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**Implementation Review Group**

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Agenda item 2

**Review of implementation of the United Nations  
Convention against Corruption**

**Executive summary**

**Note by the Secretariat**

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## II. Executive summary

### Lao People's Democratic Republic

#### 1. Introduction

##### 1.1. Overview of the legal and institutional framework of the Lao People's Democratic Republic in the context of implementation of the United Nations Convention against Corruption

The Lao People's Democratic Republic signed the Convention on 10 December 2003 and ratified it on 25 September 2009. The Convention entered into force for the Lao People's Democratic Republic on 25 October 2009.

The Lao People's Democratic Republic follows the civil law system with elements of customary law. International treaties are not self-executing in the Lao People's Democratic Republic, but can be applied directly if they are not in conflict with domestic law or where a domestic law does not address the issue.

Concerning pending legislation, amendments were planned to the Anti-Corruption Law (AC Law) to include, inter alia, bribery in the private sector and draft bills were prepared on anti-money-laundering and parole of persons. A draft law on extradition was adopted by the National Assembly in July 2012, which was not yet in force at the time of the review. Moreover, a draft law on mutual legal assistance (MLA) would be enacted five years from the date of the review. A strategy to fight corruption was issued in December 2012, although this was also not yet in place.

The main bodies involved in the fight against corruption include the Government Inspection Authority and Anti-Corruption (GIAA), Ministry of Public Security (Lao Police), State Audit Authority, Office of the Supreme People's Prosecutor, Supreme People's Court, Ministry of Justice and the Anti-Money Laundering Intelligence Unit of the National Bank of the Lao People's Democratic Republic.

#### 2. Chapter III: Criminalization and Law Enforcement

##### 2.1. Observations on the implementation of the articles under review

###### *Bribery and trading in influence (articles 15, 16, 18, 21)*

Article 157 (2) of the Penal Law (PL) covers "any person bribing or agreeing to bribe a civil servant". Articles 2 and 13 of the AC Law and articles 157 (1) and 174 of the PL cover the receiving, taking of and "claiming, requesting, accepting or agreeing to accept" a bribe. Article 2 of the AC Law and article 174 of the PL further cover persons "holding a legislative, executive, administrative or judicial office". Also, pursuant to article 157 (1) of the PL, "the bribing party" can be from the public or private sectors, as well as public international organizations. Moreover, "material items" in article 13 of the AC Law were held to include, inter alia, money, gold and other materials.

The Lao People's Democratic Republic has neither criminalized trading in influence nor bribery in the private sector.

*Money-laundering, concealment (articles 23, 24)*

Article 64 of the PL provides that “[a]ny person conducting activities in order to convert money or items derived from corruption ... 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 ... Any preparation or attempt to commit such an offence shall also be punished”. Article 2 of the Prime Minister’s Decree on Anti-Money Laundering (ML Decree) further states “[m]oney [l]aundering refers to the acquisition of money or assets deriving from offences as specified in Annex 1 of this Decree [which includes corruption], that have been transformed, utilized, possessed”.

All UNCAC-related offences were deemed to be predicate offences. Foreign offences are also deemed predicate offences to the extent that they would constitute predicate offences in the Lao People’s Democratic Republic. A person can be convicted of both money-laundering and underlying predicate offences. However, there have been no money-laundering cases to date.

Articles 116 and 124 of the PL cover concealment and unlawful trade.

*Embezzlement, abuse of functions and illicit enrichment (articles 17, 19, 20, 22)*

Articles 109 and 110 of the PL and articles 11 and 12 of the AC Law cover swindle and embezzlement of State or collective property. Article 116 of the PL also covers unlawful trade. More generally, articles 120, 121 and 124 of the PL focus on swindle, embezzlement and unlawful trade. The authorities confirmed that the term “asset”, as cited in the law, would cover “any property, public or private funds or securities or any other thing of value”.

Abuse of functions is legislatively covered in articles 153 (abuse of power), 154 (abuse of authority), 155 (abandonment of duty) and 156 (negligence in the performance of duty) of the PL. Article 2 of the AC Law further provides that “[c]orruption is the act of an official who opportunistically uses his position, power, and duties” and articles 14, 16 and 25 address abuse of, excessive use of and prohibitions on the person who has position, power and duty.

The Lao People’s Democratic Republic has not adopted a general statute to address illicit enrichment. However, article 27 of the AC Law could trigger an investigation “[w]hen any government staff ... appears to be unusually rich”; noting the presumption of innocence in article 7 of the Criminal Procedure Law (CPL). There are no income and asset declaration requirements in the Lao People’s Democratic Republic.

The Lao People’s Democratic Republic has not specifically criminalized embezzlement of property in the private sector.

*Obstruction of justice (article 25)*

The Lao People’s Democratic Republic does not specifically criminalize the use of physical force, threats or intimidation to interfere with witnesses or the production of evidence. Article 158 of the PL criminalizes “threatening or using force to obstruct officers in the performance of their public or social duties”. Section 159 also criminalizes “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”. It was confirmed that the terms “officer” and “state official” cover “justice or law enforcement officials”.

*Liability of legal persons (article 26)*

The Lao People’s Democratic Republic has no measures that establish the liability of legal persons for their participation in UNCAC-related offences.

*Participation and attempt (article 27)*

Section 17 of the PL covers the “intentional participation in an offence by two or more persons. Participants in an offence are: “authors; implementers; inciters; and accomplices”. Article 43 further provides a prescription of penalties for accomplices and inciters. Articles 13 and 14 focus on the preparation of and attempts to commit offences. However, the threshold “if deemed dangerous for society” is higher than necessary to fulfil this criminalization.

*Prosecution, adjudication and sanctions; cooperation with law enforcement authorities (articles 30, 37)*

Pursuant to article 31 of the AC Law, “[t]he use of measures to counter the corruption of any government staff who commits an offence [relating to corruption] is based on the severity of the offence. If it is a minor offence, there will be education measures and imposition of disciplinary [measures]; if it is a serious offence, it will be subject to legal proceedings as provided under the laws”.

Under articles 64 of the Constitution and 51 of the National Assembly Law, “[m]embers of the National Assembly shall not be prosecuted in court or detained without the approval of the National Assembly”. The CPL covers the equality of citizens before the law and court, the presumption of innocence, pre-sentencing release and the release of prisoners. Measures for the early release of prisoners are further addressed in articles 47 and 52 of the PL.

Article 68 of the CPL addresses the suspension of position or duties. Lao law also provides that a civil servant who is suspected “of seriously breaching the civil service rules; or of committing any crime that has a sentence of more than 6 months’ imprisonment shall be suspended until the case is decided by either the Disciplinary Committee or the Court. If found not guilty, the civil servant will be re-instated”. There is no general code of ethics for public officials, but rather specific codes for given professions.

The Lao People’s Democratic Republic imposes measures, based on the severity of the crime, which are educational or disciplinary, as provided for in the AC Law and Decree on Civil Service.

Article 40 of the PL provides for the reduction of penal responsibilities when circumstances are deemed conducive. More specifically, article 44 of the AC Law covers “those that provide cooperation and information on corruption, will receive the protection of security, rewards, and other policies as appropriate”.

*Protection of witnesses and reporting persons (articles 32, 33)*

Pursuant to article 32 (5) of the CPL, witnesses have the right to receive legal protection from “any threat to life, health, or property because of giving testimony.”

Article 7 of the AC Law specifically provides protection to reporters, informers, injured persons, witnesses and experts, as well as officials who conduct anti-corruption operations. The kinds of witness protection available were physical and “secrecy” (i.e. name change), which was also extended to family members.

The Lao People’s Democratic Republic lacks comprehensive witness and whistle-blower protection systems.

*Freezing, seizing and confiscation; bank secrecy (articles 31, 40)*

Article 34 of the PL provides for confiscation by the State of part or all of an offender’s property without any compensation in serious cases. It was unclear whether value-based confiscation was possible. Moreover, instrumentalities will be confiscated if they were not obtained in good faith or if deemed necessary for national security.

The Anti-Money Laundering Intelligence Unit does not have administrative freezing powers. Upon investigation, the Lao Police can order a bank to temporarily freeze an account, although for confiscation, a court order is required. The administrator of frozen, seized or confiscated property varies depending on the stage of the proceeding. If the property is immovable or it is not feasible for the agencies to administer it, it may be assigned to a person or local authority.

Article 28 of the AC Law allows GIAA to “[i]nspect all documents and assets of concerned individuals or organisations, especially to inspect the financial situation and accounts”.

*Statute of limitations; criminal record (articles 29, 41)*

Article 26 of the PL states that “[p]rosecutions 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”. Article 51 of the PL further provides that “[p]enalties 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...” It was not clear that all corruption-related offences fall under major offences and crimes.

No domestic law allows the Lao People’s Democratic Republic to take foreign criminal records into consideration.

*Jurisdiction (article 42)*

Articles 3, 4 and 64 of the PL establish jurisdiction over offences committed in the Lao People’s Democratic Republic, the passive personality principle and money-laundering involving Lao citizens or residents. Article 2 of the AC Law provides that for an offence to be deemed corruption it must also cause “damage to the interests of the State”. Pursuant to article 6 of the Nationality Law, the Lao People’s Democratic Republic will not extradite its citizens to a foreign State. The law does not clearly provide for the *aut dedere, aut judicare* principle.

*Consequences of acts of corruption; compensation for damage (articles 34, 35)*

The Lao People's Democratic Republic does not address the consequences of acts of corruption.

Pursuant to article 29 of the CPL, an injured person is "an individual whose health, life, property, or spirit is injured by offences [committed by] other persons" and has the right to "[r]eceive compensation for losses". Article 30 further provides for civil plaintiffs to file for compensation of damages with the same rights and obligations as injured persons.

*Specialized authorities and inter-agency coordination (articles 36, 38, 39)*

GIAA was established pursuant to the State Inspection Law, enforced in 2007. Articles 28 and 29 establish the mandate, rights and duties of GIAA. According to article 37 of the AC Law, GIAA is "an investigative organisation and performs its duties independently". Article 5 provides that GIAA is "accountable for the conduct of its responsibilities under laws and subject to inspection by the National Assembly". If the investigations division of GIAA determines that sufficient evidence exists, it submits the matter to the Office of the People's Prosecutor. Corruption-related matters fall before the Court of First Instance.

The Anti-Money Laundering Intelligence Unit was established in May 2007, pursuant to the AML Decree. It is a department under the Central Bank of the Lao People's Democratic Republic.

The Ministry of Public Security has the mandate to protect, prevent and handle corruption-related offences, in general, pursuant to article 23 of the CPL. The Police enforce the revised PL, which covers bribery and money-laundering (articles 64, 157 and 164) and the eleven offences in the AC Law. The investigations unit of the Lao Police coordinates with GIAA and is responsible for receiving and investigating corruption-related offences. Matters are referred to the Office of the People's Prosecutor if there is sufficient evidence after investigation.

Article 6 of the AC Law provides that authorities and citizens "have the obligation to participate in the prevention and countering of corruption by timely provision of cooperation". Article 24 further imposes obligations on the authorities to "coordinate with concerned sectors to prevent, counter and deal with corruption within the scope of their responsibilities".

The Lao National Chamber of Commerce and Industry is responsible to facilitate dialogue between the Government and private sector.

**2.2. Successes and good practices**

Overall, the following success and good practice in implementing Chapter III of the Convention was highlighted:

- Inspection units in each ministry and at regional levels enhanced cooperation between national authorities.

### 2.3. Challenges in implementation

The following steps could further strengthen existing anti-corruption measures:

- Given the lack of legislative clarity, streamline measures to criminalize bribery of national public officials.
- Consider removing existing threshold requirements in article 2, AC Law and article 174, PL that could prevent corruption-related offences from being defined as “corruption”.
- Consider extending the definition of “civil servant” in the law to include foreign public officials and officials of public international organizations.
- Address the existing inconsistencies in law (i.e. article 109, Penal Law and article 12, AC Law, article 110, Penal Law and article 11, AC Law) and terminology (e.g. property, assets or items, so that instrumentalities used or to intended to be used for criminal offences, as well as property of corresponding value can be confiscated).
- Consider adopting measures to criminalize trading in influence, bribery in the private sector and embezzlement of property in the private sector.
- Consider (a) implementing a system that requires income and asset declarations of all public officials and also a verification process, and (b) adopting a freezing mechanism to prevent assets being dealt with, transferred or disposed of temporarily, such as bank account transfers and also putting in place an adequate communication and coordination mechanism among the relevant agencies.
- The Lao People’s Democratic Republic should furnish copies of its anti-money-laundering laws to the Secretary-General of the United Nations.
- Adopt comprehensive measures that criminalize obstruction of justice.
- Consider amending the law so that corruption is not deemed a minor offence, providing for a sufficiently long statute of limitations and ensuring that sanctions are effective, proportionate and dissuasive.
- The Lao People’s Democratic Republic may wish to take measures requiring the National Assembly Standing Committee to lift immunity without delay where necessary to pursue corruption-related offences.
- Endeavour to ensure that any discretionary prosecutorial powers are exercised to maximize the effectiveness of law enforcement measures and deter the commission of such offences.
- Consider establishing (1) procedures so that persons convicted of corruption-related offences are also disqualified from holding office in enterprises owned wholly or partly by the State, and (2) reintegration programmes for persons convicted of corruption-related offences.
- Consider legislatively including in the definition of property the proceeds of crime that have been transformed or converted, intermingled and the income or other benefits derived from such proceeds of crime.

- Consider incorporating comprehensive witness and whistle-blower protection systems as a priority.
- Take measures to address the consequences of corruption.
- Consider establishing, for the staff of the Lao People's Democratic Republic specialized bodies, appropriate training and resources to carry out their functions effectively.
- Consider taking appropriate measures to encourage persons to supply useful information to competent authorities, and providing protection to such persons; the Lao People's Democratic Republic may also wish to (1) promote an awareness raising campaign on the rights of citizens under the law, encouraging them to cooperate with law enforcement authorities, and (2) cooperate with other States where such persons are in those countries and can provide substantial cooperation.
- Consider addressing the shadow process in place where private sector entities are more willing to approach business associations for assistance to resolve corruption-related disputes in a civil manner, rather than going through formal processes.
- Consider taking foreign criminal records into account in criminal proceedings.
- Consider extending jurisdiction to (1) vessels flying the national flag and aircrafts registered in the Lao People's Democratic Republic, (2) the active personality principle and (3) the *aut dedere, aut judicare* principle.

#### **2.4. Technical assistance needs identified to improve implementation of the Convention**

The following forms of technical assistance could assist the Lao People's Democratic Republic in more fully implementing the Convention:

- Article 15: Summary of good practices/lessons learned; information on the law and training curricula of other countries; on-site assistance by an anti-corruption expert (namely, to develop a training curriculum and training of trainers); and site visits to other countries.
- Articles 17, 18, 21, 22, 26, 31 and 34: Summary of good practices/lessons learned; model legislation; legislative drafting; and legal advice.
- Articles 20 and 27: Summary of good practices/lessons learned.
- Article 23: Legislative drafting; development of an action plan for implementation; and enhancement of IT systems and the capacity of agencies to expedite information-sharing and act on suspicious transactions and money-laundering information.
- Articles 30 and 42: Summary of good practices/lessons learned; and legal advice.
- Articles 32 and 33: Summary of good practices/lessons learned; model legislation; and legal advice, and for article 32, also capacity-building programmes for authorities responsible for establishing and managing witness, expert and victim protection.

- Article 36: Summary of good practices/lessons learned; model legislation; legislative drafting; legal advice; on-site assistance by an anti-corruption expert; development of an action plan for implementation; and capacity-building programmes, trainings and the development of a case management system.
- Article 37: Summary of good practices/lessons learned; legislative drafting; legal advice; capacity-building programmes for authorities responsible for establishing and managing protection programmes; and an awareness-raising campaign.
- Article 39: Summary of good practices/lessons learned and awareness-raising.

### **3. Chapter IV: International cooperation**

#### **3.1. Observations on the implementation of the articles under review**

*Extradition; transfer of sentenced persons; transfer of criminal proceedings (articles 44, 45, 47)*

At the time of the review, the Lao People's Democratic Republic relied on bilateral and multilateral treaties and the CPL (arts. 117-120) for international cooperation and could also cooperate on the basis of reciprocity. The Lao People's Democratic Republic has enacted treaties covering extradition matters with Viet Nam, China, Thailand, Cambodia and the Democratic People's Republic of Korea.

At the time of ratification the Lao People's Democratic Republic declared that it makes extradition conditional on the existence of a treaty and that bilateral agreements are the basis for extradition in respect of any offences, but that it does not consider the Convention as the legal basis for extradition.

According to the CPL, extradition may be carried out in accordance with the agreements or international conventions that the Lao People's Democratic Republic is subject to, or in the absence of treaties on the basis of reciprocity, and dual criminality must be satisfied. Dual criminality is generally strictly applied. Because certain corruption offences carry a minimum punishment of less than one year under Lao law, these are not considered extraditable offences.

Extradition decisions are made by the different Government agencies responsible for extradition, including the Ministry of Justice, Ministry of Foreign Affairs, Supreme Prosecutor's Office, and Ministry of Public Security. Extradition hearings are foreseen only under the draft extradition law. Extradition procedures are usually handled through direct communication among agencies.

There have been no extradition cases based on corruption offences. While comprehensive statistics were not available, at least four extradition cases were pending at the time of the review, involving China, the Republic of Korea, and two cases with Malaysia. There was no information on the number of persons extradited to the Lao People's Democratic Republic. Over the past ten years, the Lao People's Democratic Republic has not refused extradition.

In accordance with the Law on Lao Nationality, the Lao People's Democratic Republic does not extradite its citizens, although the requirement to prosecute is not addressed. Lao law does not permit the conditional extradition of nationals to serve the remainder of their sentence in the Lao People's Democratic Republic, nor would

Lao consider the enforcement of a foreign sentence in the case of a national whose extradition was refused.

A duty to consult before refusing extradition is not specified in the law, though it is required under certain treaties. In practice, consultations are not always held, although information on the status of a request is provided on request.

Pending the adoption of a prisoner transfer law, the Lao People's Democratic Republic uses the CPL and existing treaties, and could in principle also apply UNCAC directly. The Lao People's Democratic Republic has two treaties in place on the transfer of prisoners with the United Kingdom and Thailand. No statistics were available on the number of prisoner transfer cases. The relevant authorities are the Ministry of Public Security, Ministry of Justice and Ministry of Foreign Affairs.

There is no law, treaty or practice on the transfer of criminal proceedings and no such cases were reported.

*Mutual legal assistance (article 46)*

Pending adoption of the MLA law, assistance is provided on a case-by-case basis under article 118 of the CPL and existing treaties. The Lao People's Democratic Republic has signed three bilateral treaties with Viet Nam, Democratic People's Republic of Korea and China and is party to the ASEAN treaty on MLA in Criminal Matters. The Convention and other multilateral instruments could in principle be applied directly in the absence of a bilateral agreement. No statistics on the number of MLA requests made or received were available, though the Lao People's Democratic Republic reported that it has never refused MLA.

In the Lao People's Democratic Republic the central authorities for MLA vary from one agreement to another, and in practice requests are received and executed directly by competent authorities, such as the Ministry of Public Security/INTERPOL, Ministry of Foreign Affairs and the Financial Intelligence Unit. Under the proposed MLA law, the central authority would be the Supreme People's Prosecutor.

Lao law requires dual criminality for MLA and does not recognize the criminal liability of legal persons. In principle the Lao People's Democratic Republic would render non-coercive assistance in accordance with UNCAC article 46.

While the Lao People's Democratic Republic's law and treaties do not address the spontaneous provision of information, there is no apparent prohibition in this regard. There has been no experience in the transfer of prisoners for providing testimony or evidence.

MLA requests are generally executed within 30 days from receipt, though there are no timeframes or guidelines in the law or treaties. A duty to consult before refusing or postponing assistance is not addressed.

*Law enforcement cooperation; joint investigations; special investigative techniques (articles 48, 49, 50)*

Law enforcement cooperation proceeds largely through INTERPOL and ASEANAPOL and through mechanisms of MLA. GIAA and other institutions also

cooperate through the South East Asia Parties Against Corruption (SEA-PAC) mechanism.

The Lao People's Democratic Republic police has established bilateral treaties with neighbouring countries, including Viet Nam, China and Cambodia. Where no law enforcement treaties exist, Lao police have also applied existing MLA treaties to cooperate with other police agencies. No information was available as to whether the Convention could be applied as a legal basis for direct law enforcement cooperation.

Seven requests have been made to, and 185 requests received from, other countries for assistance through INTERPOL, none of which related to corruption matters. Overall there has been limited capacity and experience on direct law enforcement cooperation.

There has been no experience using joint investigations at the international level, though the police could proceed under article 118 of the CPL or direct law enforcement treaties and arrangements (including INTERPOL or ASEANAPOL).

There are no clear guidelines on using special investigative techniques. Electronic and other evidence derived therefrom could be admitted subject to examination by the court and authentication. Such evidence is not directly admissible but could be used to build direct evidence.

### **3.2. Successes and good practices**

Overall, the following points are regarded as successes and good practices in the framework of implementing Chapter IV of the Convention:

- While the MLA framework is in a state of transition and there has been little experience in handling MLA cases, the officials demonstrated a willingness to learn from international best practices and to improve their MLA framework.
- The reviewers encourage the swift adoption of the draft MLA law to more clearly regulate the process for providing and receiving MLA.

### **3.3. Challenges in implementation**

The reviewers welcome indications by the Lao People's Democratic Republic that it may consider revoking its reservation to use UNCAC as a legal basis for extradition in the future.

Moreover, the following points could serve as a framework to strengthen and consolidate the actions taken by the Lao People's Democratic Republic to combat corruption by:

- Ensuring that under the new extradition framework: (a) extradition proceedings are carried out in a court of law; (b) extradition procedures are expedited and evidentiary requirements are simplified; and (c) aggregate statistics on extradition are collected nationally and responsibilities among competent authorities are clearly defined.
- Identifying implementation gaps under the new extradition framework and working to effectively address them.

- Considering reviewing penalty requirements to ensure that all UNCAC offences are extraditable in view of their periods of imprisonment.
- Under the new law, considering monitoring: (a) the political offence exception and implementation of clear guidelines, and (b) the development of the extradition practice, in particular to see whether the practice will continue to be treaty-based.
- Ensuring that nationals who are not extradited are subject to domestic prosecution as set out in the Convention through amendments to the existing extradition treaties and establishment of appropriate procedures in future treaties and practice.
- Reviewing the CPL, treaties and the draft extradition law to consider allowing for more flexible arrangements on the extradition of nationals to allow them to serve the remainder of their sentence in the Lao People's Democratic Republic.
- Ensuring consultations are held with requesting States before refusing extradition. The relevant institutions should be informed of this requirement.
- Monitoring the application of the draft law on prisoner transfer.
- Under the new MLA framework, collecting aggregate statistics on the number of requests made and received nationally, distinguishing cases of law enforcement cooperation from MLA.
- Ensuring that requests involving legal persons can be executed, particularly related to UNCAC offences.
- Considering spontaneously sharing information with other countries to assist in ongoing investigations or proceedings.
- Under the current and future MLA framework, ensuring that implementing agencies are informed that non-coercive assistance would be granted in cases where dual criminality is not satisfied.
- Ensuring that the consent requirement in existing treaties is applied in future cases involving the transfer of prisoners for purposes of providing testimony or evidence. Further, the safe conduct and related UNCAC provisions should be addressed in future treaties and implemented in practice, in particular by informing relevant agencies.
- Considering designating one central authority for MLA and notifying the United Nations accordingly, also regarding the acceptable language for requests.
- Enhancing interagency coordination and cooperation among competent authorities for MLA.
- Continuing to ensure that requesting countries are familiar with the content and format of MLA requests that are acceptable to the Lao People's Democratic Republic, both in its treaties and its MLA law and practice.
- Ensuring that: (a) the taking of testimony and evidence is carried out in a court of law; (b) evidence or information received pursuant to MLA requests is protected from uses other than those stated in the request, unless it is

exculpatory; (c) requesting States are notified of any reasons for refusing assistance; and (d) requests for MLA are executed swiftly and timely, and status updates are provided promptly.

- Considering ensuring that future treaties do not expand the grounds for refusing MLA.
- Considering amending the draft MLA law to provide for postponement rather than refusal of assistance that interferes with an ongoing investigation, prosecution or proceeding.
- Ensuring that consultations are held with requesting States before refusing MLA, to be addressed in the draft law or in regulations. The relevant institutions should be informed of this requirement.
- Ensuring that the safe conduct provision is implemented in the future MLA law and practice.
- Considering the possibility of transferring criminal proceedings where it would serve the proper administration of justice.
- Strengthening communication channels and the exchange of personnel to further direct law enforcement cooperation internationally.
- Ensuring that clear procedures and guidelines are in place for joint investigations, including through relevant agreements or arrangements with law enforcement agencies.
- Considering clearly defining the power to conduct special investigative techniques and adopting clear rules on the admissibility of electronic and other evidence.

#### **3.4. Technical assistance needs identified to improve implementation of the Convention**

The following forms of technical assistance could assist the Lao People's Democratic Republic in more fully implementing the Convention:

- Article 44: Summary of good practices/lessons learned; capacity-building for authorities responsible for extradition; legal advice; onsite assistance by a relevant expert; and the development of an action plan to address implementation gaps.
- Article 46: Capacity-building programmes for authorities responsible for MLA; a summary of good practices/lessons learned; capacity building; on-site assistance by a relevant expert with a view to enhancing interagency coordination and developing a case tracking system; and legal advice.
- Article 48: Communication channels and the exchange of personnel to further law enforcement cooperation and capacity building.
- Article 50: Law reform/model laws and agreements; summary of good practices/lessons learned; capacity building for relevant institutions on the ability to conduct special investigative techniques and admissibility of evidence.