



LAO PEOPLE'S DEMOCRATIC REPUBLIC

Peace Independence Democracy Unity Prosperity

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Ministry of Foreign Affairs

No. 496 /MOFA.DTL

The Ministry of Foreign Affairs of the Lao People's Democratic Republic presents its compliments to the Embassy of the United States of America in Vientiane and has the honor to send the Note Verbal No. 495 /MOFA.DTL to the Embassy.

The Ministry would be highly appreciative if the Embassy could pay its attention to this matter and forward this Note Verbal to the United States Department of State in Washington, DC.

The Ministry of Foreign Affairs of the Lao People's Democratic Republic avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

Vientiane, 28 April 2017

The Embassy of the United States of America,

Vientiane





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Ministry of Foreign Affairs

No. 495 /MOFA.DTL

The Ministry of Foreign Affairs of the Lao People's Democratic Republic presents its compliments to the United States Department of State, and with reference to the court case No. 2:16-cv-02037-VC brought by an individual named Sauryvong Savang on behalf of himself and other members of the former Lao Royal Family as plaintiffs against the Lao People's Democratic Republic, the current and former leaders of the Lao PDR, has the honor to inform that the case brought by the plaintiffs is a total fabrication and groundless allegation aimed at undermining the very good bilateral relations and cooperation between the Lao PDR and the United States of America, which is already at its peak.

Furthermore, the Ministry of Foreign Affairs would also like to restate that the U.S. Courts, including the U.S. District Court for the Eastern District of California, do not have jurisdiction to admit and consider this lawsuit for the following reasons:

1. The Lao PDR enjoys jurisdictional immunity from the U.S. Courts. As a sovereign state and a member of the United Nations, the Lao PDR enjoys state immunity in accordance with international law and the law of the United States of America. The Foreign Sovereign Immunity Act, 28 U.S.C., Section 1604 provides that foreign states shall be immune from the jurisdiction of the courts of the United States except as provided in certain enumerated exceptions.
2. The lawsuit does not fall under any of the exceptions of the Foreign Sovereign Immunity Act of the United States, Section 1605.
3. In accordance with international law and practice, head of state, head of government enjoys immunity from the U.S. court jurisdiction, which is in line with the Foreign Sovereign Immunity Act. As regards other high ranking officials named as defendants in the lawsuit, they should also enjoy immunity from the U.S. court jurisdiction for their official status.

4. The U.S. Supreme Court's decision in *Kiobel vs. Royal Dutch Shell Petroleum* (2013) requires the dismissal of this suit as an unwarranted extraterritorial application of the Alien Torts Statute.
5. The establishment of the Lao People's Democratic Republic replacing the Kingdom of Laos in 1975 is the result of the exercise of the right to self-determination by the Lao multi-ethnic people based on their aspirations and in accordance with the UN Charter and international law, following their decades-long struggle for national liberation and independence.

In light of the above, the Government of the Lao PDR is kindly requesting the U.S. Government to take all steps necessary to have this case dismissed.

The Ministry of Foreign Affairs of the Lao People's Democratic Republic avails itself of this opportunity to renew to the United States Department of State the assurances of its highest consideration.

Vientiane, 28 April 2017

United States Department of State

Washington, D.C.



CC: Embassy of the United States of America,

Vientiane