



LAO PEOPLE'S DEMOCRATIC REPUBLIC

PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

Ministry of Agriculture and Forestry

No-:0141/MAF

Date 18 Nov 2010

Agreement

Of the Minister

On Forest and Forest resources Inspection and Case Action

- Reference to Criminal procedure Law No. 01/NA, dated on 15 May 2004.
- Reference to Forestry Law No. 06/NA, dated on 24 December 2007.
- Reference to Wildlife and Aquatic life Law No. 07/NA, dated on 24 December 2007.
- Pursuant to a Proposal from the Department of Forest Inspection No. 0858/DOFI, dated on 01 November 2007.

Minister of Agriculture and Forestry Agrees that:

Part I

General Provisions

Article 1. Objectives

The agreement stipulates the methods, action steps and implementation approaches for the forest and forest resource inspection and case action. Which focus on the forest and wildlife inspection, protection and utilization from the individual, organizations, staffs, and local people, who are concerned in those activities such as logging, forestland use, wildlife trading, NTFPs collection and the business procedure. The forest and forest resource inspection and case action base on the legal procedure and ensure the right action on the target accuser.

Article 2. The forest resource inspection and investigation

The forest resource inspection and investigation are duty action to enforce on the prevention and utilization forest, forestland, NTFFPs, wildlife and aquatic life of the individual, organizations, staffs, and local people, including business on timber and forest resources.

The forest crime investigation is the implementation of the forest Officers who work for DOF. They are responsible investigating the violations that are breach forestry law and wildlife and aquatic life law and other regulation concern to forest resources. This is to focus on the law enforcement in effectively and other forest regulation to enforce strictly for the whole country which consistence to the policy and government law and regulation..

Article 3. Term Interpretation

The terms applying in this agreement have meaning as follows:

1. **Forest** is the valuable resources its ecosystem composition consist of the biodiversity, water resource, forestland and cover with natural tree species or man made forest in the area of forest protection, Protected area and production forest area..
2. **Forest resources** are various resources both living and non-living consisting of soil, plants, trees, water, aquatic life, wildlife and all other things existing in the forestland areas.
3. **Penal Code use for prosecution** on forest resource is the task of the investigation officers, public prosecution, Court and the other participants who join to conduct a prosecution process to find out the guilty to accomplish and carefully to bring the infringement to conduct a prosecution and ensure the law of justice in accurately. Avoidable of the infringement to escape from punishment and avoidable of punishing a person who is guiltless;
4. **The investigation and interrogation on forest resources works** are duties of forest officers such as; receive and record information from the informants, issue and order to conduct the investigation-interrogation, this activity is referred and used Penal Code implementation;
5. **Forest officers** are staffs who work for DOFI and POFI their tasks are responsible for inspection and investigation for forest resources crime and forestland encroachment by referring to forestry law, wildlife and aquatic life law and Penal Code;
6. **Wildlife and aquatic life Officer** means the official staffs who work for the wildlife and aquatic life law enforcement to inspect illegal activities.
7. **Landing I/1st Landing** is the primary place for the timber collection at the operation site.
8. **Landing II/2nd landing** is the place of the timber or logs are collected which transported from the landing I, it is facilitating to ensure all logs are safe and ready for transport to Landing III/3rd Landing/wood processing factory and the place for extraction and timber grading;
9. **Landing III/3rd Landing/** is the place where the logs are collecting such as wood processing factory or logs storage in the factory yard and are ready extracted.
10. **Log Hammer mark/Hammer ban:** It is a circle which consist of the signets such as star shape and Lao capital letters(ປູ = Forest) in the star shape, there are the registration number over the star shape and the official verification such as tree, timber, log, sawn wood, and stump etc. The functional authorities will inspect the official hammer marked indicating to release internal timbers transport form provincial;
11. **Log Hammer mark/hammer ban for Exporting:** It is a circle which consist of the signets such as star shape and Lao capital (ປູລາວ = Lao Forest) in the middle, it uses for marking the said hammer ban to logs, sawn wood, knobs and stumps for exporting purpose.

Article 3. Scope of the agreement

This agreement is used to guide individual, all of the concerned sectors that are related to the management, protection, use, inspection of the forest, forest resource, forestland, and wildlife and aquatic life in Lao PDR.

Part II

Forest and Forest Resource Inspection

Article 5. Forest and Forest Resource Inspection

Forest and forest resource inspection comprise of pre- harvesting survey, inspection of the Landing I, II, and III, inspect sawn timbers, fitches timber at retails/timber sale depots, inspect the transportation and internal products and export; also inspect wildlife and aquatic life's farms. Check wildlife and aquatic life trade in the market sites, restaurants, internal check points, international check points and the other places, inspect of land lease/ land concession, individual/families land for tree planting and utility forest land for infrastructure;

Article 6. Pre-harvesting survey

The inventory for pre-harvesting is the authorizing duty to inspect the official documents and the logging permit filed.

The authority will check the legal documents before harvesting as follows:

1. The Agreement or order in permission for survey
2. The permission issued by Provincial or Capital Agriculture and Forestry Division
3. The inventory results from the Provincial or Capital Agriculture and Forestry Division such as logging map and significant documents.

Pre-harvesting approaches in the field practice are hereunder:

1. Permission areas that allocate for Inventory and logging area
2. The girth of tree allowable cut for selection system
3. Tree marking number for selection cutting such species, diameter, and height of tree, total number of trees and total volume to compare against to the list of tree marked for cutting.
4. Conducted Socio-economic assessment

Article 7. 1st Landing Inspection

The inspection in the landing I is inspecting approaches about the significant documents and logging yards.

The authority will check the official documents as follows:

1. Allowable cut/harvesting permit from the government
2. The information of pre harvesting report from provincial of forestry sector or Capital City along with the areas for harvesting map;
3. Harvesting permit issues from PAFO or Capital City
4. Harvesting contract between provincial of forestry sector or Capital City and tree harvesting/contractor Unit
5. Registration and permission to use the machine chain saws from provincial of forestry sector or Capital City
6. Permission to use skidding and transportation machines from provincial of Road construction and post and others relevant documents..

1st Landing Inspection are as following steps:

1. The delimitation area for harvesting and cutting -logging
2. Tree marking number for cutting such species, diameter, height of tree, total number of trees and total volume to compare against to the list of tree marked for cutting, in case of the necessary must assess to the stamps and logs.
3. Environment and socio impact assessment

Article 8. 2nd landing inspection

The inspection is the inspecting approaches about the official documents and the landing II as follows:

1. The list of logs, stamps and knobs
2. The information of pre harvesting report from provincial of forestry sector or Capital City along with the areas for harvesting map
3. Harvesting permit issues from PAFO or Capital City
4. Harvesting contract between provincial of forestry sector or Capital City and tree harvesting/contractor Unit

2nd Landing Inspection at site event are as following:

1. Species, measurement, logs listing and timber grading, stumps and knobs compare to the cutting permit.
2. Compare to the logs list that transport from **1st Landing to 2nd Landing**
3. Assessment to define for selecting the log yards as **2nd Landing** and the relevant documents

Article 9. 3rd Landing Inspection

It is inspecting of the official documents and the landing II as follows:

1. Measurement of the Logs List, timber grading, official hammer ban indicate for releasing timber such as: ឃ្នក ឃ្នក ឃ្នក from Provincial forestry Sector or Capital forestry Sector.
2. The record an agreement to hand over logs list between provincial agriculture and forestry Department and provincial for Industry and Comer Department or Capital City.
3. The contract between seller and buyer of Timber, stump and wood knob, source of timber, cost royalty fee and removal pass/pass permit from provincial of Industry and Comer Department or Capital City.
4. Royalty receipt fee, profit income tax and business tax by provincial of finance department or Capital City.
5. Receipt on obligation for forest resources fee which transfer to Forest resources development fund by provincial of agriculture and forestry Department or Capital City(PAFO)

Third landing e Timber Inspection activity at third landing will follow:

1. To check the current logs in the mills/factories such as: Old logs or new logs have just landed, number of logs and cubic meters which compare to the removal pass/ pass permit form provincial of Industry and Comer Department or Capital City in correcting to the timber species and quantity.
2. Check the logs timber in the logs yard in compression against to the logs list such as: species, Diameter, length, volume and grading of each log to coincide with the list and check the number of hammer ban for each log in pass permit/ removal pass.

Article 10. Inspection of sawn timber depot or storage and timber industry

Inspection activity of sawn timber depot or storage and timber industry. It will be checked the legal documents as follows:

1. The record an agreement to hand over logs list between provincial agriculture and forestry Department and provincial for Industry and Comer Department or Capital City which compare between the logs list against to sawn timber and including the remaining of sawn timer in the depot and exporting.
2. The contract between seller and buyer of Timber, stump and wood knob, source of timber, cost royalty fee and removal pass/pass permit from provincial of Industry and Comer Department or Capital City.
3. The source of timber cut, legal document for official hammer ban indicate for releasing timber such as: ឃ្នក ឃ្នក ឃ្នក from Provincial forestry Sector or Capital forestry Sector.
4. Receipt of obligation for forest resources fee which transfer to Forest resources development fund from provincial of agriculture and forestry Department or Capital City(PAFO)

5. Receipt of royalty fee, profit income tax and business tax from provincial of finance department or Capital City and support documents.

Inspection of sawn timber depot or storage and timber industry. It will be checked hereunder:

1. Check the quantity of current sawn wood compare to the logs list that brings to produce and export.
2. Saw trace observation such: sawn from the sawmill, extract by machine saw and handsaw.

Article 11. Checking the sawn timber and Flitch at retail timber sale

It is the inspection of the legal documents and practical in the field activity as follows:

1. Check the Internal pass permit/Internal removal pass that issues by provincial Industry and comer department or Capital City.
2. In case of timber transport, form the province-to-province must coordinate with letter indicating hammer ban to release the timbers by provincial forestry Sector.
3. Legal documents from the sawmill, Timber factories, in case of confiscated timbers must have the receipt paid from provincial of finance Department or Capital City and also attach a removal pass/pass permit of confiscated timbers from POFI or COPI. For the poles (young tree) or scaffolding, bamboo must have an allowable cut from PAFO.
4. Get the removal pass/pass permit form provincial forestry sector or Capital City.

Field inspections are as follows:

1. The quantity of suspicious timbers as: species, number of blanks, pieces or Flitch and volume, the inspection will conduct to check the sawn wood such as: sawn wood sown by sawmills, sown by cutting machine, sown by hand saw, processing by axes and other method.
2. In case of confiscated timber, must have the mark of hammer ban on them indicating that all timbers are released legally by POFI;
3. In case of small round timbers/ poles, scaffolding, bamboo must check each piece or clump with compare against the document and then prepare a record for reference.

Part III

Inspection activities to check timber for internal removal pass/pass permit

Article 12. Inspection activities to check on internal removal pass/pass permit for the logs stamps, timber knobs

Inspection activity for the above said subjects will be checked some legal documents and practical checked in the field activity are as follows:

1. Logs list that completed scaling and timbers grading in a 2nd landing and the reference letter for hammer ban to release timbers indicated ឃ្ល ឬ ឃ្ល័ by provincial forestry sector or Capital City.
2. The record an agreement to hand over logs list between provincial agriculture and forestry Department and provincial for Industry and Comer Department or Capital City
3. The contract between seller and buyer of Timber, stump and wood knob, source of timber, cost royalty fee and removal pass/pass permit from provincial of Industry and Comer Department or Capital City.
4. Receipt of royalty fee, profit income tax and business tax from provincial of finance department or Capital City and support documents;
5. Receipt of obligation for forest resources fee which transfer to Forest resources development fund from provincial of agriculture and forestry Department or Capital City(PAFO)
6. In case of confiscated timbers must be the hammer ban on them in releasing by POFI
7. Legal documents as transport permit from second landing to third landing or timber processing factories from inspection for timbers loading committee such as Districts Office for Industry

and come or provincial for industry and come department and other relevant support documents.

The field internal inspection for the logs, stamps and knobs will inspect the targets as follows:

1. Checking the logs have landing such as: Old landing logs or new landing logs, each log and each transportation will compare to the logs list and transport permit, species, log number, diameter, length and the volume;.
2. Hammer ban ບັບ on each log compare to a legal document for official hammer ban indicate for releasing timber on transport permit from Provincial forestry Sector or Capital forestry Sector.
3. The time and route for transport allowable is indicted on the Official permit and concerns documents.

Article 13. The inspection approaches' to internal removal pass/transportation of sawn timbers in the country

Inspection activity for the above said subjects will be checked some legal documents and practical checked in the field activity as follows:

1. Internal removal pass/transport permit issued by the provincial for Industry and Come Department or Capital City.
2. Overall of permission for sawn timbers list and sawn timbers list loading on each truck and each transport to the wills.
3. Legal document for official hammer ban indicate for releasing timber and NTFPs from Provincial forestry Sector or Capital forestry Sector
4. Legal paper of permission to release vehicles issues by transport Sector, Department for Road construction, Post and transport;
5. Inspection record for certification of goods, internal removal pass/transport permit from for revenue collection Office, provincial finance Department or Capital City;
6. Inspection record and certification of products from Timber processing factories and the record of loading forest products with each truck that use in transporting for each shipment from provincial for Industry and Come Department or Capital City;
7. Some other documents relate to the original source of timbers come from

Inspections of internal removal pass/Internal transport permit for sawn timber in the field activity are as follows:

1. Check sawn timber of each truck for each shipment with comparing to documents concern such as: the number of Flich or pieces/Planks, volume, species, the thickness, width, length and hammer ban.
2. Hammer ban ບັບ as legal document for official hammer ban indicate for releasing timber on transport permit and the detail for each shipment to inform the said activities to the next authority.

Article 14. The inspection approaches for internal removal pass/transportation of forest resources within the country.

These activities are as follows:

Documents inspection at the site event that involve on the internal transportation in Lao PDR.

Documents inspection tasks:

1. Allowable cut/Logging permit and the list/logs list that issues from PAFO.
2. Removal pass/Pass permits which issues from provincial for Industry and Come Department or Capital City.
3. Receipt payment for royalty.

4. In case of Confiscated, timbers/exhibited must have a permission papers from POFI. Inspection for internal removal pass/ pass permit at the site event is to check: the species and quantity by comparing against to the forest resources list, the original source of resources and the relevant documents.

Article15. The inspection approaches of removal pass/transport of Firewoods, scaffolding, fences' posts and Charcoals.

These activities are as follows:

The documents inspection and inspection at the site event, that involve of transportation in Lao PDR.

Inspection of legal documents tasks:

1. Quota permit and original source of timbers is permitted by PAFO(The areas where government gives a permission for infrastructure and the concession land areas only)
2. Certification for Tree planting issues by PAFO(in case of cutting and removal pass/transport permit of the prohibit species or special species)
3. Removal pass/pass permit for firewood is issued by Provincial Forestry Sector or Capital City.
4. Permission paper for utilizing machinery chain saw and receipt payment for forest resources transfers to forest resources development fund from Provincial Forestry Sector or Capital City.
5. Construction permit, business registration and permission for business operation that obtains by the provincial for Industry and Comer Department or Capital City.

The inspection approaches for removal pass/transport of Firewood, scaffolding, fences' posts and Charcoals at the site events is the inspection of species, quantity and volume of wood by comparing to the transport/shipment

Part IV

Inspection of the removal pass/transportation forest product for export

Article 16. Inspection of the removal pass/transportation of the logs, stumps, knobs to export

Transportation of the logs, stumps, knobs to export will be checked legal documents, on the site events which removal pass/transport to export are conducted such as:

The legal documents inspections consist of:

1. The export permit(from authority in charge)
2. Logs list, stumps list, knobs, receipt of tax fee and royalty payment fee to transfer to forest resources Development fund from PAFO or Capital City;
3. The record an agreement to hand over logs list between provincial agriculture and forestry Department and provincial for Industry and Comer Department or Capital City.
4. Receipt of royalty fee/obligation fee, timber transport permit such as: Logs, stumps, knobs with each truck. From the starting point to ending point from provincial Industry and comer Department or Capital City;
5. Receipt for special fee (in case of conducted a collection) and the receipt of, profit income tax and business tax from provincial of finance department or Capital City;
6. The legal document indicate for official hammer ban to release timber such as: ບັນລັກ from Provincial forestry Sector or Capital forestry Sector
7. The export permit from provincial Industry and comer Department or Capital City;

8. In case of stumps and small wood species under management category 1,2,3 has diameter lesser than 19 cm at the government or provincial infrastructure site must get the agreement from provincial governor or Capital City.
9. Document timber lists/logs lists for each export shipment with collect information detail to conclude and report all the result of timber releasing to the higher authority know and some other related documents.

Implementing at the site event to check on timber transport, stumps, knobs to export will inspect the following as hereunder:

1. Check each truck that load timber on it then compare to the legal documents such as: quantity of logs/stumps/knobs, volume, species, diameter, length, hammer ban number and the mark that consistency with all legal documents.
2. The condition of the logs such as: old timbers/Logs or new landing logs or timbers to compare to the annual cutting;
3. Follow up the timber releasing to export for each quarter and summary of detail information then report all the result of timber releasing to the higher authority know.

Article 17. Inspection of the removal pass/transportation of the export sawn wood

Transportation of the export sawn wood and finish forest product will be checked legal documents, on the site events which removal pass/transport to export is conducted the as follows:

The legal documents inspection consists of:

1. The sawn timber export permit(from authority in charge)
2. Goods transport permit/removal pass for export permitted by Ministry/provincial Industry and comer Department or Capital City;
3. Certification of Forest product, receipt of royalty fee and the record made by Timber inspection committee to load timber on each truck and follow with the removal pass/ timber pass permit from provincial Industry and comer Department or Capital City;
4. In case of and small wood species under management category 1,2,3 harvest from the government or provincial infrastructure site must obtain the agreement of the removal pass/pass permit from provincial governor or Capital City.
5. Invoice and packing list form the goods' owner.
6. Receipt of royalty fee/obligation fee, Receipt for special collection fee and receipt of income tax business tax from provincial of finance department or Capital City;
7. The legal document indicate for official hammer ban to release timber such as: ឃ្លា from Provincial forestry Sector or Capital forestry Sector

Transportation of the export sawn wood and finish forest product will be checked legal documents, on the site events which removal pass/transport to export is conducted the as follows:

1. Check timber loading on each truck in compression with legal documents such as: number glitches of wood/ pieces or planks, volume, species, thickness, width, length and hammer ban/mark should be consistency to all documents;
2. The condition of the logs such as: old timbers/Logs or new landing logs or timbers in the yard then compare to the annual cutting;
3. Follow up the timber releasing to export for each quarter and summary of detail information then report all the result of timber releasing to the higher authority know

Part V

Inspection of the wildlife and aquatic life

Article 18. Inspection of the wildlife and aquatic life

The inspection of wildlife and aquatic life is the monitoring of the movement activities in management, protection, development and utilization of wildlife and aquatic life such as: Inspect the activities on wildlife and aquatic life. Including businesses operation, farms, markets, restaurants,

internal checkpoints, international checkpoints, and other sites as stipulated in wildlife and aquatic life law and other relevant regulation in the Lao PDR.

Article 19. Inspection of the wildlife and aquatic life

The inspection of wildlife and aquatic life is the monitoring of activities to check legal documents and wildlife farms.

The legal documents inspection consists of:

1. Business registration, wildlife farm established permit or Zoo and wildlife business operation permits those issues by provincial forestry sector or Capital City.
2. Investment support papers, import, and export tax revenue by concern organization.
3. The list of wildlife brought to the farm and zoo.
4. Vaccine certification by provincial veterinary or Capital City, certification of the native place of wildlife and aquatic life and relevant documents

In practice on the site event inspection as follows:

1. The location of established farm/zoo: the operation is followed a feasibility study, technique of farm construction, it is there any environment impact or not.
2. The measure of farm, zoo and factory
3. The annual production ability for each species with the annual export plan.

Article 20. Inspection of the wildlife and aquatic life in the market, restaurant and other site
Inspection of the wildlife and aquatic life in the market, restaurant and other site is monitoring activities to check the legal documents and at the site events as follows:

1. Check the permission papers issues by provincial forestry sector or Capital City and also check the Certificate of the original native place of animals;
2. Certification of the vaccine injection from the veterinarian from provincial or capital Office;
3. Certification on sale and buy from the owner or from the zoo owner with relevant documents

The implementation to inspect at the site event for wildlife and aquatic life monitoring will check legal documents to compare with a permission of the number of Animals allow by concerns Authorities

Article 21. Inspection of the wildlife and aquatic life at internal checkpoint and International border checkpoint

Inspection of the wildlife and aquatic life at internal checkpoint and International border checkpoint:

The legal documents inspection consists of:

1. The import permit, export permit, re export permit and transit to MAF submitted by concerns organization;
2. The import permit, export permit, re export permit from CITES Office in DOF
3. The import permit, export permit, re export permit from CITES at destination country or country of starting point (For transit goods through the country should check a permission from CITES of the original country)
4. The import permit, export permit, re export permit from Department of import and export, MoIC;
5. Circular letter issues by provincial Office governor or Capital City that concerns with import permit, export permit, re export permit and through the checkpoints.
6. Breeding certification and farm raising;
7. Certification of native place and certification of decease free, include of the list and number of animals;.
8. Contract between importer and exporter;.
9. The list of goods;
10. Invoice and packing list from original country to destination country;

11. Custom Tax fee (Document No. 44) and goods transport for export permit or document No 81 and other support letters;

Inspection of the wildlife and aquatic life at internal checkpoint and International border checkpoint at the site event is to check number of animals, species compare to legal documents

Part VI Inspection of forestland

Article 22. Inspection of land lease or forestland concession

It is inspecting of the legal documents and inspects at the field of site event as follows:

The legal documents consist of:

1. Internal investment permit or external investment permit that obtains from Ministry of planning and Investment or from provincial of planning and Investment Department or Capital City;
2. Business operation permit for agriculture and forestry issues by Ministry of agriculture and forestry or PAFO or Capital City;
3. Registration of internal revenue, issues by Ministry of finance or provincial of finance Department or Capital;
4. Enterprise registration from the ministry of industry and comer or provincial of industry and comer or Capital;
5. Feasibility study and technique of the proponent;
6. Certification of the environment impact assessment and socio impact assessment by WREA;
7. Land use permit or land clearance permit from Ministry of agriculture and forestry or PAFO or Capital City; stipulated in Article 75 and 76 of the forestry law.
8. Lease contract or concession contract between proponent and land management authority;
9. Receipt of concession fee by the land management authority

Field inspection at the site event as follows:

1. Area of land use permit
2. Location of land clearance
3. Environment impact assessment and socio impact assessment;
4. Objective of land use is correct to permission proposal or not;

Article 23. Inspection of forestland use for individual or household

Inspection of forestland use for individual or household as follows:

The legal documents consist of:

1. Land use permit from the district administration
2. Receipt of land use tax fee;
3. Land clearance permit from DAFO;

Field inspection at the site event is as follows:

1. The area of land use permit;
2. Location for land clearance;
3. Objective of land use is correct to permission proposal or not;

Article 24. Inspection of the land use in for infrastructure development area

It is the inspection of legal documents and the field of site event is as follows:

Inspection of legal documents consists of:

1. Permission or agreement from the government, Ministry of agriculture and forestry, National land management authority and provincial administration;
2. Feasibility study and technique of the proponent;
3. Environment impact assessment and socio impact assessment certified by WREA;

Field inspection at the site event as follows:

1. The area of Land use permit
2. Location of land clearance
3. Objective of land use is correct to permission proposal or not;

Article 25. Inspecting record of the forest and forest resource

The inspection record for the forest and forest resources will be made by forest officers who involved with inspection activities to keep for a reference and prepare to report all information that collect in the field to higher authority knows.

The context of the report must focus on details and clear especially prepare the necessary information that concern to legal frame works and regulation and concerns persons have sign to agree the words on the record to be a reference for Forest officers involve with inspection activities.

The record must be made three copies such as one copy for investigation officer or one for interrogation officer and one for informant or for a person who has inspected.

Article 26. The officials found the evidence during the inspecting process

The evidence found is the materials that accuser uses in the offending process such as equipments use or use involving for guilty or obtainable from offences.

The evidence found during the inspection process must be kept safely, managed in safe place and suitable for listing them in detail, this purpose will categorize the evidence as follows:

1. If the evidence is logs or timbers must use hammer ban mark them for confiscating;.
2. The evidence is the objects that are able to pack must be packed in to the bags adhere with wax and seal them then keep in safe place;
3. The evidence which is the money, check or Currency, valuable property must be kept in the Bank in the principle;
4. For the evidence, such money is able for prosecuting purpose must record the detail of each Banknote number;
5. If found some of the evidence category is decadence or devastation such as, soft wood and NTFPs must be sold to get the money and collect;
6. If the evidence is to be wildlife and aquatic life such as life animals or survival animals must release them back to the forest and release to the rivers, for the dead animals or parts of wild animal must climate them or bury them and the dried parts must keep in safe place;

Article 27. The evidence found during inspection works

If the evidences was found during forest resources inspection works is the information to indicate the circumstances that harmful or no any harmful to the community, the person who accuse as guilty and other event to show a positive to consider. Which have accused as in criminal law that includes objects evidence, documents, and personnel evidence that stipulated in the criminal law on chapter II, Article 19, 20 and 21.

Article 28. Report on the inspecting results

After accomplished inspection and record had made then report on the inspection results to next authority, which reference to inspection record and attach the said record to send along.

The inspection report must have references, have clear evidences and get signature from concerns organization. In case of inspection process found a difficulty should inform high authority immediately to get some advice and suggestion on how to step forward.

Part VII

Investigation- interrogation procedure on the Forest and Forest Resource

Article 29. Investigation of the forest and forest resource

The reason to open investigation- interrogation is to refer to Article 36 stipulated in the penal Code as follows:

1. The request and appeal of the person, individual or organization about illegal activities concerns to forest and forest resources that is breach forestry law, wildlife and aquatic life law.
2. Offender surrender to appear himself as guilty

3. Found the crime scenes by investigation- interrogation process or by public prosecutor. During analyze and case consider by the court of justice find out the new evidence of guilty may have right to request for opening of prosecution of the mention case;
The prosecution of the criminal case shall be opened when there are enough information to show the composition of the guilty only.

Article 30. The investigating order

The investigating order bases on the article 37 in the procedure penal Code as follows:

1. In case of having enough information and evidence, the head of investigation sector must prepare the investigating order under his sector role and responsibility such as: indicate the date, time, place, name and surname of order, order's position and investigator and investing contents.
2. In case of the investigating head issued the order to open investigating process he must inform the public prosecution knows immediately.
3. In case of the investigating sector did not have enough information or had a reason of cancellation to conduct investigation-interrogation, the investigation head must issue an order to cancel of investigation and send a cancellation letter to a person or organization that appeal knows immediately.
4. Cancellation order on investigating of the head sector as accuser can offer the people's prosecutor in the case cancellation within 7 days.

Part VIII

Case Investigation on Forest and Forest Resource

Article 31. Case investigation on forest and forest resource

The investigation on forest and forest resources is the process of investigation works for forest Officers to function their job and tasks on forest, forestland, wildlife and aquatic life on forest law enforcement such as forestry law, wildlife and aquatic life law and penal Code.

Article 32. The action of case investigator about the forest and forest resource

The action of the case investigator about the forest and forest resource is the implementation of forest officers that employ in DOFI and POFI with reference to Article 39 stipulated on Penal Code as follows:

1. When the case investigator has enough information about illegal or find the crime scene, the investors have to report informing public prosecutor within 24 hours.
2. If it is a critical case, the investigation sector has immediately action to report.
3. In case of the urgent problem, the functional sector must open the investigating. However, the head of the sector must issue the order for opening case investigation that mentioned in the article 37 in this agreement. in this connection, the officers have to follow the prevention stipulated in the law.
4. When investigation is over, if the case and found that there was not enough information and or there was a reason stipulated on the law which adjourn or stop investigation the head of sector must issue a letter of adjourning and stopping the investigation to inform public prosecutor knows;
5. If there was enough information about suspicious, of guilty the office must submit case investigation report to public prosecutor.

Article 33. The submission of forest and forest resource case direct to the court

The submission of forest and forest resource case to direct to the court, it is the action of DOFI and POFI with refer to the Article 40 stipulating on the penal Code mention that " offence punishment will be charged on no independence maximum lesser than three years. In case there was enough evidence the officer will forward the case documents along the evidence and suspect person to public prosecutor to proceed appeal to the court directly without any investigation"

Article 34. Period for investigating-interrogation for forest and forest resource

The action is to follow article 41 of the penal Code stipulated that:

1. The investigator must investigate to summarize the case include the evidence then submit to the public prosecutor within 10 days from the date of conducting case;
2. If there was enough information and evidence but investigation-interrogation is not over yet and is necessary to continue, the public prosecutor may extend time frame for investigation-interrogation for two more months as request by investigation authority.
3. In case of having, any documents that send back to investigation authority to do additional investigation may not be more than sixty days from the date of conducting case investigation;
4. In case of investigating adjourn or stop should have to follow the time frame on paragraph 1 and 2 in Article 41 start from the date of issuing investigation order on ward;
5. The permit or non-permit to extend of time frame to investigate public prosecutor must issue an order for a reference within ten days, when receiving a request on ward.

Part IX

Investigation-interrogation Measure on Forest and Forest Resource

Article 35. Investigation-interrogation measure of the forest and forest resource

There are eight measures stipulated on penal Code in Article 42 as follows:

1. Interrogating result for getting the statement
2. Interviewing result (face to face)
3. Crime scene verification
4. Forensic for corpse verification
5. Searching at residence, vehicle or personnel body
6. Impound and confiscate property
7. Trial to exam the data
8. Identification and affirmation

Article 36. Case interrogation to get the statement for forest and forest resource

The case interrogation to get the statement on forest and forest resources will follow the penal Code in Article 41 as follows:

The statement from accuser

1. The investigation officer must take the statement from accuser immediately after finishing on investigation, if the statement cannot be able to get immediately, so that have to make a record with provide some reasons;
2. In the first stage of getting the statement, the officer must inform the accusation and explain the right and obligation of the accuser;

In investigation to take the statement of the witness, loser, complaint and plaintiff duty

1. The officer, investigator must inform the right and obligation for them, remind the accusers to understand on how to respond their own statement or negative affirmative;
2. getting statement must conduct in the investigation office, if there is necessary may conduct in other place;
3. Taking the statement the process is involved with investigation officer and must also have a recorder.

Article 37. Case interrogation to get the statement for forest and forest resource from the boy, age lower than 18 years old, deaf accuser, dumb and disable persons

To take the statement from accusers on forest resources is to follow the penal code that stipulated in Article 44” to take a statement such as case interrogation to get the statement for forest and forest resource from the boy. The age lower than 18 years old, deaf accuser, dumb and disable person that they are not able to act their right must have the prevented to support such Teacher, Parents or other representative” Therefore, the accuser’s guardian has to attend the interrogating process”.

Article 38. Interrogating for statement record on the forest and forest resource

The investigator has to follow the article 45 in the penal Code strictly as follows:

1. Take statement each time the officer must make the record;
2. Statement record must indicate the place, date, time, name and surname, position of investigator or background of the person who give a statement ect that indicate on the format;
3. After the investigation to get the statement finished the officer must read the text of the record to a person who gives the information or give him to read himself. After ward, the participants who join in the investigation to get the statement have to sign and put finger print for each pages. In case of the boy less than 18 years old, deaf accuser, dumb and disable person must be representative to sign and put fingerprint on to the said statement;
4. If there is any cross out the officers or investigators, recorder and person who gives a statement must put their signature and put fingerprint in front of the lines on cross out or additional words;
5. In case of person who gives the statement, deny signing or putting their fingerprint then the officers or the staff must mark at end of the record;
6. The record statement have made for three copies such one copy is for court of justice, one copy for investigator or investigation staff keep in document file and one copy for accuser;

Article 39. Face to face, query on forest and forest resource

The action will have to follow the penal Code stipulated in Article 46 “when the statement is not consistency to investigators or officers have their right to question together between face to face with accusers who give the information but each will conduct not more than two persons. For the query record between face to face query must follow Article 45 of penal Code;

Article 40. Verification of the crime scene on forest and forest resource

Verification of crime scene on forest and forest resource is to follow Article 47 state on penal Code as follows:

1. To find out of guilty and the evidence such as object evidence, aim to get the guilty situation clearer, investigators or officers must verify the crime scene, collect the objects, documents and other relation of guilty;.
2. The verification of crime scene may be conducted before or after investigation;
3. The verification of crime scene must conduct in daytime from six am to six pm, except of the necessary case and urgent only. In case of having verification of crime scene, if there is not finished yet, the process must be continued to accomplish;
4. During verify of crime scene must have the witness at less two persons to participate. However public prosecution and representative of village authority must be participating;
5. Investigation officers or investigators have the right to bring the accuser or suspects, losers, witnesses and invite concerning experts to join the scene verification;
6. The verification of crime scene the investigation officer or investigators must draw a MAP of crime scene, collect of the objects that relate to a guilty process, take the crime scene and take the photo;.

Article 41. Searching works

Search is to refer to Article 51 stipulated strictly in penal Code as follows:

1. When conduct a search must have an order from public prosecutor or Court only, except an urgent works but must be informed public prosecutor within 24 ours after search is over;
2. Before and after search people who join in the search must show their honesty for the area owner, vehicle owner or a accuser person to be search;

Article 42. Search for building/house on forest and forest resources

To conduct a search for building/house is to follow the Article 51 strictly that stipulated on penal code as follows:

1. Residence is the place where people abode in and include other things that locate in the house yard, including board or rafts that use for families abiding in, Office, guest house, hotel etc;.
2. Search for building/house must practice together with village authority, house owner and witnesses at less two persons. In case of search Office, institute, business must work together with the representative of those organization concerns to a search operation;
3. Search for religious place is the place where people respect for warship such as: temple, mosque, church must have senior monk, priest who are responsible or representative to participate in a search process;.
4. Conducting a search for residence and religious place should practice on daytime from six am to six pm. In case of search is operating but is not yet accomplished should continue until finish search work;
5. The objects/properties and documents that will be confiscated must concern with illegal activities or things that break the law;

Article 43. Search for Vehicle and personal on forest and forest resource

To conduct a search is going to follow Article 53 that stipulated on penal code strictly as follows:

1. Conduct a search for vehicle, truck, board that suspect of hidden illegal thing or infringement concerns in doing illegally at any time the search must have vehicle owner to join a process;
2. Search a person who is arrested, retention, or suspect of hidden illegal things will be able to operate with out order;
3. The officer who involve of search must be the same sex with a search suspect, Search conduct for women must be a hidden place;

Article 44. Search record on forest and forest resource

The official has to follow the article 54 that stipulated in penal code strictly as follows:

1. When conducting search for residence, vehicle or personal is completed, the Search officers must prepare a search record and list of evidence for each items in detail, include quantity and quality for all items;
2. Search record have to be made for three copies and read in front of all participants who join the search then all put their signature and put fingerprints on it for evidence. One of said record provide for a case submission, one copy for house owner or Office representative and another one copy is for village authority;
3. For the vehicle or personal search is also made for three copies such as one copy for case submission, one copy for vehicle owner or suspect person and another one copy is for the officer to keep in document file;

Article 45. Confiscation property on forest and forest resource

The official has to follow the article 55 that stipulated in penal code strictly as follows:

1. In case of knowing the items, quantity and location of warehouse that concern to store illegal goods and they are necessary for investigation, the head of investigation-interrogation authority or public prosecution authority issue a confiscating order. For the evidence/goods which are no able to remove shell be issued seizure order;
2. Confiscation procedure or seizure and record writing, confiscation or seizure approach is to follow the Article 51, 52 and 54 that stipulated in penal code.

Article 46. Management of exhibit evidence on forest and forest resource

The official has to follow the article 56 that stipulated in penal code strictly as follows:

1. Evidence/exhibit that involves with illegal activities or use in violation works;
2. Evidence obtains from confiscating or seizure during search operation or obtains from verification and obtains by using another measure on investigation- interrogation process;

3. Exhibits must be in good management, store in appropriated and safe place. All exhibits are lists in detail. The exhibits that are able to pack in the bags, adhere with wax, stamp on them and keep in good storage. The evidence/exhibits is in form of currency, foreign currency, check or banknote, precious properties must keep in the bank according to principles/regulation. The money that is necessary for the case prosecution must record banknote number each note. Exhibits which is decadence and or devaluation must be sold to keep in safe;
4. If any person utilizes exhibit, destroy, loss, change or take for their own must be breach criminal procedure law Article 112 and 157;
5. The list of exhibits must be submitted along with case report as attachment. When case report has submitted to any level, the right of considering of exhibit is response by that level.

Part X

Prevention measure on Forest and Forest Resource

Article 47. Prevention measure by using penal code on forest and Forest resource

The prevention measure comprises of 7-steppe involvement as stipulated in penal code, Article 59 as follows:

1. Capture
2. Detention
3. Arrest
4. Temporary detention
5. Temporary releasing
6. Instant custody
7. Dismissing

Article 48. Capture on forest and forest resource case

The official has to follow the article 60 that stipulated in penal code “ if the suspect, accuser, witness, civil plaintiff, concerning person had received 3 summonses but he or she did not appear themselves as mention summonsed without the reason, director of the investigation sector will order to capture that person”.

Article 49. Suspect detention for forest and forest resource case

The official has to follow the article 6 that stipulated in penal code strictly as follows:

1. When get a statement form suspect if there is enough information that accuse as a guilty breach penal code/accuser is the offender the criminal law. The director of the investigation sector will order to detain the accuser within 48 hours and the official will create the official report and submit to public prosecutor within 24 hours from the detention date;
2. Within 48 hours of the investigation, the officer has an urgent to gather the initiative information from the accuser at a detention stage, after gathering a statement must summarize the case then proposes for the next step;
 - 1) If the investigator did not have full information and evidence to open investigation. Officer must issues an order to release accuse by report to inform public prosecutor about the releasing of the accuser.
 - 2) If the investigator has full information and evidence, the director of the investigation sector or public prosecutor can order the temporary arrest.

Article 50. Arrest suspect for forest and forest resource case

The official has to follow the Article 62 specified in penal code strictly as follows:

1. Arrest some one must obtain an order from public prosecutor or from the court, except the urgent case;
2. Before issue an order to arrest public prosecutor or court have to refer these condition hereunder:
 - 1) The case is breach a criminal, the law had stipulated for punishment clear enough for no independence;

- 2) Full enough of evidences
3. The accuser escaped from the case, the accuser destroyed the vestige, the accuser attack the loser or witness. For this case, the official can arrest the accuser without any order.
4. If any case to arrest the monk or novice this operation must be inform the senior monk or representative to resign. In case of another religion, must be informed the guardian of the church, cathedral then arrest will be operated;
5. The ordinary arrest the officer has to inform the accuser normally;
6. After arrested the accuser officer has to inform public prosecutor within 24 hours. The statement got from a person who is arrested must implement within 84 ours, with the comment on “releasing or temporary detention”;
7. In case of consideration to release or temporary detention the releasing or temporary detention the officer have to request for releasing order or detention order from public prosecutor;
8. After receiving the releasing or detention that request from investigation officer or public prosecutor gave a comment for consideration within 24 ours to decide for temporary releasing or detention;
9. In case of representative who are not officers to arrest the accuser in the remote area where is to far from the investigation office. The arrest representative have to arrest the accuser and transfer to the local investigation office within 7 days.
10. The arrest approach, the official has to base on the offending level appropriately.
11. No torturing, no oppressing.
12. Any arrests of accuser must inform the family member, Office place or business centre that he/she employed within 24 ours and also inform the detention coordinator knows, if there is no any obstruction in prosecution;

Article 51. Instant arrest or urgent arrest on forest and forest resource case

The arrest approach for forest and forest resource case, the arrest will not be obtained order from public prosecutor or court of justice as specified in Article 63 of the penal code;

Article 52. Arresting record on forest and forest resource case

The official record is created for any event concern to the arrest of the accuser who is breach criminal law on forest resources. It must record for perusal as specified in Article 64 on penal code

Article 53. Instant custody/ in place detention on forest and forest resource case

The official has to follow Article 67 specified in penal code strictly as follows:

1. The suspect or accuser maybe in custody, the accuser will not allow to go out from the residence or a place without any permission from public prosecutor;
2. The custody/in place detention must get order from officer or from public prosecutor by putting a condition for accuser/detainees;
3. In case of suspect or accuser has violated to in place detention regulation, it may use another prevention measure that is more strictly instead;

Article 54. Stop position of the accuser or temporary discharge on forest and forest resource case

The officer has to follow the Article 68, which stipulated in penal code strictly as follows:

1. Stop position of the accuser or temporary discharge or accuser duties who suspect in relating to illegal activities, the process will have to stop his/her position or discharge the duties to facilitate without any problem for investigation- interrogation;
2. Stop position of the accuser or temporary discharge must obtain an order from public prosecutor;
3. The order to stop position of the accuser or temporary discharge must have to inform his/her organization to know;

Part XI
Cancellation and Continuation prosecution on Forest and Forest Resource Case

Article 55. Cancellation on forest and forest resource case

The official has to follow the Article 69 that stipulated in penal code strictly as follows:

1. The reason for the case cancellation are hereunder:
 - 1) The accuser escape, hidden, from officer or do not know accuser address or case evidence is no sufficient;
 - 2) Does not know any infringement
 - 3) The accuser is serious sick or madness. The accuser has the physician's certification;
2. Case Cancellation of condition 1 and condition 2 will be happen, when the investigation process is over;
3. Case cancellation, must have an order issued by chief of investigation sector. The chief of investigation order must keep in document file and then copy carbon(cc) to inform public prosecutor immediately;
4. Case cancellation of condition 3 the chief of investigation must issue an order for the sick accuser to hospital for healing;
5. The cancellation of criminal case will hang behind when case age expire/ duration case is over for appeal on criminal process;
6. The order of cancellation and case hang behind, must inform the accuser knows, so the accuser on civil appellant have the right within 7 days from when receipt an order on ward;

Article 56. Recovery from the cancellation case

The official has to follow the article 70 that stipulated in penal code such as "When the case was cancelled but its proposal age is not expired or the chief of the investigation sector has to issue an order the case recovery".

Article 57. Hanging behind on forest and forest resource case

The official has to follow the article 71 that stipulated in penal code strictly as follows:

1. Cause of the hanging behind of the case is:
 - 1) There is one of the causes specified in Article 4 in penal code
 - 2) There is not enough evidence to accuse to be a guilty
2. In case of hanging behind of the case, the pubic prosecutor must issue a releasing order immediately. The investigator must return accuser belonging according to the law and other property that confiscated as the evidence for him/her immediately;
3. The case hanging behind comprises 2 categories as follows:
 - 1) Hanging behind according to the law of justice
 - 2) Hanging behind according to the evidence

Hanging behind according to the law of justice is the case that hangs behind stipulated in to clause 1, Article 71

Article 58. Recovery from the hanging behind

The official has to follow the article 72that stipulated in penal code strictly as follows:

1. Hanging behind according to the law of justice is not able to continue prosecution again
2. Hanging behind according to the evidence, it is able to continue prosecution again
3. Hanging behind of the case will be able to continue when ever have new evidence to support and the age of the case is not yet expired;

Article 59. Summarizing on forest and forest resource case

The case summary is the duty of officers in DOFI and POFI, When completion of investigation-interrogation to verify if there is sufficient information to accuse to suspect is guilty, the forest officer must summary the case and all evidence submit to public prosecutor.

Part XII
Final Provisions

Article 60. Implementation

Director General of DOFI, who is the head of investigation- interrogation authority. He is responsible to be in charge of guiding the subordinates or forest officers to implement the tasks and duty at provincial level such as POFI in national wide.

Provincial agriculture and forestry Department together with Capital City should encourage to support in giving up the facility to implement this agreement.

Article 61. Effectiveness

The agreement shall enter into force on the date when the minister of agriculture and forestry issues. The agreement replaces the guidance on the inspection of the forest, forest products, forestland, NTFP, wildlife and aquatic animal No. 0142 / MAF, dated 7 October 2010.

Regulations and provisions that contradict this agreement are null and void

The Minister of Agriculture and Forestry
Sitaheng RASPHONE
(Singed)