting, purchasing, preserving, concealing or selling any property with the knowledge that such property belongs to another person and was acquired by robbery, theft, mugging, swindle, embezzlement or otherwise shall be punished by three months to one year of imprisonment and shall be fined from 300,000 Kip to 3,000,000 Kip.

Where such an offence is performed as a regular profession, as part of an organised group or causes substantial damage, the offender shall be

punished by one to three years of imprisonment and shall be fined from 500,000 Kip to 5,000,000 Kip.

#### **Article 125. Loss of Assets to Fire Caused by Carelessness**

Any person who negligently or inadvertently starts a fire which causes substantial damage to houses, warehouses, shops or crops of other persons shall be punished by three months to two years of imprisonment or by re-education without deprivation of liberty and shall be fined from 300,000 Kip to 3,000,000 Kip.

### **Chapter 6 Breach of Marital and Family Relationships and of Customs**

#### **Article 126. Adultery**

A married person having a sexual relationship with a third person shall be punished by three months to one year of imprisonment or by re-education without deprivation of liberty and shall be fined from 500,000 Kip to 5,000,000 Kip.

The partner in adultery shall be punished on the same charges.

#### **Article 127. Failure to Perform Obligations towards Minor Children, Parents or Spouse**

Any person failing to care for minor children,<sup>46</sup> parents in poverty, or a disabled or sick spouse in accordance with a court decision shall be punished by public criticism and shall be fined from 300,000 Kip to 3,000,000 Kip.

#### **Article 128. Rape**

Any person using force, armed threats, drugs or other [substances], or other means to place a woman in a state of helplessness in order to have sexual intercourse with the woman against her will, where such woman is not [the offender's] spouse, shall be punished by three to five years of imprisonment and shall be fined from 1,000,000 Kip to 5,000,000 Kip.

Where the victim of such rape is a woman between fifteen and eighteen years of age, a woman dependent upon the offender's care, or a patient of the offender, the offender shall be punished by five to ten years of imprisonment and shall be fined from 2,000,000 Kip to 10,000,000 Kip.

In the event of multiple rape<sup>47</sup>, rape of girls under fifteen years of age, battery during rape or a rape resulting in the victim becoming an invalid or

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<sup>46</sup> In this Article, the term “minor children” is used in the sense of under the age of majority.

<sup>47</sup> In this Article, the phrase “multiple rape” is used in the sense of “rape by more than one person”.

dying, the offender shall be punished by seven to fifteen years of imprisonment and shall be fined from 5,000,000 Kip to 15,000,000 Kip.

Where the offender rapes the victim and then murders the victim, such offender shall be punished by fifteen to twenty years of imprisonment and shall be fined from 10,000,000 Kip to 20,000,000 Kip. Furthermore, such person may be sentenced to life imprisonment or subject to the death penalty.

Any attempt to commit such an offence shall also be punished.

#### **Article 129. Sexual Intercourse with a Child**

Any person engaging in sexual intercourse with a girl or boy under fifteen years of age shall be punished by one to five years of imprisonment and shall be fined from 2,000,000 Kip to 5,000,000 Kip.

#### **Article 130. Sexual Act Committed by Monks**

Any monk or novice who commits a sexual act with a female or male person shall be punished by six months to three years of imprisonment and shall be fined from 500,000 Kip to 3,000,000 Kip.

Any female or male person who willingly commits a sexual act with a monk or novice shall be punished on the same charges.

#### **Article 131. Prostitution**

Any person engaging in prostitution shall be punished by three months to one year of imprisonment or by re-education without deprivation of liberty and shall be fined from 50,000 Kip to 500,000 Kip.

Any person assisting or facilitating prostitution shall be punished by three months to one year of imprisonment or re-education without deprivation of liberty and shall be fined from 300,000 Kip to 1,000,000 Kip.

#### **Article 132. Procuring**

Any person generating income through procuring prostitution in any manner whatsoever shall be punished by six months to three years of imprisonment and shall be fined from Kip 5,000,000 to 10,000,000 Kip.

Where procuring is performed as a regular profession or involves the prostitution of female minors<sup>48</sup> or the forcing of a female person under the offender's guardianship into prostitution, the offender shall be punished by three to five years of imprisonment and shall be fined from 10,000,000 Kip to 50,000,000 Kip

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<sup>48</sup>

In this article, the word “minor” is used in the sense of under the age of majority.

### **Article 133. (New) Forcing to Prostitution**

Any person forcing another person to prostitution shall be punished by five years to ten years of imprisonment and shall be fined from 10,000,000 Kip to 20,000,000 Kip.

Any person forcing another person who is under 18 years of age to prostitution shall be punished by ten years to twenty years of imprisonment and shall be fined from 20,000,000 Kip to 50,000,000 Kip.

### **Article 134. (New) Human Trafficking**

Human trafficking means the recruitment, moving, transfer, harbouring, or receipt of any person within or across national borders by means of deception, threats, use of force, debt bondage or any other means<sup>49</sup> [and using such person in] forced labour, prostitution, pornography, or anything that is against the fine traditions of the nation, or removing various body organs [of such person], or for other unlawful purposes.

Any of the above-mentioned acts committed against children under 18 years of age shall be considered as human trafficking even though there is no deception, threat, use of force, or debt bondage.

Any person engaging in human trafficking shall be punished by five years to fifteen years of imprisonment and shall be fined from 10,000,000 Kip to 100,000,000 Kip.

Where human trafficking is performed as a regular profession or in an organised group, where the victims are children, where there are two or more victims, where any victim is a close relative of the offender, or where any victim suffers serious injury or becomes an invalid or insane, the offender committing human trafficking shall be punished by fifteen to twenty years of imprisonment and shall be fined from more than 100,000,000 Kip to 500,000,000 Kip and his property shall be confiscated as provided in Article 34 of this law.

When the offence causes the victim to be a lifetime invalid, to be infected with HIV, or to die, the offender in human trafficking shall be punished by life imprisonment and shall be fined from more than 500,000,000 Kip to 1,000,000,000 Kip and his property shall be confiscated as provided in Article 34 of this law.

For trafficking in women and children, provisions of the Law on the Development and Protection of Women may be used.

Any attempt to commit such an offence shall also be punished.

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<sup>49</sup>

The term translated as “by any other means” is literally “by other forms”.

### **Article 135. Incest**

Any person engaging in sexual intercourse with a biological parent, parent by adoption, step-parent, grandparent, parent in law, biological child, adopted child, step-child, grandchild or sibling shall be punished by six months to five years of imprisonment and shall be fined from 500,000 Kip to 2,000,000 Kip.

The partner in incest shall be punished by three months to one year of imprisonment and shall be fined from 50,000 Kip to 300,000 Kip.

### **Article 136. Pornography**

Any person who, in the presence of members of the public or in any public place, engages in an act of sexual intercourse or exposes his or her sexual organs shall be punished by three months to one year of imprisonment or re-education without deprivation of liberty and shall be fined from 50,000 Kip to 200,000 Kip.

### **Article 137. Outrage to Decency**

Except for the offences described in Article 128 of this law<sup>50</sup>, any person engaging in any act that causes embarrassment of a sexual nature to another person against such other person's will shall be punished by six months to three years of imprisonment or re-education without deprivation of liberty and shall be fined from 100,000 Kip to 500,000 Kip.

### **Article 138. Dissemination of Pornographic Objects and Objects Contrary to Fine Traditions<sup>51</sup>**

Any person engaging in the widespread production, distribution, or dissemination of pornographic items, magazines, pictures, video cassettes and other materials contrary to fine traditions shall be punished by three months to one year of imprisonment and shall be fined from 200,000 Kip to 5,000,000 Kip.

## **Chapter 7 Economic Offences**

### **Article 139. Destruction of Forests**

Any person engaging in tree-felling or forest-slashing inconsistently with forestry regulations, or who starts a forest fire or destroys any forest through any other means shall be punished by three months to one year of imprisonment and shall be fined as provided by forestry regulations.

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<sup>50</sup> Only Article 128 is mentioned here, even though the translators are aware that other articles in this part might also describe offences that ought to be excluded under this article.

<sup>51</sup> The word "traditions" connotes both traditions and customs.

Where such an offence causes substantial damage, the offender shall be punished by one to five years of imprisonment and shall be fined as provided by forestry regulations.

#### **Article 140. Destruction of Crops**

Any person destroying any crops belonging to the State, collectives, social organisations or individuals shall be punished by a fine of 50,000 Kip to 500,000 Kip.

Where such an offence causes substantial damage, the offender shall be punished by three months to two years of imprisonment and shall be fined from 100,000 Kip to 2,000,000 Kip.

#### **Article 141. Illegal Hunting**

Any person engaging in hunting that is inconsistent with hunting regulations, such as the hunting of protected species, hunting during a restricted season or in prohibited places or hunting with prohibited tools and others shall be punished by three months to two years of imprisonment and shall be fined as provided by hunting regulations.

#### **Article 142. Illegal Fishing**

Any person engaging in fishing [or catching any other aquatic animal] inconsistently with fishing regulations, such as with the use of explosives, poisons, chemicals or other prohibited tools, shall be punished by three months to one year of imprisonment and shall be fined as provided by fishing regulations.

#### **Article 143. Unlawful Exploitation of Natural Resources**

Any person exploiting natural resources, such as metals, minerals, precious stones and “non-timber forestry products”<sup>52</sup> inconsistently with the laws shall be fined from 100,000 Kip to 1,000,000 Kip.

Where such an offence causes substantial damage, the offender shall be punished by two to five years of imprisonment and shall be fined from 500,000 Kip to 5,000,000 Kip.

#### **Article 144. Production and Sale of Consumer Goods and Medicines that are Hazardous to Health**

Any person producing or selling any drinks, meat, fish, fruits, vegetables or other consumer goods or medicines that are degraded or hazardous to health shall be fined from 100,000 Kip to 1,000,000 Kip.<sup>53</sup>

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<sup>52</sup> The phrase “non-timber forestry products” is a technical term used by the Department of Forestry to refer to crops like mushrooms, herbs, bamboo shoots, and rattan.

<sup>53</sup> For readability, the structure of this sentence has been modified.

Where such an offence is intentional, the offender shall be punished by three months to three years of imprisonment and shall be fined from 1,500,000 Kip to 5,000,000 Kip.

#### **Article 145. Sale of Prohibited Goods**

Any person selling any prohibited goods shall be punished by three months to two years of imprisonment and shall be fined as provided by customs regulations.

#### **Article 146. (New) Production, Trade, Consumption or Possession of Narcotics**

Any person who produces, trades, distributes, possesses, imports, exports, transports or causes the transit through the Lao People's Democratic Republic of narcotics such as: heroin, amphetamines, any ingredient used in the production of heroin or amphetamines, opium, and marijuana, shall be punished as follows:

1. Any person who produces, trades, distributes, possesses, imports, exports, transports or causes the transit of less than one hundred grams of heroin through the Lao People's Democratic Republic shall be punished by ten to fifteen years of imprisonment and shall be fined from 50,000,000 Kip to 100,000,000 Kip. Furthermore, such person's property shall be confiscated as provided under Article 34 of this law.

Any person who produces, trades, distributes, possesses, imports, exports, transports or causes the transit of heroin through the Lao People's Democratic Republic as a regular profession, as part of an organised group or in a quantity ranging between one hundred grams to three hundred grams shall be punished by fifteen to twenty years of imprisonment and shall be fined from more than 100,000,000 Kip to 500,000,000 Kip. Furthermore, such person's property shall be confiscated as provided under Article 34 of this law.

Any person who produces, trades, distributes, possesses, imports, exports, transports or causes the transit through the Lao People's Democratic Republic of more than three hundred grams up to five hundred grams of heroin shall be punished by life imprisonment and shall be fined from more than 500,000,000 Kip to 1,000,000,000 Kip. Furthermore, such person's property shall be confiscated as provided under Article 34 of this law.

Any person who produces, trades, distributes, possesses, imports, exports, transports or causes the transit through the Lao People's Democratic Republic of more than five hundred grams of heroin shall be punished by the death penalty.

2. Any person who produces, trades, distributes, possesses, imports, exports, transports or causes the transit through the Lao People's Democratic Republic of less than one hundred grams of amphetamines or other psychotropic substances shall be punished by five to ten years of imprisonment and shall be fined from 10,000,000 Kip to 100,000,000 Kip. Furthermore, such person's property shall be confiscated as provided under Article 34 of this law.

Any person who produces, trades, distributes, possesses, imports, exports, transports or causes the transit through the Lao People's Democratic Republic of amphetamines or other psychotropic substances as a regular profession, as part of an organised group or in a quantity ranging from one hundred to five hundred grams of amphetamines or other psychotropic substances shall be punished by ten to twenty years of imprisonment and shall be fined from more than 100,000,000 Kip to 500,000,000 Kip. Furthermore, such person's property shall be confiscated as provided under Article 34 of this law.

Any person who produces, trades, distributes, possesses, imports, exports, transports or causes the transit through the Lao People's Democratic Republic of more than five hundred grams up to three thousand grams of amphetamines or other psychotropic substances shall be punished by life imprisonment and shall be fined from more than 500,000,000 Kip to 1,000,000,000 Kip. Furthermore, such person's property shall be confiscated as provided under Article 34 of this law.

Any person who produces, trades, distributes, possesses, imports, exports, transports or causes the transit through the Lao People's Democratic Republic of more than three thousand grams of amphetamines or other psychotropic substances shall be punished by the death penalty.

3. Any person who produces, trades, distributes, possesses, imports, exports, transports or causes the transit through the Lao People's Democratic Republic of less than five hundred grams of precursors for the production of narcotics shall be punished by five to ten years of imprisonment and shall be fined from 5,000,000 Kip to 20,000,000 Kip. Furthermore, such person's property shall be confiscated as provided under Article 34 of this law.

Any person who produces, trades, distributes, possesses, imports, exports, transports or causes the transit through the Lao People's Democratic Republic of precursors for the production of narcotics as a regular profession or as part of an organised group or in a quantity ranging from five hundred grams to one thousand

grams<sup>54</sup> shall be punished by ten to twenty years of imprisonment and shall be fined from more than 20,000,000 Kip to 50,000,000 Kip. Furthermore, such person's property shall be confiscated as provided under Article 34 of this law.

Any person who produces, trades, distributes, possesses, imports, exports, transports or causes the transit through the Lao People's Democratic Republic of more than one thousand grams up to ten thousand grams of precursors for the production of narcotics shall be punished by life imprisonment and shall be fined from more than 50,000,000 Kip to 100,000,000 Kip. Furthermore, such person's property shall be confiscated as provided under Article 34 of this law.

Any person who produces, trades, distributes, possesses, imports, exports, transports or causes the transit through the Lao People's Democratic Republic of more than ten thousand grams of precursors for the production of narcotics shall be punished by the death penalty.

4. Any person who produces, possesses, imports, exports, transports or causes the transit through the Lao People's Democratic Republic of less than one kilogram of opium for trade shall be punished from two to seven years of imprisonment and shall be fined from 1,000,000 Kip to 10,000,000 Kip. Furthermore, such person's property shall be confiscated as provided under Article 34 of this law.

Any person who produces, possesses, imports, exports, transports or causes the transit through the Lao People's Democratic Republic of opium for trade as a regular profession or as part of an organised group or<sup>55</sup> in a quantity ranging from one to three kilograms of opium shall be punished by ten to fifteen years of imprisonment and shall be fined from 15,000,000 Kip to 20,000,000 Kip. Furthermore, such person's property shall be confiscated as provided under Article 34 of this law.

Any person who produces, possesses, imports, exports, transports or causes the transit through the Lao People's Democratic Republic of opium for trade as a regular profession or as part of an organised group or in a quantity from three to five kilograms of opium shall be punished by fifteen to twenty years of imprisonment and shall be fined from 30,000,000 Kip to 40,000,000 Kip. Furthermore, such person's property shall be confiscated as provided under Article 34 of this law.

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<sup>54</sup> In the original text, the quantity is in kilogram.

<sup>55</sup> The translators are aware that the use of the disjunctive "or" in this paragraph and in the next paragraph leads to an ambiguous overlap among the paragraphs. However, the word "or" is specifically used in the Lao text.

Any person who produces, possesses, imports, exports, transports or causes the transit through the Lao People's Democratic Republic of opium in a quantity of more than five kilograms of opium shall be punished by life imprisonment and shall be fined from 50,000,000 Kip to 100,000,000 Kip. Furthermore, such person's property shall be confiscated as provided under Article 34 of this law.

5. Any person who plants between three kilograms and ten kilograms of raw marijuana for trade purposes shall be punished by re-education without deprivation of liberty and shall be fined from 500,000 Kip to 2,000,000 Kip.

Any person who plants between three kilograms and ten kilograms of raw marijuana for trade purposes shall be punished by one to three years of imprisonment and shall be fined from 5,000,000 Kip to 20,000,000 Kip.

Any person who produces, possesses, imports, exports, transports or causes the transit through the Lao People's Democratic Republic of one to ten kilograms of dry marijuana for trade shall be punished by three to seven years of imprisonment and shall be fined from 5,000,000 Kip to 20,000,000 Kip.

Any person who produces, possesses, imports, exports, transports or causes the transit through Lao People's Democratic Republic of dry marijuana for trade as a regular profession or as part of an organised group or involving over ten kilograms of dry marijuana shall be punished by five to ten years of imprisonment and shall be fined from 20,000,000 Kip to 50,000,000 Kip.

6. Any person who produces, sells, distributes, possesses, imports, exports, transports or causes the transit of synthetic drugs shall be considered as follows:

- If after analysis of the drug, it is found that the drug is mixed with other substances, [the concerned person] shall be punished according to the weight and types of drugs mentioned above;
- If, after analysis of the drug, it is found that there is no addictive drug mixed [with the substance], the seller and the buyer shall be punished by three to five years of imprisonment and shall be fined from 5,000,000 Kip to 10,000,000 Kip.

7. Any person who consumes, or purchases or possesses for consumption any heroin, morphine, or cocaine less than three grams, or amphetamines or other psychotropic substances less than three grams shall be regarded as victims and shall be sent for treatment.

The person providing services for the consumption of opium shall be punished by three years to ten years of imprisonment and a fine of 5,000,000 Kip to 20,000,000 Kip.

The person providing services for the consumption of marijuana shall be punished by three months to five years of imprisonment and a fine of 1,000,000 Kip to 5,000,000 Kip.

A person addicted to smoking marijuana shall be regarded as a victim and shall be sent for treatment.

#### **Article 147. Opportunistic Raising of Prices**

Any person opportunistically raising prices of goods or selling goods at excessive prices during periods of drought, flood or difficult situations in a locality shall be punished by six months to two years of imprisonment and shall be fined from 1,000,000 Kip to 5,000,000 Kip.

Any attempt to commit such an offence shall also be punished.

#### **Article 148. Hoarding of Goods**

Any person hoarding or concealing goods in any enterprise, company, shop or elsewhere for the purpose of creating instability in the economy and the people's lives shall be punished by one to four years of imprisonment and shall be fined as provided by customs regulations.

#### **Article 149. Unlawful Sale of State or Collective Goods**

Any person who has the duty to sell goods in a State or collective outlet shop and who unlawfully sells such goods out of greed shall be punished by six months to two years of imprisonment and shall be fined from 100,000 Kip to 10,000,000 Kip.

Any attempt to commit such an offence shall also be punished.

#### **Article 150. Falsification of Scales or Weights**

Any person tampering with scales and weights during the sale of goods and barter, or making use of substandard scales and weights to gain in goods or money shall be punished by six months to two years of imprisonment and shall be fined from 100,000 Kip to 3,000,000 Kip.

#### **Article 151. Falsification of Bank Cheques, Unlawful Use of Bank Cheques or Other Bonds**

Any person falsifying cheques or bonds to cash with a bank, exchange for goods or for any other use shall be punished by six months to three years of imprisonment or fined as provided by banking regulations.

Any person using bounced cheques, or cheques in excess of the deposit account's balance or engaged in unlawful sale and exchange of cheques shall be punished by six months to three years of imprisonment or fined as provided by banking regulations.

#### **Article 152. Violation of State Tax Regulations**

Any person violating State tax regulations, such as land tax, royalties, customs duties, internal taxes and fees, shall be punished by three months to three years of imprisonment and shall be fined as provided by the State tax regulations.

### **Chapter 8 Breach of Civil Servants' Responsibilities**

#### **Article 153. Abuse of Power**

Any civil servant abusing his authority, position, [or] duties for personal gain, thereby [adversely] affecting the interests of the State or society or the rights and interests of citizens shall be punished by three months to two years of imprisonment and shall be fined from 300,000 Kip to 3,000,000 Kip.

Where such an offence causes substantial damage, the offender shall be punished by two to five years of imprisonment and shall be fined from 1,000,000 Kip to 50,000,000 Kip.

#### **Article 154. Abuse of Authority**

Any civil servant engaging in the intentional excessive use of the authority provided by law, thereby [adversely] affecting the interests of the State or society or the rights and interests of citizens shall be punished by three months to three years of imprisonment and shall be fined from 500,000 Kip to 5,000,000 Kip.

In the event that the abuse of authority is committed with the use of force, weapons, torture, indecent words or acts affecting the honour and reputation of the victim, the offender shall be punished by three to five years of imprisonment and shall be fined from 2,000,000 Kip to 7,000,000 Kip.

#### **Article 155. Abandonment of Duty**

Any civil servant intentionally abandoning his duty and thereby [adversely] affecting State or social activities, shall be punished by six months to three years of imprisonment or re-education without deprivation of liberty and shall be fined from 200,000 Kip to 3,000,000 Kip.

#### **Article 156. Negligence in the Performance of Duty**

Any civil servant failing to perform an assigned task, negligently performing such assigned task, or guilty of lack of responsibility, and thereby

[adversely] affecting the State or society or the rights and interests of citizens, shall be punished by three months to three years of imprisonment or re-education without deprivation of liberty and shall be fined from 100,000 Kip to 1,000,000 Kip.

#### **Article 157. Bribery and Corruption**

Any civil servant claiming, requesting, accepting or agreeing to accept a bribe in exchange for using [the civil servant's] position for the bribing party's interest shall be punished by one to three years of imprisonment and a fine equal to the amount or value of the bribe.

Any person bribing or agreeing to bribe a civil servant shall be punished by six months to two years of imprisonment and a fine equal to the amount or value of the bribe.

In the event of a substantial bribe, the bribed civil servant, the briber and the person who agrees to give the bribe shall be punished by three to five years of imprisonment and fines equal to twice the amount or value of the bribe.

Bribe intermediaries shall be punished by six months to two years of imprisonment and fines equal to the amount or value of the bribe.

Any person giving bribes under force or threat and who thereafter notifies the authorities shall not be considered an offender on the charge of bribery.

### **Chapter 9 Breach of the Administration and Judiciary Regulations**

#### **Article 158. Obstruction of the Performance of Officers' Duty**

Any person threatening or using force to obstruct officers in the performance of their public or social duties shall be punished by three months to two years of imprisonment and shall be fined from 200,000 Kip to 2,000,000 Kip.

Where such an offence causes injury to officers, the offender shall be punished by two to five years of imprisonment and shall be fined from 300,000 Kip to 3,000,000 Kip.

Where such an offence causes an officer's physical disability or loss of life, the offender shall be punished by five to twenty years of imprisonment and shall be fined from 1,000,000 Kip to 10,000,000 Kip or life imprisonment or the death penalty.

### **Article 159. Denigration of State Officials**

Any person using indecent acts or words or false allegations towards State officials to damage their reputation and honour or the population's confidence in such officials shall be punished by three months to two years of imprisonment and shall be fined from 100,000 Kip to 1,000,000 Kip.

### **Article 160. Destruction, Concealment of Documents and Seals**

Any person intentionally destroying or concealing official documents or seals thereby causing their loss or rendering them unfit for use shall be punished by three months to one year of imprisonment and shall be fined from 100,000 Kip to 1,000,000 Kip.

Where such an offence causes substantial damage to important documents, the offender shall be punished by one to five years of imprisonment and shall be fined from 300,000 Kip to 3,000,000 Kip.

Any attempt to commit such an offence shall also be punished.

### **Article 161. Forgery of Documents or Use of Forged Documents**

Any person forging documents, signatures, or seals, or deleting or adding words to documents shall be punished by three months to two years of imprisonment and shall be fined from 200,000 Kip to 2,000,000 Kip.

Any person knowingly using forged documents shall be punished by three months to two years of imprisonment and shall be fined from 200,000 Kip to 2,000,000 Kip.

Where the forgery or use of forged documents causes substantial damage, the offender shall be punished by two to five years of imprisonment and shall be fined from 500,000 Kip to 10,000,000 Kip.

### **Article 162. Ordaining without Authorisation**

The ordainment of a monk or novice without approval from the administrative authorities shall be punished by three months to one year of imprisonment and a fine from 50,000 Kip to 100,000 Kip.

A monk performing ordainment without authorisation shall be punished on the same charges.

### **Article 163. False Allegations**

Any person intentionally reporting false allegations to the authorities to induce court proceedings or arrest shall be punished by one to three years of imprisonment and shall be fined from 300,000 Kip to 3,000,000 Kip.

#### **Article 164. False testimony**

Any witness, victim, expert, or translator who intentionally gives false testimony, opinions or translations to the court or officials for a benefit shall be punished by one to five years of imprisonment and shall be fined from 200,000 Kip to 5,000,000 Kip.

Any person agreeing to provide a benefit in money or in kind or to serve [any of] the above-mentioned persons because of his false testimony[, opinion or translation] shall be punished by one to five years of imprisonment and shall be fined from 200,000 Kip to 5,000,000 Kip.

#### **Article 165. Concealment of Offence**

Any person who knows of or who witnessed an offence committed by another person and who fails to report such offence to officers shall be punished by three months to two years of imprisonment or re-education without deprivation of liberty and shall be fined from 200,000 Kip to 2,000,000 Kip.

#### **Article 166. Concealment of Offender**

Any person who did not make any previous agreement or promise with an offender but who provides shelter or assistance to such an offender[, allowing the offender] to evade arrest or trial shall be punished by three months to five years of imprisonment or re-education without deprivation of liberty and shall be fined from 300,000 Kip to 5,000,000 Kip.

#### **Article 167. Destruction of Evidence**

Any person intentionally destroying traces of evidence or concealing documents or materials constituting proof of an offence shall be punished by six months to three years of imprisonment or re-education without deprivation of liberty and shall be fined from 300,000 Kip to 5,000,000 Kip.

Any attempt to commit such an offence shall also be punished.

#### **Article 168. Misappropriation of Evidence**

Any person who is responsible for the preservation of property or material constituting evidence but who sells, conceals, mortgages, uses, exchanges or loses the evidence or commits any other unlawful act [in respect of such evidence] shall be punished by six months to three years of imprisonment or re-education without deprivation of liberty and shall be fined from 200,000 Kip to 10,000,000 Kip.

### **Article 169. Escape from Prison or Reformatory Centre**

Any person escaping from a prison or reformatory centre during a trial or during the serving of a sentence shall be punished by six months to three years of imprisonment and shall be fined from 100,000 Kip to 1,000,000 Kip.

Where such escape from prison or reformatory centre is made with the use of force against officials, the offender shall be punished by three to five years of imprisonment and shall be fined from 500,000 Kip to 5,000,000 Kip.

### **Article 170. Disorder in Prison or Reformatory Centre**

Any person engaging in incitement to disorder or breach of order in a prison or reformatory centre shall be punished by three months to three years of imprisonment and shall be fined from 100,000 Kip to 5,000,000 Kip.

### **Article 171. Physical Violence and Torture of Suspects or Prisoners**

Any person using physical violence and torture, or measures or other acts inconsistent with the laws, against suspects or prisoners during arrest, trial or serving of sentence shall be punished by three months to three years of imprisonment or re-education without deprivation of liberty and shall be fined from 300,000 Kip to 2,000,000 Kip.

### **Article 172. Allowing Suspects or Prisoners to Escape**

Any person who negligently or inadvertently allows suspects or prisoners to escape while they are under guard or protection, or during the transport of suspects or prisoners shall be punished by three months to two years of imprisonment and shall be fined from 100,000 Kip to 1,000,000 Kip.

Where the offender intentionally allows suspects or prisoners to escape, such an offender shall be punished by three to seven years of imprisonment and shall be fined from 500,000 Kip to 10,000,000 Kip.

### **Article 173. Non-Execution of Court Decision or Order**

Any person who [evades compliance with] the court's instruction, order, decision [whether at first instance, on appeal or on cassation] or warrant shall be punished by three months to one year of imprisonment and shall be fined from 100,000 Kip to 5,000,000 Kip.

## **Chapter 10 (New) Specific Offences**

### **Article 174. (New) Corruption**

Any leader, administrative staff, technical staff, staff of a State enterprise, civil servant, soldier, or police officer, including any chief of village or person who is officially authorised to have power, [who breaches his

duty] by abusing his status, position or power, or by embezzling, swindling, receiving bribes, misappropriating State or collective property, or abusing his power benefit himself or his family, relatives, friends and associates causing damage to the interest of the State or collectives or to the rights and benefits of citizens<sup>56</sup> shall be punished by:

1. Imprisonment from one year to two years and shall be fined one percent (1%) of the value of the damage, [where such damage] is from 1,000,000 Kip to 20,000,000 Kip;
2. Imprisonment from more than two years to four years and shall be fined one percent (1%) of the damage, [where such damage] is from more than 20,000,000 Kip to 50,000,000 Kip;
3. Imprisonment from more than four years to six years and shall be fined one percent (1%) of the damage, [where such damage] is from more than 50,000,000 Kip to 100,000,000 Kip;
4. Imprisonment from more than six years to eight years and shall be fined one percent (1%) of the damage, [where such damage] is from more than 100,000,000 Kip to 300,000,000 Kip;
5. Imprisonment from more than eight years to ten years and shall be fined one percent (1%) of the damage, [where such damage] is from more than 300,000,000 Kip to 500,000,000 Kip;
6. Imprisonment from more than ten years to twelve years and shall be fined one percent (1%) of the damage, [where such damage] is from more than 500,000,000 Kip to 600,000,000 Kip;
7. Imprisonment from more than twelve years to fourteen years and shall be fined one percent (1%) of the damage, [where such damage] is from more than 600,000,000 Kip to 700,000,000 Kip;
8. Imprisonment from more than fourteen years to sixteen years and shall be fined one percent (1%) of the damage, [where such damage] is from more than 700,000,000 Kip to 800,000,000 Kip;
9. Imprisonment from more than sixteen years to eighteen years and shall be fined one percent (1%) of the damage, [where such damage] is from more than 800,000,000 Kip to 1,000,000,000 Kip;
10. Imprisonment from more than eighteen years to twenty years and shall be fined one percent (1%) of the damage, [where such damage] is from more than 1,000,000,000 Kip to 2,000,000,000 Kip;
11. Life imprisonment and shall be fined one percent (1%) of the damage, [where such damage] is from more than 2,000,000,000 Kip.

The assets and interests derived from corruption shall be seized by the State or returned to the organisation, individual or legal entity who is the rightful owner of such assets.

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<sup>56</sup>

The translators are aware that the definition of corruption in this article is slightly different than the definition in the Anti-Corruption Law and is also different from the separate offences of abuse of power and abuse of duty contained in this Penal Law.

### **Article 175. (New) An Act that is Dangerous to the Security of Boats, Airplanes, Ships, Cars, Airports, Harbours or Stations<sup>57</sup>**

Any person who has acted in violation of regulations and caused danger to the security of boats, airplanes, ships, cars, airports, harbours, or stations causing damage from 5,000,000 Kip to 20,000,000 Kip shall be punished by imprisonment from five years to ten years and shall be fined 5,000,000 Kip to 15,000,000 Kip.

In the event that the offence causes severe damage, [the offender] shall be punished by imprisonment from more than ten years to twenty years and shall be fined 15,000,000 Kip to 50,000,000 Kip or shall be subject to life imprisonment and fined from more than 50,000,000 Kip to 150,000,000 Kip or shall be punished by the death penalty.

### **Article 176. (New) Discrimination against Ethnic [Persons]**

Any person who keeps [another person] separate from, or prevents or restricts [such other person] from participating in, [any activity], or who discriminates against another person, based on ethnic reasons, shall be punished by imprisonment from one year to three years and shall be fined from 1,000,000 Kip to 3,000,000 Kip.

### **Article 177. (New) Discrimination against Women**

Any person who discriminates against [any woman], or who keeps [any woman] separate from, or prevents or restricts the participation of any woman in, any political, economic, socio-cultural or<sup>58</sup> family activity, based on gender reasons, shall be punished by imprisonment from one year to three years and shall be fined from 1,000,000 Kip to 3,000,000 Kip.

## **Final Provisions**

### **Article 178. Implementation**

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

### **Article 179. Effectiveness<sup>59</sup>**

This law shall enter into force after one hundred twenty days from the date of the promulgating decree issued by the President of the Lao People's Democratic Republic.

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<sup>57</sup> The term “station” here refers to public transport stations such as bus stations, but can also include tuk-tuk stands, etc.

<sup>58</sup> Here, the literal translation is “and”, but it is clear that the disjunctive “or” meaning is intended.

<sup>59</sup> This effectiveness provision appears to be a consolidation of the provisions pertaining to both the 2001 amendments and the 2005 amendments.

This Penal Law replaces the Penal Law No. 29/SPA, dated 23 December 1989.

Any regulation or provision that contravenes this law is null and void.

[The amendments hereunder, namely] the Specific Part of this Penal Law and Article 7 of the General Part [,] shall enter into force 180 days from the date when the President of Lao People's Democratic Republic issues the decree on its promulgation.

Vientiane, 9 November 2005  
President of the National Assembly

*[Seal and Signature]*

Samane VIGNAKET

### **List of properties exempted from confiscation**

The following necessary properties and objects used by the sentenced offender or individuals under his authority are not to be confiscated:<sup>60</sup>

1. Permanent place of residence of the sentenced offender and of his family.
2. A cow, buffalo, elephant, horse, goat, sheep and pig if possessing one single piece per specie, and poultry in the event of persons making a living out of cultivation or animal husbandry.
3. Animal feed in the event that animals are not confiscated.
4. Seeds and production tools in the event that the sentenced offender or individuals under his authority make a living through agricultural practices.
5. Objects necessary for the sentenced offender or his family:
  - Clothes;
  - Bedding;
  - Kitchen utensils;
  - Household utilities (1 bed and chair for each person, [and] tables, cupboards and cases used by the family);
  - All kinds of children's toys.
6. Food.
7. Necessary items for the profession of the sentenced offender, unless the court forbids the sentenced offender to continue such profession or if such items are used in illegal activities.

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<sup>60</sup>

For readability, the punctuation of this list has been modified.