

(TRANSLATION)

Lao People's Democratic Republic

Peace Independence Democracy Unity Prosperity

The People's Court of Savannakhet Province

Number: 025/KT.R

Criminal Tribunal

Date: February 12, 2025

Primary Level

The Decision

The Criminal Tribunal of the people's Court of Savannakhet Province, composed of:

Mr. Bounlai Aneka	Chairman
Mr. Sonexay Hoysordam	Member
Mr. Bounlam Lasyxay	Member
Mr. Vilayphone Northilath	Court clerk

In the presence of Mr. Ounta Xayapanya People's Prosecuting Attorney of Savannakhet Province convened on February 12, 2015 at the courtroom of the People's Court of Savannakhet Province in order to try case number 014/KT.R dated on January 20, 2015.

Between

The Provincial Prosecuting Attorney of Savannakhet	<i>plaintiff</i>
Mr. Poug + Ms. Khay (daughter of Mrs. Chansee, the deceased person)	<i>civil</i>
<i>plaintiff</i>	

Ms. Kaythong Khounphaysane, age: 38 years, nationality: Lao, Race: Lao, profession: farmer, domicile: Vaththanasomboun Village, Atsaphangthong District, Savannakhet Province *defendant#1*

Mr. Phouphet age: 47 years, nationality: Lao, race: Lao, profession: farmer, domicile: Donepalay Village, Atsaphangthong District, Savannakhet Province *defendant#2*

Mr. Hatsady, age: 44 years, nationality: Lao, race: Lao, profession: farmer, domicile: Bungthale Village, Phalanexay District, Savannakhet Province *defendant#3*

Mr. mouk, age: 51 years, nationality: Lao, race: Lao, profession: farmer, domicile: Houay Village, Atsaphangthong District, Savannakhet Province *defendant#4*

Mr. Thiang, age: 61 years, nationality: Lao, race: Lao, profession: farmer, domicile: Houay Village, Atsaphanthong District, Savannakhet Province *defendant#5*

Charged with being illegal doctors (healers).

Arrested on June 24, 2014.

Place of custody: Prison of kilometer 06

The Court

On behalf of the Loa People's Democratic Republic,

Based on the right and duty of the court in accordance to the law pertaining to the People's court,

The court has:

-informed the defendants of the names of the members of the tribunal, of the court clerk, and of the People's prosecuting attorney.

-advised the defendants of their right to reject the above-mentioned tribunal, the clerk and the people's prosecuting attorney.

-Advised the plaintiffs and the defendants of their right to a trial.

-has listened to the charges presented by the prosecuting attorney.

-has listened to the statements made by the defendants in the courtroom.

-has listened to the speech made by the people's prosecuting attorney of Savannakhet Province.

-has listened to the closing arguments made by the defendants.

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Facts

On June 19, 2014, Ms. Khone (Mrs. Chansee's daughter) talked to Ms. Vone, Ms. Chansee's aunt, about taking Ms. Chansee, who was sick, to be healed by Ms. Kaythong. Then, Ms. Khone and Ms. Vone telephoned Ms. Kaythong about the matter. Ms. Kaythong answered that she was taking a relative for a medical checkup in Moukdahane Province, Thailand. Later on, they called Ms. Kaythong again about the same matter. The latter told them to have Ms. Chansee, the sick person, wait at her house, but if she really wanted to get healed, she would have to renounce her present religious practice. Then, Ms. Kaythong telephoned Mr. Phouphet asking him to go and pick up Ms. Chansee and her daughter, named Ms. Khay. After that, by car, Mr. Phouphet, along with Mr. Thieng, went and picked up Ms. Chansee and took her to his rice field house. Then, he called Mr. Hatsady and Mr. Mouk to come and join them in a meeting of prayers for healing. But the health of Ms. Chansee did not improve. On June 21, 2014, Ms. Kaythong then took Ms. Chansee to Hospital 109, located in Outhoumphone District, for medical cares. After that Ms. Kaythong, Ms. Chansee along with her

daughter left the hospital and were heading home. When they arrived at Khok Village, Ms. Chansee passed away. After Ms. Chansee's death, a Christian funeral ceremony was held among the brethren by the above-mentioned people who, then, wanted to bury the dead person next to the rice field of her children and grandchildren who strongly objected to that plan. The local authority then took Ms. Kaythong for a "politically educational" session and told her to bury the dead person elsewhere. After that, a conflict erupted. On June 24m 2014, an official arrest was made for an investigation on the matter. And the local authority decided to bury the dead person in accordance to the customs.

Upon interrogation, Ms. Kaythong confessed that on June 19, 2014, about 6:00PM, Ms. Vone (Ms. Chansee's younger sister) telephoned her and said: "Aunt, would you come and pick up my sister. She is very tired." Ms. Kaythong answered: "I am still at Moukdahane (Thailand). I had to take a relative for a medical checkup. If you want to take your sister for healing, then take her to my house, and tell her to renounce her present religious practice, and enter into the new faith with us so she would be healed of her ailment." Next, she called Mr. Phouphet asking him to go and pick up Ms. Chansee for healing by way of prayers for a blessing. On June 20, 2014, about 10:00PM, Ms. Kaythong arrived at Mr. Phouphet's house and asked Ms. Chansee how she was doing. The latter answered that she was still tired and had a bad appetite. She then gave some medicine (Olasone) to Ms. Chansee to take. That did not help. At 1:00 AM on June 21, 2014, she took Ms. Chansee along with some relatives to Hospital 109, in Outhoumphone District. There, the doctor ordered a blood test, prescribed an IV injection and oxygen support, which gave Ms. Chansee some relief. At 8:00AM on the same day, Ms. Chansee wanted to be dismissed from hospital and go home. The hospital granted her request. After that, Ms. Chansee along with the relatives were heading home by car. When the car arrived at Koy khok Village, Ms. Chansee lost her life. Ms. Kaythong tried then to get in touch with Ms.Chansee's relatives as she was reluctant about taking the body to the dead person's house for fear of violating the village's customs. After that, she also contacted the local authority to discuss how to go from there. The local authority gave the body to Ms. Kaythong so that she may perform a religious burial in accordance to the dead person's new faith, because the healing procedure and the cause of the death of Ms.Chansee had not been made known to the local authority. After that, she, along with the brethren, took the body to Ms. Chansee's house for a proper funeral ceremony and raised some funds for the burial which was supposed to take place at the rice field of Ms. Sone (Ms. Chansee's younger sister). Ms. Sone objected to and complained about that to the local authority. A conflict erupted among Ms. Chansee's relatives some of whom were not happy with the fact that she had renounced her old faith for a new one. On June 24, 2014, the police arrested Ms. Kaythong and her team which was composed of 5 persons, involved in the healing of Ms. Chansee.

Upon interrogation, Mr. Phouphet confessed that on June 19, 2014, at 9:00AM, Ms. Kaythong called him to tell him to go and pick up Ms. Chansee, who was sick, and to take her to Ms. Kaythong's house for healing. Then he and Mr. Thiang drove a Hundai to go and pick up Ms. Chansee along with her daughter, Ms. Khone. Then he began the healing process by way of prayers in accordance to his faith and also gave her some medicine. The fact that Ms. Chansee was tired was pretty noticeable. The prayer meeting was attended by some brethren such as: Mr. Thiang, Mr. Mouk, Mr.Sengsavang, Mr. Sipaseuth. On June 20, 2014, at about 7;00AM, he and the brethren were once again in healing prayers as they were waiting for Ms. Kaythong coming from Savannakhet. After that, he and some brethren left for Muangvang Village, Vilabuly District, in order to perform a funeral ceremony for a deceased Christian member there. On June 21, 2014, about 10:00AM, Ms.

Chansee called him to inform that “our sister Chansee” had departed from the world. He and the brethren then came back to perform a proper funeral ceremony and raised some fund to buy a coffin for Ms. Chansee. After 3 days, a conflict erupted and after that, he had to way for the local authority to come and take the body away for a Buddhist funeral ceremony. Later on, he was arrested by some officers.

Upon interrogation, Mr. Hatsady confessed that on June 21, 2014, at about 5:00PM, Ms. Kaythong told him that “our sister” named Chansee had passed away, that the local authority and Ms. Chansee’s family did not want to take care of the funeral and that he Hatsady, along with the brethren in the village had to come to perform a proper Christian funeral ceremony for Ms. Chansee. Upon his arrival at Ms. Chansee’s house, her body was not injected with formol and was not laid in the coffin yet. He helped do so and helped raise some fund from the brethren. After that a religious ceremony was conducted. On June 22, 2014, at about 9:00 AM, he along with many friends went to dig a hole at the rice field of a relative of Ms. Chansee’s, where to put to rest her body. On June 23, 2014, as he and some brethren were getting ready to take Ms. Chansee’s body for a burial, they were told by Ms. Chansee’s relatives and by the local authority not to bury the body of the dead person at that rice field at any cost. On June 24, 2014, he and the brethren agreed that if Ms. Chansee’s relatives and the local authority were not happy with the way he and the brethren handled the case, then, they could have the body and conduct a burial ceremony in accordance with their own belief. Not long after that, he was detained by the police. As for Ms. Chansee’s healing, he denied his involvement in the matter. In the past though, he did heal many people. The healing did require that the sick persons renounce their old faith and come to accept the same faith as his. And he had been “advised” by the authorities in this regard.

Upon interrogation, Mr. Mouk confessed that on June 19, 2014, at 2:00PM, Mr. Phouphet called him to ask him to come over to his house. Upon his arrival to Mr. Phouphet ‘s house, he saw a lot of people, including Ms. Chansee and some of her children and grandchildren, who had come there for healing. And so, he took part in the healing prayers in accordance to their faith. Early the next morning, another healing prayer meeting took place in favor of Ms. Chansee. But at that moment, he heard Ms. Kaythong saying that they were to take Ms. Chansee to hospital because she looked so tired. On June 20, 2014, after a prayer meeting in favor of Ms. Chansee, he and some brethren, including Mr. Phouphet, left for Muangvang Village, Vilabuly District, in order to conduct a religious funeral ceremony for Ms. Noy who had passed away. There, Mr. Phouphet said that “our sister” Chansee had left the world. Then they came back to conduct a religious funeral ceremony and raise some funds to buy a coffin and communicate with the local authority who agreed to give them Ms. Chansee’s body to be buried according to her new faith. But the conflict with Ms. Chansee’s relatives arose when it came to the place of burial. On June 24, 2014, he was arrested by some police officers for an investigation.

Upon interrogation, Mr. Thiang confessed that On June19, 2014, at about 7:00PM, he, Mr. Phouphet and about 10 brethren held a prayer meeting asking God for a blessing. The next morning, June 20, 2014, about 7:00AM, they left for Vilabuly District to conduct a religious funeral ceremony for a deceased person. It was on June 21, 2014, at about 9:15 AM that he learned that Ms.Chansee had passed away. After that they came back to conduct a religious funeral ceremony as the local authority had given the permission to do so. Two days later, after they got a hole dug for Ms. Chansee’s burial, a conflict arose. Then he was arrested by some police officers for an investigation.

Verdict

After a thorough consideration, examination, and analysis of documents and pieces of evidence, along with the results of investigation in the court,

We found Ms. Kaythong Khounphaysane (defendant # 1), Mr. Phouphet (defendant # 2), Mr. Hatsady (defendant # 3), Mr. Mouk (defendant # 4), Mr. Thiang (defendant #5) guilty as charged. The fact that they are illegal doctors is true. This is the proof: On June 19, 2014, Ms. Vone (Ms. Chansee's sister) telephoned Ms. Kaythong Khounphaysane with the intention of getting her sister healed. Then, Ms. Kaythong (defendant #1) telephoned Mr. Phouphet (defendant #2) asking him to go and pick up Ms. Chansee for healing sessions. Then Mr. Phouphet (defendant #2) invited Mr. Thiang (defendant #5) to go and pick up Ms. Chansee for a religious healing session. Once Ms. Chansee was brought to Mr. Phouphet's house, they began the healing prayer meeting with the participation of other brethren namely Mr. Thiang (defendant # 5), Mr. Mouk (defendant # 4), Mr. Sengsavang, Mr. Sipaseuth. And all the defendants claimed that in the past, they had been able to heal every sick person without resorting to any medication at all. After that, the defendants kept on trying to heal Ms. Chansee. But they realized that the condition of Ms. Chansee had not improved, but instead she looked more and more tired. Moreover, their method of healing was not in compliance with the Health Department guidelines and was not approved by it. So, they decided to take Ms. Chansee to Hospital 109, located in the district of Outhoumphone. There, the doctor prescribed some medicines for Ms. Chansee, which, obviously, improved her condition. Then, Ms. Kaythong (defendant # 1) was the one who asked the hospital for the permission to take Ms. Chansee home in order to continue the healing session. Ms. Chansee passed away on the way home from the hospital.

In the past, regarding this matter, the local authority had given some warnings and advices to Ms. Kaythong (defendant #1), Mr. Phouphet (defendant #2), Mr. Hatsady (defendant #3), Mr. Mouk (defendant #4), Mr. Thiang (defendant #5), according to the report dated on May 25, 2014, August 26, 28, 2014, and according to the statements of confession of the defendants dated on June 24, 26, 30, 2014, July 1, 5, 9, 21, 2014, August 28, 2014, October 22, 27, 2014, November 20 2014, and the statements of the defendants in the courtroom.

After much consideration, the court found:

- that these deeds performed by the defendants constituted indeed a criminal act of working as illegal doctors, which violate article 82, line 2 of the 2005-amended criminal law which specifies that in the case the wrongdoer has caused someone to become handicapped or lose their life, he/she will be punished by " being deprived of his/her freedom" from 3 months to 5 years and will be fined from 500, 000 kips to 5, 000, 000 kips. In regard to the deeds which the defendants had done, the court saw it fair for to sentence Ms. Kaythong Khounphaysane (defendant # 1), Mr. Phouphet (defendant #2), Mr. Hatsady (defendant #3), Mr. Mouk (defendant # 4), Mr. Thiang (defendant #5) to a 9-month- " loss of freedom" and a fine of 500, 000 kips each.

-that Mr. Pong and Ms. Khay (children of Ms. Chanh, the deceased person) had filed for the amount of 100,000,000 kips to be paid by the 5 defendants in order to compensate for the death of their mother. This request was filed to the People's Court of Savannakhet Province on June 24, 2014. Later on, Ms. Khone and Mr. Ham (Ms. Chansee's children) filed a request to the court as could be

verified in the record on January 26, 2015. In that request, they wanted to let the court know that they had no intention to bring charges against the 5 defendants in regard to the death of their mother: "Regarding the death of our mother, everything the defendants did, they did it because they wanted to help us, as we asked them to do so. When our mother was in hospital and she was conscious enough of her condition, she herself made known of her last wish in her life: her desire was to breathe her last breath at her house. As far as Aunt Kaythong (defendant #1) was concerned, she did all she could to help. She tried to help with our mother's health condition, with the financial problem as well as the problem of transportation. Our mother died on the way home and Aunt Kaythong (defendant#1) helped us with the funeral as well."

In regard to this matter, the two opposing parties were not able to come to a reasonable agreement in the courtroom. Therefore, the court saw it fair that the defendants pay to the family of Ms. Chansee (the deceased person) the amount of 15,000,000 kips to "heal the hurts" and 5,000,000 kips for religious funeral expenses.

The court found the defendants: Ms. Kaythong, Mr. Phouphet, Mr. Hatsady, Mr. Mouk, and Mr. Thiang guilty of the criminal charge. Therefore, based on articles 21, 30, 32, and 33 of the 2006-revised law pertaining to the court fees, the court saw it fair that the defendants be responsible for returning the court fees to the government: file folders: 35,000 kips; summon fee: 60,000 kips; printed court decision : 2,000 kips per page (X 7 pages X 10 copies = 98,000 kips) the total amount is 193,000 kips. Each defendant is responsible for 38,000 kips to be paid to the government.

Pursuant articles 2, 5, 25 and 28 of the law pertaining to the people's court, the 2009-revised edition,

Pursuant article 82, line 2 of the criminal law, the 2005-revised edition,

Pursuant articles 164, 192, 204, 206, 207, 208 and 214 of the law pertaining to the procedure of criminal cases, the 2012-revised edition,

Pursuant articles 21, 30, 32 and 33 of the law pertaining to court fees, the 2006-revised edition,

For this reason

The Criminal Tribunal of the People's Court of Savannakhet Province has reached the verdict and sentenced for this case in the presence of the people, the plaintiffs and the defendants at the primary level,

-Found Ms. Kaythong Khounphaisane (defendant# 1), Mr. Phouphet (defendant # 2), Mr. Hatsady (defendant # 3), Mr. Mouk (defendant #4), Mr. Thiang (defendant #5) guilty as charged of being illegal doctors.

-sentenced each defendant to be "deprived of freedom" for a period of 9 months and to pay a fine in the amount of 500,000 kips.

-sentenced the defendants to pay 15,000,000 kips (to "heal the hurts") and 5,000,000 kips (for religious funeral expenses) and thus 20,000,000 kips altogether to the family of Ms. Chansee (the deceased person).

-sentenced the defendants to pay for the court fee (193,000kips altogether, and thus 38,600Kips a piece) back to the government.

The court tribunal has informed the plaintiff, the civil plaintiffs and the defendants about the court's decision pertaining to the case. If either party is not satisfied with the court's decision, they may file an appeal within 20 days, from the day this decision was made public.

Chairman of the Criminal Tribunal

Seal and signature

Bounlai Aneka

Court Clerk

Seal and signature

Vilayphone Northilath