

October 8, 1971

MEMORANDUM

TO: All American Personnel (9)
FROM: The Ambassador (6) (lb)
SUBJECT: RIG Narcotics Law

Attached is an unofficial English translation of the Lao Presse publication of Law No. 71/5 dated August 10, 1971 promulgated by Royal Ordinance No. 394 of September 23, 1971, regarding the production, processing, movement, sale, purchase and use of opium and opium derivatives.

The translation is furnished for your information, in order that you may be fully abreast of Royal Lao Government legal actions relative to this important problem.

It is expected that the Royal Lao Government will shortly effect publication of the Law by various means, and will be distributing instructions for its application over the next few weeks to appropriate RIG offices and officials. It is therefore of critical importance that only personnel who have been designated to work with the Royal Lao Government on this matter should seek to discuss the law and its application with Laotian authorities or with other persons outside the American community.

You should, of course, indicate if the subject arises in conversation, that the United States admires this courageous action on the part of the Royal Lao Government in facing up to a grave domestic and international problem.

Finally, I consider it essential that you be familiar with this law of the Royal Lao Government, since, as guests and temporary residents in this country you and every member of your family are subject to it.

(Unofficial translation of the Lao Presse version of September 27, 1971)

ANTI-NARCOTICS LAW

Kingdom of Laos
National Assembly

Law

No. 71/5 dated August 10, 1971, pertaining to prohibition from cultivation, flavoring, smoking or consumption, purchase, sale and having in possession of opium or opium compound or opium tailing, including morphine and heroin, in the Kingdom of Laos.

The National Assembly has deliberated on and adopted a draft law pertaining to the prohibition from cultivation, flavoring, smoking or consumption, purchase, sale and having in possession of opium or opium compound or opium tailing, including morphine and heroin, in the Kingdom of Laos, the provisions of which are the following:

Article 1: Absolute prohibition is imposed on the cultivation of opium poppy throughout the Kingdom of Laos.

On a temporary basis, however, members of the tribes whose native villages are located in the mountains and jungles where, for generations heretofore, opium poppy has been cultivated, and those who have been authorized to grow opium poppy may carry on this cultivation or smoke the opium grown and produced by themselves subject to the conditions stipulated in the following paragraphs:

Permit to grow opium poppy or to smoke opium thus produced shall be issued by the Chao Khoueng to individuals whose age is over 40 years, effective upon the promulgation of this law.

The Provincial Advisory Committee, under the chairmanship of the Chao Khoueng, and the representatives of the Ministries of Public Health, of National Education and of Finance shall fix the amount of land for the cultivation of opium poppy in favor of the applicant as appropriate.

Article 2: Flavoring, possession, consumption or smoking, and transportation of opium or opium compound or opium tailing, including morphine and heroin, in the Kingdom of Laos are absolutely prohibited.

Purchase and sale of opium or opium compound, including morphine and heroin, are prohibited to the general public and also to those who have been issued special permit to grow opium poppy and to smoke or consume opium produced by themselves.

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Article 3: The importation of exportation, passage in transit, storage in transit, storage in warehouse and movement of opium or opium compound, either opium tailing or opium mixture, powdered opium or remainder of opium flavoring, including morphine and heroin, are also prohibited, except for the medicine which is mixed or flavored with opium for the purpose of treating disease and prepared in whatever form under commercial practices in connection with the use of poisonous narcotics.

Article 4: Persons who grow opium poppy or consume or smoke opium or opium compound or opium tailing or opium mixture, powdered opium tailing or remainder of opium flavoring, including morphine and heroin, without permit as stipulated in Article 1, or encroach on the border of the land area specified in the certificate authorizing them to grow opium poppy duly issued to them, shall be liable to a fine from 5,000 kip to 200,000 kip and an imprisonment from three months to three years, or either of the above.

In case of recurrence of the offense, the fine shall be increased to the maximum of the penalties set forth hereabove.

Article 5:

-a) A fine from 10,000 kip to 500,000 kip and an imprisonment from six months to five years, or either of the above, shall be imposed on any persons in the following cases:

-1) Issuance of an inaccurate permit for the cultivation of opium poppy or for the smoking of opium, or falsification of a permit already issued by the Chao Khoueng by changing name and surname or photograph or by giving false or erroneous information in certificate of birth;

-2) Acting as accomplice in the falsification of a permit as stated above;

-3) Issuance of a permit free of charge or sale of a permit;

-4) Acceptance of a permit free of charge or purchase of a permit.

-5) Having committed an offense or having an intention to commit an offense in the issuance of a permit.

In case of offense as stipulated in Items 1, 2, 3, 4, and 5 hereabove, the permit must be confiscated by the Court of Justice for disposal.

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In case of recurrence of an offense, the fine shall be increased to the maximum of the penalties set forth hereabove.

-b) A fine equivalent to five times the price of the confiscated items, the assessment of price thereof being in conformity with the provisions of the Royal Decrees which shall be established in this regard, and an imprisonment with hard labor ranging from five years to 20 years shall be imposed on:

-1) Persons who produce opium or opium compound or opium tailing of any type whatsoever or compound made of opium tailing or flavored with opium tailing, including morphine and heroin, except the cases stipulated in the provisions of Article 1 hereabove;

-2) Persons who grant to others free of charge or with payment, transport or possess or leave or purchase or accept opium or opium compound or opium tailing of any type whatsoever or compound made of opium tailing or flavored with opium tailing, including morphine and heroin:

-3) Persons who bring opium or opium compound or opium tailing of any type whatsoever or compound made of opium tailing or flavored with opium tailing, including morphine and heroin, into Laos, or store it in any place or move it or transport it in transit in Laos.

The Court of Justice is prohibited from granting a reduction of the penalties. The penalty to a fine shall be in conformity with the provisions set forth in Item -b) hereabove.

In case of recurrence of an offense, the Court of Justice is prohibited from granting a reduction of the penalty to an imprisonment with hard labor; the sentence thereto shall conform to the provisions set forth in Item -b) hereabove.

Article 6: Any persons who set up an opium den shall be liable to a fine from 10,000 kip to 1,000,000 kip and an imprisonment from six months to five years, or either of the above.

In case of recurrence of an offense, the fine shall be increased to the maximum of the penalties set forth hereabove.

Article 7: The offenses with penalties therefor fixed in this Law shall form the subject of legal action in the Court of Justice by the Public Prosecutor.

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In all cases, the opium or opium compound or opium taling of any type whatsoever or compound made of or flavored with opium taling, including morphine and heroin, must be confiscated and destroyed. Likewise, the transportation means and containers used in this connection shall be confiscated and put on auction sale, and the proceeds obtained therefrom shall be deposited in the National Treasury, provided that it can be proved that the owner of said transportation means or containers is himself the offender or acts as an accomplice of the offender.

Opium or opium taling of any type whatsoever or opium compound or compound made of or flavored with opium taling, including morphine and heroin, if found, shall be confiscated and destroyed upon request of the Public Prosecutor.

Household materials and other items accessory to opium smoking found in the house of the owner of the opium or in the opium den, such as: bed, lamp, opium pipe and others, shall be confiscated and destroyed.

Article 8: All laws and regulations contrary to the present law are hereby abrogated.

It is hereby certified that this Law has been deliberated on and adopted during the general meeting of the National Assembly on August 12, 1971.

Vientiane, August 12, 1971
President of the National Assembly
/s/ Phagna Houakhong
(Phoui Sananikone)