



LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

President's Office

No. 36/PO
14 June 2004

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

On the Promulgation of the Law on Judgment Enforcement

Pursuant to Chapter VI, Article 67, paragraph 1 of the Constitution of the Lao People's Democratic Republic which provides for the promulgation of the Constitution and of laws that have been adopted by the National Assembly;

Pursuant to Resolution No. 03/NA, dated 15 May 2004 of the National Assembly of the Lao People's Democratic Republic which adopted the Law on National Assembly; and

Pursuant to Letter No. 15/SC, dated 24 May 2004, of the Standing Committee of the National Assembly.

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

Article 1. The Law on Judgment Enforcement is hereby promulgated.

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

Vientiane, 14 June 2004

President of the Lao People's Democratic
Republic

[Seal and Signature]

Khamtay SIPHANDONE



LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

National Assembly

No. 03/NA
15 May 2004

LAW ON JUDGMENT ENFORCEMENT

Part I General Provisions

Article 1. Purposes of the Law

This Law on Judgment Enforcement sets out principles, rules, procedures, methods and measures on the enforcement of civil judgments; it defines the status, roles, rights and mandates of judgment enforcement organisations from central to grassroots levels, including the duties of the judgment enforcement officers in charge of enforcing judgments, for the purpose of ensuring the enforceability of judgments in a proper, strict, prompt and unified manner nation-wide; [it aims to] strengthen State authority and the rule of law, to protect the State and the collectives, [to protect] the legitimate rights and interests of the collectives and citizens, and to enhance social security, public order and justice.

Article 2. [The Meaning of] Enforcement of Judgments

The “enforcement of judgments”¹ [refers to] the execution of final, legally effective and proper court instructions, orders, decisions at first instance, decisions on appeal, decisions on cassation,² and other juridical acts, as provided in Article 4 of this law, in order to rehabilitate the rights and interests of the State, collectives and citizens that have been violated or breached.

¹ The quotation marks have been added and are not in the original.

² Lao has three different words for a “decision at first instance”, a “decision on appeal” (or “decision at second instance”) and a “decision on cassation” (or an “appeal from an appeal”). The reader may wish to refer to the Law on People’s Courts and the laws on civil and criminal procedure for information on the jurisdiction of courts.

Article 3. Final Court Judgments

“Final court judgments”³ [refers to] enforceable decisions of a court [in respect of which no one, whether] the plaintiff, the defendant, any third person or the public prosecutor⁴, has requested [or lodged] an appeal, cancellation or objection.

Final instructions, final orders, final decisions at first instance, final decisions on appeal and final decisions on cassation are as follows:⁵

1. Preliminary instructions, orders and decisions at first instance of the district or municipal people’s court, [in respect of which no one, whether] the plaintiff, the defendant, any third person or the public prosecutor, has requested [or lodged] an appeal, cancellation or objection;
2. Preliminary instructions and decisions at first instance of the provincial or city people’s court⁶, [in respect of which no one, whether] the plaintiff, the defendant, any third person or the public prosecutor, has requested or [lodged] an appeal, cancellation or objection;
3. Appellate instructions and decisions of the appellate court, [in respect of which no one, whether] the plaintiff, the defendant, any third person or the public prosecutor, has requested [or lodged] an appeal or objection;
4. Instructions, orders and decisions on appeal or cassation of the Supreme People’s Court.

³ The quotation marks have been added and are not in the original.

⁴ The term “public prosecutor” has been chosen because it is the English term commonly used in Laos for this title/institution. Other common translations are “people’s prosecutor” and “people’s public prosecutor”. Readers from common law jurisdictions should note that the Lao public prosecutor has considerably more powers than public prosecutors in their home jurisdictions and is more akin to a procurator in socialist systems. In addition, readers should note that the term is principally used in this law to refer to the “office” or “organisation” of public prosecutors rather than to refer to individual prosecutors.

⁵ It appears that this list sets out all the kinds of court instructions or decisions which are subsequently referred to by the generic terms “final court judgment”, “court judgment” or just “final judgment”. In addition to such “court judgments”, Article 4 sets out other “juridical acts” (e.g., mediation settlement agreements) which may also be the subject matter of enforcement.

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

Article 4. Court Judgments and other Judicial Acts to be Enforced

Court judgments and other juridical acts to be enforced by the judgment enforcement officers include:

1. Final preliminary civil instructions and decisions at first instance of the district, municipal, provincial and city people's court;
2. Final preliminary criminal instructions and decisions at first instance of the district, municipal, provincial and city people's court, which impose [any of the following:] civil compensation, fine, confiscation of property and items, and re-education without deprivation of liberty;
3. Final civil instructions, orders and decisions at appellate level of the provincial and city people's court and of the Court of Appeal;
4. Final appellate criminal instructions, orders and decisions at appellate level of the provincial and city people's court and of the Court of Appeal, which impose [any of the following:] civil compensation, fine, confiscation of property and items, and re-education without deprivation of liberty;
5. Civil instructions, orders and decisions [on appeal or cassation] of the Supreme People's Court;
6. Criminal instructions, orders and decisions [on appeal or cassation] of the Supreme People's Court, which impose [any of the following:] civil compensation, fine, confiscation of property and items, and re-education without deprivation of liberty;
7. Court instructions of temporary duration;
8. Settlement agreements arising from [court-conducted] mediations which have been instructed to be enforced;
9. Final court instructions, orders and decisions of foreign countries, which are acknowledged and permitted to be enforced by the People's Court of the Lao People's Democratic Republic;
10. Mediation settlement agreements and arbitration awards arising from mediations conducted by the Office of Economic Dispute Resolution, or foreign arbitral awards which are certified by the people's court and based on an international treaty or convention by which the Lao People's Democratic Republic is bound.

Article 5. Enforcement of Judgment

Court judgments and other juridical acts described in Article 4 of this law are binding on all concerned⁷ individuals and organisations that are required to strictly comply therewith.

All organisations of the Party and the government, the Lao Front for National Construction, mass organisations, social organisations, enterprises and citizens must respect this law and are obligated to

⁷ The word "concerned" is used in the sense of an individual or institution "involved in" or "referenced by" the judgment in question.

cooperate with and provide necessary assistance to the judgment enforcement officers.

Article 6. Principles of Judgment Enforcement

Judgment enforcement agencies shall properly enforce the court judgments in accordance with the terms of the court judgments, and with regulations and procedures as provided in this law.

Article 7. Withdrawal and Recusal

Where a judgment enforcement officer is related to a litigant by family ties or has an interest in the case, such judgment enforcement officer shall be required to withdraw from the enforcement process. In the absence of such withdrawal, any litigant may make a request to the provincial or city justice division⁸ or the district or municipal justice office for such officer's recusal from the enforcement of such judgment.

Part II Judgment Enforcement Administration and Enforcing Agencies

Chapter 1 Administrative Agencies on Judgment Enforcement

Article 8. Organisational Structure of Administrative Agencies on Judgment Enforcement

The organisational system of court judgments supervising and enforcement agencies is divided into:

- The Ministry of Justice;
- provincial, [and] city justice divisions; [and]
- district and municipal justice offices.

Article 9. Rights and duties of the Ministry of Justice

In supervising judgment enforcement, the Ministry of Justice, as the secretariat to the government, has the following rights and duties:

1. To study and issue plans, regulations, decisions, instructions, recommendations and notices relating to judgment enforcement;
2. To guide and supervise the judgment enforcement officers in coordination with the local authorities;

⁸ See footnote to Article 6. The term "city justice division" is often translated as "Vientiane capital city justice division" or "Vientiane municipality justice division" for the same reasons set out in that footnote.

3. To provide training for, and upgrading of the qualifications, ethics, professional standards and working methods of, the judgment enforcement officers;
4. To modify, suspend, terminate or cancel the instructions of the judgment enforcement offices and units or to request the rescission of judicial acts, which are legally inconsistent with the judgments and legal acts of other sectoral authorities with responsibility for judgment enforcement, including to provide advice on the proper enforcement of judgments;
5. To appoint, transfer or remove the head and deputy heads of the judgment enforcement offices, in coordination with the concerned parties, based on the recommendations of the provincial or Vientiane municipality justice divisions;
6. To reward judgment enforcement officers who perform well and to apply disciplinary sanctions against officers guilty of wrongdoing in the enforcement of judgments, in coordination with the concerned parties; [and]
7. To exercise such other rights and perform such other duties relating to judgment enforcement as are specifically assigned by the government and as provided by the laws.

Article 10. Rights and Duties of Provincial and City Justice Divisions

In supervising judgment enforcement, provincial and city justice divisions have the following rights and duties:

1. To supervise the organisational activities and budget, and control the implementation of the tasks of the judgment enforcement offices;
2. To make proposals to the Ministry of Justice on the establishment and reform of the judgment enforcement offices, and on the appointment of heads and deputy heads of the judgment enforcement offices with the consent of the provincial and city authorities;
3. To make proposals to the governors of the provincial and city authorities on the establishment and reform of the judgment enforcement units, and on the appointment, transfer or removal of unit heads and deputy unit heads based on the proposals of the district and municipal justice offices;
4. To reward judgment enforcement officers who perform well and to apply disciplinary measures against officers guilty of wrongdoing in the enforcement of judgments;
5. To report on the execution of the court judgments to the Ministry of Justice, [and to] provincial and city authorities; [and]
6. To exercise such other rights and perform such other duties relating to judgment enforcement as are provided by the laws.

Article 11. Rights and Duties of District and Municipal Justice Offices

In supervising judgment enforcement, district and municipal justice offices have the following rights and duties:

1. To supervise the organisational activities and budget, and control the implementation of the tasks of the judgment enforcement units;
2. To make proposals to the provincial and city justice divisions on the establishment and reform of the judgment enforcement units and on the appointment, transfer or removal of heads and deputy heads of the judgment enforcement units with the consent of the district [and] municipal authorities;
3. To reward judgment enforcement officers who perform well and to apply disciplinary measures against officers guilty of wrongdoing in the enforcement of judgments;
4. To report on the execution of judgment enforcement to the justice divisions, [and to] district and municipal authorities; [and]
5. To exercise such other rights and perform such other duties relating to judgment enforcement as are provided by the laws.

Article 12. Appointment and Removal of Judgment Enforcement Officers

Appointment or removal of the officers of the judgment enforcement offices and units shall be carried out as provided by the Law on Local Administration.

Chapter 2 Judgment Enforcement Agencies

Article 13. Organisational Structure of Judgment Enforcement Agencies

The organisational structure of judgment enforcement agencies consists of:

- Judgment enforcement offices; [and]
- Judgment enforcement units.

Article 14. Status and Mandate of Judgment Enforcement Offices

The judgment enforcement offices are organisations belonging to the provincial and city justice departments and have the mandate and role to enforce the judgments and other juridical acts within the scope of their functions as provided in Article 4 of this law.

Article 15. Organisational Structure of Judgment Enforcement Offices

A judgment enforcement office is composed of:

- A head;
- One or two deputy heads; [and]
- A number of technical staff and administrative personnel.

The rank of “Head of Judgment Enforcement Office”⁹ is equivalent to a deputy director of the provincial or city divisions.

Article 16. Rights and Duties of Judgment Enforcement Offices

Judgment enforcement offices have the following rights and duties:

1. To study the final judgments and other juridical acts in order to prepare for the enforcement, [and], in the event that they have not yet received [such documents], to seek the case files and legal exhibits relating to such final judgments;
2. To request the court that has issued any final judgment to give a written explanation on any unclear issue; [and] to propose to the police that the police take measures against persons subject to enforcement who intentionally avoid compliance with the judgments by not allowing such persons to go abroad;
3. To summon litigants for the enforcement of the judgments;
4. To coordinate with concerned parties to enforce the judgments;
5. To issue orders to seize, escort, fine, move and attach assets and [to issue] other instructions relating to judgment enforcement;
6. To provide constant guidance and supervision of the judgment enforcement units for which they are responsible;
7. To report on the enforcement of judgments to the provincial and city divisions;
8. If requested, to report on the enforcement of judgments to the public prosecutors at their level; [and]
9. To exercise such other rights and perform such other duties relating to judgment enforcement as are provided by the laws.

Article 17. Status and Roles of Judgment Enforcement Units

A judgment enforcement unit is an organisation belonging to the district, [or] municipal justice office and its function is to enforce the judgments and other juridical acts described in Article 4 of this law within the scope of its responsibility.

⁹ The quotation marks have been added and are not in the original text.

Article 18. Organisational Structures of Judgment Enforcement Units

A judgment enforcement unit is composed of:

- A head;
- One deputy head; [and]
- A number of technical staff and administrative personnel.

The rank of “Head of Judgment Enforcement Unit” is equivalent to a deputy head of the district, municipal office.

Article 19. Rights and Duties of Judgment Enforcement Units

Judgment enforcement units have the following rights and duties:

1. To study the final judgments and other juridical acts in order to prepare for the enforcement, [and], in the event that they have not yet received [such documents], to seek the case files and legal exhibits relating to such final judgments;
2. To request the court that has issued any final judgment to give a written explanation on any unclear issue; [and] to propose to the police that the police take measures against persons subject to enforcement who intentionally avoid compliance with the judgments by not allowing such persons to go abroad;
3. To summon litigants for the enforcement of the judgments;
4. To coordinate with concerned parties to enforce the judgments;
5. To issue orders to seize, escort, fine, move and attach assets and [to issue] other instructions relating to judgment enforcement;
6. To report on the enforcement of judgments to the provincial and municipal divisions;
7. If requested, to report on the enforcement of judgments to the public prosecutors at their level; [and]
8. To exercise such other rights and perform such other duties relating to judgment enforcement as are provided by the laws.

Article 20. Rights and Duties of the Heads and Deputy Heads of Judgment Enforcement Offices and Units

The head of a judgment enforcement office or unit has the rights and duties to supervise, guide and monitor the operation of such judgment enforcement office or unit. In addition, as provided in Articles 16 and 19 of this law, the head is responsible, in the enforcement of judgments, to the provincial, [and] city justice divisions or the district, [and] municipal justice offices.

The deputy heads of a judgment enforcement office or unit assist the head [of such office or unit] and are responsible for any task assigned by the head. In the event that the head is unable to perform his duties for any reason, the deputy heads may be assigned to act on behalf of the head.

Article 21. Rights and Duties of Judgment Enforcement Officers

The judgment enforcement officers have the following rights and duties:

1. To study the final judgments and other juridical acts in order to prepare for the enforcement. The judgment enforcement officers shall enforce the judgments properly in accordance with the terms of the judgments, [and with] regulations and procedures provided in this law;
2. To propose that the heads of judgment enforcement offices or units request the court that has issued any final judgment to give a written explanation on any unclear issue;
3. To summon the litigants, to notify them of the terms of the judgments and to advise and encourage them to observe [such terms];
4. To gather information on the assets and other objects of persons subject to enforcement in order to enforce the judgments;
5. To coordinate with concerned parties to enforce the judgments;
6. To propose that the heads of judgment enforcement offices or units issue orders to seize, escort, fine, move and attach assets or to propose that the police take measures against persons subject to enforcement who intentionally avoid compliance with the judgments by not allowing such persons to go abroad; and to issue other instructions relating to judgment enforcement;
7. In respect of each judgment assigned to them, to report on the enforcement of such judgments to the head of the judgment enforcement office or unit; [and]
8. To exercise such other rights and perform such other duties relating to judgment enforcement as are provided by the laws.

Article 22. Criteria and Qualifications of Judgment Enforcement Officers

A judgment enforcement officer shall meet the following criteria and possess the following qualifications:

1. Be a Lao citizen and at least 25 years of age;
2. Have strong political commitment;
3. Have a good education and [have] skills, be honest and loyal to the overall interests of the nation and the citizens;
4. In terms of education, have obtained at least an intermediate level degree or be trained in law or in judgment enforcement; [and]
5. Be in good mental and physical health.

A head of a judgment enforcement office shall, in addition to possessing the qualifications above, be equipped with adequate working methods, possess at least five years' experience in judgment enforcement,

and have obtained at least a high level degree in law. [A] head of a judgment enforcement unit shall [in addition to possessing the qualifications above,] possess at least three years' experience in judgment enforcement and have attained at least an intermediate level degree in law¹⁰.

Part III Enforcement of Judgments

Chapter I Procedure and Measures on Enforcement of Civil Judgments

Article 23. Judgment Enforcement Procedure

The steps [taken by judgment enforcement officers] to enforce a judgment shall be in four stages, as follows:

1. Study the final judgments and other juridical acts in order to prepare for the enforcement;
2. Summon litigants to notify them of the terms of the judgments and to advise and encourage them to comply therewith;
3. Take actual steps to enforce the judgments; [and]
4. Certify that the enforcement of judgments is complete.

Article 24. Study of the Judgments and Other Juridical Acts

After receiving the final judgments or other juridical acts, the judgment enforcement officers shall study them in detail, shall understand them, and shall prepare what is needed for the enforcement.

Article 25. Summoning Litigants

Within thirty days after receiving the final judgment and after preparing what is needed for the enforcement, the judgment enforcement officers shall summon the litigants to the judgment enforcement offices or units in order to notify the litigants of the judgment enforcement and to advise and encourage them to comply with it within thirty days.

Within that time limit, the judgment enforcement officers shall follow up to determine whether the person subject to enforcement is observing such judgment; if it seems necessary (if, for instance, the person subject to enforcement intentionally avoids compliance with the judgment)¹¹, the judgment enforcement officers may set up an inventory of the assets not yet attached or confiscated by the court and then propose

¹⁰ For readability, the structure and punctuation of this paragraph have been modified.

¹¹ For readability, the parentheses have been added.

that the [relevant] head of the judgment enforcement offices and units issue orders to attach or confiscate those assets.

Article 26. Judgment Enforcement

In the event that the person subject to enforcement completely complies with the judgment within thirty days, this can be regarded as the completion of judgment enforcement.

In the event that the judgment is not, or is not fully, complied with within such time limit, the judgment enforcement office or unit shall inspect, set up an inventory of, [and] issue orders to attach or confiscate, the assets[, on a case by case basis. Additionally,] if the court has not previously applied such measures, the judgment enforcement office or unit shall, at the same time, evict, [and] fine the person subject to enforcement, on a case by case basis.¹²

Inspecting, attaching or confiscating the assets and evicting the person subject to enforcement should be carried out in coordination with the local authorities and other concerned parties. The owner of the assets must be present when assets are confiscated. The attached or confiscated assets must be evaluated and announced for sale to repay the debt. Before the sale announcement, a committee shall be appointed by the provincial, [or] city governors or by the district, [or] municipal mayors to evaluate the attached or confiscated assets and to announce an open auction consistent with the finance regulations.

In the event that a person subject to enforcement moves to another location prior to the judgment enforcement (or its completion), the judgment enforcement office or unit concerned is entitled to transfer the enforcement of such judgment to the judgment enforcement office or unit in charge of that [other] location.

In the event that a person subject to enforcement owns assets in several districts or provinces, the office or unit in charge of such judgment enforcement shall request the other judgment enforcement offices or units which are in charge of the areas where such assets are located to enforce such judgment on its behalf.

Article 27. Termination of Judgment Enforcement

Enforcement shall be terminated in the following cases:

1. The person subject to enforcement has complied with the judgment in full;

¹² For readability, the structure and punctuation of this paragraph have been modified.

2. The obligee renounces his¹³ right. [For purposes of this clause,] if an obligee is summoned three times but fails, without any reason, to present himself to the judgment enforcement officers, his right is [deemed to be] renounced;
3. The person subject to enforcement dies without leaving any asset, right or obligation to legal heirs;
4. The decision or judgment is modified, cancelled or terminated to the effect that the litigants no longer have any obligations.

When any judgment enforcement terminates, the judgment enforcement officers shall write a summary report and propose that the head of the judgment enforcement office or unit issue an order to close the case file.

Chapter 2

Measures in Enforcement of Civil Decisions

Article 28. Right to Issue Order of Judgment Enforcement Agencies

To ensure the successful enforcement of judgments, enforcement offices or units are entitled to issue orders to bring, seize, escort, move, fine or attach assets and to issue such other instructions as are provided by the laws and regulations and as they deem necessary, but shall not order detention or imprisonment to accelerate the repayment of debts.

In the event that the seized or attached objects under dispute require urgent supervision or remedial action to avoid such objects' degradation or loss of quality, the judgment enforcement offices or units shall manage, protect, safe-keep or sell such objects and apply the proceeds to the enforcement of the judgment.

In enforcing judgments relating to the handing over or return of fixed assets, the judgment enforcement offices or units shall instruct the occupants to vacate the premises or housing facilities under dispute within 90 days from the receipt of such instruction.

The provisions of the third paragraph above are also applicable when enforcing security documents.

Article 29. Effectiveness of Orders of Judgment Enforcement Agencies

Orders of the judgment enforcement agencies which are legally issued within their rights and duties to enforce judgments and other juridical acts as provided in Article 4 of this law have the same power as court instructions and are binding on all individuals and organisations as provided in Article 5 of this law.

¹³ The reader should note that the Lao language does not distinguish between genders in pronouns. In this translation, a reference to a gender is a reference to all genders, unless the context requires otherwise. The translators' decision to use the male gender was made in the interests of simplicity and consistency.

Intentional non-compliance with such instructions or using threats, violence or other forms [of force] to hinder the operation of the judgment enforcement officers or other persons involved in the enforcement shall be regarded as criminal offences and punished under Articles 162, 147 and other Articles of the Penal Law.

Article 30. Assets that cannot be Attached or Confiscated

The following assets shall not be attached or confiscated to repay debts:

1. Objects of veneration of the debtor;
2. Daily food and medicines of the debtor;
3. Objects like clothes, sleepwear, kitchen utensils and children's toys regularly used by the debtor and the debtor's dependents;
4. Tools, such as harrows, ploughs, hoes and shovels, which are necessary for the debtor to undertake minor occupations, and other [tools].

Article 31. Sanctions against Persons Resisting Enforcement

If the judgment enforcement offices or units have issued orders to attach, seize or move assets, and the debtor has the capacity to repay his debts but intentionally refuses to comply with the judgment for more than thirty days after the date of the notice of enforcement, the judgment enforcement officers shall impose a fine of one percent (1%) of the outstanding debt; and [if such refusal lasts] for more than 60 days, three percent (3%) of the outstanding debt.

If [the judgment is for a claim that] is not in a form of a loan [or debt], (for instance, where the claim relates to eviction from premises, the separation of inheritance and marital property, [or a claim for] alimony) and [where the assets in question] have a value of less than five hundred million Kip, a fine of five hundred thousand Kip shall be imposed for the first refusal and two million Kip for the second refusal; [where the assets in question] have a value of more than five hundred million Kip, a fine of two million Kip shall be imposed for the first refusal and five million Kip for the second refusal.

For claims relating to [rights] whose value cannot be evaluated, such as claims for the return or custody of documents [or] children, a fine of five hundred thousand Kip shall be imposed for the first refusal and one million Kip for the second refusal.

Fines relating to judgment enforcement shall become state assets upon collection.

In the event that the above measures fail to yield results and to ensure the effectiveness of the enforcement, the judgment enforcement

officers shall be required to request the application of Article 162 of the Penal Law. In addition [to any such charge brought under the Penal Law], the person subject to enforcement shall still have to comply with the judgments and measures issued previously.

Article 32. Measures against Legal Entities or Companies

The measures described in Articles 28, 29 and 31 of this law, except the last paragraph of Article 31, shall apply to active or dissolved legal entities or debtor companies. In the case of companies declared bankrupt by the court, the Law on Enterprise Bankruptcy shall apply.

Article 33. Restrictions on [dealing with] Attached or Confiscated Assets

The following acts taken to avoid debt repayment are ineffective and may be regarded as criminal offences [: with respect to assets], any form of remittance, transfer, sale or giving as security [; with respect to premises], any form of construction, expansion or repair.¹⁴

Article 34. Expenses of Judgment Enforcement

A litigant who loses the case is responsible for any expenses incurred in the enforcement of the judgment. Estimating the expenses incurred shall be carried out in accordance with the regulations issued by the Ministry of Finance.

Chapter 3

**Procedure and Measures in Enforcing Criminal Court Judgments
Relating to Civil Compensation, Fine, Confiscation of Property
and Items, [and] Re-education without Deprivation of Liberty**

Article 35. Execution of Civil Compensation and Fine

The procedure and measures for enforcing criminal judgments [imposing] civil compensation and fines shall be implemented as provided in Articles 23 to 32 of this law.

Judgments [imposing] civil compensation and fines are enforceable against a person, [even if] he is serving his sentence, or has received a pardon or liberation.

Article 36. Confiscation of Property and Items

The enforcement of criminal judgments [imposing] the confiscation of property and items shall be executed as provided in the

¹⁴ For readability, the structure of this sentence has been modified.

relevant judgment; [and shall be enforceable even though] the sentenced person is still serving his sentence, or has received a pardon or liberation.

Article 37. Enforcement of Re-Education without Deprivation of Liberty

The enforcement of criminal judgments [imposing] re-education without deprivation of liberty shall be applied only against employees and persons who have income.

The judgment enforcement officers shall give notice of the judgments to the administrative authority or the place where the sentenced person is working in order to deduct his wage and transfer it to the state budget [; such deduction shall be] in addition to the payment of any civil compensation imposed by the relevant court judgment.

Article 38. Priority Among Civil Compensation, Fine and Confiscation of Property or Items

In the event that a criminal judgment [imposes] civil compensation and fine as well as the confiscation of property or items, and the person sentenced by the court is unable to [meet all of these requirements]¹⁵ at the same time, the civil compensation shall be paid first, then the fine, and the confiscation of property or items [may be enforced] later.

Article 39. Enforcement of Criminal Judgments [Imposing] Deprivation of Liberty

Principles, regulations, procedures and measures for the enforcement of criminal judgments [imposing] deprivation of liberty are defined separately in another law.

**Chapter 4
Modification, Suspension, Termination and Cancellation of
Judgment Enforcement**

Article 40. Suspension, Termination and Cancellation of [Civil] Judgment Enforcement

The Ministry of Justice is entitled to instruct the modification, suspension, cancellation or termination of a judgment enforcement order issued by the judgment enforcement offices or units in the event that such order is not properly or legally executed, or violates the laws.

A judgment enforcement office is entitled to instruct the modification, suspension, cancellation or termination of a judgment enforcement order issued by the judgment enforcement units under its

¹⁵ The original text lists the penalties again (civil compensation and fine; confiscation of property and items). The list has been replaced by the words in square brackets to avoid an unnecessarily unwieldy sentence.

supervision in the event that such order is not properly or legally executed, or violates the laws.

Other party and State organisations or individuals shall not instruct the modification, suspension, cancellation or termination of judgment enforcement.

Article 41. Causes for the Suspension of Judgment Enforcement

Enforcement of a judgment shall be temporarily suspended in any of the following cases:

1. The person subject to enforcement is mentally ill or is in a situation where it is necessary to suspend enforcement [(for instance, if such person becomes] critically ill as evidenced by a medical certificate issued by a public health centre of at least district level).
2. The case is re-opened as proposed by the Supreme Public Prosecutor.
3. The person subject to enforcement has left the enforcement location as evidenced by a certificate [of the relevant village head].
4. The person subject to enforcement dies but still has heirs.
5. The public prosecutor requests suspension under point 3 of Article 44 of this law.

Article 42. Causes for the Modification, Cancellation or Termination of Judgment Enforcement

The causes for the modification, cancellation or termination of judgment enforcement include:

1. Improper enforcement of the judgment;
2. Violation of procedures and measures relating to judgment enforcement or [violation] of other regulations and laws, as provided in this law.

In the event that enforcement is terminated, whatever has been [seized or] performed must be returned, rehabilitated, compensated for or repaired in order to restore things to their actual condition prior to enforcement.

Article 43. Keeping of Case Files

Case files that have been completely enforced shall be kept for fifteen years from the date of the instruction to close such case files and thereafter may be destroyed.

Part IV
Supervision by the Public Prosecutor

Article 44. The Public Prosecutors' Rights and Duties Relating to Supervision of Judgment Enforcement

In supervising judgment enforcement, public prosecutors have the following rights and duties:

1. To propose that judgment enforcement offices and units report on the state of judgment enforcement;
2. To propose that judgment enforcement offices and units enforce [specified] final decisions and judgments and execute [specified] judgments in respect of which enforcement has been unduly delayed or remains pending;
3. To request the Ministry of Justice or judgment enforcement offices or units to modify, suspend, terminate or cancel a judgment enforcement as provided in Article 40 of this law;
4. To (after the judgment enforcement agencies have submitted their report to the public prosecutor) prosecute any person subject to enforcement who has violated any law relating to judgment enforcement [; such prosecution shall be brought before] the people's court, which shall consider whether to apply the criminal measures described in Article 162 and other articles of the Penal Law.¹⁶

Part V
Rewards and Disciplinary Measures

Article 45. Rewards

Judgment enforcement officers who implement their mandate effectively, and other organisations or individuals cooperating and participating in judgment enforcement with high achievements, shall be rewarded as provided by regulations.

Article 46. Disciplinary Measures

Judgment enforcement officers who are guilty of wrongdoing in the performance of their duties shall be subject to disciplinary measures or punished according to the nature of the offence as provided by the laws [; such wrongdoing includes] poor performance of duties, hindering enforcement, partiality, intentional inconsistent enforcement of judgments, abuse of power, accepting bribes, using legal exhibits ([including items] like vehicles, equipment, money or gold), using [such items] belonging to

¹⁶ For readability, the structure and punctuation of this sentence have been modified.

the debtor which are intended for repayment of his debts, and other acts which contravene the laws.¹⁷

An organisation retarding or not cooperating with judgment enforcement officers shall be warned as provided by regulations; and a person retarding, [or] hindering any judgment enforcement or bribing any judgment enforcement officer shall be subject to the Penal Law.

Part VI

Budget, Uniform, Logo and Stamp

Article 47. Budget

The budget of judgment administration and enforcement agencies comes from the State budget.

Article 48. Uniform and Logo

The Ministry of Justice may propose the uniform and logo of the judgment enforcement officers and submit such proposal to the Government for consideration and approval.

Article 49. Stamp

All judgment enforcement agencies have a stamp for their operations. The description of such stamp of the judgment enforcement offices and units is defined in a specific regulation.

¹⁷ For readability, the structure and punctuation of this sentence have been modified.

Part VII
Final Provisions

Article 50. Implementation

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

Article 51. Entry into Force

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

Any provisions and regulations which contradict this law are superseded.

Vientiane, 15 May 2004
President of the National Assembly

[Seal and Signature]

Khamtay SIPHANDONE