United Nations Convention against Corruption

Self-assessment Name: UNCAC Self-Assessment Checklist - Cycle 1 - Cambodia

Country: Cambodia

Date of creation: 19/04/2014

Assessor: H.E. Mr. YONN SINAT, et al.

Assessor Position: Assistant to the Senior Minister, President of Anti-Corruption Unit

Release: 2.0.21.0

Comments:

Completed self-assessment checklists should be sent to:

Corruption and Economic Crime Section
Division for Treaty Affairs
United Nations Office on Drugs and Crime
Vienna International Centre
PO Box 500
1400 Vienna, Austria

Attn: PAPADIMITRIOU Panagiotis

Telephone: + (43) (1) 26060-4293
Telefax: + (43) (1) 26060-74293
E-mail: uncacselfassessment@unodc.org
Please provide general information on the ratification and status of UNCAC in your country (use the "Use template answer" button in the answer field to see a generic text)


2. Cambodia has made the following depositary notifications:

   “In accordance with, paragraph 13 of Article 46 the central authority designated in pursuance to this article is the Ministry of Justice of Cambodia.

   Pursuant to Article 46.14, the Royal Government of Cambodia declares that requests and annexed documents should be addressed to it accompanied by a translation in English.

   Pursuant to Article 44.6, the Royal Government of Cambodia declares that it does not take this convention as the legal basis for cooperation on extradition with other State Parties.

Please briefly describe the legal, institutional and political system of your country.

3. Cambodia is a Kingdom in which the King shall rule according to the Constitution and the principles of liberal multi-party democracy. The Cambodian monarchy is an elected regime where the Royal Council of the Throne is the competent body in choosing a new king. The King reigns but does not govern, and the King shall be the Head of State for life. The King is a symbol of the unity and eternity of the nation, and he is the guarantor of national independence, the sovereignty, territorial integrity, the rights and freedom of all citizens, and international treaties. All power belongs to the citizens and the citizens exercise their powers through the National Assembly, the Senate, the Royal Government, and the Judiciary. In state governing, the legislative, executive and judicial powers shall be separate.

4. Legislature is a body that has legislative power. Cambodia’s legislature is bicameral which is composed of the National Assembly and the Senate. The term of the national assembly is 5 years and ends on the day when the new national assembly takes office. In accordance with the constitution, the national assembly shall consist of at least 120 members who shall be elected universally every 5 years. At the presence, there are 123 members of the fifth legislature of the national assembly. The term of the senate is 6 years and ends on the day when the new senate takes office. The senate consists of members whose number shall not exceed half of the number of the members of the national assembly where some senators shall be nominated and some shall be elected non-universally every 6 years. At the presence, the senate consists of 61 members.

5. Members of the national assembly shall be elected by a free, universal, equal, direct and secret ballot. The election uses a capital-provincial proportional election system by which the capital and provinces are used as the polling stations. Political parties which were established in accordance with the Law on Political Parties can stand for the election and shall register in Political Election List and prepare the candidate list of a political party to
3. Cambodia is a Kingdom in which the King shall rule according to the Constitution and the principles of liberal multi-party democracy. The Cambodian monarchy is an elected regime where the Royal Council of the Throne is the competent body in choosing a new king. The King reigns but does not govern, and the King shall be the Head of State for life. The King is a symbol of the unity and eternity of the nation, and he is the guarantor of national independence, the sovereignty, territorial integrity, the rights and freedom of all citizens, and international treaties. All power belongs to the citizens and the citizens exercise their powers through the National Assembly, the Senate, the Royal Government, and the Judiciary. In state governing, the legislative, executive and judicial powers shall be separate.

4. Legislature is a body that has legislative power. Cambodia’s legislature is bicameral which is composed of the National Assembly and the Senate. The term of the national assembly is 5 years and ends on the day when the new national assembly takes office. In accordance with the constitution, the national assembly shall consist of at least 120 members who shall be elected universally every 5 years. At the presence, there are 123 members of the fifth legislature of the national assembly. The term of the senate is 6 years and ends on the day when the new senate takes office. The senate consists of members whose number shall not exceed half of the number of the members of the national assembly where some senators shall be nominated and some shall be elected non-universally every 6 years. At the presence, the senate consists of 61 members.

5. Members of the national assembly shall be elected by a free, universal, equal, direct and secret ballot. The election uses a capital-provincial proportional election system by which the capital and provinces are used as the polling stations. Political parties which were established in accordance with the Law on Political Parties can stand for the election and shall register in Political Election List and prepare the candidate list of a political party to register to national election committee (NEC) in compliance with the procedures stated in Law on Political Parties and Law on the Election of Law-makers. Voters choose a party which they like; candidates’ names are not shown and independent candidates are not permitted. After the election, the seats in national assembly shall be divided in respected to the formula of highest average in capital and each province based on numbers of seats in capital and each province and results of the elections in which each party gets in capital and each province. A political party with the most seats is responsible for the setting up and governing the government.

6. Public administration management in the kingdom of Cambodia is implemented in accordance with decentralization and de-concentration policies and consists of national administration (central administration) and sub-national administration (local administration):

   - National administration (central administration) refers to ministries, institutions, and other public entities. National administration also refers to autonomous institutions, statutory public authorities, and other government’s entities with particular statutes and provisions but under the control of the government such as public establishments, public enterprises (public universities and autonomous ports etc.).

   - Sub-national administration (local administration) refers to capital, provinces, municipalities, districts, khan, and communes-sangkat.

   Public officials and citizens vested with public office through election who serve in ministries and other public institutions are service providers to the citizens. Other
3. Cambodia is a Kingdom in which the King shall rule according to the Constitution and the principles of liberal multi-party democracy. The Cambodian monarchy is an elected regime where the Royal Council of the Throne is the competent body in choosing a new king. The King reigns but does not govern, and the King shall be the Head of State for life. The King is a symbol of the unity and eternity of the nation, and he is the guarantor of national independence, the sovereignty, territorial integrity, the rights and freedom of all citizens, and international treaties. All power belongs to the citizens and the citizens exercise their powers through the National Assembly, the Senate, the Royal Government, and the Judiciary. In state governing, the legislative, executive and judicial powers shall be separate.

4. Legislature is a body that has legislative power. Cambodia’s legislature is bicameral which is composed of the National Assembly and the Senate. The term of the national assembly is 5 years and ends on the day when the new national assembly takes office. In accordance with the constitution, the national assembly shall consist of at least 120 members who shall be elected universally every 5 years. At the presence, there are 123 members of the fifth legislature of the national assembly. The term of the senate is 6 years and ends on the day when the new senate takes office. The senate consists of members whose number shall not exceed half of the number of the members of the national assembly where some senators shall be nominated and some shall be elected non-universally every 6 years. At the presence, the senate consists of 61 members.

5. Members of the national assembly shall be elected by a free, universal, equal, direct and secret ballot. The election uses a capital-provincial proportional election system by which the capital and provinces are used as the polling stations. Political parties which were established in accordance with the Law on Political Parties can stand for the election and shall register in Political Election List and prepare the candidate list of a political party to register to national election committee (NEC) in compliance with the procedures stated in Law on Political Parties and Law on the Election of Law-makers. Voters choose a party which they like; candidates’ names are not shown and independent candidates are not permitted. After the election, the seats in national assembly shall be divided in respected to the formula of highest average in capita and each province based on numbers of seats in capital and each province and results of the elections in which each party gets in capital and each province. A political party with the most seats is responsible for the setting up and governing the government.

6. Public administration management in the kingdom of Cambodia is implemented in accordance with decentralization and de-concentration policies and consists of national administration (central administration) and sub-national administration (local administration):

- National administration (central administration) refers to ministries, institutions, and other public entities. National administration also refers to autonomous institutions, statutory public authorities, and other government’s entities with particular statutes and provisions but under the control of the government such as public establishments, public enterprises (public universities and autonomous ports etc.).

- Sub-national administration (local administration) refers to capital, provinces, municipalities, districts, khan, and communes-sangkat.

Public officials and citizens vested with public office through election who serve in ministries and other public institutions are service providers to the citizens.
3. Cambodia is a Kingdom in which the King shall rule according to the Constitution and the principles of liberal multi-party democracy. The Cambodian monarchy is an elected regime where the Royal Council of the Throne is the competent body in choosing a new king. The King reigns but does not govern, and the King shall be the Head of State for life. The King is a symbol of the unity and eternity of the nation, and he is the guarantor of national independence, the sovereignty, territorial integrity, the rights and freedom of all citizens, and international treaties. All power belongs to the citizens and the citizens exercise their powers through the National Assembly, the Senate, the Royal Government, and the Judiciary. In state governing, the legislative, executive and judicial powers shall be separate.

4. Legislature is a body that has legislative power. Cambodia’s legislature is bicameral which is composed of the National Assembly and the Senate. The term of the national assembly is 5 years and ends on the day when the new national assembly takes office. In accordance with the constitution, the national assembly shall consist of at least 120 members who shall be elected universally every 5 years. At the presence, there are 123 members of the fifth legislature of the national assembly. The term of the senate is 6 years and ends on the day when the new senate takes office. The senate consists of members whose number shall not exceed half of the number of the members of the national assembly where some senators shall be nominated and some shall be elected non-universally every 6 years. At the presence, the senate consists of 61 members.

5. Members of the national assembly shall be elected by a free, universal, equal, direct and secret ballot. The election uses a capital-provincial proportional election system by which the capital and provinces are used as the polling stations. Political parties which were established in accordance with the Law on Political Parties can stand for the election and shall register in Political Election List and prepare the candidate list of a political party to register to national election committee (NEC) in compliance with the procedures stated in Law on Political Parties and Law on the Election of Law-makers. Voters choose a party which they like; candidates’ names are not shown and independent candidates are not permitted. After the election, the seats in national assembly shall be divided in respected to the formula of highest average in capita and each province based on numbers of seats in capital and each province and results of the elections in which each party gets in capital and each province. A political party with the most seats is responsible for the setting up and governing the government.

6. Public administration management in the kingdom of Cambodia is implemented in accordance with decentralization and de-concentration policies and consists of national administration (central administration) and sub-national administration (local administration):

- National administration (central administration) refers to ministries, institutions, and other public entities. National administration also refers to autonomous institutions, statutory public authorities, and other government’s entities with particular statutes

Please list relevant laws, policies and/or other measures that are cited in the responses to the self-assessment checklist and provide them as attachments by separate email to the secretariat.

References used to fill in the Self-assessment Checklist on UNCAC Implementation Review in Cambodia are as the following:

1. Constitution of the Kingdom of Cambodia which was promulgated on 24 September 1993
References used to fill in the Self-assessment Checklist on UNCAC Implementation Review in Cambodia are as the following:

1. Constitution of the Kingdom of Cambodia which was promulgated on 24 September 1993

2. Provisions on judiciary, penal code, and code of criminal procedure which were implemented in Cambodia in the transitional period ( Transitional penal code) which was promulgated by the decision dated on 10 September 1992

3. Law on the Common Statute of Civil Servants of the Kingdom of Cambodia which was promulgated by royal kram no 06NS/RKM/0197/01 dated on 24 January 1997

4. Law on Drug Control which was promulgated by royal kram no NS/RKM/0197/01 dated on 24 January 1997

5. Law on General Statute of Royal Armed Forces which was promulgated by royal kram no CS/RKM/1197 dated on 06 November 1997

6. Law on Organization and Functioning of the Constitutional Council which was promulgated by royal kram no CS/RKM/0498/06 dated on 08 April 1998

7. Law on Finance and Banking Establishment which was promulgated by royal kram no NS/RKM/1199/13 dated on 18 November 1999

8. Law on Amendment of the Law on Drug Control which was promulgated by royal kram no NS/RKM/0505/014 dated on 09 May 2005

9. Law on Anti-Money Laundering and Combating Financing of Terrorism which was promulgated by royal kram no NS/RKM/0607/014 dated on 24 June 2007

10. Code of Criminal Procedure which was promulgated by royal kram no NS/RKM/0807/024 dated on 10 August 2007

11. Penal Code which was promulgated by royal kram no NS/RKM/1109/022 dated on 30 November 2009

12. Law on Anti-Corruption which was promulgated by royal kram no NS/RKM/0410/004 dated on 17 April 2010

13. Law on Amendment of Law on Anti-Corruption which was promulgated by royal kram no NS/RKM/0811/017 dated on 01 August 2011

14. Law on Prison which was promulgated by royal kram no NS/RKM/1211/021 dated on 21 December 2011

15. Law on Drug Control which was promulgated by royal kram no NS/RKM/0112/001 dated on 02 January 2012

16. Law on Public Procurement which was promulgated by royal kram no NS/RKM/0112/004 dated on 14 January 2012

17. Law on Amendment  Article 3, Article 29, and Article 30 of the Law on Anti-Money Laundering and Combating Financing of Terrorism which was promulgated by royal kram no NS/RKM/0613/006 dated on 03 June 2013
References used to fill in the Self-assessment Checklist on UNCAC Implementation Review in Cambodia are as the following:

1. Constitution of the Kingdom of Cambodia which was promulgated on 24 September 1993
2. Provisions on judiciary, penal code, and code of criminal procedure which were implemented in Cambodia in the transitional period (Transitional penal code) which was promulgated by the decision dated on 10 September 1992
3. Law on the Common Statute of Civil Servants of the Kingdom of Cambodia which was promulgated by royal kram no 06NS/RKM/0197/01 dated on 24 January 1997
4. Law on Drug Control which was promulgated by royal kram no NS/RKM/0197/01 dated on 24 January 1997
5. Law on General Statute of Royal Armed Forces which was promulgated by royal kram no CS/RKM/1197 dated on 06 November 1997
6. Law on Organization and Functioning of the Constitutional Council which was promulgated by royal kram no CS/RKM/0498/06 dated on 08 April 1998
7. Law on Finance and Banking Establishment which was promulgated by royal kram no NS/RKM/1199/13 dated on 18 November 1999
8. Law on Amendment of the Law on Drug Control which was promulgated by royal kram no NS/RKM/0505/014 dated on 09 May 2005
9. Law on Anti-Money Laundering and Combating Financing of Terrorism which was promulgated by royal kram no NS/RKM/0607/014 dated on 24 June 2007
10. Code of Criminal Procedure which was promulgated by royal kram no NS/RKM/0807/024 dated on 10 August 2007
11. Penal Code which was promulgated by royal kram no NS/RKM/1109/022 dated on 30 November 2009
12. Law on Anti-Corruption which was promulgated by royal kram no NS/RKM/0410/004 dated on 17 April 2010
13. Law on Amendment of Law on Anti-Corruption which was promulgated by royal kram no NS/RKM/0811/017 dated on 01 August 2011
14. Law on Prison which was promulgated by royal kram no NS/RKM/1211/021 dated on 21 December 2011
15. Law on Drug Control which was promulgated by royal kram no NS/RKM/0112/001 dated on 02 January 2012
16. Law on Public Procurement which was promulgated by royal kram no NS/RKM/0112/004 dated on 14 January 2012
17. Law on Amendment Article 3, Article 29, and Article 30 of the Law on Anti-Money Laundering and Combating Financing of Terrorism which was promulgated by royal kram no NS/RKM/0613/006 dated on 03 July 2013
References used to fill in the Self-assessment Checklist on UNCAC Implementation Review in Cambodia are as the following:

1. Constitution of the Kingdom of Cambodia which was promulgated on 24 September 1993

2. Provisions on judiciary, penal code, and code of criminal procedure which were implemented in Cambodia in the transitional period (Transitional penal code) which was promulgated by the decision dated on 10 September 1992

3. Law on the Common Statute of Civil Servants of the Kingdom of Cambodia which was promulgated by royal kram no 06NS/RKM/0197/01 dated on 24 January 1997

4. Law on Drug Control which was promulgated by royal kram no NS/RKM/0197/01 dated on 24 January 1997

5. Law on General Statute of Royal Armed Forces which was promulgated by royal kram no CS/RKM/1197 dated on 06 November 1997

6. Law on Organization and Functioning of the Constitutional Council which was promulgated by royal kram no CS/RKM/0498/06 dated on 08 April 1998

7. Law on Finance and Banking Establishment which was promulgated by royal kram no NS/RKM/1199/13 dated on 18 November 1999

8. Law on Amendment of the Law on Drug Control which was promulgated by royal kram no NS/RKM/0505/014 dated on 09 May 2005

9. Law on Anti-Money Laundering and Combating Financing of Terrorism which was promulgated by royal kram no NS/RKM/0607/014 dated on 24 June 2007

10. Code of Criminal Procedure which was promulgated by royal kram no NS/RKM/0807/024 dated on 10 August 2007

11. Penal Code which was promulgated by royal kram no NS/RKM/1109/022 dated on 30 November 2009

12. Law on Anti-Corruption which was promulgated by royal kram no NS/RKM/0410/004 dated on 17 April 2010

13. Law on Amendment of Law on Anti-Corruption which was promulgated by royal kram no NS/RKM/0811/017 dated on 01 August 2011

14. Law on Prison which was promulgated by royal kram no NS/RKM/1211/021 dated on 21 December 2011

15. Law on Drug Control which was promulgated by royal kram no NS/RKM/0112/001 dated on 02 January 2012

16. Law on Public Procurement which was promulgated by royal kram no NS/RKM/0112/004 dated on 14 January 2012

17. Law on Amendment Article 3, Article 29, and Article 30 of the Law on Anti-Money Laundering and Combating Financing of Terrorism which was
References used to fill in the Self-assessment Checklist on UNCAC Implementation Review in Cambodia are as the following:

1. Constitution of the Kingdom of Cambodia which was promulgated on 24 September 1993
2. Provisions on judiciary, penal code, and code of criminal procedure which were implemented in Cambodia in the transitional period (Transitional penal code) which was promulgated by the decision dated on 10 September 1992
3. Law on the Common Statute of Civil Servants of the Kingdom of Cambodia which was promulgated by royal kram no 06NS/RKM/0197/01 dated on 24 January 1997
4. Law on Drug Control which was promulgated by royal kram no NS/RKM/0197/01 dated on 24 January 1997
5. Law on General Statute of Royal Armed Forces which was promulgated by royal kram no CS/RKM/1197 dated on 06 November 1997
6. Law on Organization and Functioning of the Constitutional Council which was promulgated by royal kram no CS/RKM/0498/06 dated on 08 April 1998
7. Law on Finance and Banking Establishment which was promulgated by royal kram no NS/RKM/1199/13 dated on 18 November 1999
8. Law on Amendment of the Law on Drug Control which was promulgated by royal kram no NS/RKM/0505/014 dated on 09 May 2005
9. Law on Anti-Money Laundering and Combating Financing of Terrorism which was promulgated by royal kram no NS/RKM/0607/014 dated on 24 June 2007
10. Code of Criminal Procedure which was promulgated by royal kram no NS/RKM/0807/024 dated on 10 August 2007
11. Penal Code which was promulgated by royal kram no NS/RKM/1109/022 dated on 30 November 2009
12. Law on Anti-Corruption which was promulgated by royal kram no NS/RKM/0410/004 dated on 17 April 2010
13. Law on Amendment of Law on Anti-Corruption which was promulgated by royal kram no NS/RKM/0811/017 dated on 01 August 2011
14. Law on Prison which was promulgated by royal kram no NS/RKM/1211/021 dated on 21 December 2011

If applicable, please attach relevant draft bills, policies and/or other measures that you want to be taken into account in the present review.

Not applicable.

Have you ever assessed the effectiveness of anti-corruption measures taken by your country? If available, please attach any relevant documents (e.g. gap analysis, reports of other international and regional review mechanisms, policy studies).

Other mutual evaluations of Cambodia include the following.

- Cambodia joined the Asian Development Bank and Organization for...
Other mutual evaluations of Cambodia include the following.

- Cambodia joined the Asian Development Bank and Organization for Economic Co-operation and Development (ADB/OECD) anti-corruption initiative for Asia and the Pacific in 05 March 2003 and has been evaluated on specific themes since then.

- Cambodia became a member of the Asia Pacific Group (APG) in 2004. Cambodia has been developing anti-money laundering and combating the financing of terrorism system. Cambodia has passed the Law on anti-money laundering and combating the financing of terrorism. Cambodia has established a Financial Intelligence Unit in National Bank of Cambodia. Cambodia underwent its first APG Mutual Evaluation in February 2007.

If available, please provide as attachments by separate email to the secretariat any of the documents listed above that also exist in any other official language of the United Nations (Arabic, Chinese, English, French, Russian or Spanish).

III. Criminalization and law enforcement

15. Bribery of national public officials

63. Subparagraph (a) of article 15

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) The promise, offering or giving, to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties;

Has your country adopted and implemented the measures described above? (Check one answer.)

(P) Yes, in part

This provision under review has been implemented through Articles 605 and 518 of Cambodian Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009). Though those articles stipulate without the element of “…promise, giving or offering undue advantage to another person or entity…”, in addition, 4 other Articles of Cambodian Penal Code (Article 25: Definition of perpetrator, Article 26: Definition of co-perpetrator, Article 28: Definition of instigator, Article 29: Definition of accomplice) and an article of Law on Anti-Corruption (Article 37: Corruption proceeds offences) cover this element.

According to Cambodian Laws, it is an offense if there is an agreement between parties, the briber and the official, whether any form of undue advantage is given to official him/herself or to another person or entity (article 4 of Anti-Corruption Law, and article 528, 529,625 of Penal Code).

It is worth to note that Cambodian Legal System follows civil law and thus usually a certain provision on legislation does not attempt to cover everything.
This provision under review has been implemented through Articles 605 and 518 of Cambodian Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009). Though those articles stipulate without the element of “…promise, giving or offering undue advantage to another person or entity…”, in addition, 4 other Articles of Cambodian Penal Code (Article 25: Definition of perpetrator, Article 26: Definition of co-perpetrator, Article 28: Definition of instigator, Article 29: Definition of accomplice) and an article of Law on Anti-Corruption (Article 37: Corruption proceeds offences) cover this element.

According to Cambodian Laws, it is an offense if there is an agreement between parties, the briber and the official, whether any form of undue advantage is given to official him/herself or to another person or entity (article 4 of Anti-Corruption Law, and article 528, 529,625 of Penal Code).

It is worth to note that Cambodian Legal System follows civil law and thus usually a certain provision on legislation does not attempt to cover everything. Usually on the application of certain provision, you need to take other provisions into account.

On the question of another person or entity, the important thing is to prove the connection of the benefit between the public official and the third party.

Please consider the following scenarios (In all scenarios, the briber will be charged for giving bribe and the official him/herself will be charged for receiving bribe).

Eg. Briber gives the gift to the third party of the official. There are 3 scenarios for this case.

1. The third party is not aware of the benefit. In this case, he/she will not be accountable (unconscious keeper). For example, a briber and a public official make an arrangement for the public official’s son to go to college on the scholarship which only possible by the help of briber in exchange that the public official act or refrain from acting in the exercise of his or her official duty.

2. The third party is aware of the benefit. In this case, he/she will be held accountable if he/she himself accepts the benefit with intent; or not be held accountable if he/she is under the influence or force without his/her own intent (article 32 of penal code).

3. The third party aids or facilitates the commission of the crime. In this case, he/she will be charged as accessory of bribe receiving offense (article 29 of Penal Code).

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)
Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 605: Proffering of bribes

Unlawfully proffering, directly or indirectly, any gift, offer, promise or interest, in order to induce a public official or a holder of public elected office:

(1). to perform an act pertaining to or facilitated by his or her function;

(2). to refrain from performing an act pertaining to or facilitated by his or her function;

shall be punishable by imprisonment from five to ten years.

Article 518: Bribery of Judge

The direct, indirect or unlawful giving of a gift, offer, promise or benefit to a judge with a view to obtaining from such a judge:

(1). the performance of an act pertaining to his or her function;

(2). the non-performance of an act pertaining to his or her function;

shall be punishable by imprisonment from five to ten years.

Article 25: Definition of perpetrator

The perpetrator of an offence shall be any person who commits the relevant criminally prohibited act.

The definition of perpetrator includes any person who attempts to commit a felony or, in the cases provided for by law, a misdemeanour.

Article 26: Definition of co-perpetrator

The co-perpetrators of an offence shall be any persons who, by mutual agreement, commit the relevant criminally prohibited act.

The definition of co-perpetrator includes any persons who, by mutual agreement, attempt to commit a felony or, in the cases provided for by law, a misdemeanour.

Article 28: Definition of instigator

An instigator of a felony or a misdemeanour shall be any person who:

(3). gives instructions or order to commit a felony or misdemeanour;

(4). provokes the commission of a felony or misdemeanour by means of a gift, promise, threat, instigation, persuasion or abuse of authority or power.

An instigator may only be punishable if the felony or misdemeanour was committed or attempted.
Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 605: Proffering of bribes

Unlawfully proffering, directly or indirectly, any gift, offer, promise or interest, in order to induce a public official or a holder of public elected office:

(1). to perform an act pertaining to or facilitated by his or her function;

(2). to refrain from performing an act pertaining to or facilitated by his or her function;

shall be punishable by imprisonment from five to ten years.

Article 518: Bribery of Judge

The direct, indirect or unlawful giving of a gift, offer, promise or benefit to a judge with a view to obtaining from such a judge:

(1). the performance of an act pertaining to his or her function;

(2). the non-performance of an act pertaining to his or her function;

shall be punishable by imprisonment from five to ten years.

Article 25: Definition of perpetrator

The perpetrator of an offence shall be any person who commits the relevant criminally prohibited act.

The definition of perpetrator includes any person who attempts to commit a felony or, in the cases provided for by law, a misdemeanour.

Article 26: Definition of co-perpetrator

The co-perpetrators of an offence shall be any persons who, by mutual agreement, commit the relevant criminally prohibited act.

The definition of co-perpetrator includes any persons who, by mutual agreement, attempt to commit a felony or, in the cases provided for by law, a misdemeanour.

Article 28: Definition of instigator

An instigator of a felony or a misdemeanour shall be any person who:

(3). gives instructions or order to commit a felony or misdemeanour;

(4). provokes the commission of a felony or misdemeanour by means of a gift, promise, threat, instigation, persuasion or abuse of authority or power.

An instigator may only be punishable if the felony or misdemeanour was...
Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 605: Proffering of bribes

Unlawfully proffering, directly or indirectly, any gift, offer, promise or interest, in order to induce a public official or a holder of public elected office:

(1). to perform an act pertaining to or facilitated by his or her function;

(2). to refrain from performing an act pertaining to or facilitated by his or her function;

shall be punishable by imprisonment from five to ten years.

Article 518: Bribery of Judge

The direct, indirect or unlawful giving of a gift, offer, promise or benefit to a judge with a view to obtaining from such a judge:

(1). the performance of an act pertaining to his or her function;

(2). the non-performance of an act pertaining to his or her function;

shall be punishable by imprisonment from five to ten years.

Article 25: Definition of perpetrator

The perpetrator of an offence shall be any person who commits the relevant criminally prohibited act.

The definition of perpetrator includes any person who attempts to commit a felony or, in the cases provided for by law, a misdemeanor.

Article 26: Definition of co-perpetrator

The co-perpetrators of an offence shall be any persons who, by mutual agreement, commit the relevant criminally prohibited act.

The definition of co-perpetrator includes any persons who, by mutual agreement, attempt to commit a felony or, in the cases provided for by law, a misdemeanor.

Article 28: Definition of instigator

An instigator of a felony or a misdemeanor shall be any person who:

(3). gives instructions or order to commit a felony or misdemeanour;

(4). provokes the commission of a felony or misdemeanor by means of a gift, promise, threat, instigation, persuasion or abuse of authority or power.

Please provide examples of cases and attach case law if available.
There is no case regarding Proffering of bribes.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

Not applicable.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Royal Government of Cambodia plans to further disseminate this law to law enforcement officials, judges, prosecutors, and other entities. Capacity building for specific skills to relevant officials is also a priority tasks done by Royal Government of Cambodia.

The establishment of systems for managing, collecting, and analyzing of information and data in relevant ministries-institutions has to be done and strengthened by making it systematic, linked, and advanced in order to be used as the ground for analysis, investigate, share, and design the strategic plan for the entities.

64. Subparagraph (b) of article 15

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

... 

(b) The solicitation or acceptance by a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.

Has your country adopted and implemented the measures described above? (Check one answer.)

(P) Yes, in part

This provision under review has been implemented through Article 594 and 517 of Cambodian Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009). Though those articles stipulates without the element of promise, giving or offering undue advantage to another person or entity, in implementation, other 4 Articles of Cambodian Penal Code (Article 25: Definition of perpetrator, Article 26: Definition of co-perpetrator, Article 28: Definition of instigator, Article 29: Definition of accomplice) and an article of Law on Anti-Corruption (Article 37: Corruption proceeds offences) cover this element.

Please see the response in article 15.a of UNCAC.

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)
Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 594: Acceptance of bribery

The direct or indirect request for or acceptance of gifts, offers, promises or interests, without authorization, by a public official or a holder of public elected office shall be punishable by imprisonment from seven to fifteen years where it is committed:

1. perform an act related to or facilitated by his or her function;
2. to refrain from performing an act related to or facilitated by his or her function.

Article 517: Bribery by judges

The direct or indirect request or unlawful acceptance of a gift, offer, promise or interest by a judge:

1. to perform an act pertaining to his or her function;
2. to refrain from performing an act pertaining to his or her function;

shall be punishable by imprisonment from seven to fifteen years.

Please provide examples of cases and attach case law if available.

1. The judgment of Criminal Case No. 484 dated 30th November, 2010, the trial conducted on 27th April, 2011 and the public judgment made on 12 May, 2011

On 24 June 2010, a former prosecutor attached to Pursat Provincial Court of First Instance and his other 3 accomplices had detained a car which carried the illegal logging. In this mission, he and his accomplices had detained 2 people and requested the payment of 8000 dollars and finally reached the agreement of paying 3000 dollars. After the money was paid, the two victims were released and the money were shared.

The former prosecutor attached to a Provincial Court of First Instance was sentenced to 19 years imprisonment and required to pay 4,000,000,00 Riel to the plaintiff of civil case on the ground of kidnapping, illegal detention, and taking the bribe committed on 24 -25th June, 2010 in compliance with article 7, section3 on Law on Aggravation Circumstance of Felony and article 38 of Criminal Law and Procedure applicable in Cambodia under the Transitional Period.

2. The judgment of Criminal Case No. 53 dated 26th September, 2012 of a court of the first instance on the case of a former investigating
1. The judgment of Criminal Case No. 484 dated 30th November, 2010, the trial conducted on 27th April, 2011 and the public judgment made on 12 May, 2011

On 24 June 2010, a former prosecutor attached to Pursat Provincial Court of First Instance and his other 3 accomplices had detained a car which carried the illegal logging. In this mission, he and his accomplices had detained 2 people and requested the payment of 8000 dollars and finally reached the agreement of paying 3000 dollars. After the money was paid, the two victims were released and the money were shared.

The former prosecutor attached to a Provincial Court of First Instance was sentenced to 19 years imprisonment and required to pay 4,000,000,00 Riel to the plaintiff of civil case on the ground of kidnapping, illegal detention, and taking the bribe committed on 24 -25th June, 2010 in compliance with article 7, section3 on Law on Aggravation Circumstance of Felony and article 38 of Criminal Law and Procedure applicable in Cambodia under the Transitional Period.

2. The judgment of Criminal Case No. 53 dated 26th September, 2012 of a court of the first instance on the case of a former investigating judge

Verdict No.08 Kr IV T/18-01-2013 dated January 18th, 2013

A former investigating judge of a Provincial Court of First Instance was accused of illicit enrichment (article 36 of Law on Anti-Corruption) and Bribery of the Judge (article 517 of Penal Code) which was committed at the court of the first instance on 20th January 2012. This investigating judge abused their function by threatening for the payment of 5000 dollars in return of holding the file without processing while that person was actually a witness in a case.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

Not applicable.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Royal Government of Cambodia plans to further disseminate this law to law enforcement officials, judges, prosecutors, and other entities. Capacity building for specific skills to relevant officials is also a priority tasks done by Royal Government of Cambodia.

The establishment of systems for managing, collecting, and analyzing of information and data in relevant ministries-institutions has to be done and strengthened by making it
Royal Government of Cambodia plans to further disseminate this law to law enforcement officials, judges, prosecutors, and other entities. Capacity building for specific skills to relevant officials is also a priority tasks done by Royal Government of Cambodia.

65. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(N) No

16. Bribery of foreign public officials and officials of public international organizations

66. Paragraph 1 of article 16

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the promise, offering or giving to a foreign public official or an official of a public international organization, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties, in order to obtain or retain business or other undue advantage in relation to the conduct of international business.

Has your country adopted and implemented the measures described above? (Check one answer.)

(P) Yes, in part

Through analysis of Cambodian legislation, it is clear that the measure described above is defined as a crime under Cambodian Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010) in Article 34: Bribes offered to Foreign Public Officials or Officials of Public International Organization. Though those articles stipulate without the element of promise, giving or offering undue advantage to another person or entity, in implementation, other 4 Articles of Cambodian Penal Code (Article 25: Definition of perpetrator, Article 26: Definition of co-perpetrator, Article 28: Definition of instigator, Article 29: Definition of accomplice) and an article of Law on Anti-Corruption (Article 37: Corruption proceeds offences) cover this element. The definitions of Foreign Public Official and Official of a Public International Organization are also defined in article 4 of Law on Anti-Corruption.

Please see the response in article 15.a of UNCAC.

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 4: Definition
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 4: Definition

The technical terms in this law are as follow:

3. Foreign Public Official shall mean any person holding a legislative, executive, or judicial office of a foreign country, whether appointed or elected; and any foreigner exercising a public function for a foreign country, including for a public agency or public enterprise.

4. Official of a Public International Organization shall mean an international servant or any person who is authorized by such an organization to act on behalf of that organization.

Article 34: Bribes offered to Foreign Public Officials or Officials of Public International Organization

Any person shall be sentenced from five (5) to ten (10) years if he/she unrightfully, directly or indirectly, offers gift or donation or promise or any benefit to foreign public officials or officials of public international organization, in order that the officials:

Please provide examples of cases and attach case law if available.

There is no case regarding this.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

Not applicable.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Royal Government of Cambodia plans to further disseminate this law to law enforcement officials, judges, prosecutors, and other entities. Capacity building for specific skills to relevant officials is also a priority tasks done by Royal Government of Cambodia.

The establishment of systems for managing, collecting, and analyzing of information and data in relevant ministries-institutions has to be done and strengthened by making it systematic, linked, and advanced in order to be used as the ground for analysis, investigate, share, and design the strategic plan for the entities.

67. Paragraph 2 of article 16

2. Each State Party shall consider adopting such legislative and other measures as may be necessary to establish
2. Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the solicitation or acceptance by a foreign public official or an official of a public international organization, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her functions.

Has your country adopted and implemented the measures described above? (Check one answer.)

(P) Yes, in part

Article 33: Bribetaking by Foreign Public Officials or Officials of Public International Organizations of Cambodian Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010) complies with this provision. Though those articles stipulate without the element of promise, giving or offering undue advantage to another person or entity, in implementation, other 4 Articles of Cambodian Penal Code (Article 25: Definition of perpetrator, Article 26: Definition of co-perpetrator, Article 28: Definition of instigator, Article 29: Definition of accomplice) and an article of Law on Anti-Corruption (Article 37: Corruption proceeds offences) cover this element.

Please see the response in article 15.a of UNCAC.

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 33: Bribetaking by Foreign Public Officials or Officials of Public International Organization

Foreign public officials or officials of public international organizations shall be sentenced from 7 years to 15 years for unrightfully asking for, demanding or accepting, directly or indirectly, gift, donation, promise or any benefit in order to:

1. Either perform his/her duty or be facilitated by his or her function; Or
2. Refrain from performing his or her duty or being facilitated by his or her function.

Please provide examples of cases and attach case law if available.

There is no case regarding this.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

Not applicable.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Royal Government of Cambodia plans to further disseminate this law to the public and law enforcement officials and has been strengthening the effectiveness of law enforcement officials.
Royal Government of Cambodia plans to further disseminate this law to the public and law enforcement officials and has been strengthening the effectiveness of law enforcement.

The establishment of systems for managing, collecting, and analyzing of information and data in relevant ministries-institutions has to be done and strengthened by making it systematic, linked, and advanced in order to be used as the ground for analysis, investigate,

68. Technical Assistance
The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)
(N) No

17. Embezzlement, misappropriation or other diversion of property by a public official

69. Article 17

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally, the embezzlement, misappropriation or other diversion by a public official for his or her benefit or for the benefit of another person or entity, of any property, public or private funds or securities or any other thing of value entrusted to the public official by virtue of his or her position.

Has your country adopted and implemented the measures described above? (Check one answer.)
(Y) Yes

Provision under review has been implemented through 6Articles (592: Definition of misappropriation of public funds, 593: Applicable penalty, 597: Definition of unlawful exploitation, 598: Applicable penalty, 601: Intentional destruction and embezzlement, 608: Destruction and embezzlement) of Cambodian Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009). Though those articles stipulate without the element of promise, giving or offering undue advantage to another person or entity, in implementation, other 4 Articles of Cambodian Penal Code (Article 25: Definition of perpetrator, Article 26: Definition of co-perpetrator, Article 28: Definition of instigator, Article 29: Definition of accomplice) and an article of Law on Anti-Corruption (Article 37: Corruption proceeds offences) cover this element.

Please see the response in article 15.a of UNCAC.

Please cite the applicable policy(s), law(s) or other measure(s).

Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)
Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 592: Definition of misappropriation of public funds

The misappropriation of public funds is an act committed by a public official or a holder of public elected office:

1. to demand or receive as entitlements, duties or taxes of any sum known not to be due, or known to exceed the due amount;
2. to grant, in any form and for any reason, any exoneration or exemption from duties or taxes in breach of law.

Article 593: Applicable penalty

Misappropriation of public funds shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Article 597: Definition of unlawful exploitation

"Unlawful exploitation" is the act committed, either directly or indirectly, by a public official or a holder of public elected office to take, receive or keep any interest in:

1. an enterprise by such a public official or a holder of public elected office who has the duty of ensuring, in whole or in part, its supervision, management or liquidation;
2. an operation by such a public official or a holder of public elected office who has the duty of ensuring, in whole or in part, its supervision or liquidation

Article 598: Applicable penalty

Unlawful exploitation shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Article 601: Intentional destruction and embezzlement

The intentional destruction or embezzlement of a document or security, of private or public funds, or of any other item entrusted to him or her, committed by a public official or a holder of public elected office shall be punishable by imprisonment from five to ten years.

Article 608: Destruction and embezzlement

The destruction, embezzlement or purloining of a document or security of private or public funds, or of any other item entrusted to a public official or a holder of public elected office, by reason of his or her function, shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.
Please provide examples of cases and attach case law if available.

The Criminal Case No. 2547 dated 8 August, 2012 the trial was conducted on 14 March, 2013 and the public announcement of the verdict was done on 22 March, 2013

4 officials of a ministry were accused of unlawful exploitation committed in the implementation of the project on “granting social concession land and building houses for former militants in 6 provinces” in Phnom Penh in 2011 and early 2012. The offences were stipulated in article 32 of Anti-Corruption Law and article 597 & 598 of Criminal Code. The verdict hereby decided that all the 4 accused received a four-year imprisonment, but this sentence can be suspended and they were required to pay the fine of 10,000,000.00 Riel to the national budget. Moreover, the 4 accused are required to pay another 1,000,000.00 USD to the State through the Anti-Corruption Unit.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

Not applicable.

70. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(N) No

18. Trading in influence

71. Subparagraph (a) of article 18

Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) The promise, offering or giving to a public official or any other person, directly or indirectly, of an undue advantage in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage for the original instigator of the act or for any other person;

Has your country adopted and implemented the measures described above? (Check one answer.)

29/12/2015 Cambodia

UNCAC Self-Assessment Checklist - Cycle 1 - Cambodia
Yes, in part
As stipulated in Article 606: Active trading influence of Cambodian Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009), it complies with this provision. This article provides for the crime of active trading in influence, referring to unlawfully proffering, directly or indirectly, any gift, offer, promise or interest, in order to induce a public official or a holder of public elected office so that such a person may unlawfully use his or her real or supposed influence with a view to obtaining public tenders, emblem or any other favourable decision from a State institution.

The person who abuses his/her real or supposed influence is a public official, he/she will be punished by article 595, 596 of penal code. The briber will be charged of 606 of penal code.

The person who abuses his/her real or supposed influence is not a public official, the following circumstances should be taken into consideration:

1. Procurement: the 3 parties involved namely the instigator, the person who abuses his/her real or supposed influence, and the person who is in charge of administration or public authority will be charged with offences concerning public procurement (For example: article 387 of Penal Code, article 68, 69, 72 of Public procurement law).

2. In General: the person who abuses his/her real or supposed influence will be charged of article 609 of penal code or article 40 of Anti-Corruption Law and the instigator will be charge of article 28 of penal code.

As for the undue advantage receive, Cambodia explained that it does not matter if the original instigator of the act or any other person received it, as long as it can be proved that there is a connection of benefit between the instigator and any other person as in the case of article 15 (a) of UNCAC.

Please cite the applicable policy(s), law(s) or other measure(s).

Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 606: Active trading in influence

Unlawfully proffering, directly or indirectly, any gift, offer, promise or interest, in order to induce a public official or a holder of public elected office so that such a person may unlawfully use his or her real or supposed influence with a view to obtaining public tenders, emblem or any other favourable decision from a State institution shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riel.

Article 28: Definition of instigator

An instigator of a felony or a misdemeanour shall be any person who:

(1) gives instructions or order to commit a felony or misdemeanour;

(2) provokes the commission of a felony or misdemeanour by means
Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

**Article 606: Active trading in influence**

Unlawfully proffering, directly or indirectly, any gift, offer, promise or interest, in order to induce a public official or a holder of public elected office so that such a person may unlawfully use his or her real or supposed influence with a view to obtaining public tenders, emblem or any other favourable decision from a State institution shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

**Article 28: Definition of instigator**

An instigator of a felony or a misdemeanour shall be any person who:

1. gives instructions or order to commit a felony or misdemeanour;
2. provokes the commission of a felony or misdemeanour by means of a gift, promise, threat, instigation, persuasion or abuse of authority or power.

An instigator may only be punishable if the felony or misdemeanour was committed or attempted.

An instigator of a felony or misdemeanour shall incur the same penalties as the perpetrator.

**Article 387: Improper bidding**

In a public auction, the rejection of a bid or tampering with bids by gifts, promises, understandings or any other fraudulent means, shall be punishable by imprisonment from six months to two years and a fine from one to four million Riels.

**Article 609: Unlawful interference in the discharge of public functions**

Any person acting without authority who interferes in the discharge of a public function by performing an act reserved for the holder of this office shall be punishable by imprisonment from one to three years and a fine from two million to six million Riels.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

**Article 40: Obstruction or Interference offenses in the work of the Anti-Corruption Unit**
Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 606: Active trading in influence

Please provide examples of cases and attach case law if available. There is no case regarding this.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed. Not applicable.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review. Royal Government of Cambodia plans to further disseminate this law to law enforcement officials, judges, prosecutors, and other entities. The establishment of systems for managing, collecting, and analyzing of information and data in relevant ministries-institutions has to be done and strengthened by making it systematic, linked, and advanced in order to be used as the ground for analysis, investigate, share, and design the strategic plan for the entities.

72. Subparagraph (b) of article 18

Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

... (b) The solicitation or acceptance by a public official or any other person, directly or indirectly, of an undue advantage for himself or herself or for another person in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage.

Has your country adopted and implemented the measures described above? (Check one answer.)

(P) Yes, in part

Cambodia has partially implemented the provision under review through article 595(Definition of passive trading in influence) and 596(Applicable penalty) of Cambodian Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009).

Please see the response in article 18.a of UNCAC.

Please cite the applicable policy(s), law(s) or other measure(s).
Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 595: Definition of Passive trading in influence

"Passive trading in influence" is the act committed by a public official or a holder of public elected office to directly or indirectly request or accept, without authorization, gifts, offers, promises or interests so that such a person may unlawfully use his or her real or supposed influence with a view to obtaining public tenders, emblem or any other favourable decision from a State institution.

Article 596: Applicable penalty

Passive trading in influence shall be punishable by imprisonment from five to ten years.

Please provide examples of cases and attach case law if available.

There is no case regarding this.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

Not applicable.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Royal Government of Cambodia plans to further disseminate this law to law enforcement officials, judges, prosecutors, and other entities.

The establishment of systems for managing, collecting, and analyzing of information and data in relevant ministries-institutions has to be done and strengthened by making it systematic, linked, and advanced in order to be used as the ground for analysis, investigate, share, and design the strategic plan for the entities.

73. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(N) No
19. Abuse of functions

74. Article 19

Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the abuse of functions or position, that is, the performance or failure to perform an act, in violation of laws, by a public official in the discharge of his or her functions, for the purpose of obtaining an undue advantage for himself or herself or for another person or entity.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Cambodia complies with the criminalization of the Abuse of functions through Article 35 (Abuse of functions) of Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010) and article 592 (Definition of misappropriation of public funds) and 593 (applicable penalty) of Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009).

According article 586 of penal code, abuse of functions is an offense even without the element of “Taking any illegal advantage in exchange of the act of abuse of functions”. Please see the response in article 15.a of UNCAC.

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 35: Abuse of functions

An act committed by public servants or citizens invested with public office through election, in the exercise of his or he duty or in the course of exercising his or her duty such as taking action to hinder law enforcement in order to take any illegal advantage, shall be punishable from two (2) to five (5) years in prison and fine from four million Riel (4,000,000) to ten million Riel (10,000,000).

This offence shall be punishable by imprisonment from five (5) to ten (10) years when such offence goes into effect.

Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 586: Measures to obstruct law enforcement and aggravating circumstances

The taking of measures designed to obstruct law enforcement, committed by a public official or a holder of public elected office, in the discharge or on the occasion of his or her function, shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.
Article 35: Abuse of functions

An act committed by public servants or citizens invested with public office through election, in the exercise of his or her duty or in the course of exercising his or her duty such as taking action to hinder law enforcement in order to take any illegal advantage, shall be punishable from two (2) to five (5) years in prison and fine from four million Riel (4,000,000) to ten million Riel (10,000,000).

This offence shall be punishable by imprisonment from five (5) to ten (10) years when such offence goes into effect.

Please provide examples of cases and attach case law if available.

- Letter No.002/12(Case No. 007/12) dated on 03 November 2012 issued by ACU on the case of an the case of a gendarmerie threatened an official of the forestry administration in his duty to crack down the crime on the night of 3rd November 2012 in a province.

- The verdict order for the provisional detention No.351 dated on 3 November, 2012 issued by a Provincial Court of First Instance.

- Letter No.017/12 RBK/ACU on the conclusion report on the case submitted to Prosecutor attached to a Provincial Court of First Instance dated on 3 November, 2012.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

Not applicable.

75. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(N) No

20. Illicit enrichment
76. Article 20

Subject to its constitution and the fundamental principles of its legal system, each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, illicit enrichment, that is, a significant increase in the assets of a public official that he or she cannot reasonably explain in relation to his or her lawful income.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

The provision under review has been implemented through Article 36 (Illicit Enrichment) of Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010). According to Cambodian legislation, in comparison to his or her legal income, any unexplainable wealth increase shall face confiscation and, if it is connected to any corruption offense, the wealth owner shall be punished in accordance with that offense.

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 36: Illicit Enrichment

Illicit enrichment is an increase in the wealth of an individual and the individual cannot provide reasonable explanation of its increase in comparison to his or her legal income.

After the first assets and liabilities declaration, every person as described in article 17 (people required to declare assets and debt) and article 19 (other people required to declare assets and debt) of this law, who cannot provide a reasonable explanation of the wealth increase in comparison to his or her legal income, shall face confiscation of the unexplainable property. All of the confiscated property will become state property.

If the unexplainable wealth increase is connected to any corruption offense as stated in this law, the wealth owner shall be punished in accordance with this law.

Please provide examples of cases and attach case law if available.

The judgment of Criminal Case No. 53 dated 26th September, 2012 of a court of the first instance on the case of a former investigating judge

Verdict No.08 Kr IV T/18-01-2013 dated January 18th, 2013

A former investigating judge of a Provincial Court of First Instance was accused of illicit enrichment (article 36 of Law on Anti-Corruption) and Bribery of the Judge (article 517 of Penal Code) which
The judgment of Criminal Case No. 53 dated 26th September, 2012 of a court of the first instance on the case of a former investigating judge

Verdict No.08 Kr IV T/18-01-2013 dated January 18th, 2013

A former investigating judge of a Provincial Court of First Instance was accused of illicit enrichment (article 36 of Law on Anti-Corruption) and Bribery of the Judge (article 517 of Penal Code) which was committed at the court of the first in stance on 20th January 2012. This investigating judge abused their function by threatening for the payment of 5000 dollars in return of holding the file without processing while that person

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

Not applicable.

77. Technical Assistance
The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(N) No

21. Bribery in the private sector

78. Subparagraph (a) of article 21

Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally in the course of economic, financial or commercial activities:

(a) The promise, offering or giving, directly or indirectly, of an undue advantage to any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting;

Has your country adopted and implemented the measures described above? (Check one answer.)

(P) Yes, in part

Article 279 (Giving bribes to employees), 280 (Bribery by administrators), and 283(Criminal responsibility of legal entities) of Cambodian Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009) complies with UNCAC provision, but it is worth mentioning that the act of offering any gift, promise, or reward to an employee for him
Article 279 (Giving bribes to employees), 280 (Bribery by administrators), and 283 (Criminal responsibility of legal entities) of Cambodian Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009) complies with UNCAC provision, but it is worth mentioning that the act of offering any gift, promise, or reward to an employee for him or her to perform or refrain from performing an act pertaining to his or her duties is considered as a crime only when it is committed without the knowledge of or agreement from his or her employer.

It is an offense if there is an agreement between parties, the briber and the employee, whether any form of undue advantage is given to employee him/herself or to another person (As in the case explained in responses to article 15 (a) of UNCAC).

Concerning the point that “it is not an offense if there is an agreement or consent of the employers”, Cambodian legislation recognizes the rights of private sector in setting out their internal regulations and policies as long as it complies with domestic law. In additions, the law recognizes the principle of accountability of both natural person and legal person.

Please consider the following scenarios:

- An employee in charge of human resource recruitment demands undue advantage from the applicant in exchange for the position, without the knowledge of his employers, he/she will be liable for his/her act under article 278 of Penal code. It is illogical to think that the employer would permit his employee to commit such an act with his full knowledge; this is because as an employer he would simply prefer to recruit competent staff with the level playing field for all applicants.

- In private procurement circumstances, if a subcontractor offers undue advantage to a person in charge of procurement of the company which opens the procurement bidding, an employee of the subcontractor would be punishable with article 279 or article 280 of penal code while the subcontractor would be liable as a legal person under article 283 of penal code. For the person in charge of

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 279: Giving bribes to employees

Any person who offers any donation, gift, promise, or reward to an employee unknown to his or her employer or without his or her authorization, to perform or refrain from performing an act pertaining to his or her duties shall be punishable by imprisonment from six months to two years and a fine from one million to four million Riels.

Article 280: Bribery by administrators

1. If any person referred to in paragraphs 393(1) and (2) (Breach of trust specifically by administrators or other persons) of this Code or an inspector accepting an unlawful request receives a material benefits or demands or promises to receive benefits from illegal request shall be punishable by imprisonment from five to ten years.
Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 279: Giving bribes to employees

Any person who offers any donation, gift, promise, or reward to an employee unknown to his or her employer or without his or her authorization, to perform or refrain from performing an act pertaining to his or her duties shall be punishable by imprisonment from six months to two years and a fine from one million to four million Riel.

Article 280: Bribery by administrators

1. If any person referred to in paragraphs 393(1) and (2) (Breach of trust specifically by administrators or other persons) of this Code or an inspector accepting an unlawful request receives a material benefit or demands or promises to receive benefits from illegal request shall be punishable by imprisonment from five to ten years.

2. The same penalty is applicable to anyone who furnishes, offers or promises a benefit within the meaning of paragraph (1).

3. Any material benefit within the meaning of paragraph (1) shall be confiscated. If the benefit cannot be confiscated in whole or in part, the shortfall shall be paid by the recipient.

Article 283: Criminal responsibility of legal entities

Legal entities may be found criminally responsible under Article 42 (Criminal responsibility of legal entities) of this Code for the offences defined in

Please provide examples of cases and attach case law if available.

There is no case regarding this.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

Not applicable.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

In order to ensure the full implementation of the provision under review, the Cambodian government is committed for more engagement with the private sector with a view to ensure that the private sector plays a more preventive role in fighting corruption is being planned. According to the Five Year Strategic Plan (2011-2015), in 2014, the Anti-Corruption Unit has initiated a cooperative anti-corruption plan with private sector which is called “Anti-Corruption Unit - Private Sector Anti-Corruption...
In order to ensure the full implementation of the provision under review, the Cambodian government is committed for more engagement with the private sector with a view to ensure that the private sector plays a more preventive role in fighting corruption is being planned. According to the Five Year Strategic Plan (2011-2015), in 2014, the Anti-Corruption Unit has initiated a cooperative anti-corruption plan with private sector which is called “Anti-Corruption Unit - Private Sector Anti-Corruption Program Initiative”.

The initiative centres on the partnership strategy and builds from good collaboration with the PS with the objective to encourage PS to collaborate with law enforcement agency, conduct clean business, & to be responsible corporate citizen. With the timeframe of around 3-4 years, there are 4 steps in this initiative as the following:

1. Develop a Guide on Anti-Corruption Program for Business in Cambodia.

2. Conduct serial workshops with PS on a regular basis eg. once a month or every two months. The PS players could also be invited to share their experience on Anti-Corruption program.

3. Encourage PS players to develop their own Anti-Corruption Program via various means (with incentives).

4. Demand PS to have in-house Anti-Corruption Program at least in a certain degree. (Taking the company & local context into consideration).

ACU stays flexible with initiative as receiving more inputs from PS partners. This initiative is built with the 3 Principles of work “voluntary, encouraging, demanding”. This should happen in tandem. ACU is committed to work with PS and other stakeholders to build trust to achieve favourable outcome in the fight against corruption. As of 2014, in the 1 step, ACU has held 2 meetings (15 August 2014 & 9 September 2014).

79. Subparagraph (b) of article 21

Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally in the course of economic, financial or commercial activities:

... 

(b) The solicitation or acceptance, directly or indirectly, of an undue advantage by any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting.
Yes, in part

Article 278 (Requesting or accepting bribes by employees) and article 280 (Bribery by administrators) of Cambodian Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009) complies with UNCAC provision, but it is worth mentioning that the act of requesting or accepting any gift, promise, or reward for an employee to perform or refrain from performing an act pertaining to his or her duties is considered as a crime only when it is committed without the knowledge of or agreement from his or her employer.

Please see the response in article 21.a of UNCAC.

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 278: Requesting or accepting bribes by employees

An employee who requests or accepts, unknown to his or her employer or without his or her authorization, any donation, gift, promise, or reward for performing or refraining from performing an act pertaining to his or her duties, shall be punishable by imprisonment from six months to two years and a fine from one million to four million Riel.

Article 280: Bribery by administrators

1. If any person referred to in paragraphs 393(1) and (2) (Breach of trust specifically by administrators or other persons) of this Code or an inspector accepting an unlawful request receives a material benefits or demands or promises to receive benefits from illegal request shall be punishable by imprisonment from five to ten years.

2. The same penalty is applicable to anyone who furnishes, offers or promises a benefit within the meaning of paragraph (1).

3. Any material benefit within the meaning of paragraph (1) shall be

Please provide examples of cases and attach case law if available.

There is no case regarding this.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

Not applicable.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

More engagement with the private sector with a view to ensure that the private sector plays a more preventive role in fighting corruption is being planned.
80. Technical Assistance
The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)
(N) No

22. Embezzlement of property in the private sector
81. Article 22

Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally in the course of economic, financial or commercial activities, embezzlement by a person who directs or works, in any capacity, in a private sector entity of any property, private funds or securities or any other thing of value entrusted to him or her by virtue of his or her position.

Has your country adopted and implemented the measures described above? (Check one answer.)
(Y) Yes
The provision under review has been implemented through articles 391, 392 and 393 of Cambodian Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009).

Please cite the applicable policy(s), law(s) or other measure(s).
Please cite the text(s)
Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 391: Definition of breach of trust
"Breach of trust" is committed when a person, to the prejudice of other persons, misappropriates funds, valuables or any property that were handed over to him or her and that he or she accepted subject to the condition of returning, redelivering, presenting or using them in a way.

Article 392: Applicable penalty
Breach of trust shall be punishable by imprisonment from six months to three years and a fine from one million to six million Riels.
Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 391: Definition of breach of trust

"Breach of trust" is committed when a person, to the prejudice of other persons, misappropriates funds, valuables or any property that were handed over to him or her and that he or she accepted subject to the condition of returning, redelivering, presenting or using them in a way.

Article 392: Applicable penalty

Breach of trust shall be punishable by imprisonment from six months to three years.

Please provide examples of cases and attach case law if available.

Verdict No.01 Kr III “N”/12-03-2012 dated on 12th March 2012 of Appellate Court on the case of a former vice executive director of a Company and a former executive director of another company which was on trial on 12th March 2012

A former vice executive director of a Company and a former executive director of another company were sentenced to 3 years imprisonment on the offence of breach of trust of a tycoon (the Civil Plaintiff) which were committed in Phnom Penh from 2008 till 07 September 2010 according to Article 10, 391, 392 of Penal Code.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

Not applicable.

82. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(N) No

23. Laundering of proceeds of crime
83. Subparagraph 1 (a) (i) of article 23

1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) (i) The conversion or transfer of property, knowing that such property is the proceeds of crime, for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of the predicate offence to evade the legal consequences of his or her action;

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Cambodia has fully implemented this provision of the Convention through article 3 New and 29 New-1 of Law on Amendment of Article 3, Article 29 and Article 30 of Law on Anti-Money Laundering and Combating the Financing of Terrorism (Promulgated by Royal Kram No. NS/RKM/0613/006 dated 03 June 2013) and article 406 of Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009). This newly amendment law defines **Money laundering** as the conversion or transfer of property, knowing that such property is the proceeds of any predicate offence, for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of any predicate offence to evade the legal consequences of his or her action; and imposes heavier punishment (longer imprisonment and more severe fine) for money laundering offence.

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

**Law on Amendment of Article 3, Article 29 and Article 30 of Law on Anti-Money Laundering and Combating the Financing of Terrorism (Promulgated by Royal Kram No. NS/RKM/0613/006 dated 03 June 2013)**

**Article 3 New.- Definition**

Notwithstanding any other provision of law, the terms:

(a) **Money laundering** shall mean:

(i) the conversion or transfer of property, knowing that such property is the proceeds of any predicate offence, for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of any predicate offence to evade the legal consequences of his or her action;

(ii) the concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of any predicate offence;

(iii) the acquisition, possession or use of property, knowing that such property is the proceeds of any predicate offence; or
Law on Amendment of Article 3, Article 29 and Article 30 of Law on Anti-Money Laundering and Combating the Financing of Terrorism (Promulgated by Royal Kram No. NS/RKM/0613/006 dated 03 June 2013)

**Article 3 New.- Definition**

Notwithstanding any other provision of law, the terms:

(a) *Money laundering* shall mean:

(i) the conversion or transfer of property, knowing that such property is the proceeds of any predicate offence, for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of any predicate offence to evade the legal consequences of his or her action;

(ii) the concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of any predicate offence;

(iii) the acquisition, possession or use of property, knowing that such property is the proceeds of any predicate offence; or

(iv) any form of participant in, and attempts to commit, aiding and forcing somebody to commit any of the acts defined in accordance with article 3 of the present law.

(b) *Proceeds of offence* shall mean any property derived from or obtained, directly or indirectly, through the commission of any predicate offences, which include any felony or misdemeanor.

(c) *Property* shall mean assets of every kind, whether movable or immovable, tangible or intangible, and legal documents or instruments evidencing title to, or interest in, such assets.

Property shall include instruments of and proceeds from money laundering, terrorist financing and all other serious crime. Property shall also include substitute property of the person or entity of equal value to the property that would be subject of freezing, seizure and confiscation.

(d) *“Supervisory authority”* shall mean the National Bank of Cambodia, the Securities Commission and any other authority having oversight over a reporting entity.

(e) *Predicate offense* mean any felony or misdemeanor, even if committed abroad, as a result of which proceeds have been generated that many become the subject of money laundering as defined above under article 3 new (a) of the present law.

In order to be used as a basic for proceedings in respect of money laundering, a predicate offense committed abroad must have the nature of offense in the country.
Article 3 New.- Definition

Notwithstanding any other provision of law, the terms:

(a) **Money laundering** shall mean:

(i) the conversion or transfer of property, knowing that such property is the proceeds of any predicate offence, for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of any predicate offence to evade the legal consequences of his or her action;

(ii) the concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of any predicate offence;

(iii) the acquisition, possession or use of property, knowing that such property is the proceeds of any predicate offence; or

(iv) any form of participant in, and attempts to commit, aiding and forcing somebody to commit any of the acts defined in accordance with article 3 of the present law.

(b) **Proceeds of offence** shall mean any property derived from or obtained, directly or indirectly, through the commission of any predicate offences, which include any felony or misdemeanor.

(c) **Property** shall mean assets of every kind, whether movable or immovable, tangible or intangible, and legal documents or instruments evidencing title to, or interest in, such assets.

Property shall include instruments of and proceeds from money laundering, terrorist financing and all other serious crime. Property shall also include substitute property of the person or entity of equal value to the property that would be subject of freezing, seizure and confiscation.

(d) “**Supervisory authority**” shall mean the National Bank of Cambodia, the Securities Commission and any other authority having oversight over a reporting entity.

(e) **Predicate offense** mean any felony or misdemeanor, even if committed abroad, as a result of which proceeds have been generated that many become the subject of money laundering as defined above under article 3 new (a) of the present law.

In order to be used as a basic for proceedings in respect of money laundering, a predicate offense committed abroad must have the nature of offense in the country.
Law on Amendment of Article 3, Article 29 and Article 30 of Law on Anti-Money Laundering and Combating the Financing of Terrorism (Promulgated by Royal Kram No. NS/RKM/0613/006 dated 03 June 2013)

Article 3 New.- Definition

Notwithstanding any other provision of law, the terms:

(a) *Money laundering* shall mean:

(i) the conversion or transfer of property knowing that such property is the

Please provide examples of cases and attach case law if available.

There is an order for preliminary inquiry issued by a prosecutor of a court of the first instance in 2013.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

Not applicable.

84. Subparagraph 1 (a) (ii) of article 23

1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

... 

(ii) The concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of crime;

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(Y) Yes

Cambodia has fully implemented this provision of the Convention through article 3 New and 29 New-1 of Law on Amendment of Article 3, Article 29 and Article 30 of Law on Anti-Money Laundering and Combating the Financing of Terrorism (Promulgated by Royal Kram No. NS/RKM/0613/006 dated 03 June 2013) and article 406 of Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009). This newly amendment law defines *Money laundering* as the concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of any predicate offence; and imposes heavier punishment (longer imprisonment and more severe fine) for money laundering offence.

*Please cite the applicable policy(s), law(s) or other measure(s).*
If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

Not applicable.

85. Subparagraph 1 (b) (i) of article 23

1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

... 

(b) Subject to the basic concepts of its legal system:

(i) The acquisition, possession or use of property, knowing, at the time of receipt, that such property is the proceeds of crime;

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Cambodia has fully implemented this provision of the Convention through article 3 New and 29 New-1 of Law on Amendment of Article 3, Article 29 and Article 30 of Law on Anti-Money Laundering and Combating the Financing of Terrorism (Promulgated by Royal Kram No. NS/RKM/0613/006 dated 03 June 2013) and article 406 of Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009). This newly amendment law defines **Money laundering** as the acquisition, possession or use of property, knowing that such property is the proceeds of any predicate offence; and imposes heavier punishment.

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

Please see the response in article 23.1.a.i of UNCAC.

Please provide examples of cases and attach case law if available.

There is no case regarding to this.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such

29/12/2015 Cambodia UNCAC Self-Assessment Checklist - Cycle 1 - Cambodia
If available, please provide related statistical data on number of investigations, prosecutions and Not applicable.

86. Subparagraph 1 (b) (ii) of article 23

1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

... 
(b) Subject to the basic concepts of its legal system:

...

(ii) Participation in, association with or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the offences established in accordance with this article.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Cambodia considered that it has fully implemented this provision of the Convention through article 3 New and 29 New-1 of Law on Amendment of Article 3, Article 29, and Article 30 of Law on Anti-Money Laundering and Combating the Financing of Terrorism and article 25, 26, 27, and 406 of Penal Code.

The newly amendment law defines Money laundering as any form of participant in, and attempts to commit, aiding and forcing somebody to commit any of the acts defined in accordance with article 3 of the present law; and imposes heavier punishment.

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)
Please see the response in article 23.1.a.i of UNCAC.

Article 25: Definition of perpetrator

The perpetrator of an offence shall be any person who commits the relevant criminally prohibited act.

The definition of perpetrator includes any person who attempts to commit a felony or, in the cases provided for by law, a misdemeanor.

Article 26: Definition of co-perpetrator

The co-perpetrators of an offence shall be any persons who, by mutual agreement, commit the relevant criminally prohibited act.

The definition of co-perpetrator includes any persons who, by mutual
Please see the response in article 23.1.a.i of UNCAC.

**Article 25: Definition of perpetrator**

The perpetrator of an offence shall be any person who commits the relevant criminally prohibited act.

The definition of perpetrator includes any person who attempts to commit a felony or, in the cases provided for by law, a misdemeanour.

**Article 26: Definition of co-perpetrator**

The co-perpetrators of an offence shall be any persons who, by mutual agreement, commit the relevant criminally prohibited act.

The definition of co-perpetrator includes any persons who, by mutual agreement, attempt to commit a felony or, in the cases provided for by law, a misdemeanour.

**Article 27: Definition of attempt**

An attempt to commit a felony or, in the cases provided for by law, a misdemeanour, shall be punishable if the following conditions are met:

- the perpetrator started to commit the offence, that is, he or she has committed acts which lead directly to the commission of the offence;

- the perpetrator did not stop his or her acts voluntarily, but was interrupted solely circumstances beyond his or her control.

A preparatory act which does not directly lead to the commission of the offence does not constitute a commencement of execution.

An attempt to commit a petty offence shall not be punishable.

**Article 28: Definition of instigator**

An instigator of a felony or a misdemeanour shall be any person who:

(1). gives instructions or order to commit a felony or misdemeanour;

Please provide examples of cases and attach case law if available.

Please see the response in article 23.1.a.i of UNCAC.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

Not applicable.

87. Subparagraphs 2 (a) and 2 (b) of article 23
2. For purposes of implementing or applying paragraph 1 of this article:

(a) Each State Party shall seek to apply paragraph 1 of this article to the widest range of predicate offences;

(b) Each State Party shall include as predicate offences at a minimum a comprehensive range of criminal offences established in accordance with this Convention;

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Cambodia has fully implemented this provision of the Convention through Article 3 New and 29 New-1 of Law on Amendment of Article 3, Article 29 and Article 30 of Law on Anti-Money Laundering and Combating the Financing of Terrorism (Promulgated by Royal Kram No. NS/RKM/0613/006 dated 03 June 2013) and Article 406 of Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009). This newly amendment law gives definition to Proceeds of offence and includes some Predicate offence; and imposes heavier punishment for money laundering offence.

Please cite the applicable policy(s), law(s) or other measure(s).

Please see the response in article 23.1.a.i of UNCAC.

Please provide examples of cases and attach case law if available.

There is no case regarding this.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

Not applicable.

88. Subparagraph 2 (c) of article 23

2. For purposes of implementing or applying paragraph 1 of this article:

(c) For the purposes of subparagraph (b) above, predicate offences shall include offences committed both within and outside the jurisdiction of the State Party in question. However, offences committed outside the jurisdiction of a State Party shall constitute predicate offences only when the relevant conduct is a criminal offence under the domestic law of the State where it is committed and would be a criminal offence under the domestic law of the State Party implementing or applying this article had it been committed there;

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Cambodia has fully implemented this provision of the Convention through
Cambodia has fully implemented this provision of the Convention through article 3 New and 29 New-1 of Law on Amendment of Article 3, Article 29 and Article 30 of Law on Anti-Money Laundering and Combating the Financing of Terrorism (Promulgated by Royal Kram No. NS/RKM/0613/006 dated 03 June 2013) and article 406 of Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009). Article 3 new of this newly amendment law states that, in order to be used as a basic for proceedings in respect of money laundering, a predict offense committed abroad must have the nature of offense in the country where it was committed and under the laws of Cambodia, unless there is special agreement stated otherwise.

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

Please see the response in article 23.1.a.i of UNCAC.

Please provide examples of cases and attach case law if available.

There is no case regarding this.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

Not applicable.

89. Subparagraph 2 (d) of article 23

2. For purposes of implementing or applying paragraph 1 of this article:

... (d) Each State Party shall furnish copies of its laws that give effect to this article and of any subsequent changes to such laws or a description thereof to the Secretary-General of the United Nations;

Has your country furnished copies of its laws to the Secretary-General of the United Nations as prescribed above? (Check one answer)

(N) No

Please attach the text(s)

Please attach the text(s)

The Secretary-General would be grateful if Governments would send the aforementioned information to the Chief, Treaty Section, Office of Legal Affairs, Room M-13002, United Nations 380 Madison Ave, New York, NY 10017 and copy the Secretary of the Conference of the States Parties to the United Nations Convention against Corruption, Corruption and Economic Crime Branch, United Nations Office on Drugs and Crime, Vienna International Centre, P.O. Box 500, 1400 Vienna, Austria (uncac.cop@unodc.org).

Royal Government of Cambodia will send Law on Anti-money laundering and combating the financing of terrorism (Promulgated by Royal Kram No. NS/RKM/0607/014 dated 24 June 2007) and Law on Amendment of Article 3, Article 29 and Article 30 of Law on Anti-Money Laundering and Combating the Financing of Terrorism (Promulgated by
90. Subparagraph 2 (e) of article 23

2. For purposes of implementing or applying paragraph 1 of this article:

... (e) If required by fundamental principles of the domestic law of a State Party, it may be provided that the offences set forth in paragraph 1 of this article do not apply to the persons who committed the predicate offence.

Does your country's domestic system contain fundamental principles as referred to in the provision above (Check one answer).

(N) No

Relevant to the above provision of UNCAC, Cambodian legislation states in Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009): Article 136: Concurrent offences (Section6: Sentence Served in Instalments) Article 137: Single prosecution, Article 138: Separate prosecutions (Section1: General Rules of Chapter4: Rules Applicable in Case of Concurrent Offences); Article 405: Applicable penalty (Section2: Money Laundering).

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)
Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 136: Concurrent offences

Offences are said to be concurrent where an offence is committed by a person who has not yet been finally tried for another offence.

Article 137: Single prosecution

If, in the course of a single prosecution, the accused is found guilty of several concurrent offences, each of the penalties incurred may be imposed. However, if several penalties of a similar nature are incurred, only one such penalty not exceeding the highest maximum penalty allowed by law shall be imposed,

Each penalty imposed shall be deemed to be common to the concurrent offences to the extent of the maximum penalty allowed by law that is applicable to each offence.

Article 138: Separate prosecutions
Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 136: Concurrent offences

Offences are said to be concurrent where an offence is committed by a person who has not yet been finally tried for another offence.

Article 137: Single prosecution

If, in the course of a single prosecution, the accused is found guilty of several concurrent offences, each of the penalties incurred may be imposed. However, if several penalties of a similar nature are incurred, only one such penalty not exceeding the highest maximum penalty allowed by law shall be imposed,

Each penalty imposed shall be deemed to be common to the concurrent offences to the extent of the maximum penalty allowed by law that is applicable to each offence.

Please provide examples of cases and attach case law if available.
There is no case regarding this.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.
Not applicable.

91. Technical Assistance
The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)
(Y) Yes
Technical assistance would be required to fully comply with this UNCAC Provision.

Which challenges are you facing in (fully) adopting/implementing the article under review? (Check all the answers that apply and provide an explanation in the "Comments" field)
(INTACO) Inter-agency co-ordination
(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)
(LIRIM) Limited resources for implementation (e.g. human/financial/other; please specify)
Which of the following forms of technical assistance, if available, would assist your country in (fully) implementing the article under review? (Check all the answers that apply)

(OTHER) Other assistance (please specify)

1. provide the capacity building program for the authority which is responsible for Anti-Money Laundering and other relevant authorities
2. build mechanism/data system to share and analyze the information
3. design the mechanism to strengthen the cooperation between local and regional authorities.
4. advise from the expert

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(N) No

24. Concealment

92. Article 24

Without prejudice to the provisions of article 23 of this Convention, each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally after the commission of any of the offences established in accordance with this Convention without having participated in such offences, the concealment or continued retention of property when the person involved knows that such property is the result of any of the offences established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Cambodian legislation complies with the above provision by criminalizing as an offense the act of concealment or continued retention of property knowing that such was obtained by a felony or misdemeanor in articles 399 and 400 of the Penal Code and article 37 of the Law on Anti-Corruption.

Please cite the applicable policy(s), law(s) or other measure(s).

Penal Code(Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 399: Definition of receiving stolen goods

"Receiving stolen goods" is the receiving, concealment, retention or transfer of an item, knowing that that item was obtained by a felony or misdemeanor.

"Receiving stolen goods" shall also mean:

1. serving as intermediary in order to transfer an item, knowing that
Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

**Article 399: Definition of receiving stolen goods**

"Receiving stolen goods" is the receiving, concealment, retention or transfer of an item, knowing that that item was obtained by a felony or misdemeanor.

"Receiving stolen goods" shall also mean:

1. serving as intermediary in order to transfer an item, knowing that that item was obtained by a felony or I misdemeanor;
2. knowingly benefiting from the proceeds of a felony or misdemeanour.

**Article 400: Applicable penalty**

Receiving stolen goods shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riel.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

**Article 37: Corruption proceeds offences**

Corruption proceeds is an act to conceal, keep or transport any kinds of goods with knowledge that those are corruption proceeds as mentioned in this law. Acts that can also be counted as corruption proceeds are as follows:

1. Act as intermediary for transporting items with the knowledge that they are corruption proceeds; or
2. The act that benefits from corruption proceeds with clear knowledge.

Act that benefits from corruption proceeds shall be punishable by imprisonment from two (2) to five (5) years and fine from four million Riel (4,000,000) to ten million Riel (10,000,000).

Please provide examples of cases and attach case law if available.

There is no case regarding this.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

Not applicable.

93. Technical Assistance
The following questions on technical assistance relate to the article under review in its entirety.

**Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)**

(Y) Yes

Technical assistance would be required to fully comply with this UNCAC Provision.

**Which challenges are you facing in (fully) adopting/implementing the article under review? (Check all the answers that apply and provide an explanation in the "Comments" field)**

(INTACO) Inter-agency co-ordination

(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)

(LIRIM) Limited resources for implementation (e.g. human/financial/other; please specify)

**Which of the following forms of technical assistance, if available, would assist your country in (fully) implementing the article under review? (Check all the answers that apply)**

(BEST) Summary of good practices/lessons learned

(OTHER) Other assistance (please specify)

Provide capacity building program.

**Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)**

(N) No

---

**25. Obstruction of justice**

94. Subparagraph (a) of article 25

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) The use of physical force, threats or intimidation or the promise, offering or giving of an undue advantage to induce false testimony or to interfere in the giving of testimony or the production of evidence in a proceeding in relation to the commission of offences established in accordance with this Convention;

**Has your country adopted and implemented the measures described above? (Check one answer.)**

(Y) Yes

3 Articles of Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009) comply with this provision: Article 545: Providing false testimony and exceptions, Article 546: Intimidating witness, Article 548: Bribery of witness.

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

Penal Code(Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

**Article 545: Providing false testimony and exceptions**
Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 545: Providing false testimony and exceptions

False testimony made under oath before any court of law or before a judicial police officer acting under the authority of a rogatory letter shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

However, such witness is exempted from penalty where he or she retracts his or her testimony spontaneously and only speaks the truth before the decision to terminate the investigation or trial procedure has been made.

Article 546: Intimidating witness

Any act of intimidation committed by a perpetrator alone or in concert with a third party to persuade a witness not to make a statement or to provide a false oral or written testimony shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

It shall be punishable by imprisonment from five to ten years where the act was effective.

Article 548: Bribery of witness

The direct or indirect giving of a gift, offer, promise or interest by a person to a witness in order:

1. not to testify;

Please provide examples of cases and attach case law if available.

Verdict of the Criminal Case No. 80 dated 17 February 2006 (The verdict No.81 “K” dated on 1 September 2006 issued by a Provincial Court of First Instance).

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

Not applicable.

95. Subparagraph (b) of article 25

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

... 

(b) The use of physical force, threats or intimidation to interfere with the exercise of official duties by a justice or law enforcement official in relation to the commission of offences established in accordance with this Convention.
Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(Y) Yes

3 Articles (Article 520: Refusal to enforce judicial decisions, Article 586: Measures to obstruct law enforcement and aggravating circumstances, Article 607: Intimidation) of Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009) and an Article (Article 40: Obstruction or Interference offenses in the work of the Anti-Corruption Unit) of Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010) comply with this provision.

*Please cite the applicable policy(s), law(s) or other measure(s).*

Please cite the text(s)

Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

**Article 520: Refusal to enforce judicial decisions**

Refusal by a public official to enforce judgment, decision or order of the judicial authority in the exercise of his or her function shall be imprisonment from two to five years and a fine from four million to ten million Riels.

**Article 586: Measures to obstruct law enforcement and aggravating circumstances**

The taking of measures designed to obstruct law enforcement, committed by a public official or a holder of public elected office, in the discharge or on the occasion of his or her function, shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

It shall be punishable by imprisonment from five to ten years where the act was effective.

**Article 607: Intimidation**

Intimidating a public official or a holder of public elected office:

(1) to perform an act pertaining to his or her function;

(2) to refrain from performing an act pertaining to his or her function;

(3) to use his or her real or supposed influence with a view to obtaining public tenders, emblem or any other favourable decision;
Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Please provide examples of cases and attach case law if available.
   There is no case regarding this.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.
   Not applicable.

96. Technical Assistance
The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)
   (N) No

26. Liability of legal persons

97. Paragraphs 1 and 2 of article 26

1. Each State Party shall adopt such measures as may be necessary, consistent with its legal principles, to establish the liability of legal persons for participation in the offences established in accordance with this Convention.

2. Subject to the legal principles of the State Party, the liability of legal persons may be criminal, civil or administrative.

Has your country established one or more of the forms of liability referred to in the provision above? (Check one answer)
   (Y) Yes

In compliance with this provision, some Articles in Cambodian Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009) and Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010) have stated about the liability of legal persons in the offences of (1) Money Laundering (2) Corruption of Employees and Administrators (3) Corruption of judge (4) Attempt and Additional Penalties of Offences against Judicial Processes (5) Attempt and Penalties of Offences against Public Administration By Individuals (6) Forgery of Documents and (7) Accessory Penalty applicable to certain legal entities.

Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)
In compliance with this provision, some Articles in Cambodian Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009) and Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010) have stated about the liability of legal persons in the offences of (1). Money laundering (2). Corruption of Employees and Administrators (3). Corruption of judge (4). Attempt and Additional Penalties of Offences against Judicial Processes (5). Attempt and Penalties of Offences against Public Administration By Individuals (6). Forgery of Documents and (7). Accessory Penalty applicable to certain legal entities.

Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009) (7 Articles): Article 42: Criminal responsibility of legal entities, Article 409: Criminal responsibility of legal entities (Section 2: Money Laundering), Article 283: Criminal responsibility of legal entities (Section 4: Corruption of Employees and Administrators), Article 519: Criminal responsibility of legal entities (Section 1: Please cite the applicable measure(s)

Please cite the text(s)

Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 42: Criminal responsibility of legal entities
Where expressly provided by law and statutory instruments, legal entities, with the exception of the State, may be held criminally responsible for offences committed on their behalf by their organs or representatives.
The criminal responsibility of legal entities shall not preclude that of natural persons for the same acts.

Article 409: Criminal responsibility of legal entities
Legal entities may be found criminally responsible under Article 42 (Criminal responsibility of legal entities) of this Code for the offences defined in Article 404 (Definition of money laundering) of this Code.
Legal entities shall be punishable by a fine from one hundred million to five hundred million Riels and by one or more of the following additional penalties:

1. dissolution pursuant to Article 170 (Dissolution and liquidation of legal entities) of this code;
2. placement under judicial supervision pursuant to Article 171 (Placement under judicial supervision of this Code);
3. prohibition from carrying on one or more activities pursuant to Article 172 (Prohibition from carrying on activities) of this Code;
4. disqualification from public tenders pursuant to Article 173 (Disqualification from public tenders) of this code;
5. prohibition from making a public offering pursuant to Article 174 (Prohibition from making a public offering) of this Code;
6. confiscation of any instruments, materials or items which were used or intended to be used to commit the offence pursuant to
Article 46: Accessory Penalty applicable to certain Legal Entities

The legal Entity that commits corruption as stated in article 37 (corruption proceeds offence) of this law shall be subject to a fine of ten million Riel (10,000,000) to one hundred million Riel (100,000,000) and face accessory penalties as follows:

1. Dissolution.
2. Placement under the court’s watch.
3. Baring of operation of an activity or activities.
4. Expulsion from public procurement.
5. Prohibition on public saving appeal.
6. Prohibition on issuing cheque besides the cheque certified by any banks.
7. Prohibition on issuing payment vouchers.
8. Closure of the institution which being used to organize or commit offences.
9. Prohibition of the business establishment open to the public or used by the public.
10. Confiscation of instrument, material or any objects which are used to commit offence or aimed to commit offence.
11. Confiscation of objects or funds which are subject of committing offence.
12. Confiscation of capital or property that derives from offence.
Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 42: Criminal responsibility of legal entities
Where expressly provided by law and statutory instruments, legal entities, with the exception of the State, may be held criminally responsible for offences committed on their behalf by their organs or representatives.
The criminal responsibility of legal entities shall not preclude that of natural persons for the same acts.

Article 409: Criminal responsibility of legal entities
Legal entities may be found criminally responsible under Article 42 (Criminal responsibility of legal entities) of this Code for the offences defined in Article 404 (Definition of money laundering) of this Code.

Legal entities shall be punishable by a fine from one hundred million to five hundred million Riels and by one or more of the following additional penalties:

1. dissolution pursuant to Article 170 (Dissolution and liquidation of legal entities) of this code;
2. placement under judicial supervision pursuant to Article 171 (Placement under judicial supervision of this Code);
3. prohibition from carrying on one or more activities pursuant to Article 172 (Prohibition from carrying on activities) of this Code;
4. disqualification from public tenders pursuant to Article 173 (Disqualification from public tenders) of this code;
5. prohibition from making a public offering pursuant to Article 174 (Prohibition from making a public offering) of this Code;
6. confiscation of any instruments, materials or items which were used or intended to be used to commit the offence pursuant to Article 178 (Ownership, sale and destruction of items confiscated) and Article 179 (Confiscation and rights of third parties) of this Code;
7. confiscation of the proceeds or property arising out of the offence according Article 178 (Ownership, sale and destruction of items confiscated) and Article 179 (Confiscation and rights of third parties) of this Code;
8. publication of sentencing decision pursuant to Article 180 (Publication of decisions) of this code;
9. publication of sentencing decision in the print media or broadcasting of sentencing decision by any audio-visual communication pursuant to Article 181 (Broadcasting of decision by audio-visual communication) of this Code.

Article 283: Criminal responsibility of legal entities
Article 46: Accessory Penalty applicable to certain Legal Entities

The legal Entity that commits corruption as stated in article 37 (corruption proceeds offence) of this law shall be subject to a fine of ten million Riel (10,000,000) to one hundred million Riel (100,000,000) and face accessory penalties as follows:

1. Dissolution.

2. Placement under the court’s watch.

3. Baring of operation of an activity or activities.

4. Expulsion from public procurement.

5. Prohibition on public saving appeal.

6. Prohibition on issuing cheque besides the cheque certified by any banks.

7. Prohibition on issuing payment vouchers.

8. Closure of the institution which being used to organize or commit offences.

9. Prohibition of the business establishment open to the public or used by the public.

10. Confiscation of instrument, material or any objects which are used to commit offence or aimed to commit offence.

11. Confiscation of objects or funds which are subject of committing offence.

12. Confiscation of capital or property that derives from offence.

13. Confiscation of proceeds, material and furniture in building where an offence is committed


15. Publication of the conviction judgment on print media or the announcement on non-print media outlets.
Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 42: Criminal responsibility of legal entities
Where expressly provided by law and statutory instruments, legal entities, with the exception of the State, may be held criminally responsible for offences committed on their behalf by their organs or representatives.
The criminal responsibility of legal entities shall not preclude that of natural persons for the same acts.

Article 409: Criminal responsibility of legal entities
Legal entities may be found criminally responsible under Article 42 (Criminal responsibility of legal entities) of this Code for the offences defined in Article 404 (Definition of money laundering) of this Code.

Legal entities shall be punishable by a fine from one hundred million to five hundred million Riels and by one or more of the following additional penalties:

1. dissolution pursuant to Article 170 (Dissolution and liquidation of legal entities) of this code;

2. placement under judicial supervision pursuant to Article 171 (Placement under judicial supervision of this Code);

3. prohibition from carrying on one or more activities pursuant to Article 172 (Prohibition from carrying on activities) of this Code;

4. disqualification from public tenders pursuant to Article 173 (Disqualification from public tenders) of this code;

5. prohibition from making a public offering pursuant to Article 174 (Prohibition from making a public offering) of this Code;

6. confiscation of any instruments, materials or items which were used or intended to be used to commit the offence pursuant to Article 178 (Ownership, sale and destruction of items confiscated) and Article 179 (Confiscation and rights of third parties) of this Code;

7. confiscation of the proceeds or property arising out of the offence according Article 178 (Ownership, sale and destruction of items confiscated) and Article 179 (Confiscation and rights of third parties) of this Code;

8. publication of sentencing decision pursuant to Article 180 (Publication of decisions) of this code;

9. publication of sentencing decision in the print media or broadcasting of sentencing decision by any audio-visual communication pursuant to Article 181 (Broadcasting of decision by audio-visual communication) of this Code.

Article 283: Criminal responsibility of legal entities
Article 46: Accessory Penalty applicable to certain Legal Entities

The legal Entity that commits corruption as stated in article 37 (corruption proceeds offence) of this law shall be subject to a fine of ten million Riel (10,000,000) to one hundred million Riel (100,000,000) and face accessory penalties as follows:

1. Dissolution.
2. Placement under the court’s watch.
3. Baring of operation of an activity or activities.
4. Expulsion from public procurement.
5. Prohibition on public saving appeal.
6. Prohibition on issuing cheque besides the cheque certified by any banks.
7. Prohibition on issuing payment vouchers.
8. Closure of the institution which being used to organize or commit offences.
9. Prohibition of the business establishment open to the public or used by the public.
10. Confiscation of instrument, material or any objects which are used to commit offence or aimed to commit offence.
11. Confiscation of objects or funds which are subject of committing offence.
12. Confiscation of capital or property that derives from offence.
13. Confiscation of proceeds, material and furniture in building where an offence is committed.
15. Publication of the conviction judgment on print media or the announcement on non-print media outlets.
Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 42: Criminal responsibility of legal entities
Where expressly provided by law and statutory instruments, legal entities, with the exception of the State, may be held criminally responsible for offences committed on their behalf by their organs or representatives.
The criminal responsibility of legal entities shall not preclude that of natural persons for the same acts.

Article 409: Criminal responsibility of legal entities
Legal entities may be found criminally responsible under Article 42 (Criminal responsibility of legal entities) of this Code for the offences defined in Article 404 (Definition of money laundering) of this Code.

Legal entities shall be punishable by a fine from one hundred million to five hundred million Riels and by one or more of the following additional penalties:

1. dissolution pursuant to Article 170 (Dissolution and liquidation of legal entities) of this code;
2. placement under judicial supervision pursuant to Article 171 (Placement under judicial supervision of this Code);
3. prohibition from carrying on one or more activities pursuant to Article 172 (Prohibition from carrying on activities) of this Code;
4. disqualification from public tenders pursuant to Article 173 (Disqualification from public tenders) of this code;
5. prohibition from making a public offering pursuant to Article 174 (Prohibition from making a public offering) of this Code;
6. confiscation of any instruments, materials or items which were used or intended to be used to commit the offence pursuant to Article 178 (Ownership, sale and destruction of items confiscated) and Article 179 (Confiscation and rights of third parties) of this Code;
7. confiscation of the proceeds or property arising out of the offence according Article 178 (Ownership, sale and destruction of items confiscated) and Article 179 (Confiscation and rights of third parties) of this Code;
8. publication of sentencing decision pursuant to Article 180 (Publication of decisions) of this code;
9. publication of sentencing decision in the print media or broadcasting of sentencing decision by any audio-visual communication pursuant to Article 181 (Broadcasting of decision by audio-visual communication) of this Code.

Article 283: Criminal responsibility of legal entities
Article 46: Accessory Penalty applicable to certain Legal Entities

The legal Entity that commits corruption as stated in article 37 (corruption proceeds offence) of this law shall be subject to a fine of ten million Riel (10,000,000) to one hundred million Riel (100,000,000) and face accessory penalties as follows:

1. Dissolution.
2. Placement under the court’s watch.
3. Baring of operation of an activity or activities.
4. Expulsion from public procurement.
5. Prohibition on public saving appeal.
6. Prohibition on issuing cheque besides the cheque certified by any banks.
7. Prohibition on issuing payment vouchers.
8. Closure of the institution which being used to organize or commit offences.
9. Prohibition of the business establishment open to the public or used by the public.
10. Confiscation of instrument, material or any objects which are used to commit offence or aimed to commit offence.
11. Confiscation of objects or funds which are subject of committing offence.
12. Confiscation of capital or property that derives from offence.
13. Confiscation of proceeds, material and furniture in building where an offence is committed.
15. Publication of the conviction judgment on print media or the announcement on non-print media outlets.
Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

**Article 42: Criminal responsibility of legal entities**
Where expressly provided by law and statutory instruments, legal entities, with the exception of the State, may be held criminally responsible for offences committed on their behalf by their organs or representatives.
The criminal responsibility of legal entities shall not preclude that of natural persons for the same acts.

**Article 409: Criminal responsibility of legal entities**

Legal entities may be found criminally responsible under Article 42 (Criminal responsibility of legal entities) of this Code for the offences defined in Article 404 (Definition of money laundering) of this Code.

Legal entities shall be punishable by a fine from one hundred million to five hundred million Riels and by one or more of the following additional penalties:

1. dissolution pursuant to Article 170 (Dissolution and liquidation of legal entities) of this code;
2. placement under judicial supervision pursuant to Article 171 (Placement under judicial supervision of this Code);
3. prohibition from carrying on one or more activities pursuant to Article 172 (Prohibition from carrying on activities) of this Code;
4. disqualification from public tenders pursuant to Article 173

Has your country established one or more of the forms of liability referred to in the provision above?
Article 46: Accessory Penalty applicable to certain Legal Entities

The legal Entity that commits corruption as stated in article 37 (corruption proceeds offence) of this law shall be subject to a fine of ten million Riel (10,000,000) to one hundred million Riel (100,000,000) and face accessory penalties as follows:

1. Dissolution.
2. Placement under the court’s watch.
3. Baring of operation of an activity or activities.
4. Expulsion from public procurement.
5. Prohibition on public saving appeal.
6. Prohibition on issuing cheque besides the cheque certified by any banks.
7. Prohibition on issuing payment vouchers.
8. Closure of the institution which being used to organize or commit offences.
9. Prohibition of the business establishment open to the public or used by the public.
10. Confiscation of the assets which being used to commit the offences.

If available, please provide information on cases involving the participation of legal persons in offences established by this Convention (statistics, types of cases, outcome). Please provide per annum figures, as available.

Please provide examples of implementation

There is no case regarding this.

If available, please provide information on cases involving the participation of legal persons in offences established by this Convention (statistics, types of cases, outcome). Please provide per annum figures, as available.

Not applicable.

98. Paragraph 3 of article 26

3. Such liability shall be without prejudice to the criminal liability of the natural persons who have committed the offences.
Has your country established one or more of the forms of liability referred to in the provision above?

(Y) Yes

Article 42 of Cambodian Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009) complies with the provision above by stressing that legal person may be held criminally responsible for offences committed on their behalf by their organs or representatives but this responsibility shall not preclude that of natural persons for the same acts.

Please cite the applicable measure(s)

Please cite the text(s)

Penal Code(Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 42: Criminal responsibility of legal entities

Where expressly provided by law and statutory instruments, legal entities, with the exception of the State, may be held criminally responsible for offences committed on their behalf by their organs or representatives.

Please provide examples of implementation, including recent cases where both natural and legal persons were liable

There is no case regarding this.

Please provide any available statistics of such cases. Please provide per annum figures as

Not applicable.

99. Paragraph 4 of article 26

4. Each State Party shall, in particular, ensure that legal persons held liable in accordance with this article are subject to effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Please see response in article 26.1&2 of UNCAC.

Please cite the applicable measure(s)

Please cite the text(s)

Please see response in article 26.1&2 of UNCAC.
Please provide examples of cases and attach case law if available.
There is no case regarding this.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.
Not applicable.

100. Technical Assistance
The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)
(N) No

27. Participation and attempt
101. Paragraph 1 of article 27

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as a criminal offence, in accordance with its domestic law, participation in any capacity such as an accomplice, assistant or instigator in an offence established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer.)
(Y) Yes

3 Articles (Article 26: Definition of co-perpetrator, Article 28: Definition of instigator, Article 29: Definition of accomplice) in Cambodian Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009) comply with this provision.

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)
Penal Code(Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 26-Definition of co-perpetrator

The co-perpetrators of an offence shall be any persons who, by mutual agreement, commit the relevant criminally prohibited act.

The definition of co-perpetrator includes any persons who, by mutual agreement, attempt to commit a felony or, in the cases provided for by law, a misdemeanor.
Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

**Article 26: Definition of co-perpetrator**

The co-perpetrators of an offence shall be any persons who, by mutual agreement, commit the relevant criminally prohibited act.

The definition of co-perpetrator includes any persons who, by mutual agreement, attempt to commit a felony or, in the cases provided for by law, a misdemeanour.

**Article 28: Definition of instigator**

An instigator of a felony or a misdemeanour shall be any person who:

1. gives instructions or order to commit a felony or misdemeanour;
2. provokes the commission of a felony or misdemeanour by means of a gift, promise, threat, instigation, persuasion or abuse of

Please provide examples of cases and attach case law if available.

**The Case of the former clerk of a Provincial Court of First Instance (Verdict No 53 “L” dated on 26th September 2012 of a Provincial Court of First Instance)**

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

Not applicable.

102. Paragraph 2 of article 27

2. Each State Party may adopt such legislative and other measures as may be necessary to establish as a criminal offence, in accordance with its domestic law, any attempt to commit an offence established in accordance with this Convention.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(Y) Yes

In compliance with this provision, Article 27 (Definition of Attempt) in Cambodian Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009) and Article 44 (Attempt) Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010) have pointed out the definition of attempt and criminalized it as an offence.

Please see the response in article 27.1 of UNCAC.
In compliance with this provision, Article 27 (Definition of Attempt) in Cambodian Penal

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 27: Definition of attempt

An attempt to commit a felony or, in the cases provided for by law, a misdemeanor, shall be punishable if the following conditions are met:

- the perpetrator started to commit the offence, that is, he or she has committed acts which lead directly to the commission of the offence;
- the perpetrator did not stop his or her acts voluntarily, but was interrupted solely circumstances beyond his or her control.

A preparatory act which does not directly lead to the commission of the offence does not constitute a commencement of execution.

An attempt to commit a petty offence shall not be punishable.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 44: Attempt

Attempt to commit a misdemeanor as stated in article 278 (bribe taking by employees), article 279 (bribe offered to employees) article 387 (improper bidding), article 404 (definition of money laundry), article 405 (sentence to be served), article 406 (aggravating circumstance), article 592 (definition of misappropriation), article 593 (sentence to be served), article 597 (definition of embezzlement), article 598 (sentence to be served), article 599 (definition of favoritism), article 600 (sentence to be served), article 638 (bribe offered to person who has competence to issue a fake document), article 640 (bribe offered to member of medical board to issue a fake document) of the criminal code and article 35 (power abuse) and article 40 (Obstruction or Interference in the work of the Anti-Corruption Unit) of this law, shall face the same punishment as a misdemeanor.

Please provide examples of cases and attach case law if available.

The verdict of criminal case No.03 “Kr.VI R” dated on 30th March 2012 of Appellate Court

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

Not applicable.
103. Paragraph 3 of article 27

3. Each State Party may adopt such legislative and other measures as may be necessary to establish as a criminal offence, in accordance with its domestic law, the preparation for an offence established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes
Cambodia has implemented this provision of the Convention. According to Cambodian laws, the preparation of an offence is implicitly embedded in the above cited articles under paragraphs 1 and 2 of article 27.

Please see the response in article 27.1 and 27.2 of UNCAC.

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)
Please see the response in article 27.1 and 27.2 of UNCAC.

Please provide examples of cases and attach case law if available.
Please see the response in article 27.1 and 27.2 of UNCAC.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

Not available

104. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(N) No

29. Statute of limitations

105. Article 29

Each State Party shall, where appropriate, establish under its domestic law a long statute of limitations period in

29/12/2015 Cambodia

UNCAC Self-Assessment Checklist - Cycle 1 - Cambodia
Each State Party shall, where appropriate, establish under its domestic law a long statute of limitations period in which to commence proceedings for any offence established in accordance with this Convention and establish a longer statute of limitations period or provide for the suspension of the statute of limitations where the alleged offender has evaded the administration of justice but the starting point of statute of limitation is when the offence committed and the ending point is when the judicial procedure has been processed. The interruption of the period of limitation by the initiation of legal proceedings applies and that such rules do not require the presence of the alleged offender who has evaded justice or fled the country.

Has your country adopted and implemented the measures described above? (Check one answer.)

(P) Yes, in part

5 Articles of Cambodian legislation (Code of Criminal Procedure: Article10 Statute of Limitations of Crime, Article11 Interruption of Statute of Limitations; Penal Code: Article 144 Applicability of statute of limitations, Article 145 Commencement of limitation period; Law on Anti-Corruption: Article 21 Procedure for corruption offences) comply with this provision. There is no legislation stipulate about the suspension of the statute of limitations where the alleged offender has evaded the administration of justice but the starting point of statute of limitation is when the offence committed and the ending point is when the judicial procedure has been processed. The interruption of the period of limitation by the initiation of legal proceedings applies and that such rules do not require the presence of the alleged offender who has evaded justice or fled the country.

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

Code of Criminal Procedure (dated 10 August 2007)

Article 10 Statute of Limitations of Crime

Except as provided for in Article 9 (Crimes without Statute of Limitations) of this Code, the time limitation for bringing a criminal action is as follows:

- fifteen years for a felony;
- five years for a misdemeanor; and
- one year for a petty offense

Article 11 Interruption of Statute of Limitations

The duration of the statute of limitations commences at the time the offense was committed. The statute of limitations is interrupted by an act of prosecution or investigation. The end of any such act of prosecution or investigation restarts a new period of the statute of limitations pursuant to the provisions of Article 10 of this Code (Statute of Limitations of Crime). The new time period applies to everyone involved in the case.

Penal Code(Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 144: Applicability of statute of limitations

The statute of limitations for a felony shall be twenty years.

The statute of limitations for a misdemeanor shall be five years.
Code of Criminal Procedure (dated 10 August 2007)

Article 10 Statute of Limitations of Crime

Except as provided for in Article 9 (Crimes without Statute of Limitations) of this Code, the time limitation for bringing a criminal action is as follows:

- fifteen years for a felony;
- five years for a misdemeanor; and
- one year for a petty offense

Article 11 Interruption of Statute of Limitations

The duration of the statute of limitations commences at the time the offense was committed. The statute of limitations is interrupted by an act of prosecution or conviction. The interruption continues until the statute of limitations is closed again.

Please provide examples of implementation

There is no case regarding this.

If available, please provide information (statistics, types of cases, outcome) on related court or other cases related to instances when you established a longer statute of limitations period or suspended the statute of limitations where an alleged offender had evaded the administration of justice. Please provide per annum figures, as available.

Not applicable.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

No action should be taken as the starting point of statute of limitation is when the offence committed and the ending point is when the judicial procedure has been processed.

106. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

*Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)*

- (N) No

30. Prosecution, adjudication and sanctions

107. Paragraph 1 of article 30
1. Each State Party shall make the commission of an offence established in accordance with this Convention liable to sanctions that take into account the gravity of that offence.

_Is your country in compliance with this provision? (Check one answer.)_

(Y) Yes

There are some articles of Law on Anti-Corruption and Penal Code which are complied with this provision.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Chapter 6 Corruption offenses and punishment

Penal Code(Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009): Article 83 Subsequent offences: penalties, Article 85 Subsequent felonies, Article 86 Committing a misdemeanour after sentencing for a felony, Article 87 Committing a felony after sentencing for a misdemeanour, Article 88: Committing a misdemeanour after sentencing for a misdemeanour.

_Please cite the text regarding applicable sanction(s) or other measure(s)_

Please cite the text(s)

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

CHAPTER 6: CORRUPTION OFFENSES AND PUNISHMENT

Article 32: Corruption offenses stipulated in the Criminal Code

In addition to the offenses stipulated in this law, the offenses in article 278 (bribe taking by employees), article 279 (bribe offered to employees), article 280 (bribe taking by governor), article 283 (Criminal responsibility by legal entity), article 387 (improper bidding), article 404 (definition of money laundering), article 405 (sentence to be served), article 406 (aggravating circumstance), article 409 (Criminal responsibility by legal entity), article 517 (bribe taking by judges), article 518 (bribe offered to judges), article 519 (Criminal responsibility by legal entity), article 547 (bribe taking by witnesses for false testimony), article 548 (bribe offered to witnesses), article 553 (bribe taking by interpreter), article 554 (bribe offered to interpreter), article 555 (bribe taking by experts), article 556 (bribe offered to experts), article 559 (criminal responsibility by legal entity), article 592 (definition of misappropriation), article 593 (sentence to be served), article 594 (bribe taking), article 595 (definition of passive business influence), article 597 (definition of embezzlement), article 598 (sentence to be served), article 599 (definition of favoritism), article 600 (sentence to be served), article 601 (intentional destruction and dishonest embezzlement), article 605 (bribe offering), article 606 (active business influence), article 607 (extortion), article 608 (destruction and embezzlement), article 625 (criminal responsibility by legal entity), article 637 (bribe offered to person who has competence to issue false certificate), article 639 (bribe taking by member of professional board of medicine to issue false certificate), article 640 (bribe offered to member of professional board of medicine to issue false certificate), article 641 (execution of misdemeanor of articles 639
15. Advertisement of the conviction judgment on print media.

16. Announcement of the conviction judgment on non-print media outlets for a period not exceeding eight (8) days.

**Article 46: Accessory Penalty applicable to certain Legal Entities**

The legal Entity that commits corruption as stated in article 37 (corruption proceeds offence) of this law shall be subject to a fine of ten million Riel (10,000,000) to one hundred million Riel (100,000,000) and face accessory penalties as follows:

1. Dissolution.

2. Placement under the court’s watch.

3. Baring of operation of an activity or activities.

4. Expulsion from public procurement.

5. Prohibition on public saving appeal.

6. Prohibition on issuing cheque besides the cheque certified by any banks.

7. Prohibition on issuing payment vouchers.

8. Closure of the institution which being used to organize or commit offences.

9. Prohibition of the business establishment open to the public or used by the public.
CHAPTER 6: CORRUPTION OFFENSES AND PUNISHMENT

Article 32: Corruption offenses stipulated in the Criminal Code

In addition to the offenses stipulated in this law, the offenses in article 278 (bribe taking by employees), article 279 (bribe offered to employees), article 280 (bribe taking by governor), article 283 (Criminal responsibility by legal entity), article 387 (improper bidding), article 404 (definition of money laundering), article 405 (sentence to be served), article 406 (aggravating circumstance), article 409 (Criminal responsibility by legal entity), article 517 (bribe taking by judges), article 518 (bribe offered to judges), article 519 (Criminal responsibility by legal entity), article 547 (bribe taking by witnesses for false testimony), article 548 (bribe offered to witnesses), article 553 (bribe taking by interpreter), article 554 (bribe offered to interpreter), article 555 (bribe taking by experts), article 556 (bribe offered to experts), article 559 (criminal responsibility by legal entity), article 592 (definition of misappropriation), article 593 (sentence to be served), article 594 (bribe taking), article 595 (definition of passive business influence), article 597 (definition of embezzlement), article 598 (sentence to be served), article 599 (definition of favoritism), article 600 (sentence to be served), article 601 (intentional destruction and dishonest embezzlement), article 605 (bribe offering), article 606 (active business influence), article 607 (extortion), article 608 (destruction and embezzlement), article 625 (criminal responsibility by legal entity), article 637 (bribe offered to person who has competence to issue false certificate), article 639 (bribe taking by member of professional board of medicine), article 640 (bribe offered to member of professional board of medicine), article 644 (criminal responsibility by legal entity), of the Criminal Code are corruption offenses to be implemented as part of this law.

Article 33: Bribe taking by Foreign Public Officials or Officials of Public International Organizations

Foreign public officials or officials of public international organizations shall be sentenced from 7 years to 15 years for unrightfully asking for, demanding or accepting, directly or indirectly, gift, donation, promise or any benefit in order to:

1. Either perform his/her duty or be facilitated by his or her function; Or

2. Refrain from performing his or her duty or being facilitated by his or her function.

Article 34: Bribe offered to Foreign Public Officials or Officials of Public International Organization
15. Advertisement of the conviction judgment on print media.

16. Announcement of the conviction judgment on non-print media outlets for a period not exceeding eight (8) days.

Article 46: Accessory Penalty applicable to certain Legal Entities

The legal Entity that commits corruption as stated in article 37 (corruption proceeds offence) of this law shall be subject to a fine of ten million Riel (10,000,000) to one hundred million Riel (100,000,000) and face accessory penalties as follows:

1. Dissolution.
2. Placement under the court’s watch.
3. Baring of operation of an activity or activities.
4. Expulsion from public procurement.
5. Prohibition on public saving appeal.
6. Prohibition on issuing cheque besides the cheque certified by any banks.
7. Prohibition on issuing payment vouchers.
8. Closure of the institution which being used to organize or commit offences.
9. Prohibition of the business establishment open to the public or used by the public.
10. Confiscation of instrument, material or any objects which are used to commit offence or aimed to commit offence.
11. Confiscation of objects or funds which are subject of committing offence.
12. Confiscation of capital or property that derives from offence.
13. Confiscation of proceeds, material and furniture in building where an offence is committed
15. Publication of the conviction judgment on print media or the announcement on non-print media outlets.

Article 47: The Release of Bank Records

Credit entities or financial institutions shall be relieved of responsibility and
CHAPTER 6: CORRUPTION OFFENSES AND PUNISHMENT

Article 32: Corruption offenses stipulated in the Criminal Code

In addition to the offenses stipulated in this law, the offenses in article 278 (bribe taking by employees), article 279 (bribe offered to employees), article 280 (bribe taking by governor), article 283 (Criminal responsibility by legal entity), article 387 (improper bidding), article 404 (definition of money laundering), article 405 (sentence to be served), article 406 (aggravating circumstance), article 409 (Criminal responsibility by legal entity), article 517 (bribe taking by judges), article 518 (bribe offered to judges), article 519 (Criminal responsibility by legal entity), article 547 (bribe taking by witnesses for false testimony), article 548 (bribe offered to witnesses), article 553 (bribe taking by interpreter), article 554 (bribe offered to interpreter), article 555 (bribe taking by experts), article 556 (bribe offered to experts), article 559 (criminal responsibility by legal entity), article 592 (definition of misappropriation), article 593 (sentence to be served), article 594 (bribe taking), article 595 (definition of passive business influence), article 597 (definition of embezzlement), article 598 (sentence to be served), article 599 (definition of favoritism), article 600 (sentence to be served), article 601 (intentional destruction and dishonest embezzlement), article 605 (bribe offering), article 606 (active business influence), article 607 (extortion), article 608 (destruction and embezzlement), article 625 (criminal responsibility by legal entity), article 637 (bribe offered to person who has competence to issue false certificate), article 639 (bribe taking by member of professional board of medicine to issue false certificate), article 640 (bribe offered to member of professional board of medicine to issue false certificate), article 641 (execution of misdemeanor of articles 639 and 640 for all medical professions), article 644 (criminal responsibility by legal entity), of the Criminal Code are corruption offenses to be implemented as part of this law.

Article 33: Bribetaking by Foreign Public Officials or Officials of Public International Organizations

Foreign public officials or officials of public international organizations shall be sentenced from 7 years to 15 years for unrightfully asking for, demanding or accepting, directly or indirectly, gift, donation, promise or any benefit in order to:

1. Either perform his/her duty or be facilitated by his or her function; Or

2. Refrain from performing his or her duty or being facilitated by his or her function.

Article 34: Bribes offered to Foreign Public Officials or Officials of Public International Organization
15. Advertisement of the conviction judgment on print media.

16. Announcement of the conviction judgment on non-print media outlets for a period not exceeding eight (8) days.

Article 46: Accessory Penalty applicable to certain Legal Entities

The legal Entity that commits corruption as stated in article 37 (corruption proceeds offence) of this law shall be subject to a fine of ten million Riel (10,000,000) to one hundred million Riel (100,000,000) and face accessory penalties as follows:

1. Dissolution.

2. Placement under the court’s watch.

3. Baring of operation of an activity or activities.

4. Expulsion from public procurement.

5. Prohibition on public saving appeal.

6. Prohibition on issuing cheque besides the cheque certified by any banks.

7. Prohibition on issuing payment vouchers.

8. Closure of the institution which being used to organize or commit offences.

9. Prohibition of the business establishment open to the public or used by the public.

10. Confiscation of instrument, material or any objects which are used to commit offence or aimed to commit offence.

11. Confiscation of objects or funds which are subject of committing offence.

12. Confiscation of capital or property that derives from offence.

13. Confiscation of proceeds, material and furniture in building where an offence is committed.


15. Publication of the conviction judgment on print media or the announcement on non- print media outlets.

Article 47: The Release of Bank Records

Credit entities or financial institutions shall be relieved of responsibility and
CHAUPT 6: CORRUPTION OFFENSES AND PUNISHMENT

Article 32: Corruption offenses stipulated in the Criminal Code

In addition to the offenses stipulated in this law, the offenses in article 278 (bribe taking by employees), article 279 (bribe offered to employees), article 280 (bribe taking by governor), article 283 (Criminal responsibility by legal entity), article 387 (improper bidding), article 404 (definition of money laundering), article 405 (sentence to be served), article 406 (aggravating circumstance), article 409 (Criminal responsibility by legal entity), article 517 (bribe taking by judges), article 518 (bribe offered to judges), article 519 (Criminal responsibility by legal entity), article 547 (bribe taking by witnesses for false testimony), article 548 (bribe offered to witnesses), article 553 (bribe taking by interpreter), article 554 (bribe offered to interpreter), article 555 (bribe taking by experts), article 556 (bribe offered to experts), article 559 (criminal responsibility by legal entity), article 592 (definition of misappropriation), article 593 (sentence to be served), article 594 (bribe taking), article 595 (definition of passive business influence), article 597 (definition of embezzlement), article 598 (sentence to be served), article 599 (definition of favoritism), article 600 (sentence to be served), article 601 (intentional destruction and dishonest embezzlement), article 605 (bribe offering), article 606 (active business influence), article 607 (extortion), article 608 (destruction and embezzlement), article 625 (criminal responsibility by legal entity), article 637 (bribe offered to person who has competence to issue false certificate), article 639 (bribe taking by member of professional board of medicine to issue false certificate), article 640 (bribe offered to member of professional board of medicine to issue false certificate), article 641 (execution of misdemeanor of articles 639 and 640 for all medical professions), article 644 (criminal responsibility by legal entity), of the Criminal Code are corruption offenses to be implemented as part of this law.

Article 33: Bribe-taking by Foreign Public Officials or Officials of Public International Organizations

Foreign public officials or officials of public international organizations shall be sentenced from 7 years to 15 years for unrightfully asking for, demanding or accepting, directly or indirectly, gift, donation, promise or any benefit in order to:

1. Either perform his/her duty or be facilitated by his or her function; Or

2. Refrain from performing his or her duty or being facilitated by his or her function.

Article 34: Bribe offered to Foreign Public Officials or Officials of Public International Organization
15. Advertisement of the conviction judgment on print media.

16. Announcement of the conviction judgment on non-print media outlets for a period not exceeding eight (8) days.

**Article 46: Accessory Penalty applicable to certain Legal Entities**

The legal Entity that commits corruption as stated in article 37 (corruption proceeds offence) of this law shall be subject to a fine of ten million Riel (10,000,000) to one hundred million Riel (100,000,000) and face accessory penalties as follows:

1. Dissolution.

2. Placement under the court’s watch.

3. Baring of operation of an activity or activities.

4. Expulsion from public procurement.

5. Prohibition on public saving appeal.

6. Prohibition on issuing cheque besides the cheque certified by any banks.

7. Prohibition on issuing payment vouchers.

8. Closure of the institution which being used to organize or commit offences.

9. Prohibition of the business establishment open to the public or used by the public.

10. Confiscation of instrument, material or any objects which are used to commit offence or aimed to commit offence.

11. Confiscation of objects or funds which are subject of committing offence.

12. Confiscation of capital or property that derives from offence.

13. Confiscation of proceeds, material and furniture in building where an offence is committed.


15. Publication of the conviction judgment on print media or the announcement on non-print media outlets.

**Article 47: The Release of Bank Records**

Credit entities or financial institutions shall be relieved of responsibility and
CHAPTER 6: CORRUPTION OFFENSES AND PUNISHMENT

Article 32: Corruption offenses stipulated in the Criminal Code

In addition to the offenses stipulated in this law, the offenses in article 278 (bribe taking by employees), article 279 (bribe offered to employees), article 280 (bribe taking by governor), article 283 (Criminal responsibility by legal entity), article 387 (improper bidding), article 404 (definition of money laundering), article 405 (sentence to be served), article 406 (aggravating circumstance), article 409 (Criminal responsibility by legal entity), article 517 (bribe taking by judges), article 518 (bribe offered to judges), article 519 (Criminal responsibility by legal entity), article 547 (bribe taking by witnesses for false testimony), article 548 (bribe offered to witnesses), article 553 (bribe taking by interpreter), article 554 (bribe offered to interpreter), article 555 (bribe taking by experts), article 556 (bribe offered to experts), article 559 (criminal responsibility by legal entity), article 592 (definition of misappropriation), article 593 (sentence to be served), article 594 (bribe taking), article 595 (definition of passive business influence), article 597 (definition of embezzlement), article 598 (sentence to be served), article 599 (definition of favoritism), article 600 (sentence to be served), article 601 (intentional destruction and dishonest embezzlement), article 605 (bribe offering), article 606 (active business influence), article 607 (extortion), article 608 (destruction and embezzlement), article 625 (criminal responsibility by legal entity), article 637 (bribe offered to person who has competence to issue false certificate), article 639 (bribe taking by member of professional board of medicine to issue false certificate), article 640 (bribe offered to member of professional board of medicine to issue false certificate), article 641 (execution of misdemeanor of articles 639 and 640 for all medical professions), article 644 (criminal responsibility by legal entity), of the Criminal Code are corruption offenses to be implemented as part of this law.

Article 33: Bribetaking by Foreign Public Officials or Officials of Public International Organizations

Foreign public officials or officials of public international organizations shall be sentenced from 7 years to 15 years for unrightfully asking for, demanding or accepting, directly or indirectly, gift, donation, promise or any benefit in order to:

1. Either perform his/her duty or be facilitated by his or her function; Or

2. Refrain from performing his or her duty or being facilitated by his or her function.

Article 34: Bribe offered to Foreign Public Officials or Officials of Public International Organization
15. Advertisement of the conviction judgment on print media.

16. Announcement of the conviction judgment on non-print media outlets for a period not exceeding eight (8) days.

**Article 46: Accessory Penalty applicable to certain Legal Entities**

The legal Entity that commits corruption as stated in article 37 (corruption proceeds offence) of this law shall be subject to a fine of ten million Riel (10,000,000) to one hundred million Riel (100,000,000) and face accessory penalties as follows:

1. Dissolution.

2. Placement under the court’s watch.

3. Baring of operation of an activity or activities.

4. Expulsion from public procurement.

5. Prohibition on public saving appeal.

6. Prohibition on issuing cheque besides the cheque certified by any banks.

7. Prohibition on issuing payment vouchers.

8. Closure of the institution which being used to organize or commit offences.

9. Prohibition of the business establishment open to the public or used by the public.

10. Confiscation of instrument, material or any objects which are used to commit offence or aimed to commit offence.

11. Confiscation of objects or funds which are subject of committing offence.

12. Confiscation of capital or property that derives from offence.

13. Confiscation of proceeds, material and furniture in building where an offence is committed


15. Publication of the conviction judgment on print media or the announcement on non-print media outlets.

**Article 47: The Release of Bank Records**

Credit entities or financial institutions shall be relieved of responsibility and
CHAPTER 6: CORRUPTION OFFENSES AND PUNISHMENT

Article 32: Corruption offenses stipulated in the Criminal Code

In addition to the offenses stipulated in this law, the offenses in article 278 (bribe taking by employees), article 279 (bribe offered to employees), article 280 (bribe taking by governor), article 283 (Criminal responsibility by legal entity), article 387 (improper bidding), article 404 (definition of money laundering), article 405 (sentence to be served), article 406 (aggravating circumstance), article 409 (Criminal responsibility by legal entity), article 517 (bribe taking by judges), article 518 (bribe offered to judges), article 519 (Criminal responsibility by legal entity), article 547 (bribe taking by witnesses for false testimony), article 548 (bribe offered to witnesses), article 553 (bribe taking by interpreter), article 554 (bribe offered to interpreter), article 555 (bribe taking by experts), article 556 (bribe offered to experts), article 559 (criminal responsibility by legal entity), article 592 (definition of misappropriation), article 593 (sentence to be served), article 594 (bribe taking), article 595 (definition of passive business influence), article 597 (definition of embezzlement), article 598 (sentence to be served), article 599 (definition of favoritism), article 600 (sentence to be served), article 601 (intentional destruction and dishonest embezzlement), article 605 (bribe offering), article 606 (active business influence), article 607 (extortion), article 608 (destruction and embezzlement), article 625 (criminal responsibility by legal entity), article 637 (bribe offered to person who has competence to issue false certificate), article 639 (bribe taking by member of professional board of medicine to issue false certificate), article 640 (bribe offered to member of professional board of medicine to issue false certificate), article 641 (execution of misdemeanor of articles 639 and 640 for all medical professions), article 644 (criminal responsibility by legal entity), of the Criminal Code are corruption offenses to be implemented as part of this law.

Article 33: Bribetaking by Foreign Public Officials or Officials of Public International Organizations

Foreign public officials or officials of public international organizations shall be sentenced from 7 years to 15 years for unrightfully asking for, demanding or accepting, directly or indirectly, gift, donation, promise or any benefit in order to:

1. Either perform his/her duty or be facilitated by his or her function; Or

2. Refrain from performing his or her duty or being facilitated by his or her function.

Article 34: Bribes offered to Foreign Public Officials or Officials of Public International Organization
15. Advertisement of the conviction judgment on print media.

16. Announcement of the conviction judgment on non-print media outlets for a period not exceeding eight (8) days.

**Article 46: Accessory Penalty applicable to certain Legal Entities**

The legal Entity that commits corruption as stated in article 37 (corruption proceeds offence) of this law shall be subject to a fine of ten million Riel (10,000,000) to one hundred million Riel (100,000,000) and face accessory penalties as follows:

1. Dissolution.
2. Placement under the court’s watch.
3. Baring of operation of an activity or activities.
4. Expulsion from public procurement.
5. Prohibition on public saving appeal.
6. Prohibition on issuing cheque besides the cheque certified by any banks.
7. Prohibition on issuing payment vouchers.
8. Closure of the institution which being used to organize or commit offences.
9. Prohibition of the business establishment open to the public or used by the public.
10. Confiscation of instrument, material or any objects which are used to commit offence or aimed to commit offence.
11. Confiscation of objects or funds which are subject of committing offence.
12. Confiscation of capital or property that derives from offence.
13. Confiscation of proceeds, material and furniture in building where an offence is committed
15. Publication of the conviction judgment on print media or the announcement on non-print media outlets.

**Article 47: The Release of Bank Records**

Credit entities or financial institutions shall be relieved of responsibility and
CHAPTER 6: CORRUPTION OFFENSES AND PUNISHMENT

Article 32: Corruption offenses stipulated in the Criminal Code

In addition to the offenses stipulated in this law, the offenses in article 278 (bribe taking by employees), article 279 (bribe offered to employees), article 280 (bribe taking by governor), article 283 (Criminal responsibility by legal entity), article 387 (improper bidding), article 404 (definition of money laundering), article 405 (sentence to be served), article 406 (aggravating circumstance), article 409 (Criminal responsibility by legal entity), article 517 (bribe taking by judges), article 518 (bribe offered to judges), article 519 (Criminal responsibility by legal entity), article 547 (bribe taking by witnesses for false testimony), article 548 (bribe offered to witnesses), article 553 (bribe taking by interpreter), article 554 (bribe offered to interpreter), article 555 (bribe taking by experts), article 556 (bribe offered to experts), article 559 (criminal responsibility by legal entity), article 592 (definition of misappropriation), article 593 (sentence to be served), article 594 (bribe taking), article 595 (definition of passive business influence), article 597 (definition of embezzlement), article 598 (sentence to be served), article 599 (definition of favoritism), article 600 (sentence to be served), article 601 (intentional destruction and dishonest embezzlement), article 605 (bribe offering), article 606 (active business influence), article 607 (extortion), article 608 (destruction and embezzlement), article 625 (criminal responsibility by legal entity), article 637 (bribe offered to person who has competence to issue false certificate), article 639 (bribe taking by member of professional board of medicine to issue false certificate), article 640 (bribe offered to member of professional board of medicine to issue false certificate), article 641 (execution of misdemeanor of articles 639 and 640 for all medical professions), article 644 (criminal responsibility by legal entity), of the Criminal Code are corruption offenses to be implemented as part of this law.

Article 33: Bribetaking by Foreign Public Officials or Officials of Public International Organizations

Foreign public officials or officials of public international organizations shall be sentenced from 7 years to 15 years for unrightfully asking for, demanding or accepting, directly or indirectly, gift, donation, promise or any benefit in order to:

1. Either perform his/her duty or be facilitated by his or her function; Or

2. Refrain from performing his or her duty or being facilitated by his or her function.
15. Advertisement of the conviction judgment on print media.

16. Announcement of the conviction judgment on non-print media outlets for a period not exceeding eight (8) days.

**Article 46: Accessory Penalty applicable to certain Legal Entities**

The legal Entity that commits corruption as stated in article 37 (corruption proceeds offence) of this law shall be subject to a fine of ten million Riel (10,000,000) to one hundred million Riel (100,000,000) and face accessory penalties as follows:

1. Dissolution.

2. Placement under the court’s watch.

3. Baring of operation of an activity or activities.

4. Expulsion from public procurement.

5. Prohibition on public saving appeal.

6. Prohibition on issuing cheque besides the cheque certified by any banks.

7. Prohibition on issuing payment vouchers.

8. Closure of the institution which being used to organize or commit offences.

9. Prohibition of the business establishment open to the public or used by the public.

10. Confiscation of instrument, material or any objects which are used to commit offence or aimed to commit offence.

11. Confiscation of objects or funds which are subject of committing offence.

12. Confiscation of capital or property that derives from offence.

13. Confiscation of proceeds, material and furniture in building where an offence is committed


15. Publication of the conviction judgment on print media or the announcement on non-print media outlets.

*Please provide examples of implementation*

The judgment of Criminal Case No. 53 dated 26th September, 2012 of a court of the first instance on the case of a former investigating judge
The judgment of Criminal Case No. 53 dated 26th September, 2012 of a court of the first instance on the case of a former investigating judge Verdict No.08 Kr IV T/18-01-2013 dated January 18th, 2013

A former investigating judge of a Provincial Court of First Instance was accused of illicit enrichment (article 36 of Law on Anti-Corruption) and Bribery of the Judge (article 517 of Penal Code) which was committed at the court of the first in stance on 20th January 2012. This investigating judge abused their function by threatening for the payment of 5000 dollars in return of holding the file without processing while that person was actually a witness in a case.

That former investigating judge of a Provincial Court of First Instance was sentenced to 5 years imprisonment in accordance with article 517 and 94 of penal code, legally required to one-year execution of sentence starting from 20 January, 2012. The remaining period of sentence shall be suspended in accordance with article 104 and 108 of penal code.

If available, please provide information on criminal and non-criminal sanctions imposed

- Criminal Sanctions: Case of a former Judge
- Non-criminal Sanctions: Case of Embezzlement in a province

Where applicable, please provide information on the execution of sentences (e.g. time served, amount of money collection, etc.)

Not available.

108. Paragraph 2 of article 30

2. Each State Party shall take such measures as may be necessary to establish or maintain, in accordance with its legal system and constitutional principles, an appropriate balance between any immunities or jurisdictional privileges accorded to its public officials for the performance of their functions and the possibility, when necessary, of effectively investigating, prosecuting and adjudicating offences established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer.)

(P) Yes, in part

Immunity is given to assembly members and senators and can be taken after getting the consent from National Assembly/Senate or from National Assembly/Senate Permanent commission in the meeting session except in case of flagrante delicto (the competent authority has to report to national assembly/senate or permanent commission).

Constitution: Article 80, 104 (New)

Law on organization and functioning of constitutional council (Dated 08 April 1998): Article 11

Please cite the applicable measure(s) or rules

Please cite the text(s)

Cambodian Constitution
**Cambodian Constitution**

**Article 80:**

The deputies shall enjoy parliamentary immunity.

No assembly member shall be prosecuted, detained or arrested because of opinions expressed during the exercise of his (her) duties.

The accusation, arrest, or detention of an assembly member shall be made only with the permission of the National Assembly or by the Standing Committee of the national Assembly between sessions, Except in case of flagrante delicto. In that case, the competent authority shall immediately report to the National Assembly or to the Standing Committee for decision.

The decision made by the Standing Committee of the National Assembly shall be submitted to the National Assembly at its next session for approval by a 2/3-majority vote of the assembly members.

In any case, detention or prosecution of a deputy shall be suspended by a 3/4-majority vote of the National Assembly members.

**Article 104 (New)**

The Senate member shall not be subject to any prosecution, detention or arrest because of opinions expressed during the exercise of his/her function. Any accusation, arrest or detention of any member of the Senate may be made only with permission from the Senate or the Permanent Committee (Standing Committee) of the Senate, in periods between the Senate sessions, except in the case of flagrante delicto. In this latter case, the competent authority shall immediately report to the Senate or to the Permanent/ Standing Committee of the Senate for decision.

The decision made by the Permanent/Standing Committee of the Senate shall be submitted to the Senate at its next session for approval by a 2/3 majority vote of the whole Senate members.

In all the above cases, the detention or prosecution of any Senate member shall be suspended, after the Senate so expressed by a 3/4 majority vote of the members of the entire Senate.

**Law on organizing and functioning of constitutional council (Dated 08 April 1998)**

**Article 11:**

Members of Constitutional Council shall not be responsible in criminal or

Please provide examples of implementation

There is no case regarding this.

Have there been concrete instances where the issue of immunities and/or jurisdictional or other privileges accorded to public officials has arisen and addressed in official documents?
Not applicable.

If there have been any relevant official inquiries or reports, please cite, summarize or attach relevant documents
Not applicable.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.
No action will be taken.

109. Paragraph 3 of article 30

3. Each State Party shall endeavour to ensure that any discretionary legal powers under its domestic law relating to the prosecution of persons for offences established in accordance with this Convention are exercised to maximize the effectiveness of law enforcement measures in respect of those offences and with due regard to the need to deter the commission of such offences.

Is your country in compliance with this provision? (Check one answer.)
(P) Yes, in part
Some articles in Cambodian legislation complies with this provision.
Constitution: Article 131 (new)
Code of Criminal Procedure (dated 10 August 2007) : Article 27 Roles of Prosecution, Article 40 Processing of Criminal Proceedings, Article 41 File without Processing, Article 44 Opening of Judicial Investigation, Article 45 Proceedings in Case of Misdemeanors, Article 46 Citations, Article 47 Immediate Appearance, Article 247 Closing Order

Please cite the applicable measure(s)

Please cite the text(s)
Cambodian Constitution

Article 131: (Former article 112)

Only the Department of the Public Prosecution shall have the right to file criminal suits.

Code of Criminal Procedure (dated 10 August 2007)

Article 27 Roles of Prosecution

The Prosecution brings charges of criminal offenses against charged persons and asks for the application of laws by the Court. Prosecutors are responsible for the implementation of orders of the criminal court on criminal offenses, including the
Cambodian Constitution

Article 131: (Former article 112)

Only the Department of the Public Prosecution shall have the right to file criminal suits.

Code of Criminal Procedure (dated 10 August 2007)

Article 27 Roles of Prosecution

The Prosecution brings charges of criminal offenses against charged persons and asks for the application of laws by the Court. Prosecutors are responsible for the implementation of orders of the criminal court on criminal offenses, including the dissemination of arrest warrants. In performing his duties, a Prosecutor has the right to directly mobilize public forces. A Prosecutor shall attend all hearings of the trial court in criminal cases.

Article 40 Processing of Criminal Proceedings

The Royal Prosecutor shall consider written complaints and protests that have been received by him or that have been directly submitted by judicial police officers.

He can decide to either hold a file without processing or to conduct proceedings against the offenders. Before making the decision, a Prosecutor can conduct preliminary investigations or order supplemental investigations.

In case of a serious offense, the Prosecutor shall make a report on the case to the General Prosecutor attached to the Court of Appeal who also shall submit that report to the Minister of Justice.

Article 41: File without Processing

In the case that the complaint is filed without processing, the Prosecutor shall inform the plaintiff about that decision within the shortest possible period, in any case of not more than two months starting from date of the registration of the complaint as provided for in Article 50 (Registry of Complaints) of this Code.

Filing the case without processing shall be based on grounds of law and fact. Filing without processing does not have the effect of res judicata.

The Prosecutor may always change his decision as long as the criminal action has not been extinguished.

If the plaintiff is not satisfied with the Prosecutor’s decision to hold the file without processing, the plaintiff may appeal that decision to the General Prosecutor attached to the Court of Appeal.

The appeal shall be lodged within two months, commencing from the date on which the plaintiff received the decision to hold the file without
Cambodian Constitution

Article 131: (Former article 112)

Only the Department of the Public Prosecution shall have the right to file criminal suits.

Code of Criminal Procedure (dated 10 August 2007)

Article 27 Roles of Prosecution

The Prosecution brings charges of criminal offenses against charged persons and asks for the application of laws by the Court. Prosecutors are responsible for the implementation of orders of the criminal court on criminal offenses, including the dissemination of arrest warrants. In performing his duties, a Prosecutor has the right to directly mobilize public forces. A Prosecutor shall attend all hearings of the trial court in criminal cases.

Article 40 Processing of Criminal Proceedings

The Royal Prosecutor shall consider written complaints and protests that have been received by him or that have been directly submitted by judicial police officers.

He can decide to either hold a file without processing or to conduct proceedings against the offenders. Before making the decision, a Prosecutor can conduct preliminary investigations or order supplemental investigations.

In case of a serious offense, the Prosecutor shall make a report on the case to the General Prosecutor attached to the Court of Appeal who also shall submit that report to the Minister of Justice.

Article 41: File without Processing

In the case that the complaint is filed without processing, the Prosecutor shall inform the plaintiff about that decision within the shortest possible period, in any case of not more than two months starting from date of the registration of the complaint as provided for in Article 50 (Registry of Complaints) of this Code.

Filing the case without processing shall be based on grounds of law and fact. Filing without processing does not have the effect of res judicata.

The Prosecutor may always change his decision as long as the criminal action has not been extinguished.

If the plaintiff is not satisfied with the Prosecutor’s decision to hold the file without processing, the plaintiff may appeal that decision to the General Prosecutor attached to the Court of Appeal.

The appeal shall be lodged within two months, commencing from the date on which the plaintiff received the decision to hold the file without
Cambodian Constitution

Article 131: (Former article 112)

Only the Department of the Public Prosecution shall have the right to file criminal suits.

Code of Criminal Procedure (dated 10 August 2007)

Article 27 Roles of Prosecution

The Prosecution brings charges of criminal offenses against charged persons

Please provide examples of implementation
There is no case regarding this.

If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures, as available.
Not applicable.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.
No action will be taken.

110. Paragraph 4 of article 30

4. In the case of offences established in accordance with this Convention, each State Party shall take appropriate measures, in accordance with its domestic law and with due regard to the rights of the defence, to seek to ensure that conditions imposed in connection with decisions on release pending trial or appeal take into consideration the need to ensure the presence of the defendant at subsequent criminal proceedings.

Has your country adopted and implemented the measures described above? (Check one answer.)
(Y) Yes
Some articles of Code of Criminal Procedure comply with this provision.


Please cite the applicable measure(s)
Please cite the text(s)
Code of Criminal Procedure (dated 10 August 2007)
Code of Criminal Procedure (dated 10 August 2007)

Article 203 Principle of Provisional Detention

In principle, the charged person shall remain at liberty. Exceptionally, the charged person may be provisionally detained under the conditions stated in this section.

Article 204 Cases of Provisional Detention

Provisional detention may be ordered only in case of a felony or of misdemeanors involving a punishment of imprisonment of one year or more.

Article 205 Reasons for Provisional Detention

Provisional detention may be ordered when it is necessary to:

1. stop the offense or prevent the offense from happening again;
2. prevent any harassment of witnesses or victims or prevent any collusion between the charged person and accomplices;
3. preserve evidence or exhibits;
4. guarantee the presence of the charged person during the proceedings against him;
5. protect the security of the charged person;
6. preserve public order from any trouble caused by the offense.

Article 215 Release of Charged Person by Investigating Judge

The investigating judge may order the release of the charged person at any time. If an investigating judge intends to release a charged person, he shall immediately inform the Royal Prosecutor to request his opinion and send the case file to him for examination. The Royal Prosecutor shall make his observations without delay. The investigating judge shall decide within a maximum of 5 days after forwarding the case file to the Royal Prosecutor.

In urgent cases, the investigating judge may order the immediate release of a charged person, without waiting for the Prosecutor's observations. The investigating judge shall indicate the reasons of the urgency in his order.

Article 216 Release of Charged Person upon Request of Prosecutor

The Royal Prosecutor may request the release of a charged person at any time. The investigating judge shall make a decision within 5 days after receiving the request.

If the investigating judge fails to decide within 5 days, the Royal Prosecutor may directly seize the Investigation Chamber to decide instead of the investigating judge.
Code of Criminal Procedure (dated 10 August 2007)

Article 203 Principle of Provisional Detention

In principle, the charged person shall remain at liberty. Exceptionally, the charged person may be provisionally detained under the conditions stated in this section.

Article 204 Cases of Provisional Detention

Provisional detention may be ordered only in case of a felony or of misdemeanors involving a punishment of imprisonment of one year or more.

Article 205 Reasons for Provisional Detention

Provisional detention may be ordered when it is necessary to:

1. stop the offense or prevent the offense from happening again;
2. prevent any harassment of witnesses or victims or prevent any collusion between the charged person and accomplices;
3. preserve evidence or exhibits;
4. guarantee the presence of the charged person during the proceedings against him;
5. protect the security of the charged person;
6. preserve public order from any trouble caused by the offense.

Article 215 Release of Charged Person by Investigating Judge

The investigating judge may order the release of the charged person at any time. If an investigating judge intends to release a charged person, he shall immediately inform the Royal Prosecutor to request his opinion and send the case file to him for examination. The Royal Prosecutor shall make his observations without delay. The investigating judge shall decide within a maximum of 5 days after forwarding the case file to the Royal Prosecutor.

In urgent cases, the investigating judge may order the immediate release of a charged person, without waiting for the Prosecutor's observations. The investigating judge shall indicate the reasons of the urgency in his order.

Please provide examples of implementation

Verdict No. 10285 dated on 14th August 2012 placing a charged person under judicial supervision

Record of the present of a charged person dated on 24th August 2012

If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures, as available.
111. Paragraph 5 of article 30

5. Each State Party shall take into account the gravity of the offences concerned when considering the eventuality of early release or parole of persons convicted of such offences.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Cambodia has implemented this provision of the Convention. Cambodian legislation contains provisions for conditional or early release for corruption offences whilst taking into account the gravity of such offences (articles 512 up to article 521 of the code of criminal procedure). Cambodia will take into account the gravity of the offences concerned when considering the eventuality of early release or pardon of person convicted of 1. Terrorism offences, 2. Drug offences, 3. Corruption offences. Cambodia will strengthen the conditions for early release or pardon for these offences with the limitation not to violate the constitution (article 27 the rights of the King) - discretion of the judge - and the privilege of the head of the government.

Please cite the applicable measure(s)

Please cite the text(s)

Code of criminal procedure (dated 10 August 2007)

Article 512 Conditions Relative to Behavior
Any convicted person who is serving one or more imprisonment sentences may be paroled, provided that he has shown good behavior during imprisonment and appears to be able to reintegrate into society.

Article 513 Conditions Relative to Duration of Sentence Already Served
Parole may be granted to a convicted person who has served: − Half of his sentence if the duration of the sentence is less than or equal to one year; − Two-thirds of the sentence in other cases. A convicted person who has served at least 20 years of a life imprisonment sentence is also eligible for parole.

Article 514 Authority Competent to Grant Parole
The President of the Court of First Instance at the place of detention has the authority to grant parole to a convicted person. He shall make this decision after having received the opinion from a national commission which meets at the Ministry of Justice. The national commission shall be composed of: − Two members appointed by the Minister of Justice - one of whom shall serve as chairperson of the commission; − The Chief of the Prison Administration or his representative - as a member.

Article 515 Opinion of National Commission
After an application for parole has been filed, the President of the Court of First Instance shall deliver to the national committee: − the application; − the sentencing judgment; − all other sentencing judgments if the convicted person had been
Code of criminal procedure (dated 10 August 2007)

Article 512 Conditions Relative to Behavior
Any convicted person who is serving one or more imprisonment sentences may be paroled, provided that he has shown good behavior during imprisonment and appears to be able to reintegrate into society.

Article 513 Conditions Relative to Duration of Sentence Already Served
Parole may be granted to a convicted person who has served: – Half of his sentence if the duration of the sentence is less than or equal to one year; – Two-thirds of the sentence in other cases. A convicted person who has served at least 20 years of a life imprisonment sentence is also eligible for parole.

Article 514 Authority Competent to Grant Parole
The President of the Court of First Instance at the place of detention has the authority to grant parole to a convicted person. He shall make this decision after having received the opinion from a national commission which meets at the Ministry of Justice. The national commission shall be composed of: – Two members appointed by the Minister of Justice - one of whom shall serve as chairperson of the commission; – The Chief of the Prison Administration or his representative - as a member.

Article 515 Opinion of National Commission
After an application for parole has been filed, the President of the Court of First Instance shall deliver to the national committee: – the application; – the sentencing judgment; – all other sentencing judgments if the convicted person had been subject to several penalties; – Bulletin No. 1 of the criminal record; – the opinion of the Royal Prosecutor; – All other useful documents. The national commission shall issue its opinion without delay. This opinion shall be in writing and include reasons. The opinion shall be submitted to the President of the Court of First Instance immediately.

Article 516 Decisions on Parole
The President of the Court of First Instance shall not be bound by the opinion of this national commission. The decision made by the court president shall include reasons. The decision of the court president may be appealed to the President of the Court of Appeal within 5 days. This appeal may be made by the General Prosecutor attached to the Court of Appeal or the Royal Prosecutor of the court that made the decision. When the President of the Court of First Instance has granted parole, the decision shall not take effect in the first 5 days as stated in paragraph 3 of this Article. If there is an appeal, the parole decision shall not take effect until the decision of the President of the Court of Appeal is issued. The President of the Court of Appeal shall make a decision including reasons and this decision cannot be appealed.

Article 517 Enforcement and Conditions of Parole
A decision granting parole shall designate the means by which it should be enforced and the requirements the convicted person has to follow. This decision shall determine a probation period, which shall not exceed the term of the sentence which is not yet served.

Please provide examples of implementation
Not available

If available, please provide information (statistics, types of cases, outcome) on related cases or
112. Paragraph 6 of article 30

6. Each State Party, to the extent consistent with the fundamental principles of its legal system, shall consider establishing procedures through which a public official accused of an offence established in accordance with this Convention may, where appropriate, be removed, suspended or reassigned by the appropriate authority, bearing in mind respect for the principle of the presumption of innocence.

Has your country established the procedures described above? (Check one answer)

(Y) Yes
2 Articles (Article 52, Article 53) in Cambodian Civil Servant General Statute (Promulgated by Royal Kram No. NS/RKM/1094/006 dated 30 October 1994) comply with this provision.

Please cite the applicable procedure(s) or other measure(s)

Please cite the text(s)
Civil Servant General Statute (Promulgated by Royal Kram No. NS/RKM/1094/006 dated 30 October 1994)

Article 52

If necessary, the civil servant brought before the court may be relieved of his/her duties during the judicial proceedings.

In the event of suspension of duties with placement on leave without pay status, the civil servant acquitted by the court shall be reintegrated into the civil service with retroactive effect.

Article 53:

Any criminal or penal condemnation without a suspended sentence shall result in the removal of the civil servant, commencing form the day when the judgment became final.

In the event of an appeal, the civil servant shall be automatically placed on leave without pay.

Please provide examples of implementation
Verdict of Criminal case No. 2547 dated on 8th August 2012 issued by a court of the first instance which was on trial on 14th March 2013 and publicly was announced on 22nd March 2013

If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures, as available.

29/12/2015 Cambodia

UNCAC Self-Assessment Checklist - Cycle 1 - Cambodia
113. Subparagraph 7 (a) of article 30

7. Where warranted by the gravity of the offence, each State Party, to the extent consistent with the fundamental principles of its legal system, shall consider establishing procedures for the disqualification, by court order or any other appropriate means, for a period of time determined by its domestic law, of persons convicted of offences established in accordance with this Convention from:

(a) Holding public office;

Has your country established the procedures described above? (Check one answer)

(Y) Yes

In compliance with this provision, Cambodian legislations state that any criminal or penal condemnation without a suspended sentence shall result in the removal of the civil servant, commencing from the day when the judgement became final. Rehabilitation could be granted by Judicial rehabilitation (upon requested and decide by the Criminal Chamber of the Court of Appeal) and rehabilitation by law.

Cambodian common statute of civil servants (Promulgated by Royal Kram No. NS/RKM/1094/006 dated 30 October 1994): Article 52, 53

Penal Code(Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009): Article 55 Forfeiture of rights

Code of Criminal Procedure (dated 10 August 2007): Article 534 Competent Court to Decide Rehabilitation, Article 535 (Time Conditions Relative to Application for Rehabilitation); Article 541 Rehabilitation by Law

Law on common statute for military personnel of Royal armed forces (dated 06 November 1998): Article 40

Sub-decree No. 25 RNKr dated on 15th June 1994 on duties and general hierarchy of Royal Gendarmerie: Article 3

Please cite the applicable procedure(s) or other measure(s)

Please cite the text(s)

Common Statute of Civil Servants (Promulgated by Royal Kram No. NS/RKM/1094/006 dated 30 October 1994)

Article 52

If necessary, the civil servant brought before the court may be relieved of his/her duties during the judicial proceedings.

In the event of suspension of duties with placement on leave without pay status, the civil servant acquitted by the court shall be reintegrated into the civil
Common Statute of Civil Servants (Promulgated by Royal Kram No. NS/RKM/1094/006 dated 30 October 1994)

Article 52

If necessary, the civil servant brought before the court may be relieved of his/her duties during the judicial proceedings.

In the event of suspension of duties with placement on leave without pay status, the civil servant acquitted by the court shall be reintegrated into the civil service with retroactive effect.

Article 53:

Any criminal or penal condemnation without a suspended sentence shall result in the removal of the civil servant, commencing from the day when the judgment became final.

In the event of an appeal, the civil servant shall be automatically placed on leave without pay.

Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 55: Forfeiture of rights

The rights that may be forfeited under Article 53(1) (Additional penalties) are:

(1) the right to vote;
(2) the right to stand for election;
(3) the right to be a public official;
(4) the right to be appointed as an expert, an arbitrator or to be a judicially appointed official;
(5) the right to receive official decorations and honours;
(6) the right to testify under oath in court.

The penalty of forfeiture of certain rights may be permanent or temporary. In the latter case, the period of forfeiture may not exceed five years.

Code of criminal procedure (dated 10 August 2007)

Article 534 Competent Court to Decide Rehabilitation

Judicial rehabilitation may be granted or rejected by the Criminal Chamber of the Court of Appeal in whose territorial jurisdiction the sentence has been announced.

Article 535 Time Conditions Relative to Application for Rehabilitation
Common Statute of Civil Servants (Promulgated by Royal Kram No. NS/RKM/1094/006 dated 30 October 1994)

Article 52

If necessary, the civil servant brought before the court may be relieved of his/her duties during the judicial proceedings.

In the event of suspension of duties with placement on leave without pay status, the civil servant acquitted by the court shall be reintegrated into the civil service with retroactive effect.

Article 53:

Any criminal or penal condemnation without a suspended sentence shall result in the removal of the civil servant, commencing form the day when the judgment became final.

In the event of an appeal, the civil servant shall be automatically placed on leave without pay.

Penal Code(Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 55: Forfeiture of rights

The rights that may be forfeited under Article 53(1) (Additional penalties) are:

(1) the right to vote;
(2) the right to stand for election;
(3) the right to be a public official;
(4) the right to be appointed as an expert, an arbitrator or to be a judicially appointed official;
(5) the right to receive official decorations and honours;
(6) the right to testify under oath in court.

The penalty of forfeiture of certain rights may be permanent or temporary. In the latter case, the period of forfeiture may not exceed five years.

Code of criminal procedure (dated 10 August 2007)

Please provide examples of implementation

There is no case regarding this.

If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures, as available.

Not applicable.
114. Subparagraph 7 (b) of article 30

7. Where warranted by the gravity of the offence, each State Party, to the extent consistent with the fundamental principles of its legal system, shall consider establishing procedures for the disqualification, by court order or any other appropriate means, for a period of time determined by its domestic law, of persons convicted of offences established in accordance with this Convention from:

... (b) Holding office in an enterprise owned in whole or in part by the State.

*Has your country established the procedures described above? (Check one answer)*

- (Y) Yes

Some articles of Cambodian legislation comply with the above provision.

- Cambodian common statute of civil servants (Promulgated by Royal Kram No. NS/RKM/1094/006 dated 30 October 1994): Article 52, 53
- Penal Code(Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009): Article 55 Forfeiture of rights

*Please cite the applicable procedure(s) or other measure(s)*

- Please cite the text(s)
  - Please see response in article 30.7.a of UNCAC.

*Please provide examples of implementation*

- The judgment of Criminal Case No. 484 dated 30th November, 2010 of a court of the instance.
- Verdict No.98 X dated November 15th, 2010 on the criminal case No. 672 dated 16th December 2010 of a court of the first instance.

*If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures, as available.*

- Not applicable.

115. Paragraph 8 of article 30

8. Paragraph 1 of this article shall be without prejudice to the exercise of disciplinary powers by the competent authorities against civil servants.

*Is your country in compliance with this provision? (Check one answer.)*
Cambodia has fully implemented this provision of the Convention through articles 35 and 50 of the Common Statute of Civil Servants.

Please cite the applicable measure(s)

Please cite the text(s)

Common Statute of Civil Servants (Promulgated by Royal Kram No. NS/RKM/1094/006 dated 30 October 1994)

Article 35:

It shall be strictly forbidden for civil servants:

- to undertake work for personal purposes during the hours of service,
- to use the prerogatives and authority of their position for personal profits or to threaten or violate the rights of citizens,
- to undertake an activity that undermines the honor and integrity of their position,
- to be a member of a board of directors or to manage directly or indirectly a private company or enterprise,
- to publish, without the prior authority of the Minister under whom they are employed, or to make public facts related to their position,
- to exercise at the same time a profession forbidden by the particular statute of their body.

Any violation of the provisions of this article may result in the application of disciplinary sanctions provided in Article 40 of this law, without prejudice to possible penal proceedings.

Article 50:

After receipt of the report, the disciplinary council may request that the reporter draft supplementary information.

The President may either postpone to a later date the meeting of the council or take under his/her responsibility any other measure useful to demonstrate the truth, provided that he/she does not contradict the authority of a judicial decision that has been previously entered.

Please provide examples of implementation and related disciplinary cases

NA

116. Paragraph 10 of article 30
10. States Parties shall endeavour to promote the reintegration into society of persons convicted of offences established in accordance with this Convention.

**Is your country in compliance with this provision? (Check one answer.)**

(P) Yes, in part

*Please cite the applicable reintegration programme(s) or measure(s)*

*Please cite the text(s)*

Law on Prison (Promulgated by Royal Kram No. NS/RKM/1094/006 dated 30 October 1994)

**Chart 7**

**Education, Correction, Provisional Training and Rehabilitation for Prisoners**

**Article 66:**

The prisoners are assigned to participate in legal and social morality education programs conducted at the prisons.

**Article 67:**

The prisoners are provided with ways to participate in the general knowledge education programs and provisional trainings at the prisons.

Education and provisional training programs are integrated into the national education and provisional training programs.

The juvenile prisoners are particularly considered in relation to the needs for education, provisional trainings, rehabilitation and integration by collaborating with the Ministry of Social Affairs, Veterans and Youth Rehabilitation and the Ministry of Education, Youth and Sports.

The Ministry of Education, Youth and Sport and the Ministry of Labor and Vocational Training shall collaborate with the Ministry of Interior in designing the programs and implementing education and vocational training programs for the prisoners in the prison.

**Article 68:**

Prisoners with low level of security and have been assessed that they are physically capable are assigned to do the daily work in the prison or any work for the interests of the community and public interests or assigned to participate in industrial, handicraft, agriculture programs in the prison.

**Article 69:**

Industrial, handicraft, agriculture programs are organized at each prison in order to provide opportunity to the prisoners to gain the ability for making their own livings after they have been integrated into the society.
Law on Prison (Promulgated by Royal Kram No. NS/RKM/1094/006 dated 30 October 1994)

Chapter 7

Education, Correction, Provisional Training and Rehabilitation for Prisoners

Article 66:

The prisoners are assigned to participate in legal and social morality education programs conducted at the prisons.

Article 67:

The prisoners are provided with ways to participate in the general knowledge education programs and provisional trainings at the prisons.

Education and provisional training programs are integrated into the national education and provisional training programs

The juvenile prisoners are particularly considered in relation to the needs for education, provisional trainings, rehabilitation and integration by collaborating with the Ministry of Social Affairs, Veterans and Youth Rehabilitation and the Ministry of Education, Youth and Sports.

The Ministry of Education, Youth and Sport and the Ministry of Labor and Vocational Training shall collaborate with the Ministry of Interior in designing the programs and implementing education and vocational training programs for the prisoners in the prison.

Article 68:

Prisoners with low level of security and have been assessed that they are physically capable are assigned to do the daily work in the prison or any work for the interests of the community and public interests or assigned to participate in industrial, handicraft, agriculture programs in the prison.

Article 69:

Industrial, handicraft, agriculture programs are organized at each prison in order to provide opportunity to the prisoners to gain the ability for making their own livings after they have been integrated into the society.

Article 70:

Prisoners participating in the industrial, handicraft, agriculture programs in the prison are equipped with safety equipment during working.

Article 71:

After the agreement of the Minister of Interior, Director General of the prison has the right to sign the contract with natural person, legal person or national, international organizations to generate the industrial, handicraft, agriculture programs
Law on Prison (Promulgated by Royal Kram No. NS/RKM/1094/006 dated 30 October 1994)

Chapter 7

Education, Correction, Provisional Training and Rehabilitation for Prisoners

Article 66:

The prisoners are assigned to participate in legal and social morality education programs conducted at the prisons.

Article 67:

The prisoners are provided with ways to participate in the general knowledge education programs.

Please provide examples of implementation

There is no case regarding this.

If you collect statistics on recidivism rates, please provide them

Not applicable.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Royal Government of Cambodia plans to further disseminate this law to law enforcement officials and other entities. Capacity building for specific skills to relevant officials is also a priority tasks done by Royal Government of Cambodia.

The establishment of systems for managing, collecting, and analyzing of information and data in relevant ministries-institutions has to be done and strengthened by making it systematic, linked, and advanced in order to be used as the ground for analysis, investigate, share, and design the strategic plan for the entities.

117. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(Y) Yes

Which challenges are you facing in (fully) adopting/implementing the article under review? (Check all)
Which challenges are you facing in (fully) adopting/implementing the article under review? (Check all)
(LIRIM) Limited resources for implementation (e.g. human/financial/other; please specify)
(INTACO) Inter-agency co-ordination
(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)

Which of the following forms of technical assistance, if available, would assist your country in (fully) implementing the article under review? (Check all the answers that apply)
(BEST) Summary of good practices/lessons learned
(MOLEG) Model legislation
(ADV) Legal advice
(OTHER) Other assistance (please specify)
Provide capacity building program

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

31. Freezing, seizure and confiscation

118. Subparagraph 1 (a) of article 31

1. Each State Party shall take, to the greatest extent possible within its domestic legal system, such measures as may be necessary to enable confiscation of:

(a) Proceeds of crime derived from offences established in accordance with this Convention or property the value of which corresponds to that of such proceeds;

Has your country adopted and implemented the measures described above? (Check one answer.)
(P) Yes, in part
Cambodia has the legislations below which stipulate some articles to comply with this provision. In additions, for confiscation, Cambodia is considering to draft specific law or regulation allowing convicted and non-convicted confiscation with clear conditions.

Penal Code(Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009): Article 404 Definition of money laundering, Article 408 Additional penalties (nature and duration)

Law on Anti-money laundering and combating the financing of terrorism (Promulgated by Royal Kram No. NS/RKM/0607/014 dated 24 June 2007): Article 12 Reporting Cash or suspicious transactions to the FIU

Law on Amendment of Article 3, Article 29 and Article 30 of Law on Anti-Money Laundering and Combating the Financing of Terrorism (Promulgated by Royal Kram No. NS/RKM/0613/006 dated 03 June 2013): Article 29 (New1) Money laundering offence, Article 30 (New1 Freezing and Seizure of property,2 Confiscations of property,3 Mingled property,4 Onus on person opposing order,5 Freezing of funds associated with financing of terrorism)

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17...
Cambodia has the legislations below which stipulate some articles to comply with this provision. In additions, for confiscation, Cambodia is considering to draft specific law or regulation allowing convicted and non-convicted confiscation with clear conditions.

Penal Code(Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009): Article 404 Definition of money laundering, Article 408 Additional penalties (nature and duration)

Please cite the applicable policy(ies) or other measure(s)

Penal Code(Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 404: Definition of money laundering

"Money Laundering" is the act of facilitating by any means the false justification of the origin of the direct or indirect proceeds of a felony or misdemeanor.

"Money laundering" shall also include providing in investing, concealing or converting the direct or indirect proceeds of a felony or misdemeanor.

Article 408: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

1. forfeiture of certain rights, either permanently or for a period not exceeding five years;
2. prohibition from practicing a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
3. confiscation of all instruments, materials or items which were used or intended to be used to commit the offence;
4. confiscation of the items or funds which were the subject of the offence;
5. confiscation of the proceeds or property arising out of the offence;
6. confiscation of the utensils, materials and furnishings in the premises in which the offence was committed;
7. confiscation of one or more vehicles belonging to the convicted person;
8. publication of sentencing decision for a period not exceeding two months
9. publication of sentencing decision in the print media;
10. broadcasting of sentencing decision by any audio-visual communication for a
these benefits and advantages will be seized as well.

If the corruption proceeds disappear or lose value, the court may order the settlement of the proceeds.

**Article 49: Repatriation of the proceeds of Corruption**

In case assets and corruption proceeds are found kept in foreign states, the competent authority of the kingdom of Cambodia shall take measure to claim that asset and proceeds back to Cambodia through means of international cooperation. The Kingdom of Cambodia shall cooperate with other countries who request to repatriate corruption proceeds that are kept in Cambodia.

**Law on Control of Drugs (Promulgated by Royal Kram No. NS/RKM/0112/001 dated 02 January 2012)**

**Art 70._ Definition of Money Laundering**

The conversion, transfer, acquisition, possession or use of property, the concealment or disguise of the true nature, source, location, disposition, movement, or ownership of or rights with respect to property, knowing that such property is the proceeds of any predicate offence which stated in art. 39 (Illegally produced of psychotropic substances) to art. 42 (illegally used of psychotropic substances), from art. 47 (illegally produced of psychotropic substances) to art. 50 (illegally used of psychotropic substances) art. 54 (Produced, keeping, transportation or illicit trafficking in chemical substances) and art. 56 (Illicit produces, keeping, transportation or trafficking instruments or material in producing or using of psychotropic substances) of this law for the purpose of concealment or disguise of the true nature of those property or help any individual involving in the offence for that individual to escape from the law constitute as money laundering.

Also be considered as money laundering to the actions which assist to the venture operations of the concealment or changes of the result directly or indirectly as stated in the paragraph 1 above
Criteria for the organization and functioning of the above fund account shall be stated in a sub-decree.

**Article 98._ Appeal against the final confiscation judgement**

Third party whose benefits are affected or who claims the ownership of the properties has the rights to appeal to the civil court for the confiscated properties in the final confiscation judgment of criminal court in accordance with the Code of Civil Procedure.

The rights to appeal as stated in paragraph 2 above shall be extinguished if it is over the period of 10 years noted from the date the final judgement is in effect.

**Article 99._ Actions of barriers to the freezing and confiscating are to be null and void**

Court shall consider any actions which are conducted with the purpose to converse the properties from freezing or confiscating to be null and void though actions are taken with payment or non-payment.

Individual who gets the properties due to the action without payment shall not have this rights because the actions are considered to be null and void. However, individual who gets the properties with the rightfulness is obliged to return back only the benefits in which the individual get.

The null and void as stated in paragraph 1 above is not applied if the individual gets the properties in the rightfulness and are paid.

If an addict of poisonous substance commits an offense which is not serious enough to be sentenced to prison and if such person has never been sentenced to imprisonment with or without suspension of punishment during the past 3 years, the court may then decide not to punish him/her, but must compel such person to
Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 404: Definition of money laundering

"Money Laundering" is the act of facilitating by any means the false justification of the origin of the direct or indirect proceeds of a felony or misdemeanor.

"Money laundering" shall also include providing in investing, concealing or converting the direct or indirect proceeds of a felony or misdemeanor.

Article 408: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

1. forfeiture of certain rights, either permanently or for a period not exceeding five years;
2. prohibition from practicing a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
3. confiscation of all instruments, materials or items which were used or intended to be used to commit the offence;
4. confiscation of the items or funds which were the subject of the offence;
5. confiscation of the proceeds or property arising out of the offence;
6. confiscation of the utensils, materials and furnishings in the premises in which the offence was committed;
7. confiscation of one or more vehicles belonging to the convicted person;
8. publication of sentencing decision for a period not exceeding two months
9. publication of sentencing decision in the print media;
10. broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

Law on Anti-money laundering and combating the financing of terrorism
(Promulgated by Royal Kram No. NS/RKM/0607/014 dated 24 June 2007)

Article 12.- Reporting Cash or Suspicious Transactions to the FIU

1. Reporting entities referred to at Article 4 of the present Law shall report to the FIU any cash transaction exceeding the amount of the threshold as defined by supervisory authority, as well as such transaction, which involve several connection cash transactions whose total value exceeds the same
these benefits and advantages will be seized as well.

If the corruption proceeds disappear or lose value, the court may order the settlement of the proceeds.

**Article 49: Repatriation of the proceeds of Corruption**

In case assets and corruption proceeds are found kept in foreign states, the competent authority of the kingdom of Cambodia shall take measure to claim that asset and proceeds back to Cambodia through means of international cooperation. The Kingdom of Cambodia shall cooperate with other countries who request to repatriate corruption proceeds that are kept in Cambodia.

**Law on Control of Drugs (Promulgated by Royal Kram No. NS/RKM/0112/001 dated 02 January 2012)**

**Art 70._ Definition of Money Laundering**

The conversion, transfer, acquisition, possession or use of property, the concealment or disguise of the true nature, source, location, disposition, movement, or ownership of or rights with respect to property, knowing that such property is the proceeds of any predicate offence which stated in art. 39 (Illegally produced of psychotropic substances) to art. 42 (illegally used of psychotropic substances), from art. 47 (illegally produced of psychotropic substances) to art. 50 (illegally used of psychotropic substances) art. 54 (Produced, keeping, transportation or illicit trafficking in chemical substances) and art. 56 (Illicit produces, keeping, transportation or trafficking instruments or material in producing or using of psychotropic substances) of this law for the purpose of concealment or disguise of the true nature of those property or help any individual involving in the offence for that individual to escape from the law constitute as money laundering.

Also be considered as money laundering to the actions which assist to the venture operations of the concealment or changes of the result directly or indirectly as stated in the paragraph 1 above.

**Art 71._ Money laundering offence**

Money laundering is punishable by an imprisonment from 2 (two) years to 5 (five) years and additional penalty which is a fine from 4.000.000 (four million) riels or up to the value of fund or property which was the subject of money laundering.
Criteria for the organization and functioning of the above fund account shall be stated in a sub-decree.

**Article 98._ Appeal against the final confiscation judgement**

Third party whose benefits are affected or who claims the ownership of the properties has the rights to appeal to the civil court for the confiscated properties in the final confiscation judgment of criminal court in accordance with the Code of Civil Procedure.

The rights to appeal as stated in paragraph 2 above shall be extinguished if it is over the period of 10 years noted from the date the final judgement is in effect.

**Article 99._ Actions of barriers to the freezing and confiscating are to be null and void**

Court shall consider any actions which are conducted with the purpose to converse the properties from freezing or confiscating to be null and void though actions are taken with payment or non-payment.

Individual who gets the properties due to the action without payment shall not have this rights because the actions are considered to be null and void. However, individual who gets the properties with the rightfulness is obliged to return back only the benefits in which the individual get.

The null and void as stated in paragraph 1 above is not applied if the individual gets the properties in the rightfulness and are paid.

If an addict of poisonous substance commits an offense which is not serious enough to be sentenced to prison and if such person has never been sentenced to imprisonment with or without suspension of punishment during the past 3 years, the court may then decide not to punish him/her, but must compel such person to go for a treatment.
**Penal Code**

(Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

**Article 404: Definition of money laundering**

"Money Laundering" is the act of facilitating by any means the false justification of the origin of the direct or indirect proceeds of a felony or misdemeanor.

"Money laundering" shall also include providing in investing, concealing or converting the direct or indirect proceeds of a felony or misdemeanor.

**Article 408: Additional penalties (nature and duration)**

The following additional penalties may be imposed in respect of the offences defined in this Section:

1. forfeiture of certain rights, either permanently or for a period not exceeding five years;
2. prohibition from practicing a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
3. confiscation of all instruments, materials or items which were used or intended to be used to commit the offence;
4. confiscation of the items or funds which were the subject of the offence;
5. confiscation of the proceeds or property arising out of the offence;
6. confiscation of the utensils, materials and furnishings in the premises in which the offence was committed;
7. confiscation of one or more vehicles belonging to the convicted person;
8. publication of sentencing decision for a period not exceeding two months;
9. publication of sentencing decision in the print media;
10. broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

**Law on Anti-money laundering and combating the financing of terrorism**

(Promulgated by Royal Kram No. NS/RKM/0607/014 dated 24 June 2007)

**Article 12.- Reporting Cash or Suspicious Transactions to the FIU**

1. Reporting entities referred to at Article 4 of the present Law shall report to the FIU any cash transaction exceeding the amount of the threshold as defined by supervisory authority, as well as such transaction, which involve several connection cash transactions whose total value exceeds the same
these benefits and advantages will be seized as well.

If the corruption proceeds disappear or lose value, the court may order the settlement of the proceeds.

**Article 49: Repatriation of the proceeds of Corruption**

In case assets and corruption proceeds are found kept in foreign states, the competent authority of the kingdom of Cambodia shall take measure to claim that asset and proceeds back to Cambodia through means of international cooperation. The Kingdom of Cambodia shall cooperate with other countries who request to repatriate corruption proceeds that are kept in Cambodia.

**Law on Control of Drugs (Promulgated by Royal Kram No. NS/RKM/0112/001 dated 02 January 2012)**

**Art 70.** _Definition of Money Laundering_

The conversion, transfer, acquisition, possession or use of property, the concealment or disguise of the true nature, source, location, disposition, movement, or ownership of or rights with respect to property, knowing that such property is the proceeds of any predicate offence which stated in art. 39 (Illegally produced of psychotropic substances) to art. 42 (illegally used of psychotropic substances), from art. 47 (illegally produced of psychotropic substances) to art. 50 (illegally used of psychotropic substances) art. 54 (Produced, keeping, transportation or illicit trafficking in chemical substances) and art. 56 (Illicit produces, keeping, transportation or trafficking instruments or material in producing or using of psychotropic substances) of this law for the purpose of concealment or disguise of the true nature of those property or help any individual involving in the offence for that individual to escape from the law constitute as money laundering.

Also be considered as money laundering to the actions which assist to the venture operations of the concealment or changes of the result directly or indirectly as stated in the paragraph 1 above.

**Art 71.** _Money laundering offence_

Money laundering is punishable by an imprisonment from 2 (two) years to 5 (five) years and additional penalty which is a fine from 4,000,000 (four million) riels or up to the value of fund or property which was the subject of money
Criteria for the organization and functioning of the above fund account shall be stated in a sub-decree.

**Article 98. Appeal against the final confiscation judgement**

Third party whose benefits are affected or who claims the ownership of the properties has the rights to appeal to the civil court for the confiscated properties in the final confiscation judgment of criminal court in accordance with the Code of Civil Procedure.

The rights to appeal as stated in paragraph 2 above shall be extinguished if it is over the period of 10 years noted from the date the final judgement is in effect.

**Article 99. Actions of barriers to the freezing and confiscating are to be null and void**

Court shall consider any actions which are conducted with the purpose to converse the properties from freezing or confiscating to be null and void though actions are taken with payment or non-payment.

Individual who gets the properties due to the action without payment shall not have this rights because the actions are considered to be null and void. However, individual who gets the properties with the rightfulness is obliged to return back only the benefits in which the individual get.

The null and void as stated in paragraph 1 above is not applied if the individual gets the properties in the rightfulness and are paid.

If an addict of poisonous substance commits an offense which is not serious enough to be sentenced to prison and if such person has never been sentenced to imprisonment with or without suspension of punishment during the past 3 years, the court may then decide not to punish him/her, but must compel such person to go for a treatment.
Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 404: Definition of money laundering

"Money Laundering" is the act of facilitating by any means the false justification of the origin of the direct or indirect proceeds of a felony or misdemeanor.

"Money laundering" shall also include providing in investing, concealing or converting the direct or indirect proceeds of a felony or misdemeanor.

Article 408: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

1. forfeiture of certain rights, either permanently or for a period not exceeding five years;
2. prohibition from practicing a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
3. confiscation of all instruments, materials or items which were used or intended to be used to commit the offence;
4. confiscation of the items or funds which were the subject of the offence;
5. confiscation of the proceeds or property arising out of the offence;
6. confiscation of the utensils, materials and furnishings in the premises in which the offence was committed;
7. confiscation of one or more vehicles belonging to the convicted person;
8. publication of sentencing decision for a period not exceeding two months;
9. publication of sentencing decision in the print media;
10. broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

Law on Anti-money laundering and combating the financing of terrorism (Promulgated by Royal Kram No. NS/RKM/0607/014 dated 24 June 2007)

Article 12.- Reporting Cash or Suspicious Transactions to the FIU

Reporting entities referred to at Article 4 of the present Law shall report to the FIU any cash transaction exceeding the amount of the threshold as defined by supervisory authority, as well as such transaction, which involve several connection cash transactions whose total value exceeds the same amount.
these benefits and advantages will be seized as well.

If the corruption proceeds disappear or lose value, the court may order the settlement of the proceeds.

**Article 49: Repatriation of the proceeds of Corruption**

In case assets and corruption proceeds are found kept in foreign states, the competent authority of the kingdom of Cambodia shall take measure to claim that asset and proceeds back to Cambodia through means of international cooperation. The Kingdom of Cambodia shall cooperate with other countries who request to repatriate corruption proceeds that are kept in Cambodia.

**Law on Control of Drugs (Promulgated by Royal Kram No. NS/RKM/0112/001 dated 02 January 2012)**

**Art 70._ Definition of Money Laundering**

The conversion, transfer, acquisition, possession or use of property, the concealment or disguise of the true nature, source, location, disposition, movement, or ownership of or rights with respect to property, knowing that such property is the proceeds of any predicate offence which stated in art. 39 (Illegally produced of psychotropic substances) to art. 42 (illegally used of psychotropic substances), from art. 47 (illegally produced of psychotropic substances) to art. 50 (illegally used of psychotropic substances) art. 54 (Produced, keeping, transportation or illicit trafficking in chemical substances) and art. 56 (Illicit produces, keeping, transportation or trafficking instruments or material in producing or using of psychotropic substances) of this law for the purpose of concealment or disguise of the true nature of those property or help any individual involving in the offence for that individual to escape from the law constitute as money laundering.

Also be considered as money laundering to the actions which assist to the venture operations of the concealment or changes of the result directly or indirectly as stated in the paragraph 1 above.

**Art 71._ Money laundering offence**

Money laundering is punishable by an imprisonment from 2 (two) years to 5 (five) years and additional penalty which is a fine from 4.000.000 (four million) riels or up to the value of fund or property which was the subject of money laundering.
Criteria for the organization and functioning of the above fund account shall be stated in a sub-decree.

Article 98._ Appeal against the final confiscation judgement

Third party whose benefits are affected or who claims the ownership of the properties has the rights to appeal to the civil court for the confiscated properties in the final confiscation judgment of criminal court in accordance with the Code of Civil Procedure.

The rights to appeal as stated in paragraph 2 above shall be extinguished if it is over the period of 10 years noted from the date the final judgement is in effect.

Article 99._ Actions of barriers to the freezing and confiscating are to be null and void

Court shall consider any actions which are conducted with the purpose to converse the properties from freezing or confiscating to be null and void though actions are taken with payment or non-payment.

Individual who gets the properties due to the action without payment shall not have this rights because the actions are considered to be null and void. However, individual who gets the properties with the rightfulness is obliged to return back only the benefits in which the individual get.

The null and void as stated in paragraph 1 above is not applied if the individual gets the properties in the rightfulness and are paid.

If an addict of poisonous substance commits an offense which is not serious enough to be sentenced to prison and if such person has never been sentenced to imprisonment with or without suspension of punishment during the past 3 years, the court may then decide not to punish him/her, but must compel such person to go for a treatment.
Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 404: Definition of money laundering

"Money Laundering" is the act of facilitating by any means the false justification of the origin of the direct or indirect proceeds of a felony or misdemeanor.

"Money laundering" shall also include providing in investing, concealing or converting the direct or indirect proceeds of a felony or misdemeanor.

Article 408: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

1. forfeiture of certain rights, either permanently or for a period not exceeding five years;
2. prohibition from practicing a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
3. confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;
4. confiscation of the items or funds which were the subject of the offence;
5. confiscation of the proceeds or property arising out of the offence;
6. confiscation of the utensils, materials and furnishings in the premises in which the offence was committed;
7. confiscation of one or more vehicles belonging to the convicted person;
8. publication of sentencing decision for a period not exceeding two months
9. publication of sentencing decision in the print media;
10. broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

Law on Anti-money laundering and combating the financing of terrorism (Promulgated by Royal Kram No. NS/RKM/0607/014 dated 24 June 2007)

Article 12.- Reporting Cash or Suspicious Transactions to the FIU

1. Reporting entities referred to at Article 4 of the present Law shall report to the FIU any cash transaction exceeding the amount of the threshold as defined by supervisory authority, as well as such transaction, which involve several connection cash transactions whose total value exceeds the same
these benefits and advantages will be seized as well.

If the corruption proceeds disappear or lose value, the court may order the settlement of the proceeds.

Article 49: Repatriation of the proceeds of Corruption

In case assets and corruption proceeds are found kept in foreign states, the competent authority of the kingdom of Cambodia shall take measure to claim that asset and proceeds back to Cambodia through means of international cooperation. The Kingdom of Cambodia shall cooperate with other countries who request to repatriate corruption proceeds that are kept in Cambodia.

Law on Control of Drugs (Promulgated by Royal Kram No. NS/RKM/0112/001 dated 02 January 2012)

Art 70._ Definition of Money Laundering

The conversion, transfer, acquisition, possession or use of property, the concealment or disguise of the true nature, source, location, disposition, movement, or ownership of or rights with respect to property, knowing that such property is the proceeds of any predicate offence which stated in art. 39 (Illegally produced of psychotropic substances) to art. 42 (illegally used of psychotropic substances), from art. 47 (illegally produced of psychotropic substances) to art. 50 (illegally used of psychotropic substances) art. 54 (Produced, keeping, transportation or illicit trafficking in chemical substances) and art. 56 (Illicit produces, keeping, transportation or trafficking instruments or material in producing or using of psychotropic substances) of this law for the purpose of concealment or disguise of the true nature of those property or help any individual involving in the offence for that individual to escape from the law constitute as money laundering.

Also be considered as money laundering to the actions which assist to the venture operations of the concealment or changes of the result directly or indirectly as stated in the paragraph 1 above.

Art 71._ Money laundering offence

Money laundering is punishable by an imprisonment from 2 (two) years to 5 (five) years and additional penalty which is a fine from 4.000.000 (four million) riels or up to the value of fund or property which was the subject of money laundering.
Criteria for the organization and functioning of the above fund account shall be stated in a sub-decree.

**Article 98. Appeal against the final confiscation judgement**

Third party whose benefits are affected or who claims the ownership of the properties has the rights to appeal to the civil court for the confiscated properties in the final confiscation judgment of criminal court in accordance with the Code of Civil Procedure.

The rights to appeal as stated in paragraph 2 above shall be extinguished if it is over the period of 10 years noted from the date the final judgement is in effect.

**Article 99. Actions of barriers to the freezing and confiscating are to be null and void**

Court shall consider any actions which are conducted with the purpose to converse the properties from freezing or confiscating to be null and void though actions are taken with payment or non-payment.

Individual who gets the properties due to the action without payment shall not have this rights because the actions are considered to be null and void. However, individual who gets the properties with the rightfulness is obliged to return back only the benefits in which the individual get.

The null and void as stated in paragraph 1 above is not applied if the individual gets the properties in the rightfulness and are paid.

If an addict of poisonous substance commits an offense which is not serious enough to be sentenced to prison and if such person has never been sentenced to imprisonment with or without suspension of punishment during the past 3 years, the court may then decide not to punish him/her, but must compel such person to go for a treatment.
Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 404: Definition of money laundering

"Money Laundering" is the act of facilitating by any means the false justification of the origin of the direct or indirect proceeds of a felony or misdemeanor.

"Money laundering" shall also include providing in investing, concealing or converting the direct or indirect proceeds of a felony or misdemeanor.

Article 408: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

1. forfeiture of certain rights, either permanently or for a period not exceeding five years;
2. prohibition from practicing a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
3. confiscation of all instruments, materials or items which were used or intended to be used to commit the offence;
4. confiscation of the items or funds which were the subject of the offence;
5. confiscation of the proceeds or property arising out of the offence;
6. confiscation of the utensils, materials and furnishings in the premises in which the offence was committed;
7. confiscation of one or more vehicles belonging to the convicted person;
8. publication of sentencing decision for a period not exceeding two months;
9. publication of sentencing decision in the print media;
10. broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

Law on Anti-money laundering and combating the financing of terrorism (Promulgated by Royal Kram No. NS/RKM/0607/014 dated 24 June 2007)

Article 12.- Reporting Cash or Suspicious Transactions to the FIU

1. Reporting entities referred to at Article 4 of the present Law shall report to the FIU any cash transaction exceeding the amount of the threshold as defined by supervisory authority, as well as such transaction, which involve several connection cash transactions whose total value exceeds the same
these benefits and advantages will be seized as well.

If the corruption proceeds disappear or lose value, the court may order the settlement of the proceeds.

Article 49: Repatriation of the proceeds of Corruption

In case assets and corruption proceeds are found kept in foreign states, the competent authority of the kingdom of Cambodia shall take measure to claim that asset and proceeds back to Cambodia through means of international cooperation. The Kingdom of Cambodia shall cooperate with other countries who request to repatriate corruption proceeds that are kept in Cambodia.

Law on Control of Drugs (Promulgated by Royal Kram No. NS/RKM/0112/001 dated 02 January 2012)

Art 70. Definition of Money Laundering

The conversion, transfer, acquisition, possession or use of property, the concealment or disguise of the true nature, source, location, disposition, movement, or ownership of or rights with respect to property, knowing that such property is the proceeds of any predicate offence which stated in art. 39 (Illegally produced of psychotropic substances) to art. 42 (illegally used of psychotropic substances), from art. 47 (illegally produced of psychotropic substances) to art. 50 (illegally used of psychotropic substances) art. 54 (Produced, keeping, transportation or illicit trafficking in chemical substances) and art. 56 (Illicit produces, keeping, transportation or trafficking instruments or material in producing or using of psychotropic substances) of this law for the purpose of concealment or disguise of the true nature of those property or help any individual involving in the offence for that individual to escape from the law constitute as money laundering.

Also be considered as money laundering to the actions which assist to the venture operations of the concealment or changes of the result directly or indirectly as stated in the paragraph 1 above.

Art 71. Money laundering offence

Money laundering is punishable by an imprisonment from 2 (two) years to 5 (five) years and additional penalty which is a fine from 4.000.000 (four million) riels or up to the value of fund or property which was the subject of money
Criteria for the organization and functioning of the above fund account shall be stated in a sub-decree.

**Article 98._ Appeal against the final confiscation judgement**

Third party whose benefits are affected or who claims the ownership of the properties has the rights to appeal to the civil court for the confiscated properties in the final confiscation judgment of criminal court in accordance with the Code of Civil Procedure.

The rights to appeal as stated in paragraph 2 above shall be extinguished if it is over the period of 10 years noted from the date the final judgement is in effect.

**Article 99._ Actions of barriers to the freezing and confiscating are to be null and void**

Court shall consider any actions which are conducted with the purpose to converse the properties from freezing or confiscating to be null and void though actions are taken with payment or non-payment.

Individual who gets the properties due to the action without payment shall not have this rights because the actions are considered to be null and void. However, individual who gets the properties with the rightfulness is obliged to return back only the benefits in which the individual get.

The null and void as stated in paragraph 1 above is not applied if the individual gets the properties in the rightfulness and are paid.

If an addict of poisonous substance commits an offense which is not serious enough to be sentenced to prison and if such person has never been sentenced to imprisonment with or without suspension of punishment during the past 3 years, the court may then decide not to punish him/her, but must compel such person to go for a treatment.
Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 404: Definition of money laundering

"Money Laundering" is the act of facilitating by any means the false justification of the origin of the direct or indirect proceeds of a felony or misdemeanour.

"Money laundering" shall also include providing in investing, concealing or converting the direct or indirect proceeds of a felony or misdemeanour.

Article 408: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

(1) forfeiture of certain rights, either permanently or for a period not exceeding five years;

(2) prohibition from practicing a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;

(3) confiscation of all instruments, materials or items which were used or intended to be used to commit the offence;

(4) confiscation of the items or funds which were the subject of the offence;

(5) confiscation of the proceeds or property arising out of the offence;

(6) confiscation of the utensils, materials and furnishings in the premises in which the offence was committed;

(7) confiscation of one or more vehicles belonging to the convicted person;

(8) publication of sentencing decision for a period not exceeding two months

(9) publication of sentencing decision in the print media;

(10) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

Law on Anti-money laundering and combating the financing of terrorism
(Promulgated by Royal Kram No. NS/RKM/0607/014 dated 24 June 2007)

Article 12.- Reporting Cash or Suspicious Transactions to the FIU

(1) Reporting entities referred to at Article 4 of the present Law shall report to the FIU any cash transaction exceeding the amount of the threshold as defined by supervisory authority, as well as such transaction, which involve several connection cash transactions whose total value exceeds the same
these benefits and advantages will be seized as well.

If the corruption proceeds disappear or lose value, the court may order the settlement of the proceeds.

Article 49: Repatriation of the proceeds of Corruption

In case assets and corruption proceeds are found kept in foreign states, the competent authority of the kingdom of Cambodia shall take measure to claim that asset and proceeds back to Cambodia through means of international cooperation. The Kingdom of Cambodia shall cooperate with other countries who request to repatriate corruption proceeds that are kept in Cambodia.

Law on Control of Drugs (Promulgated by Royal Kram No. NS/RKM/0112/001 dated 02 January 2012)

Art 70._ Definition of Money Laundering

The conversion, transfer, acquisition, possession or use of property, the concealment or disguise of the true nature, source, location, disposition, movement, or ownership of or rights with respect to property, knowing that such property is the proceeds of any predicate offence which stated in art. 39 (Illegally produced of psychotropic substances) to art. 42 (illegally used of psychotropic substances), from art. 47 (illegally produced of psychotropic substances) to art. 50 (illegally used of psychotropic substances) art. 54 (Produced, keeping, transportation or illicit trafficking in chemical substances) and art. 56 (Illicit produces, keeping, transportation or trafficking instruments or material in producing or using of psychotropic substances) of this law for the purpose of concealment or disguise of the true nature of those property or help any individual involving in the offence for that individual to escape from the law constitute as money laundering.

Also be considered as money laundering to the actions which assist to the venture operations of the concealment or changes of the result directly or indirectly as stated in the paragraph 1 above.

Art 71._ Money laundering offence

Money laundering is punishable by an imprisonment from 2 (two) years to 5 (five) years and additional penalty which is a fine from 4.000.000 (four million) riels or up to the value of fund or property which was the subject of money
Criteria for the organization and functioning of the above fund account shall be stated in a sub-decree.

Article 98._ Appeal against the final confiscation judgement

Third party whose benefits are affected or who claims the ownership of the properties has the rights to appeal to the civil court for the confiscated properties in the final confiscation judgment of criminal court in accordance with the Code of Civil Procedure.

The rights to appeal as stated in paragraph 2 above shall be extinguished if it is over the period of 10 years noted from the date the final judgement is in effect.

Article 99._ Actions of barriers to the freezing and confiscating are to be null and void

Court shall consider any actions which are conducted with the purpose to converse the properties from freezing or confiscating to be null and void though actions are taken with payment or non-payment.

Individual who gets the properties due to the action without payment shall not have this rights because the actions are considered to be null and void. However, individual who gets the properties with the rightfulness is obliged to return back only the benefits in which the individual get.

The null and void as stated in paragraph 1 above is not applied if the individual gets the properties in the rightfulness and are paid.

If an addict of poisonous substance commits an offense which is not serious enough to be sentenced to prison and if such person has never been sentenced to imprisonment with or without suspension of punishment during the past 3 years, the court may then decide not to punish him/her, but must compel such person to go for a treatment.
Penal Code(Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

**Article 404: Definition of money laundering**

"Money Laundering" is the act of facilitating by any means the false justification of the origin of the direct or indirect proceeds of a felony or misdemeanour.

"Money laundering" shall also include providing in investing, concealing or converting the direct or indirect proceeds of a felony or misdemeanour.

**Article 408: Additional penalties (nature and duration)**

The following additional penalties may be imposed in respect of the offences defined in this Section:

1. forfeiture of certain rights. either permanently or for a period not exceeding five years;

2. prohibition from practicing a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
these benefits and advantages will be seized as well.

If the corruption proceeds disappear or lose value, the court may order the settlement of the proceeds.

**Article 49: Repatriation of the proceeds of Corruption**

In case assets and corruption proceeds are found kept in foreign states, the competent authority of the kingdom of Cambodia shall take measure to claim that asset and proceeds back to Cambodia through means of international cooperation. The Kingdom of Cambodia shall cooperate with other countries who request to repatriate corruption proceeds that are kept in Cambodia.

**Law on Control of Drugs (Promulgated by Royal Kram No. NS/RKM/0112/001 dated 02 January 2012)**

**Art 70._ Definition of Money Laundering**

The conversion, transfer, acquisition, possession or use of property, the
Criteria for the organization and functioning of the above fund account shall be stated in a sub-decree.

Article 98._ Appeal against the final confiscation judgement

Third party whose benefits are affected or who claims the ownership of the properties has the rights to appeal to the civil court for the confiscated properties in the final confiscation judgment of criminal court in accordance with the Code of Civil Procedure.

The rights to appeal as sated in paragraph 2 above shall be extinguished if it is over the period of 10 years noted from the date the final judgement is in effect.

Article 99._ Actions of barriers to the freezing and confiscating are to be null and void

Court shall consider any actions which are conducted with the purpose to converse the properties from freezing or confiscating to be null and void though actions are taken with payment or non-payment.

Please provide examples of implementation

Verdict of Criminal Case No. 09 “KH” dated on 5th January, 2012 of a Provincial Court of First Instance

A former Secretary General of National Authority for Combating Drug and the Director of a Provincial Unit for Combating Drug and his other 2 accomplices illegally used the workplace to commit crime and set up an organized drug criminal group. They are the masterminds in retaining the drug, drug trafficking, and falsifying the documents to release the offenders or mitigate the penalties of the offenders.

They were accused of taking the bribe and instigating or masterminding the organized criminal group, committing offences as stipulated in New Article 31-33 and New Article 39 on criminal offences stipulated and sentenced in accordance with Article 38 of Criminal Law and Procedure Applicable in Cambodia during the Transitional Period and New Article 34 of Law on the Amendment of Law on Drug Control for many-time offences committed since 2007 till early 2011.

The verdict gave punishment to the accused as follows:

That former judge was sentenced to life-imprisonment and was fined. Some of his properties were confiscated.

If available, please provide information on the number and types of cases in which proceeds were confiscated. Please provide per annum figures, as available.

Not applicable.
If available, please provide information on the amount of proceeds of offences established in
Not applicable.

Please outline the steps or action (and related timeframe) that domestic or other authorities
would need to take to ensure the full implementation of the provision under review.
- Cambodia notices that when there is final judgment, freezing, seizure, and
  confiscation are stated clearly in the code of criminal procedure, but this could not be
  implemented properly due to fear and inconsistent implementation.
- Cambodia will develop mechanisms for implementation in which all the relevant
  stakeholders, such as Ministry of Justice, Ministry of Economic and Finance, etc will
  participate.
- For freezing, seizure, and confiscation, there is no legal framework for sale without
  final judgment. Thus, Cambodia will amend relevant laws and will state clearly about
  the conditions for sale as well as the responsibilities of relevant authorities.

119. Subparagraph 1 (b) of article 31

1. Each State Party shall take, to the greatest extent possible within its domestic legal system, such measures as may be necessary to enable confiscation of:
   (b) Property, equipment or other instrumentalities used in or destined for use in offences established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer.)
(P) Yes, in part
Please see the response in article 31.1.a of UNCAC.

Please cite the applicable policy(ies) or other measure(s)
Please cite the text(s)
Please see the response in article 31.1.a of UNCAC.

Please provide examples of implementation
Please see the response in article 31.1.a of UNCAC.

If available, please provide information on the amount/types of property, equipment or other instrumentalities confiscated
Not applicable.

If available, please provide information on recent cases in which such confiscations took place
Not applicable.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.
Please see the response in article 31.1.a of UNCAC.
120. Paragraph 2 of article 31

2. Each State Party shall take such measures as may be necessary to enable the identification, tracing, freezing or seizure of any item referred to in paragraph 1 of this article for the purpose of eventual confiscation.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(P) Yes, in part

Please see the response in article 31.1.a of UNCAC.

*Please cite the applicable policy(ies) or other measure(s)*

Please cite the text(s)

Please see the response in article 31.1.a of UNCAC.

Please provide examples of implementation

Please see the response in article 31.1.a of UNCAC.

If available, please provide information on the cases and amount of money/value of property frozen or seized. Please provide per annum figures, as available

Not applicable.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Please see the response in article 31.1.a of UNCAC.

121. Paragraph 3 of article 31

3. Each State Party shall adopt, in accordance with its domestic law, such legislative and other measures as may be necessary to regulate the administration by the competent authorities of frozen, seized or confiscated property covered in paragraphs 1 and 2 of this article.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(P) Yes, in part

*Please cite the applicable policy(s), law(s) or other measure(s).*

Please cite the text(s)

By laws and in practice, the court issue the order to freeze, seize, or confiscate property covered in paragraph 1 & 2, whereas the relevant competent authorities are usually asked by the court to administer such property.

**Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)**
By laws and in practice, the court issue the order to freeze, seize, or confiscate property covered in paragraph 1 & 2, whereas the relevant competent authorities are usually asked by the court to administer such property.

**Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)**

**Article 48: Seizure**

When a person is found guilty of corruption, the court shall confiscate all his/her corruption proceeds including property, material, instrument that is derived from corruption act and the proceeds shall be transformed into state property.

If the above seized asset is transferred/changed into different property from the original asset nature, this transformed asset will become the subject of seizure at the place where it locates.

If the corruption proceeds make more benefits or other advantages, all of these benefits and advantages will be seized as well.

If the corruption proceeds disappear or lose value, the court may order the settlement of the proceeds.

**Code of Criminal Procedure (dated 10 August 2007)**

**Article 119 Competent Authority to Order Return of Seized Items**

The royal prosecutor can order the return of an item seized during a preliminary inquiry. He will do so if those items are not necessary as exhibits and there is no serious dispute over the ownership of such item.

However, any item that is dangerous to persons or to property, such as weapons or explosives, or any item which is illegally held may not be returned. Such item shall be seized and deemed as property of the state or be destroyed.

In case a prosecutor refuses to return a seized item, a complainant may appeal to the general prosecutor.

The royal prosecutor and the general prosecutor are not competent to return seized items during a judicial investigation or trial court proceedings. The royal prosecutor and the general prosecutor regain their competence if a judicial investigation is completed by a final non-suit order.

---

Please provide examples of implementation
Not applicable.

Please provide any reports or assessments of the administration of frozen, seized or confiscated property

29/12/2015 Cambodia

UNCAC Self-Assessment Checklist - Cycle 1 - Cambodia

Page 104 of 296
Not applicable.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Please see the response in article 31.1.a of UNCAC.

122. Paragraph 4 of article 31

4. If such proceeds of crime have been transformed or converted, in part or in full, into other property, such property shall be liable to the measures referred to in this article instead of the proceeds.

Is your country in compliance with this provision? (Check one answer.)

(P) Yes, in part

Please see the response in article 31.1.a.

Please cite the applicable policy(ies) or other measure(s)

Please cite the text(s)

Please see the response in article 31.1.a.

Please provide examples of implementation

There is no case regarding this.

If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures, as available.

Not applicable.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Please see the response in article 31.1.a.

123. Paragraph 5 of article 31

5. If such proceeds of crime have been intermingled with property acquired from legitimate sources, such property shall, without prejudice to any powers relating to freezing or seizure, be liable to confiscation up to the assessed value of the intermingled proceeds.

Is your country in compliance with this provision? (Check one answer.)

(P) Yes, in part

Please see the response in article 31.1.a.
Please cite the applicable policy(ies) or other measure(s)

Please cite the text(s)
Please see the response in article 31.1.a.

Please provide examples of implementation

There is no case regarding this.

If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures, as available.

Not applicable.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Please see the response in article 31.1.a.

124. Paragraph 6 of article 31

6. Income or other benefits derived from such proceeds of crime, from property into which such proceeds of crime have been transformed or converted or from property with which such proceeds of crime have been intermingled shall also be liable to the measures referred to in this article, in the same manner and to the same extent as proceeds of crime.

Is your country in compliance with this provision? (Check one answer.)

(P) Yes, in part
Please see the response in article 31.1.a.

Please cite the applicable policy(ies) or other measure(s)

Please cite the text(s)
Please see the response in article 31.1.a.

Please provide examples of implementation

There is no case regarding this.

If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures, as available.

Not applicable.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Please see the response in article 31.1.a.
125. Paragraph 7 of article 31

7. For the purpose of this article and article 55 of this Convention, each State Party shall empower its courts or other competent authorities to order that bank, financial or commercial records be made available or seized. A State Party shall not decline to act under the provisions of this paragraph on the ground of bank secrecy.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(P) Yes, in part  
Please see the response in article 31.1.a.

*Please cite the applicable policy(s), law(s) or other measure(s).*

Please cite the text(s)  
Please see the response in article 31.1.a.

*Please provide examples of implementation*

Case No. 001/2013 of a company which is registered in Cambodia.

*If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures, as available.*

Not applicable.

*Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.*

Please see the response in article 31.1.a.

126. Paragraph 8 of article 31

8. States Parties may consider the possibility of requiring that an offender demonstrate the lawful origin of such alleged proceeds of crime or other property liable to confiscation, to the extent that such a requirement is consistent with the fundamental principles of their domestic law and with the nature of judicial and other proceedings.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(P) Yes, in part  
Please see the response in article 31.1.a.

*Please cite the applicable policy(ies) or other measure(s)*

Please cite the text(s)  
Please see the response in article 31.1.a.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)
Illicit enrichment is an increase in the wealth of an individual and the individual cannot provide reasonable explanation of its increase in comparison to his or her legal income.

After the first assets and liabilities declaration, every person as described in article 17 (people required to declare assets and debt) and article 19 (other people required to declare assets and debt) of this law, who cannot provide a reasonable explanation of its increase in comparison to his or her legal income shall be required to demonstrate the lawful origin of alleged proceeds of crime or other property liable to forfeiture.

Please provide examples of implementation
There is no case regarding this.

If available, please provide information on recent cases where an offender has been required to demonstrate the lawful origin of alleged proceeds of crime or other property liable to forfeiture.
Not applicable.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.
Please see the response in article 31.1.a.

127. Paragraph 9 of article 31

9. The provisions of this article shall not be so construed as to prejudice the rights of bona fide third parties.

Is your country in compliance with this provision? (Check one answer.)
(P) Yes, in part
Please see the response in article 31.1.a.

Please cite the applicable policy(ies) or other measure(s)

Please cite the text(s)
Please see the response in article 31.1.a.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 36: Illicit Enrichment
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 36: Illicit Enrichment

Illicit enrichment is an increase in the wealth of an individual and the individual cannot provide reasonable explanation of its increase in comparison to his or her legal income.

After the first assets and liabilities declaration, every person as described in article 17 (people required to declare assets and debt) and article 19 (other people required to declare assets and debt) of this law, who cannot provide a reasonable explanation of the wealth increase in comparison to his or her legal income, shall face confiscation of the unexplainable property. All of the confiscated property will become state property.

If the unexplainable wealth increase is connected to any corruption offense as stated in this law, the wealth owner shall be punished in accordance with this law.

Please provide examples of implementation and, if available, information on recent cases where bona fide third parties were involved and their rights were protected

There is no case regarding this.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Please see the response in article 31.1.a of UNCAC.

128. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(Y) Yes

Technical assistance would be required.

Which challenges are you facing in (fully) adopting/implementing the article under review? (Check all the answers that apply and provide an explanation in the "Comments" field)

(LIRIM) Limited resources for implementation (e.g. human/financial/other; please specify)
Which of the following forms of technical assistance, if available, would assist your country in (fully) implementing the article under review? (Check all the answers that apply)

- (CAPPRO) Capacity-building programmes for authorities responsible for identifying and tracing such property or instrumentalities
- (CAPADM) Capacity-building programmes for authorities responsible for the establishment and management of systems for the administration of frozen, seized or confiscated property
- (BEST) Summary of good practices/lessons learned
- (ADV) Legal advice
- (MOLEG) Model legislation

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(N) No

32. Protection of witnesses, experts and victims

129. Paragraph 1 of article 32

1. Each State Party shall take appropriate measures in accordance with its domestic legal system and within its means to provide effective protection from potential retaliation or intimidation for witnesses and experts who give testimony concerning offences established in accordance with this Convention and, as appropriate, for their relatives and other persons close to them.

Has your country adopted and implemented the measures described above? (Check one answer.)

(P) Yes, in part

For the general offences, there is no general program designed to protect witness and expert who are given testimony in court, their relatives, or other individuals who are close to them. However, article 83 of Code of Criminal Procedure (dated 10 August 2007) and Article 314 of Penal Code (dated 30 November 2009) which are stipulated about the Professional Secrecy of the competent authorities and the offences for the Breaches of Professional Secrecy are contributed to the protection of the groups of people who are notify in this paragraph. In additions, in the anti-corruption sector, article 13 of anti-corruption law (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010) and article 3, 13, 16, 19 of Sub-Decree No. 05 dated 10 January 2011 on the organization and functioning of the Anti-Corruption Unit also notify the roles and responsibilities in protection of witnesses and other relevant informants too.

Penal Code(Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009): Article 314: Breaches of Professional Secrecy

Code of Criminal Procedure (dated 10 August 2007): Article 83 Confidentiality of Inquiry

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17
For the general offences, there is no general program designed to protect witness and expert who are given testimony in court, their relatives, or other individuals who are close to them. However, article 83 of Code of Criminal Procedure (dated 10 August 2007) and Article 314 of Penal Code (dated 30 November 2009) which are stipulated about the Professional Secrecy of the competent authorities and the offences for the Breaches of Professional Secrecy are contributed to the protection of the groups of people who are close to them.

**Please cite the applicable policy(ies) or other measure(s)**

Please cite the text(s)

**Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)**

**Article 314: Breaches of Professional Secrecy**

Any person who, by reason of his or her position or profession, or his or her duties or mission, is entrusted with secret information, shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels, if he or she discloses such information to a person not qualified to receive the information.

There shall be no offence if the law authorises or imposes the disclosure of the secret.

**Code of Criminal Procedure (dated 10 August 2007)**

**Article 83 Confidentiality of Inquiry**

The inquiry is confidential. Persons who participate in the inquiry, especially Prosecutors, lawyers, court clerks, police and military police officers, civil servants, experts, interpreters/translators, medical doctors and other persons mentioned in Article 95 (Technical or Scientific Examination) of this Code, shall maintain professional confidentiality.

However, such professional confidentiality may not be used as an obstacle to the right of self-defense.

Moreover, the Royal Prosecutor is entitled to make a declaration in public if he considers that false information in a case has been published.
Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 314: Breaches of Professional Secrecy

Any person who, by reason of his or her position or profession, or his or her duties or mission, is entrusted with secret information, shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels, if he or she discloses such information to a person not qualified to receive the information.

There shall be no offence if the law authorises or imposes the disclosure of the secret.

Code of Criminal Procedure (dated 10 August 2007)

Article 83 Confidentiality of Inquiry

The inquiry is confidential. Persons who participate in the inquiry, especially Prosecutors, lawyers, court clerks, police and military police officers, civil servants, experts, interpreters/translators, medical doctors and other persons mentioned in Article 95 (Technical or Scientific Examination) of this Code, shall maintain professional confidentiality.

Please provide examples of implementation

The application of this was on the criminal case No. 001 whose offender is the former Secretary General of National Authority for Combating Drug and the Director of a Provincial Unit with two other accomplices. In every stages of the procedure, important witnesses who were the colleagues of the offenders had been inquired and hidden the identities with very top confidentiality. This act had made the witnesses felt relieved and secured so they could provide a lot of information for the investigation.

If available, please provide information on the number of witnesses or experts and their relatives or other persons close to them who have required protection and how long they needed it. Please provide per annum figures since, as available.

Not applicable. The separate budget will be available after the procedure for the protection of witnesses has been established. For now, this expense has been used on the case’s budget.

If you have a witness protection programme, how many witnesses or experts and their relatives or persons close to them have entered it? Please provide per annum figures, as available.
Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

- Cambodia will draft the bills on Protection of Witnesses, Experts, Victims and Reporting Persons for all general offences and particularly for corruption offences.
- Cambodia will develop the mechanisms for implementation the protection procedures while there is no law on these, and the mechanisms will be issued by Ministry of Justice.

130. Subparagraph 2 (a) of article 32

2. The measures envisaged in paragraph 1 of this article may include, inter alia, without prejudice to the rights of the defendant, including the right to due process:

(a) Establishing procedures for the physical protection of such persons, such as, to the extent necessary and feasible, relocating them and permitting, where appropriate, non-disclosure or limitations on the disclosure of information concerning the identity and whereabouts of such persons;

Has your country adopted and implemented the measures described above? (Check one answer.)

(P) Yes, in part

There is no specific legislation stipulated about the point raised in the above provision yet. However, for the implementation, the information, identity, and the place of the witness and victim have been put on top secret. This mechanism will be developed latter on.

Please cite the applicable policy(ies) or other measure(s)

Please cite the text(s)

Not applicable.

Please provide examples of implementation

Not Applicable.

If applicable and available, please provide information on the number of witnesses or experts who have received physical protection, type of protection received and cost

Not applicable.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

29/12/2015

Cambodia

UNCAC Self-Assessment Checklist - Cycle 1 - Cambodia
Please see response in article 32.1 of UNCAC.

131. Subparagraph 2 (b) of article 32

2. The measures envisaged in paragraph 1 of this article may include, inter alia, without prejudice to the rights of the defendant, including the right to due process:

...  

(b) Providing evidentiary rules to permit witnesses and experts to give testimony in a manner that ensures the safety of such persons, such as permitting testimony to be given through the use of communications technology such as video or other adequate means.

Has your country adopted and implemented the measures described above? (Check one answer.)

(P) Yes, in part

Ministry of Justice issued the Prokas on the Use of Court Screen and Courtroom TV-Linked Testimony from Child/Vulnerable Victims/Witnesses for the implementation but this prokas focuses on the protection of Child/Vulnerable Victims/Witnesses in which the experts are not included.

Prakas No. 62/08 dated on 06 October 2008 on the Use of Court Screen and Courtroom TV-Linked Testimony from Child/Vulnerable Victims / Witnesses: Item1, 2, 6

Please cite the applicable rule(s), policy(ies) or other measure(s)

Please cite the text(s)

Prakas No. 62/08 dated on 06 October 2008 on the Use of Court Screen and Courtroom TV-Linked Testimony from Child/Vulnerable Victims / Witnesses

Item 1:

The purpose of a court screen and a courtroom TV-linked testimony for children and vulnerable victims is to provide a safe, supportive environment in which a child/vulnerable victim or witness can share information regarding his/her experience; to elicit accurate information in a non-leading manner but appropriate to the developmental level of the child; to obtain as much information as possible regarding the offence; to facilitate the trial process in the court, to reduce the trauma to the child/vulnerable victim or witness by minimizing the number of interviews and interviewers, and to mitigate threats to the child/vulnerable victim’s or witness’ personal safety by reducing exposure to the offender.

Item 2:

1. In principle, court screens should be used as a primary protective measure in all cases involving a child/vulnerable victim or witness.

2. In case the child/vulnerable victim or witness needs special protection that a court screen cannot serve, a TV-linked testimony may be used.
Prakas No. 62/08 dated on 06 October 2008 on the Use of Court Screen and Courtroom TV-Linked Testimony from Child/Vulnerable Victims / Witnesses

**Item 1:**

The purpose of a court screen and a courtroom TV-linked testimony for children and vulnerable victims is to provide a safe, supportive environment in which a child/vulnerable victim or witness can share information regarding his/her experience; to elicit accurate information in a non-leading manner but appropriate to the developmental level of the child; to obtain as much information as possible regarding the offence; to facilitate the trial process in the court, to reduce the trauma to the child/vulnerable victim or witness by minimizing the number of interviews and interviewers, and to mitigate threats to the child/vulnerable victim’s or witness’ personal safety by reducing exposure to the offender.

**Item 2:**

1. In principle, court screens should be used as a primary protective measure in all cases involving a child/vulnerable victim or witness.

2. In case the child/vulnerable victim or witness needs special protection that a court screen cannot serve, a TV-linked testimony may be used.

2. A court screen and TV-linked testimony should be used:

**Please provide examples of implementation**

Not applicable.

**If applicable and available, please provide information on recent cases in which witnesses or experts have given testimony using video or other communications technology**

Not applicable.

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

Please see response in article 32.1 of UNCAC.

132. **Paragraph 3 of article 32**

3. States Parties shall consider entering into agreements or arrangements with other States for the relocation of persons referred to in paragraph 1 of this article.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(N) No

This procedure will be discussed and will be included in the witnesses and victims protection procedure.
Please provide an account of your country’s efforts to date to implement the provision under review.

This procedure will be discussed and included in the Procedure for Protection of Witness and Victims.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review

Please see response in article 32.1 of UNCAC.

133. Paragraph 4 of article 32

4. The provisions of this article shall also apply to victims insofar as they are witnesses.

*In your domestic legal system, do the provisions of this article also apply to victims insofar as they are witnesses? (Check one answer)*

(P) Yes, in part

*Please cite the applicable policy(ies), arrangement(s), agreement(s) or other measure(s)*

Please cite the text(s)

Not applicable.

Please provide examples of implementation

Cambodia provided the following examples of cases to illustrate this provision: the criminal case No. 1066 dated on 06 November 2012 about the offenders, a former judge, and a former clerk. The victims of this offence filed the complaint to ACU when the both offenders abused their position by requesting 5000$ from the victim in exchange for the reduced of penalties on the case related to land issues. They both were caught when the victim came to be the witness and was protected by ACU.

If you have a protection programme, how many victims have been protected by it and in how many different cases? Please provide per annum figures, as available.

Not applicable.

If applicable and available, please provide information on the number of victims who have received physical protection. Please provide per annum figures, as available.

Not applicable.

If applicable and available, please provide information on the number of victims who have been permitted to give testimony in a manner that ensures their safety, such as video or other communications technology. Please provide per annum figures, as available.

Not applicable.

If applicable and available, please provide information on the number of victims that have been relocated to other States through arrangements or agreements. Please provide per annum figures, as available.

Not applicable.
Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review. Please see response in article 32.1 of UNCAC.

134. Paragraph 5 of article 32

5. Each State Party shall, subject to its domestic law, enable the views and concerns of victims to be presented and considered at appropriate stages of criminal proceedings against offenders in a manner not prejudicial to the rights of the defence.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Article 31 and 39 of Cambodian Constitution and Article 2 and Article 6 Code of Criminal Procedure (dated 10 August 2007) allow the victims to show their opinion and concerns in all stages of the procedure.

Constitution: article 31, article 39

Code of Criminal Procedure (dated 10 August 2007): article 2 criminal and civil actions, article 6 complaints by victims

Please cite the applicable measure(s)

Please cite the text(s)

Constitution

Article 31:

The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, The Universal Declaration of Human rights, the covenants and conventions related to human rights, women’s and children’s rights.

Every Khmer citizens shall be equal before the law, enjoying the same rights, freedom and fulfilling the same obligations regardless of race, color, sex, language religious belief political tendency, birth origin, social status, wealth or other status.

The exercise of personal rights and freedom by any individual shall not adversely affect the rights and freedom of others. The exercise of such rights and freedom shall be in accordance with the law.

Article 39:

Khmer citizens shall have the right to denounce, make complaints or file claims against any breach of the law by state and social organs or by members of such organs committed during the course of their duties. The settlement of complaints and claims shall be the competence of the courts.
Constitution

Article 31:

The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, The Universal Declaration of Human rights, the covenants and conventions related to human rights, women’s and children’s rights.

Every Khmer citizens shall be equal before the law, enjoying the same rights, freedom and fulfilling the same obligations regardless of race, color, sex, language religious belief political tendency, birth origin, social status, wealth or other status.

The exercise of personal rights and freedom by any individual shall not adversely affect the rights and freedom of others. The exercise of such rights and freedom shall be in accordance with the law.

Article 39:

Khmer citizens shall have the right to denounce, make complaints or file

Please provide examples of implementation

Criminal Case No. 484 dated 30th November 2010

The former Prosecutor attached to a Court of First Instance had been accused on the offences of kidnapping, illegal detention, and taking the bribes. The plaintiff of civil case requested for the compensation and the judge issued the verdict that the offender required to give reparation to the victim.

If available, please provide information on the number of victims who have presented their views and concerns at any stage of criminal justice proceedings against offenders. Please provide per annum figures, as available.

Not applicable.

135. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(Y) Yes

The assistance would be required.

Which challenges are you facing in (fully) adopting/implementing the article under review? (Check all the answers that apply and provide an explanation in the "Comments" field)

(INTACO) Inter-agency co-ordination

29/12/2015 Cambodia

UNCAC Self-Assessment Checklist - Cycle 1 - Cambodia
(INAD) Inadequacy of existing implementing normative measures (laws, regulations, etc.)

Law on Anti-corruption and Sub-Decree No. 05 dated 10 January 2011 on the organization and functioning of the Anti-Corruption Unit do not state about the detail of victim and expert protection procedure. In addition, code of criminal procedure and penal code stipulate only some points about the victim and expert protection procedure which are not detail enough for the implementation.

(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)

(LIWP) Limited awareness of state-of-the-art programmes and practices for witness and expert protection

Giving testimony through TV is not applied in all the court throughout the country yet.

(LIRIM) Limited resources for implementation (e.g. human/financial/other; please specify)

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the article under review? (Check all the answers that apply)

(BEST) Summary of good practices/lessons learned

Witness, victim, and expert protection procedure is a new procedure for Cambodia. Thus, Cambodia needs to learn good practices from other countries which are successful in this task.

(ADV) Legal advice

(MOLEG) Model legislation

Cambodia needs good model legislations for the development of drafted bill on witness, victim, and expert protection act.

(CAPWP) Capacity-building programmes for authorities responsible for establishing and managing witness and expert protection programmes

(MOARR) Model agreement(s)/arrangement(s)

(CAPVIC) Capacity-building programmes for authorities responsible for establishing and managing witness, expert and victim protection programmes

The officers of the competent authorities who are responsible for the protection of witness, victim, and expert need more training such as psychological supporting, relocation for the witness, victim, and expert etc. on this task.

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(Y) Yes

Who provides such assistance?

The developing partners are USAID, UNICEF, CCJAP, GTZ.

If such assistance is provided in the context of a programme or project, please provide a description and attach the relevant document(s).

Would the extension and/or expansion of such assistance help your country adopt the measure(s) described in the article under review? (Check one answer)

(Y) Yes
33. Protection of reporting persons

136. Article 33

Each State Party shall consider incorporating into its domestic legal system appropriate measures to provide protection against any unjustified treatment for any person who reports in good faith and on reasonable grounds to the competent authorities any facts concerning offences established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer.)

(P) Yes, in part

Cambodian law does not stipulate directly on reporting persons or Whistle blowers. In implement, they apply the same. All investigations on cases must be done secretly. The Competent authorities have to keep confidentiality as obligation in their functions. Otherwise, the case investigations shall be failed and dangers can happen to the victims. The competent investigators have to keep their professional confidentiality. Although Anti-Corruption Law and Law on the amendment of Anti-Corruption Law stipulates about the punishment on disloyal or with bad-will reporting persons or whistle blowers, in practice, the competent authorities apply this Article only when there is a repeated act of false complaint.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 22: Officials competent to investigate corruption offences

Please cite the applicable measure(s)

Please cite the text(s)

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 13: Duties of the Anti-corruption Unit

The Anti-corruption Unit shall perform the following duties:

- Keep absolute confidentiality of corruption-related information sources

- Take necessary measures to keep the corruption whistle blowers secure……

Article 22: Officials competent to investigate corruption offences

The Chairman, deputy chairpersons
Please provide examples of implementation.
There is no case regarding this.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.
- Cambodia will draft the bills on Protection of Witnesses, Experts, Victims and Reporting Persons for all general offences and particularly for corruption offences.
- Cambodia will develop the mechanisms for implementation the protection procedures while there is no law on these, and the mechanisms will be issued by Ministry of Justice.

137. Technical Assistance
The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)
(Y) Yes

Which challenges are you facing in (fully) adopting/implementing the article under review? (Check all the answers that apply and provide an explanation in the "Comments" field)
(INTACO) Inter-agency co-ordination
(MYSYS) Specificities in our legal system
(LIPROT) Limited awareness of state-of-the-art systems and programmes to protect reporting persons
(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)
(LIRIM) Limited resources for implementation (e.g. human/financial/other; please specify)
(ISSUE) Other issues (please specify)
- Insufficient existed mechanisms

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the article under review? (Check all the answers that apply)
(BEST) Summary of good practices/lessons learned
(ADV) Legal advice
(MOLEG) Model legislation
(CAPREP) Capacity-building programmes for authorities responsible for establishing and managing protection programmes for reporting persons

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No
34. Consequences of acts of corruption

138. Article 34

With due regard to the rights of third parties acquired in good faith, each State Party shall take measures, in accordance with the fundamental principles of its domestic law, to address consequences of corruption. In this context, States Parties may consider corruption a relevant factor in legal proceedings to annul or rescind a contract, withdraw a concession or other similar instrument or take any other remedial action.

Has your country adopted and implemented the measures described above? (Check one answer.)

(P) Yes, in part
Cambodian legislation complies with this provision.

- Code of Criminal Procedure (dated 10 August 2007): Article 119 Competent Authority to Order Return of Seized Items, Article 248 Return of Seized Items, Article 354 Return of Seized Items
- Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 45: Accessory Penalty applicable to certain Corruption Offences, Article 46: Accessory Penalty applicable to certain Legal Entities
- Public Procurement Law: Article 66
- Concession Law: Article 42
- Civil Code: Section III Invalidity and Rescission

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

Code of Criminal Procedure (dated 10 August 2007)

Article 119 Competent Authority to Order Return of Seized Items

The Royal Prosecutor can order the return of an item seized during a preliminary inquiry. He will do so if those items are not necessary as exhibits and there is no serious dispute over the ownership of such item.

However, any item that is dangerous to persons or to property, such as weapons or explosives, or any item which is illegally held may not be returned. Such item shall be seized and deemed as property of the state or be destroyed.

In case a Prosecutor refuses to return a seized item, a complainant may appeal to the General Prosecutor. The Royal Prosecutor and the General Prosecutor are not competent to return seized items during a judicial investigation or trial court proceedings.

The Royal Prosecutor and the General Prosecutor regain their competence if a judicial investigation is completed by a final non-suit order.
ratification has not been carried out.

Article 363: Extinctive prescription of right of rescission

(1) A right of rescission, as well as the right to demand the return of unjust enrichments that accompanies the exercising of the rescission, shall be extinguished if it is not exercised within three years of the date on which ratification has been performed. Provisions regarding the interruption of prescription shall not apply to this period.

(2) Notwithstanding the provisions of paragraph (1), a right of rescission shall be extinguished ten years from the date of the occurrence of act subject to rescission.

(3) Should multiple people have the right of rescission for the same act, the provisions of paragraphs (1) and (2) above shall apply to each person’s right of rescission.
Code of Criminal Procedure (dated 10 August 2007)

**Article 119 Competent Authority to Order Return of Seized Items**

The Royal Prosecutor can order the return of an item seized during a preliminary inquiry. He will do so if those items are not necessary as exhibits and there is no serious dispute over the ownership of such item.

However, any item that is dangerous to persons or to property, such as weapons or explosives, or any item which is illegally held may not be returned. Such item shall be seized and deemed as property of the state or be destroyed.

In case a Prosecutor refuses to return a seized item, a complainant may appeal to the General Prosecutor. The Royal Prosecutor and the General Prosecutor are not competent to return seized items during a judicial investigation or trial court proceedings.

The Royal Prosecutor and the General Prosecutor regain their competence if a judicial investigation is completed by a final non-suit order.

**Article 248 Return of Seized Items**

In a closing order, the investigating judge decides whether any seized property be returned to the owner by applying paragraph 2 of Article 119 (Competent Authority to Order Return of Seized Items) of this Code.

**Article 354 Return of Seized Items**

The court has the competence to decide on the return of seized items.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

**Article 45: Accessory Penalty applicable to certain Corruption Offences**

In addition to felony or misdemeanor punishment stated in this law, the accessory penalty may be as follows:

1. Deprivation of certain civic rights, either permanently or for a certain period, not exceeding five (5) years.

2. Disbarring from profession, either permanently or for a certain period, not exceeding five (5) years when this offence is committed in the conduct of his or her profession or during the conduct of his or her profession.

3. Prohibition of staying for a period not exceeding ten (10) years for a felony and not exceeding five (5) years for misdemeanor offence.

4. Baring of the entrance and staying of convicted foreigner in the territory of the Kingdom of Cambodia, either permanently or for a period not exceeding five (5) years.
ratification has not been carried out.

Article 363: Extinctive prescription of right of rescission

(1) A right of rescission, as well as the right to demand the return of unjust enrichments that accompanies the exercising of the rescission, shall be extinguished if it is not exercised within three years of the date on which ratification has been performed. Provisions regarding the interruption of prescription shall not apply to this period.

(2) Notwithstanding the provisions of paragraph (1), a right of rescission shall be extinguished ten years from the date of the occurrence of act subject to rescission.

(3) Should multiple people have the right of rescission for the same act, the provisions of paragraphs (1) and (2) above shall apply to each person’s right of rescission.
Code of Criminal Procedure (dated 10 August 2007)

Article 119 Competent Authority to Order Return of Seized Items

The Royal Prosecutor can order the return of an item seized during a preliminary inquiry. He will do so if those items are not necessary as exhibits and there is no serious dispute over the ownership of such item.

However, any item that is dangerous to persons or to property, such as weapons or explosives, or any item which is illegally held may not be returned. Such item shall be seized and deemed as property of the state or be destroyed.

In case a Prosecutor refuses to return a seized item, a complainant may appeal to the General Prosecutor. The Royal Prosecutor and the General Prosecutor are not competent to return seized items during a judicial investigation or trial court proceedings.

The Royal Prosecutor and the General Prosecutor regain their competence if a judicial investigation is completed by a final non-suit order.

Article 248 Return of Seized Items

In a closing order, the investigating judge decides whether any seized property be returned to the owner by applying paragraph 2 of Article 119 (Competent Authority to Order Return of Seized Items) of this Code.

Article 354 Return of Seized Items

The court has the competence to decide on the return of seized items.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 45: Accessory Penalty applicable to certain Corruption Offences

In addition to felony or misdemeanor punishment stated in this law, the accessory penalty may be as follows:

1. Deprivation of certain civic rights, either permanently or for a certain period, not exceeding five (5) years.

2. Disbarring from profession, either permanently or for a certain period, not exceeding five (5) years when this offence is committed in the conduct of his or her profession or during the conduct of his or her profession.

3. Prohibition of staying for a period not exceeding ten (10) years for a felony and not exceeding five (5) years for misdemeanor offence.

4. Baring of the entrance and staying of convicted foreigner in the territory of the Kingdom of Cambodia, either permanently or for a period not exceeding five (5) years.
ratification has not been carried out.

Article 363: Extinctive prescription of right of rescission

(1) A right of rescission, as well as the right to demand the return of unjust enrichments that accompanies the exercising of the rescission, shall be extinguished if it is not exercised within three years of the date on which ratification has been performed. Provisions regarding the interruption of prescription shall not apply to this period.

(2) Notwithstanding the provisions of paragraph (1), a right of rescission shall be extinguished ten years from the date of the occurrence of act subject to rescission.

(3) Should multiple people have the right of rescission for the same act, the provisions of paragraphs (1) and (2) above shall apply to each person’s right of rescission.
Code of Criminal Procedure (dated 10 August 2007)

Article 119 Competent Authority to Order Return of Seized Items

The Royal Prosecutor can order the return of an item seized during a preliminary inquiry. He will do so if those items are not necessary as exhibits and there is no serious dispute over the ownership of such item.

However, any item that is dangerous to persons or to property, such as weapons or explosives, or any item which is illegally held may not be returned. Such item shall be seized and deemed as property of the state or be destroyed.

In case a Prosecutor refuses to return a seized item, a complainant may appeal to the General Prosecutor. The Royal Prosecutor and the General Prosecutor are not competent to return seized items during a judicial investigation or trial court proceedings.

The Royal Prosecutor and the General Prosecutor regain their competence if a judicial investigation is completed by a final non-suit order.

Article 248 Return of Seized Items

In a closing order, the investigating judge decides whether any seized property be returned to the owner by applying paragraph 2 of Article 119 (Competent Authority to Order Return of Seized Items) of this Code.

Article 354 Return of Seized Items

The court has the competence to decide on the return of seized items.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 45: Accessory Penalty applicable to certain Corruption Offences

In addition to felony or misdemeanor punishment stated in this law, the accessory penalty may be as follows:

1. Deprivation of certain civic rights, either permanently or for a certain period, not exceeding five (5) years.

2. Disbarring from profession, either permanently or for a certain period, not exceeding five (5) years when this offence is committed in the conduct of his or her profession or during the conduct of his or her profession.

3. Prohibition of staying for a period not exceeding ten (10) years for a felony and not exceeding five (5) years for misdemeanor offence.

4. Baring of the entrance and staying of convicted foreigner in the territory of the Kingdom of Cambodia, either permanently or for a period not exceeding five (5) years.
ratification has not been carried out.

Article 363: Extinctive prescription of right of rescission

(1) A right of rescission, as well as the right to demand the return of unjust enrichments that accompanies the exercising of the rescission, shall be extinguished if it is not exercised within three years of the date on which ratification has been performed. Provisions regarding the interruption of prescription shall not apply to this period.

(2) Notwithstanding the provisions of paragraph (1), a right of rescission shall be extinguished ten years from the date of the occurrence of act subject to rescission.

(3) Should multiple people have the right of rescission for the same act, the provisions of paragraphs (1) and (2) above shall apply to each person’s right of rescission.
Article 119 Competent Authority to Order Return of Seized Items

The Royal Prosecutor can order the return of an item seized during a preliminary inquiry. He will do so if those items are not necessary as exhibits and there is no serious dispute over the ownership of such item.

However, any item that is dangerous to persons or to property, such as weapons or explosives, or any item which is illegally held may not be returned. Such item shall be seized and deemed as property of the state or be destroyed.

In case a Prosecutor refuses to return a seized item, a complainant may appeal to the General Prosecutor. The Royal Prosecutor and the General Prosecutor are not competent to return seized items during a judicial investigation or trial court proceedings.

The Royal Prosecutor and the General Prosecutor regain their competence if a judicial investigation is completed by a final non-suit order.

Article 248 Return of Seized Items

In a closing order, the investigating judge decides whether any seized property be returned to the owner by applying paragraph 2 of Article 119 (Competent Authority to Order Return of Seized Items) of this Code.

Article 354 Return of Seized Items

The court has the competence to decide on the return of seized items.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 45: Accessory Penalty applicable to certain Corruption Offences

In addition to felony or misdemeanor punishment stated in this law, the accessory penalty may be as follows:

1. Deprivation of certain civic rights, either permanently or for a certain period, not exceeding five (5) years.

2. Disbarring from profession, either permanently or for a certain period, not exceeding five (5) years when this offence is committed in the conduct of his or her profession or during the conduct of his or her profession.

3. Prohibition of staying for a period not exceeding ten (10) years for a felony and not exceeding five (5) years for misdemeanor offence.
ratification has not been carried out.

**Article 363: Extinctive prescription of right of rescission**

(1) A right of rescission, as well as the right to demand the return of unjust enrichments that accompanies the exercising of the rescission, shall be extinguished if it is not exercised within three years of the date on which ratification has been performed. Provisions regarding the interruption of prescription shall not apply to this period.

(2) Notwithstanding the provisions of paragraph (1), a right of rescission shall be extinguished ten years from the date of the occurrence of act subject to rescission.

(3) Should multiple people have the right of rescission for the same act, the provisions of paragraphs (1) and (2) above shall apply to each person’s right of rescission.

Please provide examples of implementation.

There is no case regarding this.
Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Royal Government of Cambodia plans to further disseminate this law to law enforcement officials and other entities. Capacity building for specific skills to relevant officials is also a priority tasks done by Royal Government of Cambodia.

139. Technical Assistance
The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)
(N) No

35. Compensation for damage
140. Article 35

Each State Party shall take such measures as may be necessary, in accordance with principles of its domestic law, to ensure that entities or persons who have suffered damage as a result of an act of corruption have the right to initiate legal proceedings against those responsible for that damage in order to obtain compensation.

Has your country adopted and implemented the measures described above? (Check one answer.)
(Y) Yes

Article 39 of Cambodian Constitution and article 5, 6 and 355 of Code of Criminal Procedure (dated 10 August 2007) comply with this provision.

Please cite the applicable measure(s)
Please cite the text(s)
Constitution

Article 39:

Khmer citizens shall have the right to denounce, make complaints or file claims against any breach of the law by state and social organs or by members of such organs committed during the course of their duties. The settlement of complaints and claims shall be the competence of the courts.

Code of Criminal Procedure (dated 10 August 2007)

Article 5 Criminal Actions initiated by Victims
Constitution

Article 39:

Khmer citizens shall have the right to denounce, make complaints or file claims against any breach of the law by state and social organs or by members of such organs committed during the course of their duties. The settlement of complaints and claims shall be the competence of the courts.

Code of Criminal Procedure (dated 10 August 2007)

Article 5 Criminal Actions initiated by Victims

Victims of a felony or misdemeanor can file a complaint as plaintiffs of a civil action before the investigating judge. The complaint of plaintiffs in a civil action has the power to seize an investigating judge with a criminal action under conditions stipulated in Articles 139 (Delivery of Request to Prosecutor) and 140 (Payment of Deposits) of this Code.

Criminal jurisdictions can also receive complaints from government officials or other public agents who are authorized under separate laws.

Article 6 Complaints by Victims

Any person who claims to be a victim of an offence can file a complaint. An ordinary complaint does not automatically initiate criminal proceedings. In case the Prosecutor does not respond to the claim or keeps the file without processing, the victim may bring a request to the General Prosecutor attached to the Court of Appeal.

Please provide examples of implementation and, if available, information on recent cases, including amount and type of compensation emanating from legal proceedings initiated by a victim against those responsible for a damage resulting from an act of corruption

There is no case regarding this.

141. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(N) No
36. Specialized authorities

142. Article 36

Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies or persons specialized in combating corruption through law enforcement. Such body or bodies or persons shall be granted the necessary independence, in accordance with the fundamental principles of the legal system of the State Party, to be able to carry out their functions effectively and without any undue influence. Such persons or staff of such body or bodies should have the appropriate training and resources to carry out their tasks.

Has your country adopted and implemented the measures described above? (Check one answer.)

(P) Yes, in part
Cambodian legislation complies with this provision by stipulating in law and other legal instruments in total 5 (as stated below). Anti-Corruption Institution was established with administrative and investigative characteristics and has the duty to fight against corruption through 3 prongs (education, prevention and law enforcement). This institution holds monopoly on investigation of corruption cases. This institution can perform their functions independently with duties, competent, privileges and enough resources (budgets, human resources, equipment, and technical knowledge). However, while performing their duties, the senior leaders and officials who serve at Anti-Corruption Institution are not granted immunity (special rights) from criminal and civil proceedings, and there is no separate statute on recruiting and managing Anti-Corruption Institution's officials. However, the term “Immunity” is controversial as it encourages wrong doing and can weaken the entity as there are internal investigators in ACU which can lead to the punishment for the ACU officials who have committed offences. In the context of continuous development of knowledge, science, and technology, capacity and skill of the officials and equipment used in the institution have to be updated and upgraded.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 3 Scope, Article 5 Anti-Corruption Institution, Article 6 Establishment of National Council Against Corruption, Article 10 Duties of National Council Against Corruption, Article 11 The establishment of the Anti-corruption Unit, Article 12 Qualification of the Chairperson and Vice-chairperson of the Anti-corruption Unit, Article 13 Duties of the Anti-corruption Unit, Article 14 Officials of the Anti-corruption Unit, Article 15 Branches of the Anti-corruption Unit, Article 22 Officials competent to investigate corruption offences, Article 25 Investigative power of Anti-corruption Unit, Article 26 Special Privileges of Anti-corruption Unit, Article 27 Privileges of Anti-corruption Unit related to monitoring, Article 28 Privileges of ACU related to freezing an individual’s assets, Article 29 Privileges of ACU in cooperation with public authority, Article 31 Procedures at criminal court, Article 40 Obstruction or Interference offenses in the work of the Anti-Corruption Unit, Article 41 Procedures of_priming of funds.

Law on the Amendment of Anti-Corruption Law (Promulgated by Royal Kram No. NS/RKM/0811/017 dated 01 August 2011): Article 10 Double. Prakas of President of National Anti-Corruption Council, Article 16 (New) Budget and resource of Anti-Corruption Institution,

Sub-Decree No. 05 dated 10 January 2011 on the organization and functioning of the Anti-Corruption Unit: Article 27, Article 28
Cambodian legislation complies with this provision by stipulating in law and other legal instruments in total 5 (as stated below). Anti-Corruption Institution was established with administrative and investigative characteristics and has the duty to fight against corruption through 3 prongs (education, prevention and law enforcement). This institution holds monopoly on investigation of corruption cases. This institution can perform their functions independently with duties, competent, privileges and enough resources (budgets, human

Please cite the applicable policy(ies), institutional arrangements, law(s) or other measure(s):

Please cite the text(s)

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 3: Scope

This law is applicable to all forms of corruption in all sections and at all levels throughout the Kingdom of Cambodia, which occurs after the law comes into effect.

Article 5: Anti-Corruption Institution

The Anti-Corruption Institution is composed of the National Council Against Corruption and the Anti-Corruption Unit.

The Anti-Corruption Institution has its own logo and stamp for official use which will be determined in a sub-decree.

Article 6: Establishment of National Council Against Corruption

The National Council Against Corruption is created to provide guidance and recommendations on anti-corruption work. The National Council Against Corruption is composed of 11 members as follows:

1. One dignitary appointed by HM. the King

2. One dignitary selected by the Senate through absolute majority of votes of the whole Senate

3. One dignitary selected by the National Assembly through absolute majority of votes of the whole National Assembly

4. One dignitary selected by the Royal Government

5. One dignitary selected by or from the National Audit Authority

6. One dignitary selected by or from the Ministry of National Assembly-Senate Relations and Inspection

7. One dignitary selected by or from the Council of Magistracy, and

8. One dignitary selected by or from the Council for Legal and Judicial Reform

9. One dignitary selected by or from the Supreme Council of Magistracy
If the suspect flees to a foreign country, the chairman of the Anti-corruption Unit can ask the competent authority to undertake an extradition in accordance with the provisions in force.

The Anti-corruption Unit can reserve some appropriate spaces, permanently or temporarily, as detention rooms, in accordance with the code of criminal procedure. When the Anti-corruption Unit cannot afford to have the appropriate permanent or temporary place for detention, the Anti-corruption Unit can ask the competent institution to detain the suspects arrested by the Anti-Corruption Unit.

**Article 27: Privileges of Anti-corruption Unit related to monitoring**

Being contradictory to article 105 (prohibition from wire-taping), and article 172 (wire taping ordered by the court) of the criminal procedure code, in the case there is clear hint of corruption offence, the ACU can:

a. Check and put under observation the bank accounts or other accounts which are described to be the same as bank accounts.

b. Check and order the provision or copy of authentic documents or individual documents, or all bank, financial and commercial documents.

c. Monitor, oversee, eavesdrop, record sound and take photos, and engage in phone tapping.

d. Check documents and documents stored in the electronic system.

e. Conduct operations aimed at collecting real evidence.

The above measures shall not be considered as violations of professional secrets. The secret of banks shall not be served as justification for not providing evidence related to corruption offences in the provisions of this law.

**Article 28: Privileges of ACU related to freezing an individual’s assets**

Upon the request by the chairman of ACU, the Royal Government can order the General Prosecutor of the Appeals Court or Prosecutor of the Municipal/Provincial Court to freeze the assets of individuals who commit offences stated in this law and corruption offences stated in the code of criminal procedure.

The individual assets, stated in the above first paragraph, includes the funds received or which forms asset belonging to the individual.
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 3: Scope

This law is applicable to all forms of corruption in all sections and at all levels throughout the Kingdom of Cambodia, which occurs after the law comes into effect.

Article 5: Anti-Corruption Institution

The Anti-Corruption Institution is composed of the National Council Against Corruption and the Anti-Corruption Unit.

The Anti-Corruption Institution has its own logo and stamp for official use which will be determined in a sub-decree.

Article 6: Establishment of National Council Against Corruption

The National Council Against Corruption is created to provide guidance and recommendations on anti-corruption work. The National Council Against Corruption is composed of 11 members as follows:

1. One dignitary appointed by HM. the King
2. One dignitary selected by the Senate through absolute majority of votes of the whole Senate
3. One dignitary selected by the National Assembly through absolute majority of votes of the whole National Assembly
4. One dignitary selected by the Royal Government
5. One dignitary selected by or from the National Audit Authority
6. One dignitary selected by or from the Ministry of National Assembly-Senate Relations and Inspection
7. One dignitary selected by or from the Council of Magistracy, and
8. One dignitary selected by or from the Council for Legal and Judicial Reform
9. One dignitary selected by or from the Supreme Council of Magistracy
10. One dignitary selected by Cambodia Human Rights Committee
11. Chair of Anti-Corruption Unit.

Each member of the National Council Against Corruption must meet the following requirements:
If the suspect flees to a foreign country, the chairman of the Anti-corruption Unit can ask the competent authority to undertake an extradition in accordance with the provisions in force.

The Anti-corruption Unit can reserve some appropriate spaces, permanently or temporarily, as detention rooms, in accordance with the code of criminal procedure. When the Anti-corruption Unit cannot afford to have the appropriate permanent or temporary place for detention, the Anti-corruption Unit can ask the competent institution to detain the suspects arrested by the Anti-Corruption Unit.

**Article 27: Privileges of Anti-corruption Unit related to monitoring**

Being contradictory to article 105 (prohibition from wire-taping), and article 172 (wire taping ordered by the court) of the criminal procedure code, in the case there is clear hint of corruption offence, the ACU can:

a. Check and put under observation the bank accounts or other accounts which are described to be the same as bank accounts.

b. Check and order the provision or copy of authentic documents or individual documents, or all bank, financial and commercial documents.

c. Monitor, oversee, eavesdrop, record sound and take photos, and engage in phone tapping.

d. Check documents and documents stored in the electronic system

e. Conduct operations aimed at collecting real evidence.

The above measures shall not be considered as violations of professional secrets. The secret of banks shall not be served as justification for not providing evidence related to corruption offences in the provisions of this law.

**Article 28: Privileges of ACU related to freezing an individual’s assets**

Upon the request by the chairman of ACU, the Royal Government can order the General Prosecutor of the Appeals Court or Prosecutor of the Municipal/Provincial Court to freeze the assets of individuals who commit offences stated in this law and corruption offences stated in the code of criminal procedure.

The individual assets, stated in the above first paragraph, includes the funds received or which forms asset belonging to the individual.

**Article 29: Privileges of ACU in cooperation with public authority**

The Chairman of the ACU can order public authorities, government officials, citizens who hold public office through election, as well as units concerned in private sector, namely financial institutions, to cooperate with officials of the ACU in the work of investigation.
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 3: Scope

This law is applicable to all forms of corruption in all sections and at all levels throughout the Kingdom of Cambodia, which occurs after the law comes into effect.

Article 5: Anti-Corruption Institution

The Anti-Corruption Institution is composed of the National Council Against Corruption and the Anti-Corruption Unit.

The Anti-Corruption Institution has its own logo and stamp for official use which will be determined in a sub-decree.

Article 6: Establishment of National Council Against Corruption

The National Council Against Corruption is created to provide guidance and recommendations on anti-corruption work. The National Council Against Corruption is composed of 11 members as follows:

1. One dignitary appointed by HM. the King
2. One dignitary selected by the Senate through absolute majority of votes of the whole Senate
3. One dignitary selected by the National Assembly through absolute majority of votes of the whole National Assembly
4. One dignitary selected by the Royal Government
5. One dignitary selected by or from the National Audit Authority
6. One dignitary selected by or from the Ministry of National Assembly-Senate Relations and Inspection
7. One dignitary selected by or from the Council of Magistracy, and
8. One dignitary selected by or from the Council for Legal and Judicial Reform
9. One dignitary selected by or from the Supreme Council of Magistracy
10. One dignitary selected by Cambodia Human Rights Committee
11. Chair of Anti-Corruption Unit.

Each member of the National Council Against Corruption must meet the following requirements:
If the suspect flees to a foreign country, the chairman of the Anti-corruption Unit can ask the competent authority to undertake an extradition in accordance with the provisions in force.

The Anti-corruption Unit can reserve some appropriate spaces, permanently or temporarily, as detention rooms, in accordance with the code of criminal procedure. When the Anti-corruption Unit cannot afford to have the appropriate permanent or temporary place for detention, the Anti-corruption Unit can ask the competent institution to detain the suspects arrested by the Anti-Corruption Unit.

Article 27: Privileges of Anti-corruption Unit related to monitoring

Being contradictory to article 105 (prohibition from wire-tapping), and article 172 (wire taping ordered by the court) of the criminal procedure code, in the case there is clear hint of corruption offence, the ACU can:

a. Check and put under observation the bank accounts or other accounts which are described to be the same as bank accounts.

b. Check and order the provision or copy of authentic documents or individual documents, or all bank, financial and commercial documents.

c. Monitor, oversee, eavesdrop, record sound and take photos, and engage in phone tapping.

d. Check documents and documents stored in the electronic system

e. Conduct operations aimed at collecting real evidence.

The above measures shall not be considered as violations of professional secrets. The secret of banks shall not be served as justification for not providing evidence related to corruption offences in the provisions of this law.

Article 28: Privileges of ACU related to freezing an individual’s assets

Upon the request by the chairman of ACU, the Royal Government can order the General Prosecutor of the Appeals Court or Prosecutor of the Municipal/Provincial Court to freeze the assets of individuals who commit offences stated in this law and corruption offences stated in the code of criminal procedure.

The individual assets, stated in the above first paragraph, includes the funds received or which forms asset belonging to the individual.

Article 29: Privileges of ACU in cooperation with public authority

The Chairman of the ACU can order public authorities, government officials, citizens who hold public office through election, as well as units concerned in private sector, namely financial institutions, to cooperate with officials of the ACU in the work of investigation.

The Chairman of the ACU can also ask the national and international
Article 3: Scope

This law is applicable to all forms of corruption in all sections and at all levels throughout the Kingdom of Cambodia, which occurs after the law comes into effect.

Article 5: Anti-Corruption Institution

The Anti-Corruption Institution is composed of the National Council Against Corruption and the Anti-Corruption Unit.

The Anti-Corruption Institution has its own logo and stamp for official use which will be determined in a sub-decree.

Article 6: Establishment of National Council Against Corruption

The National Council Against Corruption is created to provide guidance and recommendations on anti-corruption work. The National Council Against Corruption is composed of 11 members as follows:

1. One dignitary appointed by HM. the King
2. One dignitary selected by the Senate through absolute majority of votes of the whole Senate
3. One dignitary selected by the National Assembly through absolute majority of votes of the whole National Assembly
4. One dignitary selected by the Royal Government
5. One dignitary selected by or from the National Audit Authority
6. One dignitary selected by or from the Ministry of National Assembly-Senate Relations and Inspection
7. One dignitary selected by or from the Council of Magistracy, and
8. One dignitary selected by or from the Council for Legal and Judicial Reform
9. One dignitary selected by or from the Supreme Council of Magistracy
10. One dignitary selected by Cambodia Human Rights Committee
11. Chair of Anti-Corruption Unit.

Each member of the National Council Against Corruption must meet the following requirements:
If the suspect flees to a foreign country, the chairman of the Anti-corruption Unit can ask the competent authority to undertake an extradition in accordance with the provisions in force.

The Anti-corruption Unit can reserve some appropriate spaces, permanently or temporarily, as detention rooms, in accordance with the code of criminal procedure. When the Anti-corruption Unit cannot afford to have the appropriate permanent or temporary place for detention, the Anti-corruption Unit can ask the competent institution to detain the suspects arrested by the Anti-Corruption Unit.

**Article 27: Privileges of Anti-corruption Unit related to monitoring**

Being contradictory to article 105 (prohibition from wire-taping), and article 172 (wire taping ordered by the court) of the criminal procedure code, in the case there is clear hint of corruption offence, the ACU can:

a. Check and put under observation the bank accounts or other accounts which are described to be the same as bank accounts.

b. Check and order the provision or copy of authentic documents or individual documents, or all bank, financial and commercial documents.

c. Monitor, oversee, eavesdrop, record sound and take photos, and engage in phone tapping.

d. Check documents and documents stored in the electronic system

e. Conduct operations aimed at collecting real evidence.

The above measures shall not be considered as violations of professional secrets. The secret of banks shall not be served as justification for not providing evidence related to corruption offences in the provisions of this law.

**Article 28: Privileges of ACU related to freezing an individual’s assets**

Upon the request by the chairman of ACU, the Royal Government can order the General Prosecutor of the Appeals Court or Prosecutor of the Municipal/Provincial Court to freeze the assets of individuals who commit offences stated in this law and corruption offences stated in the code of criminal procedure.

The individual assets, stated in the above first paragraph, includes the funds received or which forms asset belonging to the individual.

**Article 29: Privileges of ACU in cooperation with public authority**

The Chairman of the ACU can order public authorities, government officials, citizens who hold public office through election, as well as units concerned in private sector, namely financial institutions, to cooperate with officials of the ACU in the work of investigation.
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 3: Scope

This law is applicable to all forms of corruption in all sections and at all levels throughout the Kingdom of Cambodia, which occurs after the law comes into effect.

Article 5: Anti-Corruption Institution

The Anti-Corruption Institution is composed of the National Council Against Corruption and the Anti-Corruption Unit.

The Anti-Corruption Institution has its own logo and stamp for official use which will be determined in a sub-decree.

Article 6: Establishment of National Council Against Corruption

The National Council Against Corruption is created to provide guidance and recommendations on anti-corruption work. The National Council Against Corruption is composed of 11 members as follows:

1. One dignitary appointed by HM. the King
2. One dignitary selected by the Senate through absolute majority of votes of the whole Senate
3. One dignitary selected by the National Assembly through absolute majority of votes of the whole National Assembly
4. One dignitary selected by the Royal Government
5. One dignitary selected by or from the National Audit Authority
6. One dignitary selected by or from the Ministry of National Assembly-Senate Relations and Inspection
7. One dignitary selected by or from the Council of Magistracy, and
8. One dignitary selected by or from the Council for Legal and Judicial Reform
9. One dignitary selected by or from the Supreme Council of Magistracy
10. One dignitary selected by Cambodia Human Rights Committee
11. Chair of Anti-Corruption Unit.

Each member of the National Council Against Corruption must meet the following requirements:
If the suspect flees to a foreign country, the chairman of the Anti-corruption Unit can ask the competent authority to undertake an extradition in accordance with the provisions in force.

The Anti-corruption Unit can reserve some appropriate spaces, permanently or temporarily, as detention rooms, in accordance with the code of criminal procedure. When the Anti-corruption Unit cannot afford to have the appropriate permanent or temporary place for detention, the Anti-corruption Unit can ask the competent institution to detain the suspects arrested by the Anti-Corruption Unit.

**Article 27: Privileges of Anti-corruption Unit related to monitoring**

Being contradictory to article 105 (prohibition from wire-taping), and article 172 (wire taping ordered by the court) of the criminal procedure code, in the case there is clear hint of corruption offence, the ACU can:

a. Check and put under observation the bank accounts or other accounts which are described to be the same as bank accounts.

b. Check and order the provision or copy of authentic documents or individual documents, or all bank, financial and commercial documents.

c. Monitor, oversee, eavesdrop, record sound and take photos, and engage in phone tapping.

d. Check documents and documents stored in the electronic system.

e. Conduct operations aimed at collecting real evidence.

The above measures shall not be considered as violations of professional secrets. The secret of banks shall not be served as justification for not providing evidence related to corruption offences in the provisions of this law.

**Article 28: Privileges of ACU related to freezing an individual’s assets**

Upon the request by the chairman of ACU, the Royal Government can order the General Prosecutor of the Appeals Court or Prosecutor of the Municipal/Provincial Court to freeze the assets of individuals who commit offences stated in this law and corruption offences stated in the code of criminal procedure.

The individual assets, stated in the above first paragraph, includes the funds received or which forms asset belonging to the individual.

**Article 29: Privileges of ACU in cooperation with public authority**

The Chairman of the ACU can order public authorities, government officials, citizens who hold public office through election, as well as units concerned in private sector, namely financial institutions, to cooperate with officials of the ACU in the work of investigation.

The Chairman of the ACU can also ask the national and international
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 3: Scope

This law is applicable to all forms of corruption in all sections and at all levels throughout the Kingdom of Cambodia, which occurs after the law comes into effect.

Article 5: Anti-Corruption Institution

The Anti-Corruption Institution is composed of the National Council Against Corruption and the Anti-Corruption Unit.

The Anti-Corruption Institution has its own logo and stamp for official use which will be determined in a sub-decree.

Article 6: Establishment of National Council Against Corruption

The National Council Against Corruption is created to provide guidance and recommendations on anti-corruption work. The National Council Against Corruption is composed of 11 members as follows:

1. One dignitary appointed by HM. the King
2. One dignitary selected by the Senate through absolute majority of votes of the whole Senate
3. One dignitary selected by the National Assembly through absolute majority of votes of the whole National Assembly
4. One dignitary selected by the Royal Government
5. One dignitary selected by or from the National Audit Authority
6. One dignitary selected by or from the Ministry of National Assembly-Senate Relations and Inspection
7. One dignitary selected by or from the Council of Magistracy, and
8. One dignitary selected by or from the Council for Legal and Judicial Reform
9. One dignitary selected by or from the Supreme Council of Magistracy
10. One dignitary selected by Cambodia Human Rights Committee
11. Chair of Anti-Corruption Unit.

Each member of the National Council Against Corruption must meet the following requirements:
If the suspect flees to a foreign country, the chairman of the Anti-corruption Unit can ask the competent authority to undertake an extradition in accordance with the provisions in force.

The Anti-corruption Unit can reserve some appropriate spaces, permanently or temporarily, as detention rooms, in accordance with the code of criminal procedure. When the Anti-corruption Unit cannot afford to have the appropriate permanent or temporary place for detention, the Anti-corruption Unit can ask the competent institution to detain the suspects arrested by the Anti-Corruption Unit.

**Article 27: Privileges of Anti-corruption Unit related to monitoring**

Being contradictory to article 105 (prohibition from wire-taping), and article 172 (wire tapping ordered by the court) of the criminal procedure code, in the case there is clear hint of corruption offence, the ACU can:

a. Check and put under observation the bank accounts or other accounts which are described to be the same as bank accounts.

b. Check and order the provision or copy of authentic documents or individual documents, or all bank, financial and commercial documents.

c. Monitor, oversee, eavesdrop, record sound and take photos, and engage in phone tapping.

d. Check documents and documents stored in the electronic system

e. Conduct operations aimed at collecting real evidence.

The above measures shall not be considered as violations of professional secrets. The secret of banks shall not be served as justification for not providing evidence related to corruption offences in the provisions of this law.

**Article 28: Privileges of ACU related to freezing an individual’s assets**

Upon the request by the chairman of ACU, the Royal Government can order the General Prosecutor of the Appeals Court or Prosecutor of the Municipal/Provincial Court to freeze the assets of individuals who commit offences stated in this law and corruption offences stated in the code of criminal procedure.

The individual assets, stated in the above first paragraph, includes the funds received or which forms asset belonging to the individual.

**Article 29: Privileges of ACU in cooperation with public authority**

The Chairman of the ACU can order public authorities, government officials, citizens who hold public office through election, as well as units concerned in private sector, namely financial institutions, to cooperate with officials of the ACU in the work of investigation.
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

**Article 3: Scope**

This law is applicable to all forms of corruption in all sections and at all levels throughout the Kingdom of Cambodia, which occurs after the law comes into effect.

**Article 5: Anti-Corruption Institution**

The Anti-Corruption Institution is composed of the National Council Against Corruption and the Anti-Corruption Unit.

The Anti-Corruption Institution has its own logo and stamp for official use which will be determined in a sub-decree.

**Article 6: Establishment of National Council Against Corruption**

The National Council Against Corruption is created to provide guidance and recommendations on anti-corruption work. The National Council Against Corruption
If the suspect flees to a foreign country, the chairman of the Anti-corruption Unit can ask the competent authority to undertake an extradition in accordance with the provisions in force.

The Anti-corruption Unit can reserve some appropriate spaces, permanently or temporarily, as detention rooms, in accordance with the code of criminal procedure. When the Anti-corruption Unit cannot afford to have the appropriate permanent or temporary place for detention, the Anti-corruption Unit can ask the competent institution to detain the suspects arrested by the Anti-Corruption Unit.

**Article 27: Privileges of Anti-corruption Unit related to monitoring**

Being contradictory to article 105 (prohibition from wire-taping), and article 172 (wire taping ordered by the court) of the criminal procedure code, in the case there is clear hint of corruption offence, the ACU can:

a. Check and put under observation the bank accounts or other accounts which are described to be the same as bank accounts.

b. Check and order the provision or copy of authentic documents or

**Please provide examples of implementation**

Anti-Corruption Institution has organized its own institution and has performed its function in accordance with the law and other legal instruments. Anti-Corruption Institution has guaranteed its independence in performing its duties with resources and providing the training as needed.

The Examples for the investigation power of Anti-Corruption Unit were shown in many cases in which ACU collected the evidence and arrested the suspects by itself and then transferred the case to the court for prosecution.

**Please provide information on the measures adopted to ensure the independence of the specialized body**

Please refer to the answer of the above 1 question of this article.

Anti-Corruption Unit is continuing to provide skill training to its staff and to further equip any needed equipment in order to guaranty its independent and efficient performance.

**If available, please provide information on how staff is selected and trained**

**a. Recruiting Staff Procedure**

Every year, with the request from ministries-institutions, ministry of public functions has to plan the number of the annual civil servant to be recruited to get the approval from the government (council of ministers). After getting the approval, ministry of public functions has to draft an announcement letter to respective ministries-institutions about the number of the annual civil servant to be recruited. After getting this announcement, the respective ministries-institutions implement accordingly by setting up competitive recruitment exam in compliance with in-force procedures. Common statute for civil servants points out that the respective ministries-institutions have to issue decision/prokas on competitive recruitment
a. Recruiting Staff Procedure

Every year, with the request from ministries-institutions, ministry of public functions has to plan the number of the annual civil servant to be recruited to get the approval from the government (council of ministers). After getting the approval, ministry of public functions has to draft an announcement letter to respective ministries-institutions about the number of the annual civil servant to be recruited. After getting this announcement, the respective ministries-institutions implement accordingly by setting up competitive recruitment exam in compliance with in-force procedures. Common statute for civil servants points out that the respective ministries-institutions have to issue decision/prokas on competitive recruitment exam and publicly announce the establishment of committee and sub-committees, as required by each will have representatives from ministry of public functions participate.

According to Article 13 and 62 of Common statute for civil servants, there is exception for procedure of recruitment exam for some cases, for example (1).the process of recruiting “Civil servant student” which graduates from Royal School Administration (2). for the national interest, the appointment at any time within a civil service body of the administration a dignitary or a person with a degree without taking into consideration age limitations.

b. Training

To comply with its Anti-corruption activity plan, Anti-Corruption Unit (ACU) has organized the trainings and workshops both locally and abroad. Trainings and workshops can be organized in the cases as the following:

- when there is any legal instrument issued or amended/changed, general department of administration and security (department of staff and training) will invite guest speaker to give lecture to all leaders and civil servants serve in ACU in order to update their knowledge

- by noticing the needs in accordance with the real situation, ACU will

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

- The use of the word «Immunity» could lead to confusion thus it should be replaced by the phrase «the rights given by the laws»

- Cambodia will study good practices of other countries on giving the privileges to the leaders and officials of anti-corruption agency and will take this as the ground for implementation in Cambodia.

- Cambodia will consider giving the privileges to leaders and officials of ACU on protection while and after performing the tasks in an appropriate time but these privileges will not be encourage for the wrong doing against the laws or code of ethics.

- Cambodia will study good practices of other countries on particular statute for recruiting and managing officials of anti-corruption agency as the ground for further consideration on this.
The following questions on technical assistance relate to the article under review in its entirety.

---

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)
(N) No

---

37. Cooperation with law enforcement authorities

144. Paragraph 1 of article 37

1. Each State Party shall take appropriate measures to encourage persons who participate or who have participated in the commission of an offence established in accordance with this Convention to supply information useful to competent authorities for investigative and evidentiary purposes and to provide factual, specific help to competent authorities that may contribute to depriving offenders of the proceeds of crime and to recovering such proceeds.

Has your country adopted and implemented the measures described above? (Check one answer.)
(Y) Yes

Cambodian legislations have stipulated about the mitigating circumstances if warranted by the nature of the offence or the character of the accused. In practice, the competent authority could also request the court to consider about the mitigating circumstances for the offenders who are cooperated in collecting and providing the information regarding the offence.

The mitigating circumstances could be granted in 2 cases:

(1) The case of not yet processing of criminal proceedings: The prosecutor could use the principle of opportunity in accordance with article 40 of Code of Criminal Procedure. The prosecutor could hold a file without processing (depending on the consideration of the prosecutor)

(2) The case of conducting the proceedings against the offenders: The prosecutor could grant the accused the benefit of mitigating circumstances in accordance with article 93, 94, and 95 of Penal Code.

Penal Code(Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009): Article 93 Definition of mitigating circumstances, Article 94 Effect of mitigating circumstances, Article 95 Life imprisonment and mitigating circumstances
Cambodian legislations have stipulated about the mitigating circumstances if warranted by the nature of the offence or the character of the accused. In practice, the competent authority could also request the court to consider about the mitigating circumstances for the offenders who are cooperated in collecting and providing the information regarding the offence.

The mitigating circumstances could be granted in 2 cases:

(1) The case of not yet processing of criminal proceedings: The prosecutor could use the principle of opportunity in accordance with

Please cite the applicable measure(s)

Penal Code(Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 93 Definition of mitigating circumstances

The court may grant the accused the benefit of mitigating circumstances if warranted by the nature of the offence or the character of the accused.

The accused may also benefit from mitigating circumstances, notwithstanding that he or she has a previous conviction.

Article 94: Effect of mitigating circumstances

If the court grants an accused the benefit of mitigating circumstances, the minimum principal penalty incurred for a felony or a misdemeanour shall be reduced as follows:

1. if the minimum sentence of imprisonment incurred is ten years or more, it shall be reduced to two years;
2. if the minimum sentence of imprisonment incurred is five years or more, but less than ten years, it shall be reduced to one year;
3. if the minimum sentence of imprisonment incurred is two years or more, but less than five years, it shall be reduced to six months;
4. if the minimum sentence of imprisonment incurred is six days or more, but less than two years, it shall be reduced to one day;

the minimum fine incurred shall be reduced by half.

Article 95: Life imprisonment and mitigating circumstances

If the penalty incurred for an offence is life imprisonment, the judge granting the benefit of mitigating circumstances may impose a sentence of between fifteen and thirty years imprisonment.

Code of Criminal Procedure (dated 10 August 2007)
Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 93 Definition of mitigating circumstances

The court may grant the accused the benefit of mitigating circumstances if warranted by the nature of the offence or the character of the accused.

The accused may also benefit from mitigating circumstances, notwithstanding that he or she has a previous conviction.

Article 94: Effect of mitigating circumstances

If the court grants an accused the benefit of mitigating circumstances, the minimum principal penalty incurred for a felony or a misdemeanour shall be reduced as follows:

1. if the minimum sentence of imprisonment incurred is ten years or more, it shall be reduced to two years;

2. if the minimum sentence of imprisonment incurred is five years or more, but less than ten years, it shall be reduced to one year;

3. if the minimum sentence of imprisonment incurred is two years or more, but less than five years, it shall be reduced to six months;

4. if the minimum sentence of imprisonment incurred is six days or more, but less than two years, it shall be reduced to one day;

the minimum fine incurred shall be reduced by half.

Article 95: Life imprisonment and mitigating circumstances

If the penalty incurred for an offence is life imprisonment, the judge granting the benefit of mitigating circumstances may impose a sentence of between fifteen and thirty years imprisonment.

Code of Criminal Procedure (dated 10 August 2007)

Article 40: Processing of Criminal Proceedings

The prosecutor shall consider written complaints and protests that have been received by him or that have been directly submitted by judicial police.

Please provide examples of implementation

Verdict of Criminal Case No. 53 “I” dated on 26th August 2012 of a Court of First Instance

A former investigating judge of a Provincial Court of First Instance was convicted on Illicit Enrichment (Article 36 of Anti-Corruption Law) and Bribery taken by judges (Article 517 of Penal Code) and was sentenced to 2 years
Verdict of Criminal Case No. 53 “I” dated on 26th August 2012 of a Court of First Instance

A former investigating judge of a Provincial Court of First Instance was convicted on Illicit Enrichment (Article 36 of Anti-Corruption Law) and Bribery taken by judges (Article 517 of Penal Code) and was sentenced to 2 years imprisonment, legally required to one - year execution of sentence starting from 20 January, 2012. The former clerk, was convicted as an accomplice of the offence Bribery taken by judges (Article 517 of Penal Code) and was sentenced to 2 years imprisonment, legally required to one - year execution of sentence. According to Article 517 Bribery taken by judges of penal code, the offender

If available, please provide information on the number and nature of such cases that have contributed to depriving offenders of the proceeds of crime and to recovering such proceeds. Please provide per annum figures, as available.
   Not applicable.

145. Paragraph 2 of article 37

2. Each State Party shall consider providing for the possibility, in appropriate cases, of mitigating punishment of an accused person who provides substantial cooperation in the investigation or prosecution of an offence established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Cambodia has fully implemented this provision of the Convention. Cambodian legislations have stipulated about the mitigating circumstances if warranted by the nature of the offence or the character of the accused. In practice, the competent authority could also request the court to consider about the mitigating circumstances for the offenders who are cooperated in collecting and providing the information regarding the offence.

Please see response in article 37.1 of UNCAC.

Please cite the applicable measure(s)

Please cite the text(s)

Please see response in article 37.1 of UNCAC.

Please provide examples of implementation

Please see response in article 37.1 of UNCAC.

If available, please provide information (statistics, types of cases, outcome) on related legal (civil, administrative or criminal) cases or other processes related to instances where punishment of an accused person who provided substantial cooperation was mitigated. Please provide per annum figures, as available.
   Not applicable.
146. Paragraph 3 of article 37

3. Each State Party shall consider providing for the possibility, in accordance with the fundamental principles of its domestic law, of granting immunity from prosecution to a person who provides substantial cooperation in the investigation or prosecution of an offence established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer.)

(N) No

Cambodian legislation does not grant immunity from prosecution to a person who provides substantial cooperation in the investigation or prosecution of an offence.

Please provide an account of your country’s efforts to date to implement the provision under review.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review

- Cambodia will study good practices of other countries on giving the privileges to the person who has provided substantial cooperation for implementation in Cambodia.
- Cambodia will consider this when Cambodia draft any relevant bills (eg. Law on Whistle Blower Protection).

147. Paragraph 4 of article 37

4. Protection of such persons shall be, mutatis mutandis, as provided for in article 32 of this Convention.

Is your country in compliance with this provision? (Check one answer.)

(P) Yes, in part

Cambodian legislation does not grant immunity to witness, experts, and victims. The protection provided to persons who are stipulated in article 32 of this Convention will be considered when developing the protection’s mechanism and procedure. However, it is noticeable that law implementation in accordance with the order of legal entity as below shall not be considered as offence.

Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009): Article 32 Authorisation by law or authority

Please cite the applicable policy(ies) or other measure(s)

Penal Code(Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)
Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 32: Authorisation by law or authority

A person shall not be criminally responsible if he or she performs an act prescribed or authorised by law.

A person shall not be criminally responsible if he or she performs an act ordered by a lawful authority, unless the act was manifestly unlawful.

The perpetrator, co-perpetrator, instigator, or accomplice of genocide, or of a crime against humanity, or a war crime shall not, under any circumstances, be excused from criminal responsibility on the ground that:

1. he or she committed an act prescribed, authorised or not prohibited by the law in force

Please provide examples of implementation

Case No. 002:

The former Secretary General of National Authority for Combating Drug and his accomplices were accused of committing offences in their working place such as taking bribe for releasing the offenders, modifying the case from drug trafficking to other trafficking, stealing and distributing drug etc. in total 38 offences. In this case, his inferiors were not accused as they were ordered by legal entity and were cooperating in case investigation by providing information and evidences. They were the witnesses in this case.

If available, please provide information on the number of cooperating defendants/offenders who have received physical protection, how long they required protection, type of protection received and cost. Please provide per annum figures, as available.

Not applicable.

If you have a defendant/offender protection programme, how many cooperating defendants/offenders have entered it? Please provide per annum figures, as available.

Not applicable.

If applicable and available, please provide information on the number of cases where cooperating defendants/offenders have been permitted to give testimony using video or other communications technology. Please provide per annum figures, as available.

Not applicable.

If applicable and available, please provide information on the number of cooperating defendants/offenders who have been relocated to other States through arrangements or agreements. Please provide per annum figures, as available.

Not applicable.
Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Cambodia will draft the bills on Protection of Witnesses, Experts, Victims and Reporting Persons for all general offences and particularly for corruption offences.

Cambodia will develop the mechanisms for implementation the protection procedures while there is no law on these, and the mechanisms will be issued by Ministry of Justice.

148. Paragraph 5 of article 37

5. Where a person referred to in paragraph 1 of this article located in one State Party can provide substantial cooperation to the competent authorities of another State Party, the States Parties concerned may consider entering into agreements or arrangements, in accordance with their domestic law, concerning the potential provision by the other State Party of the treatment set forth in paragraphs 2 and 3 of this article.

Is your country in compliance with this provision? (Check one answer.)

(N) No

Please provide an account of your country’s efforts to date to implement the provision under review.

Not applicable.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review

Not applicable.

149. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(Y) Yes

Which challenges are you facing in (fully) adopting/implementing the article under review? (Check all the answers that apply and provide an explanation in the "Comments" field)

(INTACO) Inter-agency co-ordination

(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)

(LIRIM) Limited resources for implementation (e.g. human/financial/other; please specify)

(LIPP) Limited awareness of state-of-the-art protection programmes and systems

Which of the following forms of technical assistance, if available, would assist your country in (fully)
Which of the following forms of technical assistance, if available, would assist your country in (fully)
(BEST) Summary of good practices/lessons learned
(ADV) Legal advice
(MOLEG) Model legislation
(CAPPP) Capacity-building programmes for authorities responsible for establishing and
managing protection programmes
(MOAAT) Model agreement/arrangement

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

38. Cooperation between national authorities

150. Article 38

Each State Party shall take such measures as may be necessary to encourage, in accordance with its domestic
law, cooperation between, on the one hand, its public authorities, as well as its public officials, and, on the other
hand, its authorities responsible for investigating and prosecuting criminal offences. Such cooperation may
include:

(a) Informing the latter authorities, on their own initiative, where there are reasonable grounds to believe that
any of the offences established in accordance with articles 15, 21 and 23 of this Convention has been committed;
or
(b) Providing, upon request, to the latter authorities all necessary information.

Is your country in compliance with this provision? (Check one answer.)
(Y) Yes

Cambodian legislation has complied with this provision by requiring the cooperation between the authorities in investigation and accusation. Juridical police and relevant authority have to cooperate in reporting about the offense and juridical police commences the investigation and after that transfer the case to the prosecutor office for criminal proceedings.

Cambodian Financial Intelligence Unit has signed many Memorandum of Understanding with other national authorities as the following:

(1). National Police Commission of Ministry of Interior on “the Exchange of financial information” dated on 22 December 2011

(2). General department of custom and excise of Ministry of Economics and Finance on “the Exchange of financial information” dated on 09 July 2012

(3). Cambodian Anti-Corruption Unit on “the Exchange of financial information” dated on 26 December 2014

(4). General Department of Control of Cambodian National Bank on “Cooperation to anti-money laundering and combating the financing of terrorism” dated on 09 January 2015

29/12/2015 Cambodia
Cambodian legislation has complied with this provision by requiring the cooperation between the authorities in investigation and accusation. Juridical police and relevant authority have to cooperate in reporting about the offense and juridical police commences the investigation and after that transfer the case to the prosecutor office for criminal proceedings.

Cambodian Financial Intelligence Unit has signed many Memorandum of Understanding with other national authorities as the following:

(1). National Police Commission of Ministry of Interior on “the Exchange of financial information” dated on 22 December 2011

Please cite the applicable measure(s)

Please cite the text(s)

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 22: Officials competent to investigate corruption offences

The Chairman, deputy chairpersons and officials of the Anti-corruption Unit who gain an advantage as judicial police official are empowered to investigate corruption offenses that are stipulated in this law and those in the penal code.

Other units that are aware of corruption offenses as stipulated in this law and corruption offenses stated in the penal code shall make corruption complaints to the Anti-Corruption Unit or its branch offices in the Capital or provinces.

Article 28: Privileges of ACU related to freezing an individual’s assets

Upon the request by the chairman of ACU, the Royal Government can order the General Prosecutor of the Appeals Court or Prosecutor of the Municipal/Provincial Court to freeze the assets of individuals who commit offences stated in this law and corruption offences stated in the code of criminal procedure.

The individual assets, stated in the above first paragraph, includes the funds received or which forms asset belonging to the individual.

Article 29: Privileges of ACU in cooperation with public authority

The Chairman of the ACU can order public authorities, government officials, citizens who hold public office through election, as well as units concerned in private sector, namely financial institutions, to cooperate with officials of the ACU in the work of investigation.

The Chairman of the ACU can also ask the national and international institutions to cooperate in forensic examinations related to its investigation work.

Law on Anti-money laundering and combating the financing of terrorism (Promulgated by Royal Kram No. NS/RKM/0607/014 dated 24 June 2007)

Article 21 . - Functions
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

**Article 22: Officials competent to investigate corruption offences**

The Chairman, deputy chairpersons and officials of the Anti-corruption Unit who gain an advantage as judicial police official are empowered to investigate corruption offenses that are stipulated in this law and those in the penal code.

Other units that are aware of corruption offenses as stipulated in this law and corruption offenses stated in the penal code shall make corruption complaints to the Anti-Corruption Unit or its branch offices in the Capital or provinces.

**Article 28: Privileges of ACU related to freezing an individual’s assets**

Upon the request by the chairman of ACU, the Royal Government can order the General Prosecutor of the Appeals Court or Prosecutor of the Municipal/Provincial Court to freeze the assets of individuals who commit offences stated in this law and corruption offences stated in the code of criminal procedure.

The individual assets, stated in the above first paragraph, includes the funds received or which forms asset belonging to the individual.

**Article 29: Privileges of ACU in cooperation with public authority**

The Chairman of the ACU can order public authorities, government officials, citizens who hold public office through election, as well as units concerned in private sector, namely financial institutions, to cooperate with officials of the ACU in the work of investigation.

The Chairman of the ACU can also ask the national and international institutions to cooperate in forensic examinations related to its investigation work.

Law on Anti-money laundering and combating the financing of terrorism (Promulgated by Royal Kram No. NS/RKM/0607/014 dated 24 June 2007)

**Article 21 . - Functions**

The FIU shall:

(a) receive suspicious and cash transaction and cash transaction reports made pursuant of Articles 12 of the present Law and information provided to the FIU about suspicions of money laundering or financing of terrorism;

(b) collect information that the FIU considers relevant to its activities with regard to money laundering or financing of terrorism and that is publicly available, including commercially available database, as well as other information necessary to carry out its functions, such as information collected maintained and stored in the database by the reporting entity;

(c) have access on a basis to financial, administrative and law enforcement...
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 22: Officials competent to investigate corruption offences

The Chairman, deputy chairpersons and officials of the Anti-corruption Unit who gain an advantage as judicial police official are empowered to investigate corruption offenses that are stipulated in this law and those in the penal code.

Other units that are aware of corruption offenses as stipulated in this law and corruption offenses stated in the penal code shall make corruption complaints to the Anti-Corruption Unit or its branch offices in the Capital or provinces.

Article 28: Privileges of ACU related to freezing an individual’s assets

Upon the request by the chairman of ACU, the Royal Government can order the General Prosecutor of the Appeals Court or Prosecutor of the Municipal/Provincial Court to freeze the assets of individuals who commit offences stated in this law and corruption offences stated in the code of criminal procedure.

The individual assets, stated in the above first paragraph, includes the funds received or which forms asset belonging to the individual.

Article 29: Privileges of ACU in cooperation with public authority

The Chairman of the ACU can order public authorities, government officials, citizens who hold public office through election, as well as units concerned in private sector, namely financial institutions, to cooperate with officials of the ACU in the work of investigation.

Please provide examples of implementation

In practice, after getting suspicious transaction reports (STRs), Cambodian Financial Intelligence Unit (CAMFIU) will analyze the reports and collect further information from other sources such as national police through memorandum of understanding which were signed between them. After analyzing and found that it might relevant to money laundering or financing of terrorism, CAMFIU will send intelligence report to national police for investigation. In case there is more information to proof that it is suspicious, national police could seek for more information from CAMFIU in accordance with article 21 of law on anti-money laundering and combating the financing of terrorism and the MOU.

If available, please provide information on the number of times and cases in which such information has been shared. Please provide per annum figures, as available.

Statistic from Cambodian financial intelligence unit (CAMFIU) shows that

- in 2009 CAMFIU received 64 suspicious transaction reports (STRs) from 4 banks and financial institutions, and in that 9 STRs were sent to national police, got feedback on 4 cases.

- in 2010 CAMFIU received 101 suspicious transaction reports
Statistic from Cambodian financial intelligence unit (CAMFIU) shows that

- in 2009 CAMFIU received 64 suspicious transaction reports (STRs) from 4 banks and financial institutions, and in that 9 STRs were sent to national police, got feedback on 4 cases.

- in 2010 CAMFIU received 101 suspicious transaction reports (STRs) from 7 banks and financial institutions, and in that 4 STRs were sent to national police.

- in 2011 CAMFIU received 138 suspicious transaction reports (STRs) from 11 banks and financial institutions, and in that 3 STRs were sent to national police, got feedback for 11 cases.

- in 2012 (by October) CAMFIU received 65 suspicious

151. Technical Assistance
The following questions on technical assistance relate to the article under review in its entirety.

*Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)*
(N) No

39. Cooperation between national authorities and the private sector
152. Paragraph 1 of article 39

1. Each State Party shall take such measures as may be necessary to encourage, in accordance with its domestic law, cooperation between national investigating and prosecuting authorities and entities of the private sector, in particular financial institutions, relating to matters involving the commission of offences established in accordance with this Convention.

*Has your country adopted and implemented the measures described above? (Check one answer.)*
(Y) Yes

Cambodia has law and other measures state about the requiring of cooperation between national authorities and private sector in combating corruption offenses. All of these measures require the private sectors to report the corruption cases which they are aware of and the competent authorities could do their operation without the obstruction from private sector even in the case of bank privacy.
Cambodia has law and other measures state about the requiring of cooperation between national authorities and private sector in combating corruption offenses. All of these measures require the private sectors to report the corruption cases which they are aware of and the competent authorities could do their operation without the obstruction from private sector even in the case of bank privacy.

Law on Anti-money laundering and combating the financing of terrorism (Promulgated by Royal Kram No. NS/RKM/0607/014 dated 24 June 2007): Article 12 Reporting Cash or Suspicious Transactions to the FIU, Article 14 Exemption from Liability for Reporting Cash or Suspicious Transactions in Good Faith, Article 26 Internal Coordination

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 22 Officials competent to investigate corruption offences, Article 29 Privileges of ACU in cooperation with public authority, Article 47 The Release of Bank Records

Internal Memorandum of Understanding (MOU) between Cambodian Financial Intelligence Unit (CAFIU) and National Police Commission of Ministry of Interior on “the Exchange of financial information” dated on 22 December 2011 and MOU between CAFIU and General department of custom and excise of Ministry of Economics and Finance on “the Exchange of financial

Please cite the applicable measure(s)

Please cite the text(s)

Law on Anti-money laundering and combating the financing of terrorism (Promulgated by Royal Kram No. NS/RKM/0607/014 dated 24 June 2007)

Article 12.- Reporting Cash or Suspicious Transactions to the FIU

(1) Reporting entities referred to at Article 4 of the present Law shall report to the FIU any cash transaction exceeding the amount of the threshold as defined by supervisory authority, as well as such transaction, which involve several connection cash transactions whose total value exceeds the same amount.

(2) Irrespective of the reporting obligation set forth by paragraph 1 of this Article, if a reporting entity suspects or has reasonable grounds to suspects that funds are the proceeds of offense, or are related to the financing of terrorism, it shall promptly, within 24 hours, report its suspicions to the FIU.

(3) Reports of suspicions shall be transmitted to the FIU by any expeditious means of communication, such as facsimile or, failing which, by any other written means. Reports communicated by telephone shall be confirmed by facsimile or any other written means within the shortest possible time. The FIU shall acknowledge receipt of the report upon receipt thereof.
Article 12.- Reporting Cash or Suspicious Transactions to the FIU

(1) Reporting entities referred to at Article 4 of the present Law shall report to the FIU any cash transaction exceeding the amount of the threshold as defined by supervisory authority, as well as such transaction, which involve several connection cash transactions whose total value exceeds the same amount.

(2) Irrespective of the reporting obligation set forth by paragraph 1 of this Article, if a reporting entity suspects or has reasonable grounds to suspects that funds are the proceeds of offense, or are related to the financing of terrorism, it shall promptly, within 24 hours, report its suspicions to the FIU.

(3) Reports of suspicions shall be transmitted to the FIU by any expeditious means of communication, such as facsimile or, failing which, by any other written means. Reports communicated by telephone shall be confirmed by facsimile or any other written means within the shortest possible time. The FIU shall acknowledge receipt of the report upon receipt thereof.

(4) A reporting entity that has made a report to the FIU, as well as any other entity that holds information related to the transaction or customer involved in the report, shall give the FIU or a law enforcement agency that is carrying out an investigation arising from, or relating to the information or contained in the report, any further information that it has about to the transaction or attempted transaction or the parties to the transaction if requested to do so by the FIU or the law enforcement agency.

(5) If the FIU has reasonable grounds to suspect that a transaction or a proposed transaction may involve a money laundering offense or an offense of financing of terrorism and for reasons of the seriousness or the urgency of the case it considers necessary, it may direct the reporting entity in writing or by telephone to be followed up in writing, not to proceed with the carrying out of that transaction or proposed transaction or any other transaction in respect of the funds affected by that transaction or proposed transaction for a period as may be determined by the FIU, which may not exceed 48 hours, in order to allow the FIU:

- to make necessary inquiries concerning the transaction; and

- if the FIU deems it appropriate, to inform and advise a law enforcement agency.
Law on Anti-money laundering and combating the financing of terrorism
(Promulgated by Royal Kram No. NS/RKM/0607/014 dated 24 June 2007)

Article 12.- Reporting Cash or Suspicious Transactions to the FIU

(1) Reporting entities referred to at Article 4 of the present Law shall report to the FIU any cash transaction exceeding the amount of the threshold as defined by supervisory authority, as well as such transaction, which involve several connection cash transactions whose total value exceeds the same amount.

(2) Irrespective of the reporting obligation set forth by paragraph 1 of this Article, if a reporting entity suspects or has reasonable grounds to suspects that funds are the proceeds of offense, or are related to the financing of terrorism, it shall promptly, within 24 hours, report its suspicions to the FIU.

(3) Reports of suspicions shall be transmitted to the FIU by any expeditious means of communication, such as facsimile or, failing which, by any other written means. Reports communicated by telephone shall be confirmed by facsimile or any other written means within the shortest possible time. The FIU shall acknowledge receipt of the report upon receipt thereof.

Please provide examples of implementation

Nowadays, Cambodia has laws and other legal instruments ground for implementing and has signed the MOU locally and internationally related to the exchange of information especially regarding money-laundering and terrorism financing. Till now, for about 4 years, CAFIU received 368 suspicious transaction reports (STRs), from 38 banks and financial institutions, and sent 19 reports to national police, got 16 feedbacks. In addition, ACU has signed MOU on cooperation with a number of companies and business associations.

MOU has 6 key points:

1. Company commits to be a clean entity - build a transparency culture - comply with all applicable Cambodia laws and regulations
2. Company continues not to participate in any acts of corruption or bribery in order to set examples to private sector encourage other companies to join in fighting against corruption
3. Company continues to educate all of its employees and workers to promote a clean environment in dealing with government officials, suppliers, customers, and other organizations or individuals
4. Company takes a proactive approach in keeping the ACU informed of any challenges the company may face such as solicitations of improper payment
5. ACU will keep absolute confidentiality of corruption-related information sources and evidence submitted by the company and will
Nowadays, Cambodia has laws and other legal instruments ground for implementing and has signed the MOU locally and internationally related to the exchange of information especially regarding money-laundering and terrorism financing. Till now, for about 4 years, CAFIU received 368 If available, please provide information on recent cases in which entities of the private sector have collaborated with national investigating or prosecuting authorities.

According to the statistic in which CAFIU sent to Police, by October in 2012, there are 3 cases and CAFIU has got the feedback for a case.

153. Paragraph 2 of article 39
2. Each State Party shall consider encouraging its nationals and other persons with a habitual residence in its territory to report to the national investigating and prosecuting authorities the commission of an offence established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Royal Government of Cambodia sets up many mechanisms for the public to conveniently report about the corrupt cases to the competent authority and sets up the mechanisms for protection of whistle blowers but there is no incentive given to the whistle blowers.

Cambodian legislation that encourages the public to report about the corruption offence are:

**Law on Anti-Corruption** (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 13 Duties of the Anti-corruption Unit, Article 22 Officials competent to investigate corruption offences.

**Law on Public Procurement** (Promulgated by Royal Kram No. NS/RKM/0112/004 dated 17 January 2012): Article 73

**ACU’s Mechanism for getting the complaint**

- Come directly to ACU: the address is “#54, Preah Norodom Blvd., Sangkat Phsar Thmey III, Khan Daun Penh, Phnom Penh, Cambodia”
- Telephone: (855) 23 221 653
- Fax: (855)23 223 954
- E-mail: complaint@acu.gov.kh
  <mailto:complaint@acu.gov.kh>

Please cite the applicable measure(s)

Please cite the text(s)
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 13: Duties of the Anti-corruption Unit

The Anti-corruption Unit shall perform the following duties:

- Receive and review all complaints on corruption and take action accordingly
- Keep absolute confidentiality of corruption-related information sources
- Take necessary measures to keep the corruption whistle blowers secure
- Conduct mass education and awareness with regard to the negative impact of corruption and encourage public participation in preventing and combating corruption

Article 22: Officials competent to investigate corruption offences

The Chairman, deputy chairpersons and officials of the Anti-corruption Unit who gain an advantage as judicial police official are empowered to investigate corruption offenses that are stipulated in this law and those in the

Please provide examples of implementation

In general, ACU has the hotline to receive the complaints from the public from all walks of life. Although some complaints are anonymous, if there is a trace, ACU will commence the investigation in due course. In 2012, ACU received 391 anonymous complaints and 128 anonymous complaints in 2013. The statistics which the department of investigation and intelligence commenced the operations are 41 cases in 2012 and 343 cases from January-May 2013.

If you have hotlines or other mechanisms for offences to be reported, how many reports have you received? Please provide per annum figures, as available.

At the present, there are hot lines or mechanism in reporting of crime in
At the present, there are hot lines or mechanism in reporting of crime in Cambodia for general offence and corrupt offence. In 2012, ACU received 761 complaints and in 2013, ACU received 282 complaints.

The public could report on general offence to ministry of interior through:

- Hot lines: 117, 118
- Telephone: (855) 23 727 104, (855) 23 727 105
- Fax: (855) 23 727 104
- 1630 Complaint Box throughout the country (One complaint box per Commune)
- 24 hours guarding police.

In case of corrupt offence, report to ACU through:

- Come directly to ACU: the address is """"#54, Preah Norodom Blvd., Sangkat Phsar Thmey III, Khan Daun Penh, Phnom Penh, Cambodia""
- Telephone: (855) 23 221 653
- Fax: (855)23 223 954
- E-mail: complaint@acu.gov.kh
- Website: www.acu.gov.kh
- 8 Complaint Boxes along some main streets

If financial incentives are offered to encourage such reports, please provide details, available reports and relevant statistics

At the present, there is no financial incentive given to the whistle blower for encouraging to report the crime.

If anonymous reports are given due consideration by appropriate authorities, how many of the reports received have contributed to the investigation or prosecution of an offence established in accordance with the Convention? Please provide per annum figures, as available.

In general, ACU has the hotline to receive the complaints from the public from all walks of life. Although some complaints are anonymous, if there is a trace, ACU will commence the investigation in due course. In 2012, ACU received 391 anonymous complaints and 128 anonymous complaints in 2013. The statistics which the department of investigation and intelligence commenced the operations are 41 cases in 2012 and 343 cases from January-May 2013.

154. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.
The following questions on technical assistance relate to the article under review in its entirety.

**Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)**

(Y) Yes

**Which challenges are you facing in (fully) adopting/implimenting the article under review? (Check all the answers that apply and provide an explanation in the "Comments" field)**

(MYSYS) Specificities in our legal system

(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)

**Which of the following forms of technical assistance, if available, would assist your country in (fully) implementing the article under review? (Check all the answers that apply)**

(ADV) Legal advice
Legal advice is needed for drafting the new law and amendment of the law.

(EXREL) On-site assistance by a relevant expert
It could be a great help for officials’ capacity building and could reduce the expenses.

(OTHER) Other assistance (please specify)
More training courses are needed to strengthen the skill for the officials and more technical equipment is also required.

**Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)**

(N) No

---

40. Bank secrecy

155. Article 40

Each State Party shall ensure that, in the case of domestic criminal investigations of offences established in accordance with this Convention, there are appropriate mechanisms available within its domestic legal system to overcome obstacles that may arise out of the application of bank secrecy laws.

**Has your country adopted the mechanisms described above? (Check one answer)**

(Y) Yes

There are legislations response to this provision. Cambodian Financial Intelligence Unit was established in 2008 as a unit under the control of Cambodian national bank with the administrative characteristic and has played a role as a center for receiving, analyzing, and disseminating the confidential report to law enforcement authority.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 27 Privileges of Anti-corruption Unit related to monitoring, Article 29 Privileges of ACU in cooperation with public authority,
There are legislations response to this provision. Cambodian Financial Intelligence Unit was established in 2008 as a unit under the control of Cambodian national bank with the administrative characteristic and has played a role as a center for receiving, analyzing, and disseminating the confidential report to law enforcement authority.

**Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010):** Article 27 Privileges of Anti-corruption Unit related to monitoring, Article 29 Privileges of ACU in cooperation with public authority, Article 40 Obstruction or Interference offenses in the work of the Anti-Corruption Unit

**Law on Law on Banking and Financial Institution (dated 18 November**

*Please cite the applicable mechanism(s):*

**Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)**

**Article 27: Privileges of Anti-corruption Unit related to monitoring**

Being contradictory to article 105 (prohibition from wire-taping), and article 172 (wire tapping ordered by the court) of the criminal procedure code, in the case there is clear hint of corruption offence, the ACU can:

a. Check and put under observation the bank accounts or other accounts which are described to be the same as bank accounts.

b. Check and order the provision or copy of authentic documents or individual documents, or all bank, financial and commercial documents.

c. Monitor, oversee, eavesdrop, record sound and take photos, and engage in phone tapping.

d. Check documents and documents stored in the electronic system.

e. Conduct operations aimed at collecting real evidence.

The above measures shall not be considered as violations of professional secrets. The secret of banks shall not be served as justification for not providing evidence related to corruption offences in the provisions of this law.

**Article 29: Privileges of ACU in cooperation with public authority**

The Chairman of the ACU can order public authorities, government officials, citizens who hold public office through election, as well as units concerned in private sector, namely financial institutions, to cooperate with officials of the ACU in the work of investigation.

The Chairman of the ACU can also ask the national and international institutions to cooperate in forensic examinations related to its investigation work.

**Article 40: Obstruction or Interference offenses in the work of the Anti-Corruption Unit**
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 27: Privileges of Anti-corruption Unit related to monitoring

Being contradictory to article 105 (prohibition from wire-taping), and article 172 (wire taping ordered by the court) of the criminal procedure code, in the case there is clear hint of corruption offence, the ACU can:

a. Check and put under observation the bank accounts or other accounts which are described to be the same as bank accounts.

b. Check and order the provision or copy of authentic documents or individual documents, or all bank, financial and commercial documents.

c. Monitor, oversee, eavesdrop, record sound and take photos, and engage in phone tapping.

d. Check documents and documents stored in the electronic system

e. Conduct operations aimed at collecting real evidence.

The above measures shall not be considered as violations of professional secrets. The secret of banks shall not be served as justification for not providing evidence related to corruption offences in the provisions of this law.

Article 29: Privileges of ACU in cooperation with public authority

The Chairman of the ACU can order public authorities, government officials, citizens who hold public office through election, as well as units concerned in private sector, namely financial institutions, to cooperate with officials of the ACU in the work of investigation.

The Chairman of the ACU can also ask the national and international institutions to cooperate in forensic examinations related to its investigation work.

Article 40: Obstruction or Interference offenses in the work of the Anti-Corruption Unit

Public servants, soldiers, national police or citizens invested with public authority through election, civil society employees, foreign public officials, or officials of public international origination who make threat, cause obstruction or interfere in the performance of duty by the officials of Anti-Corruption Unit shall be sentenced from two (2) to five (5) years in prison and fined from four million Riel (4,000,000) to ten million Riel (10,000,000).

Law on Banking and Financial Institution (dated 18 November 1999)

Article 40.

The Central Bank supervises the banking system and its related activities such as the money market, the interbank settlement system, and financial intermediation. To this end the Central Bank shall:
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 27: Privileges of Anti-corruption Unit related to monitoring

Being contradictory to article 105 (prohibition from wire-taping), and article 172 (wire taping ordered by the court) of the criminal procedure code, in the case there is clear hint of corruption offence, the ACU can:

a. Check and put under observation the bank accounts or other accounts which are described to be the same as bank accounts.

b. Check and order the provision or copy of authentic documents or

Please provide examples of implementation

a. ACU

In tracing and collecting the evidences, ACU requested the cooperation from various banks to get the data of the asset of the offenders and received very good cooperation for example in some cases such as:

The judgment of Criminal Case No. 484 dated 30th November, 2010, the trial conducted on 27th April, 2011 and the public judgment made on 12 May, 2011

Verdict No.08 Kr IV T/18-01-2013 dated January 18th, 2013

Verdict of Criminal Case No. 09 “KH” dated on 5th January, 2012 of Banteay Meanchey Provincial Court of First Instance

b. CAFIU

CAFIU received request and cooperated to provide feedback in 2012 for a case to Malaysian FIU and in 2013 for a case to Japanese FIU.

CAFIU requested information from Cambodian national police for a case in 2012 and from general department of custom and excise a case in 2013.

156. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.
Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(Y) Yes

Which challenges are you facing in (fully) adopting/implementing the article under review? (Check all the answers that apply and provide an explanation in the "Comments" field)

(INTACO) Inter-agency co-ordination
(MYSYS) Specificities in our legal system
(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)
(LIRIM) Limited resources for implementation (e.g. human/financial/other; please specify)

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the article under review? (Check all the answers that apply)

(BEST) Summary of good practices/lessons learned
(ADV) Legal advice
(EXREL) On-site assistance by a relevant expert
(CAPLEG) Capacity-building programmes for relevant legislative and investigating authorities

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(N) No

---

41. Criminal record

157. Article 41

Each State Party may adopt such legislative or other measures as may be necessary to take into consideration, under such terms as and for the purpose that it deems appropriate, any previous conviction in another State of an alleged offender for the purpose of using such information in criminal proceedings relating to an offence established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer.)

(P) Yes, in part

In practice, the provision is implemented even though Cambodia does not have specific legislation that requires the taking into account of foreign sentences in respect of offences pursuant to the Convention. This can be covered by articles 84 and 85 of the penal code. It is deemed to be helpful for the judge to make discretion judgment with information concerning the past behaviour and characteristic of the offender.

Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009): Article 83 Subsequent offences: penalties, Article 84 Applicability of subsequent offences, Article 85 Subsequent felonies, Article 86 Committing a misdemeanour after 7 sentencing for a felony, Article 87 Committing a felony after sentencing for a misdemeanour, Article 88 Committing a misdemeanour after sentencing for a misdemeanour, Article 90 Previous offences and prosecution, Article 91: Previous offences and final decisions,
In practice, the provision is implemented even though Cambodia does not have specific legislation that requires the taking into account of foreign sentences in

Please cite the applicable law(s), policy(ies), or other measure(s)

Please cite the text(s)
Penal Code(Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 83: Subsequent offences: penalties

Committing a subsequent offence shall result in aggravating, in accordance with this Sub-section, the maximum sentence of imprisonment incurred for a felony or a misdemeanour.

Article 84: Applicability of subsequent offences

A subsequent offence is said to have been committed:

(1). if a person against whom final judgment has already been entered for a felony commits a new felony within ten years:

(2).if a person against whom final judgment has already been entered for a felony commits a misdemeanour within five years;

(3).if a person against whom a final judgment of imprisonment of three years or more has already been entered for a misdemeanour commits a felony within five years;

(4).if a person against whom final judgment has already been entered for a misdemeanour commits the same misdemeanour within five years.

The time limits of ten years and five years shall be computed from the day the conviction for the first offence becomes final.

Article 85: Subsequent felonies

If a person against whom final judgment has already been entered for a felony commits a new felony within ten years, the maximum sentence of imprisonment incurred for the new felonies shall be aggravated as follows:

(1) if the maximum sentence of imprisonment incurred for the new felony does not exceed twenty years, the maximum sentence of imprisonment shall be doubled;

(2) if the maximum sentence of imprisonment incurred for the new felony is thirty years, the maximum sentence of imprisonment shall be life imprisonment.

Article 86: Committing a misdemeanour after sentencing for a felony
Penal Code

(Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 83: Subsequent offences: penalties

Committing a subsequent offence shall result in aggravating, in accordance with this Sub-section, the maximum sentence of imprisonment incurred for a felony or a misdemeanour.

Article 84: Applicability of subsequent offences

A subsequent offence is said to have been committed:

1. if a person against whom final judgment has already been entered for a felony commits a new felony within ten years;

2. if a person against whom final judgment has already been entered for a felony commits a misdemeanour within five years;

3. if a person against whom a final judgment of imprisonment of three years or more has already been entered for a misdemeanour commits a felony within five years;

4. if a person against whom final judgment has already been entered for a misdemeanour commits the same misdemeanour within five years.

The time limits of ten years and five years shall be computed from the day the conviction for the first offence becomes final.

Article 85: Subsequent felonies

If a person against whom final judgment has already been entered for a felony commits a new felony within ten years, the maximum sentence of imprisonment incurred for the new felonies shall be aggravated as follows:

1. if the maximum sentence of imprisonment incurred for the new felony does not exceed twenty years, the maximum sentence of imprisonment shall be doubled;

2. if the maximum sentence of imprisonment incurred for the new felony is thirty years, the maximum sentence of imprisonment shall be life imprisonment.

Please provide examples of implementation

There is no case regarding this.

Please provide information on recent cases where you took an alleged offender's previous conviction(s) in another State into consideration for the purpose of using such information in criminal proceedings relating to an offence established in accordance with this Convention
Not applicable.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review. 
Not applicable.

158. Technical Assistance
The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)
(Y) Yes

Which challenges are you facing in (fully) adopting/implmenting the article under review? (Check all the answers that apply and provide an explanation in the "Comments" field)
(INTACO) Inter-agency co-ordination
(MYSYS) Specificities in our legal system
(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)
(LIRIM) Limited resources for implementation (e.g. human/financial/other; please specify)

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the article under review? (Check all the answers that apply)
(BEST) Summary of good practices/lessons learned
(MOLEG) Model legislation
(ADV) Legal advice
(OTHER) Other assistance (please specify)
Providing trainings to build capacity of the investigation authorities.

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

42. Jurisdiction

159. Subparagraph 1 (a) of article 42

1. Each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offences established in accordance with this Convention when:

(a) The offence is committed in the territory of that State Party; or

Is your country in compliance with this provision? (Check one answer.)
Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Some provisions of law on anti-corruption and penal code are complied with this provision.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 3 states that this law is applicable to all forms of corruption throughout the Kingdom of Cambodia

Penal Code(Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009): Article 12 states about the Meaning of territory of the Kingdom of Cambodia (In criminal matters, Cambodia is applicable to all offences committed in the territory of the Kingdom of Cambodia.)

Please cite the applicable measure(s)

Please cite the text(s)

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 3: Scope

This law is applicable to all forms of corruption in all sections and at all levels throughout the Kingdom of Cambodia, which occurs after the law comes into effect.

Penal Code(Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 12: Meaning of territory of the Kingdom of Cambodia

In criminal matters, Cambodia is applicable to all offences committed in the territory of the Kingdom of Cambodia. The territory of the Kingdom of Cambodia includes its corresponding air and maritime spaces.

Please provide examples of implementation, including related court or other cases

1. The judgment of Criminal Case No. 484 dated 30th November, 2010, the trial conducted on 27th April, 2011 and the public judgment made on 12 May, 2011

A former prosecutor attached to a Provincial Court of First Instance was sentenced to 19 years imprisonment and required to pay 4,000,000,00 Riel to the plaintiff of civil case on the ground of kidnapping, illegal detention, and taking the bribe committed on 24-25th June, 2010 in compliance with article 7, section3 on Law on Aggravation Circumstance of Felony and article 38 of Criminal Law and Procedure Applicable in Cambodia under the Transitional Period. That former prosecutor and his other 3 accomplices had illegally detent two people and asked them to pay 8000 dollars and came to the agreement of 3000 dollars. Upon receiving the money, both victims were released and the received money was shared for their own benefits.

2. Verdict No.08 Kr IV T/18-01-2013 dated January 18th, 2013

29/12/2015 Cambodia

UNCAC Self-Assessment Checklist - Cycle 1 - Cambodia
1. The judgment of Criminal Case No. 484 dated 30th November, 2010, the trial conducted on 27th April, 2011 and the public judgment made on 12 May, 2011

A former prosecutor attached to a Provincial Court of First Instance was sentenced to 19 years imprisonment and required to pay 4,000,000 Riel to the plaintiff of civil case on the ground of kidnapping, illegal detention, and taking the bribe committed on 24 -25th June, 2010 in compliance with article 7, section3 on Law on Aggravation Circumstance of Felony and article 38 of Criminal Law and Procedure Applicable in Cambodia under the Transitional Period. That former prosecutor and his other 3 accomplices had illegally detent two people and asked them to pay 8000 dollars and came to the agreement of 3000 dollars. Upon receiving the money, both victims were released and the received money was shared for their own benefits.

2. Verdict No.08 Kr IV T/18-01-2013 dated January 18th, 2013

A former investigating judge of a Provincial Court of First Instance was sentenced to 5 years imprisonment, legally required to one -year execution of sentence starting from 20 January, 2012. The remaining period of sentence shall be suspended. The case was related to the bribery taken by judge in compliance with article 517 of Criminal Code where the offence was committed on 20 January, 2012. That former judge had threatened the victim to pay 5000 dollars in return to hold the file without processing while that victim was just a witness in a case.

3. Verdict of Criminal Case No. 09 “KH” dated on 5th January, 2012 of Banteay Meanchey Provincial Court of First Instance

A former Secretary General of National Authority for Combating Drug and the Director of a Provincial Unit for Combating Drug and his other 2 accomplices were accused of taking the bribe and instigating or masterminding the organized criminal group, committing offences as

160. Subparagraph 1 (b) of article 42

1. Each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offences established in accordance with this Convention when:

... (b) The offence is committed on board a vessel that is flying the flag of that State Party or an aircraft that is registered under the laws of that State Party at the time that the offence is committed.

Is your country in compliance with this provision? (Check one answer.)

(P) Yes, in part

Article 14 (Offences Committed on board Cambodian vessel), Article 15 (Offences Committed on board a foreign flagged vessel), Article 16 (Offence committed on board a Cambodian registered aircraft) of Section 1 “offences committed or deemed to have been committed in the territory of the kingdom of Cambodia” of Cambodian Penal Code (Promulgated by Royal Kram No.
Please cite the applicable measure(s)

Penal Code(Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 14: Offences Committed on board Cambodian vessel

In criminal matters, Cambodia is applicable to all offences committed on board vessel flying the Cambodian flag, regardless of where they are.

Article 15: Offences Committed on board a foreign flagged vessel

In criminal matters, Cambodia is applicable to all offences committed on board foreign vessels which is Cambodian authorities are authorized to inspect or board by international agreement.

Article 16: Offence committed on board a Cambodian registered aircraft

In criminal matters, Cambodian law is applicable to offences committed on board an aircraft registered in the Kingdom of Cambodia, regardless of where it is.

Please provide examples of implementation, including related court or other cases

The examples of corruption offences are not yet available but there are some general criminal cases including:

Vessel:

The Criminal Case No. 84 dated on 01st February 2008, the verdict No.11 dated on 10th February 2010 (Drug trafficking which was detected by Australian authority)

A Vietnamese man holding Australian nationality trafficked the illegal drug from Cambodia to Australia through the vessel and was detected by Australian authority which was resulted in detaining the containers and confiscating the 24 kg heroines which were packed in the fish balls. Cambodian court gave the sentence of 20 years imprisonment and fined 40millions riel.

Aircraft: There is no case regarding this.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Cambodian legislation is complied with this provision but the legislation could not be applied yet since there is no corruption case committed in the circumstances as stated in the legislation. Thus, this legislation will be applied if there is case regarding this.
161. Subparagraph 2 (a) of article 42

2. Subject to article 4 of this Convention, a State Party may also establish its jurisdiction over any such offence when:

(a) The offence is committed against a national of that State Party; or

Has your country adopted measures to establish its jurisdiction as described above? (Check one answer)

(P) Yes, in part

Article 20 of Cambodian Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009) complies with this provision by allowing Cambodian law to be applicable to any felony committed by a foreign national outside the territory of the Kingdom of Cambodia, if the victim is a Cambodian national at the time of the offence. However, Cambodian Penal Code will not be applicable for petty case and misdemeanour.

Please cite the applicable measure(s)

Penal Code(Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 20: Where the victim is a Cambodian national

In criminal matters, Cambodian Law is applicable to any felony committed by a foreign national outside the territory of the Kingdom of Cambodia, if the victim is a Cambodian national at the time of the offence.

Please provide examples of implementation.

The examples of corruption offences are not yet available but there are some general criminal cases including:

The Criminal Case No. 125 dated on 29th June 2010

The verdict No. 176 C dated on 04th November 2011

A Cambodian citizen committed premeditated murder on another Cambodian citizen in Thailand. Cambodian court sentenced the offender to 12 years imprisonment.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Cambodia will consider to ament the penal code or to establish the measure to be applicable on misdemeanor but not for petty case as the punishment for this is too light.
162. Subparagraph 2 (b) of article 42

2. Subject to article 4 of this Convention, a State Party may also establish its jurisdiction over any such offence when:

... (b) The offence is committed by a national of that State Party or a stateless person who has his or her habitual residence in its territory; or

Has your country adopted measures to establish its jurisdiction as described above? (Check one answer)

(P) Yes, in part

Article 19 and 20 of Cambodian Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009) comply with this provision by allowing Cambodian law to be applicable to any offences committed by a Cambodian citizen outside the territory of the Kingdom of Cambodia. Article 39 and 290 of code of criminal procedure (dated 10 August 2007) allow Cambodian court to accuse and prosecute on stateless person who reside in Cambodia and commit the crime.

Please cite the applicable measure(s)

Please cite the text(s)

Penal Code(Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 19: Felony or misdemeanor committed by a Cambodian national

In criminal matters, the Cambodian Law is applicable to any felony committed by a Cambodian national outside the territory of the Kingdom of Cambodia.

Cambodian Law is applicable to misdemeanours committed by the Cambodian nationals in a foreign country if the conduct is also punishable under the law of that country.

These provisions shall be applicable even if the accused acquired Cambodian nationality after the acts which he or she is alleged to have committed.

Article 20: Where the victim is a Cambodian national

In criminal matters, Cambodian Law is applicable to any felony committed by a foreign national outside the territory of the Kingdom of Cambodia, if the victim is a Cambodian national at the time of the offence.

Code of Criminal Procedure (dated 10 August 2007)

Article 39 Territorial Competence of Royal Prosecutors

The following Royal Prosecutors shall have territorial competence:
Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 19: Felony or misdemeanor committed by a Cambodian national

In criminal matters, the Cambodian Law is applicable to any felony committed by a Cambodian national outside the territory of the Kingdom of Cambodia.

Cambodian Law is applicable to misdemeanours committed by the Cambodian nationals in a foreign country if the conduct is also punishable under the law of that country.

These provisions shall be applicable even if the accused acquired Cambodian nationality after the acts which he or she is alleged to have committed.

Article 20: Where the victim is a Cambodian national

In criminal matters, Cambodian Law is applicable to any felony committed by a foreign national outside the territory of the Kingdom of Cambodia, if the victim is a Cambodian national at the time of the offence.

Code of Criminal Procedure (dated 10 August 2007)

Article 39 Territorial Competence of Royal Prosecutors

The following Royal Prosecutors shall have territorial competence:
- The Prosecutor at the site where the offense was committed.
- The Prosecutor in the place of the residence of the person who is suspected

Please provide examples of implementation, including related court or other cases
The examples of corruption offences are not yet available but there are some general criminal cases including:

The case of Cambodian citizen committing the crime:

The Criminal Case No. 125 dated on 29th June 2010
The verdict No. 176 C dated on 04th November 2011
A Cambodian citizen committed premeditated murder on another Cambodian citizen in Thailand. Cambodian court sentenced the offender to 12 years imprisonment.

The case of stateless person committing the crime: There is no case regarding this.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.
Cambodian legislation is complied with this provision but the legislation could not be applied yet since there is no corruption case committed in the circumstances as stated in the legislation. Thus, this legislation will be applied if there is case regarding this. In additions, Cambodia will further disseminate the laws to the public and provide training to law enforcement authorities and the court in order to strengthen their capacity.

163. Subparagraph 2 (c) of article 42

2. Subject to article 4 of this Convention, a State Party may also establish its jurisdiction over any such offence when:

(c) The offence is one of those established in accordance with article 23, paragraph 1 (b) (ii), of this Convention and is committed outside its territory with a view to the commission of an offence established in accordance with article 23, paragraph (a) (i) or (ii) or (b) (i), of this Convention within its territory; or

Has your country adopted measures to establish its jurisdiction as described above? (Check one answer)

(P) Yes, in part

Article 19, 25, 26, 27, 28, and 29 of Cambodian Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009) and article 4 (point numbers 15, 18, 19) of law on anti-corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010) comply with article 23.1 (b) (ii) of UNCAC by stipulating about the accomplice, aiding or abetting, facilitating, and attempting to commit the crime. The acts of conversion or transferring of properties getting from the proceeds of crime, or concealing or disguising the illicit origin of the property which stipulate in article 23.1 (a) (i) or 23.1 (b) (i) UNCAC are stated in article 399, 404, 405, 406 of Cambodian Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009) and article 37 of law on anti-corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010).

Penal Code(Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009): Article 19 Felony or misdemeanor committed by a Cambodian national, Article 25 Definition of perpetrator, Article 26 Definition of co-perpetrator, Article 27 Definition of attempt, Article 28 Definition of instigator, Article 29 Definition of accomplice, Article 399 Definition of receiving stolen goods, Article 404 Definition of money laundering, Article 405 Applicable penalty, Article 406 Aggravating circumstances

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 4 Definition, Article 37 Corruption proceeds offences

Please cite the applicable measure(s)

Please cite the text(s)

Penal Code(Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)
Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 19: Felony or misdemeanor committed by a Cambodian national

In criminal matters, the Cambodian Law is applicable to any felony committed by a Cambodian national outside the territory of the Kingdom of Cambodia.

Cambodian Law is applicable to misdemeanours committed by the Cambodian nationals in a foreign country if the conduct is also punishable under the law of that country.

These provisions shall be applicable even if the accused acquired Cambodian nationality after the acts which he or she is alleged to have committed.

Article 25: Definition of perpetrator

The perpetrator of an offence shall be any person who commits the relevant criminally prohibited act.

The definition of perpetrator includes any person who attempts to commit a felony or, in the cases provided for by law, a misdemeanour.

Article 26: Definition of co-perpetrator

The co-perpetrators of an offence shall be any persons who, by mutual agreement, commit the relevant criminally prohibited act.

The definition of co-perpetrator includes any persons who, by mutual agreement, attempt to commit a felony or, in the cases provided for by law, a misdemeanour.

Article 27: Definition of attempt

An attempt to commit a felony or, in the cases provided for by law, a misdemeanour, shall be punishable if the following conditions are met:

- the perpetrator started to commit the offence, that is, he or she has committed acts which lead directly to the commission of the offence;
- the perpetrator did not stop his or her acts voluntarily, but was interrupted solely by circumstances beyond his or her control.

A preparatory act which does not directly lead to the commission of the offence does not constitute a commencement of execution.

An attempt to commit a petty offence shall not be punishable.

Article 28: Definition of instigator

An instigator of a felony or a misdemeanour shall be any person who:

(1) gives instructions or order to commit a felony or misdemeanour;

29/12/2015 Cambodia

UNCAC Self-Assessment Checklist - Cycle 1 - Cambodia
Penal Code(Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 19: Felony or misdemeanor committed by a Cambodian national

In criminal matters, the Cambodian Law is applicable to any felony committed by a Cambodian national outside the territory of the Kingdom of Cambodia.

Cambodian Law is applicable to misdemeanours committed by the Cambodian nationals in a foreign country if the conduct is also punishable under the law of that country.

These provisions shall be applicable even if the accused acquired Cambodian nationality after the acts which he or she is alleged to have committed.

Article 25: Definition of perpetrator

The perpetrator of an offence shall be any person who commits the relevant criminally prohibited act.

The definition of perpetrator includes anyone who attempts to commit a felony or, in the cases provided for by law, a misdemeanor.

Article 26: Definition of co-perpetrator

The co-perpetrators of an offence shall be any persons who, by mutual agreement, commit the relevant criminally prohibited act.

The definition of co-perpetrator includes any persons who, by mutual agreement, attempt to commit a felony or, in the cases provided for by law, a misdemeanour.

Article 27: Definition of attempt

An attempt to commit a felony or, in the cases provided for by law, a misdemeanour, shall be punishable if the following conditions are met:

- the perpetrator started to commit the offence, that is, he or she has committed acts which lead directly to the commission of the offence;

- the perpetrator did not stop his or her acts voluntarily, but was interrupted solely by circumstances beyond his or her control.

A preparatory act which does not directly lead to the commission of the offence does not constitute a commencement of execution.

An attempt to commit a petty offence shall not be punishable.

Article 28: Definition of instigator

An instigator of a felony or a misdemeanour shall be any person who:

(1). gives instructions or order to commit a felony or misdemeanour;
Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

**Article 19: Felony or misdemeanor committed by a Cambodian national**

In criminal matters, the Cambodian Law is applicable to any felony committed by a Cambodian national outside the territory of the Kingdom of Cambodia.

Cambodian Law is applicable to misdemeanours committed by the Cambodian nationals in a foreign country if the conduct is also punishable under the law of that country.

These provisions shall be applicable even if the accused acquired Cambodian nationality after the acts which he or she is alleged to have committed.

**Article 25: Definition of perpetrator**

The perpetrator of an offence shall be any person who commits the relevant criminally prohibited act.

The definition of perpetrator includes any person who attempts to commit a felony or, in the cases provided for by law, a misdemeanor.

**Article 26: Definition of co-perpetrator**

The co-perpetrators of an offence shall be any persons who, by mutual agreement, commit the relevant criminally prohibited act.

The definition of co-perpetrator includes any persons who, by mutual agreement, attempt to commit a felony or, in the cases provided for by law, a misdemeanour.

**Article 27: Definition of attempt**

An attempt to commit a felony or, in the cases provided for by law, a misdemeanour, shall be punishable if the following conditions are met:

- the perpetrator started to commit the offence, that is, he or she has committed

Please provide examples of implementation, including related court or other cases

The examples of corruption offences are not yet available but there are some general criminal cases including:

The Case (Article 23. 1 (b) (ii) of UNCAC): Investigation Unit “CHH” No. 1954 D.CH.R of Phnom Penh Municipal Court of First Instance

The offender named Ngoun Soeu, Khmer origin, French national, on instigating the act of illegal detention with aggravation circumstance (with the purpose of kidnapping to demand the money) and illegal use of weapons.

The Criminal Case (Article 23.1 (a) (i) of UNCAC) No. 01/05-01-2004, the verdict No.69”E” of Court of Appeal dated 1 July, 2008:
The examples of corruption offences are not yet available but there are some general criminal cases including:

The Case (Article 23. 1 (b) (ii) of UNCAC): Investigation Unit “CHH” No. 1954 D CH R of Phnom Penh Municipal Court of First Instance

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review. Cambodia will further disseminate the laws to the public as well as law enforcement authorities in order to promote their understanding on laws and strengthen their capacity.

164. Subparagraph 2 (d) of article 42
2. Subject to article 4 of this Convention, a State Party may also establish its jurisdiction over any such offence when:

... (d) The offence is committed against the State Party.

Has your country adopted measures to establish its jurisdiction as described above? (Check one answer)

(P) Yes, in part

Article 22 of Cambodian Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009) allows Cambodian law to be applied on every individual who commits the crime against Cambodia though it is committed outside the Cambodian territory.

Penal Code(Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009): Article22 Special jurisdiction for specific felonies

Please cite the applicable measure(s)

Penal Code(Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article22: Special jurisdiction for specific felonies

In criminal matters, Cambodian law is applicable to any felony committed outside the applicable to any felony committed outside the territory of the Kingdom of Cambodia if it is characterised as:

(1) an offence against the security of the Kingdom of Cambodia;

(2) counterfeiting the seal of the Kingdom of Cambodia;

(3) counterfeiting the national currency and banknotes being legal tender in the Kingdom of Cambodia;
Please provide examples of implementation, including related court or other cases

There is no case regarding this.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Cambodian legislation is complied with this provision but the legislation could not be applied yet since there is no corruption case committed in the circumstances as stated in the legislation. Thus, this legislation will be applied if there is case regarding this. In additions, Cambodia will further disseminate the laws to the public and law enforcement authorities in order to strengthen their capacity.

165. Paragraph 3 of article 42

3. For the purposes of article 44 of this Convention, each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences established in accordance with this Convention when the alleged offender is present in its territory and it does not extradite such person solely on the ground that he or she is one of its nationals.

Is your country in compliance with this provision? (Check one answer)

(P) Yes, in part

In the cases of felony or misdemeanor committed by a Cambodian national or the victim is a Cambodian national, prosecution may only be initiated by the Prosecuting Authority. It must be preceded either by a complaint by the victim or his or her assign; or by a formal information by the authorities of the country where the offence was committed (article 21 of initiation of prosecution of Penal Code). In addition, the processing of criminal proceedings is followed the principle of opportunity; after the consideration, the prosecutor can decide to either hold the file without processing or to conduct the proceedings against the offenders (article 40 of Code of Criminal Procedure).

Article 19, 20, 21 of Cambodian Penal Code(Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009) give the Cambodian competent jurisdiction on offences committed by Cambodian citizen outside Cambodian territory.

Penal Code(Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009): Article 19 Felony or misdemeanor committed by a Cambodian national, Article 20 Where the victim is a Cambodian national, Article 21 Initiation of prosecution

Please cite the applicable measure(s)

Please cite the text(s)

Penal Code(Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)
Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

**Article 19: Felony or misdemeanor committed by a Cambodian national**

In criminal matters, the Cambodian Law is applicable to any felony committed by a Cambodian national outside the territory of the Kingdom of Cambodia.

Cambodian Law is applicable to misdemeanours committed by the Cambodian nationals in a foreign country if the conduct is also punishable under the law of that country.

These provisions shall be applicable even if the accused acquired Cambodian nationality after the acts which he or she is alleged to have committed.

**Article 20: Where the victim is a Cambodian national**

In criminal matters, Cambodian Law is applicable to any felony committed by a foreign national outside the territory of the Kingdom of Cambodia, if the victim is a Cambodian national at the time of the offence.

**Article 21: Initiation of prosecution**

In the cases specified in Article 19 (Felony or misdemeanour committed by a

Please provide examples of implementation, including related court or other cases

The examples of corruption offences are not yet available but there are some general criminal cases including:

The Criminal Case No. 125 dated on 29th June 2010

The verdict No.176 C dated on 04th November 2011

A Cambodian citizen committed premeditated murder on another Cambodian citizen in Thailand. Cambodian court sentenced the offender to 12 years imprisonment.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Cambodian legislation is complied with this provision but the legislation could not be applied yet since there is no corruption case committed in the circumstances as stated in the legislation. Thus, this legislation will be applied if there is case regarding this. In additions, Cambodia will further disseminate the laws to the public and law enforcement authorities in order to strengthen their capacity.
166. Paragraph 4 of article 42

4. Each State Party may also take such measures as may be necessary to establish its jurisdiction over the offences established in accordance with this Convention when the alleged offender is present in its territory and it does not extradite him or her.

Has your country adopted and implemented the measures described above? (Check one answer.)

(N) No

Please provide an account of your country’s efforts to date to implement the provision under review.

Cambodia shall not draft the new bill or make any amendment to the existing law to establish its jurisdiction over the offences when the alleged offender is not of its national, committed the crime out of its territory, and Cambodian government does not receive any request for extradition or does not agree with the request for extradition as this contradicts to the constitution, penal code, and code of criminal procedure. However, Cambodian government can exercise Law on Immigration if the foreign alleged offender commits wrongful act against this law as the following:

a. If a foreigner illegally comes to Cambodia, Cambodian government will send him/back to his/her country.

b. If a foreigner legally comes to Cambodia, but stays until the visa is expired and refuses to pay fine, Cambodian government will send him/back to his/her country.

c. If a foreigner disrupts Cambodian security, Cambodian government will send him/back to his/her country even though he/she legally comes to Cambodia (in accordance with sub decree 75 point 14).

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review

- If there is no request for extradition, Cambodian law has no jurisdiction on this case, except the implementation through international Interpol.
- Cambodia will continue to study on good practices of other countries as the ground for implementation in Cambodia.

167. Paragraph 5 of article 42

5. If a State Party exercising its jurisdiction under paragraph 1 or 2 of this article has been notified, or has otherwise learned, that any other States Parties are conducting an investigation, prosecution or judicial proceeding in respect of the same conduct, the competent authorities of those States Parties shall, as appropriate, consult one another with a view to coordinating their actions.

Is your country in compliance with this provision? (Check one answer.)

(P) Yes, in part

29/12/2015 Cambodia
Cambodian legislation complies with this provision. Article 21 & 23 of Cambodian Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009) allow Cambodia authority to conduct prosecution only when there is complaint made by the authorities of the country where the offence was committed and it is prohibited against cumulative charging and convictions. Moreover, article 51, 52, 53 of Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010) state about the Mutual Legal Assistance which show the consultation to facilitate the relevant partners.

**Please cite the applicable measure(s)**

Please cite the text(s)

**Penal Code** (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

**Article 21: Initiation of Prosecution**

In the cases specified in Article 19 (Felony or misdemeanour committed by a Cambodian national) and Article 20 (Victims who are Cambodian national), prosecution may only be initiated by at the Prosecuting Authority. It must be proceeded either:

- by complaint by the victim or his or her assigns; or
- by a formal information by the authorities of the country where the offence was committed.

**Article 23: Prohibition against cumulative charging and convictions**

No one may be prosecuted for the same for which he or she has already been finally tried abroad and who, in the event of conviction, establishes that he or she has already served the penalty or that the penalty has been - End Extinguished by statute of limitation.

**Law on Anti-Corruption** (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

**Article 51: Mutual Legal Assistance**

In the case of corruption offences, the court authority of the Kingdom of Cambodia may delegate power to competent court authority of any foreign state and may also obtain power from court authority of any foreign state, in order to:

1. Collect evidence/proof or answer/response through court means.
2. Inform about documents of the court.
Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

**Article 21: Initiation of Prosecution**

In the cases specified in Article 19 (Felony or misdemeanour committed by a Cambodian national) and Article 20 (Victims who are Cambodian national), prosecution may only be initiated by at the Prosecuting Authority. It must be proceeded either:

- by complaint by the victim or his or her assigns; or

- by a formal information by the authorities of the country where the offence was committed.

**Article 23: Prohibition against cumulative charging and convictions**

No one may be prosecuted for the same for which he or she has already been finally tried abroad and who, in the event of conviction, establishes that he or she has already served the penalty or that the penalty has been - EI 4 extinguished by statute of limitation.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Please provide examples of implementation and details on factors facilitating such collaboration and coordination

There is no case regarding this.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

There are laws in compliance with this provision but corruption cases regarding this do not occur yet. Cambodia will continue to disseminate the laws and will consider develop better mechanism for communication with other state in order to facilitate the investigation and prosecution.

168. Paragraph 6 of article 42

6. Without prejudice to norms of general international law, this Convention shall not exclude the exercise of any criminal jurisdiction established by a State Party in accordance with its domestic law.
Has your country adopted any grounds of criminal jurisdiction other than those described above? (Check one answer)
(N) No

Competent authorities over the offence which are stipulated by Cambodian laws are similar to what has been stipulated in this convention. Thus, there is no other ground of criminal jurisdiction for Cambodia other than those have been stipulated in this convention.

169. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)
(Y) Yes

Which challenges are you facing in (fully) adopting/implementing the article under review? (Check all the answers that apply and provide an explanation in the "Comments" field)
(INTACO) Inter-agency co-ordination
(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)
(LIRIM) Limited resources for implementation (e.g. human/financial/other; please specify)
(MYSYS) Specificities in our legal system
(LICOP) Limited awareness of existing cross-border cooperation and coordination mechanisms

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the article under review? (Check all the answers that apply)
(BEST) Summary of good practices/lessons learned
(ADV) Legal advice
(CAPCRO) Capacity-building programmes for investigative, prosecution or judicial authorities on cross-border cooperation and coordination mechanisms

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

IV. International cooperation

44. Extradition

170. Paragraph 1 of article 44

1. This article shall apply to the offences established in accordance with this Convention where the person who is the subject of the request for extradition is present in the territory of the requested State Party, provided that the offence for which extradition is sought is punishable under the domestic law of both the requesting State Party and the requested State Party.
Has your country adopted and implemented the measures described above? (Check one answer.)

(P) Yes, in part

Cambodian laws comply with this provision. Article 50 of Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010) refers to Code of Criminal Procedure for the extradition. Article 569 of Code of Criminal Procedure (dated 10 August 2007) states about all of the conditions for extradition which include the condition of dual criminality too.

Please cite the applicable measure(s), including your policy on dual criminality

Please cite the text(s)

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 50: Extradition Provisions

Provisions of Chapter 2, content 1, part/section 9 of Penal Procedure Code shall be applicable in terms of the extradition of the case related to corruption offenses.

Code of Criminal Procedure (dated 10 August 2007)

Article 569 Conditions of Extradition Relative to Act

An extradition may be made only if the prosecuted facts against the wanted person constitute an offense under the laws of both the requesting State and the Kingdom of Cambodia, even though:

- The type of offense might be defined differently; or

- The legal qualification of the offense, the use of terminology, the definition or the determination of characteristics of the offense is different; or

Please provide examples of implementation, including cases where dual criminality issues were raised and resolved

There is no corruption case regarding this.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Cambodia laws comply with this provision but there is no corruption offence has been requested for extradition. At the present, Cambodia has signed the treaty for extradition with 4 countries and will further get to sign more with other countries. Cambodia will also develop the database system to make it easier to get the data on any cases.
171. Paragraph 2 of article 44

2. Notwithstanding the provisions of paragraph 1 of this article, a State Party whose law so permits may grant the extradition of a person for any of the offences covered by this Convention that are not punishable under its own domestic law.

Has your country adopted and implemented the measures described above? (Check one answer)

(P) Yes, in part

Cambodian laws comply with this provision. Article 50 of Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010) refers to Code of Criminal Procedure for the extradition. In general, the case which is raised in this provision is not applicable, but article 567 of Code of Criminal Procedure (dated 10 August 2007) shall allow if there are provisions of international conventions and treaties ratified by the Kingdom of Cambodia sate so.

Please cite the applicable measure(s)

Please cite the text(s)

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 50: Extradition Provisions

Provisions of Chapter 2, content 1, part/section 9 of Penal Procedure Code shall be applicable in terms of the extradition of the case related to corruption offenses.

Code of Criminal Procedure (dated 10 August 2007)

Article 567 International Conventions and Treaties

The extradition of a foreign resident who has been arrested in the territory of the Kingdom shall be governed by the provisions of international conventions and treaties ratified by the Kingdom of Cambodia. If there is no such treaty or convention the provisions of this Chapter shall apply, unless otherwise provided in a separate law.

Please provide examples of implementation, including related court or other cases

There is no case regarding this.

If available, please provide information on extraditions granted for offences not punishable under your domestic law

There is no case regarding this.
Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Cambodia laws comply with this provision but there is no example for corruption offence. At the present, Cambodia has signed the treaty for extradition with 4 countries and will further get to sign more with other countries and will also consider including this point in the treaty or convention.

172. Paragraph 3 of article 44

3. If the request for extradition includes several separate offences, at least one of which is extraditable under this article and some of which are not extraditable by reason of their period of imprisonment but are related to offences established in accordance with this Convention, the requested State Party may apply this article also in respect of those offences.

Has your country adopted and implemented the measures described above? (Check one answer)

(P) Yes, in part

Cambodian laws comply with this provision. Article 50 of Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010) refers to Code of Criminal Procedure for the extradition. Cambodia code of criminal procedure does not state clearly on this but article 571 of this code stipulates about the condition relative to imprisonment sentence in the case for extradition. An extradition order may be issued if under the law of the requesting state the punishment against the wanted person amounts to at least two year imprisonment. However, an extradition order may also be issued if the wanted person has been finally sentenced by the court of the requesting state to at least six month imprisonment, regardless of the maximum length of imprisonment provided by the law.

Please cite the applicable rule(s) or measure(s)

Please cite the text(s)

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 50: Extradition Provisions

Provisions of Chapter 2, content 1, part/section 9 of Penal Procedure Code shall be applicable in terms of the extradition of the case related to corruption offenses.

Code of Criminal Procedure (dated 10 August 2007)

Article 571 Conditions Relative to Imprisonment Sentence

An extradition order may be issued if under the law of the requesting state the punishment against the wanted person amounts to at least two year imprisonment.
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 50: Extradition Provisions

Provisions of Chapter 2, content 1, part/section 9 of Penal Procedure Code

Please provide examples of implementation, including court and other cases and any other information on extradition granted in accordance with the provision under review.

There is no corruption case regarding this.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Cambodia laws comply with this provision but there is no example for corruption offence. At the present, Cambodia has signed the treaty for extradition with 4 countries and will further get to sign more with other countries.

173. Paragraph 4 of article 44

4. Each of the offences to which this article applies shall be deemed to be included as an extraditable offence in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them. A State Party whose law so permits, in case it uses this Convention as the basis for extradition, shall not consider any of the offences established in accordance with this Convention to be a political offence.

Is your country in compliance with this provision? (Check one answer.)

(N) No

Please provide an account of your country’s efforts to date to implement the provision under review.

Cambodia is willing have all the corruption offence be extraditable but this will not be possible to include all the offences in the anti-corruption law to be extraditable since some offences in this law could not comply with the condition of the article 571 of code of criminal procedure especially regarding condition relative to imprisonment sentence. According to this article, an extradition order may be issued if under the law of the requesting state the punishment against the wanted person amounts to at least two year imprisonment. However, an extradition order may also be issued if the wanted person has been finally sentenced by the court of the requesting state to at least six month imprisonment, regardless of the maximum length of imprisonment provided by the law. In addition, Cambodian government cannot extradite its national as it is against constitution, but there will be criminal proceeding according to Cambodian law.
Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review

- Cambodia will implement in accordance with the extradition principles which are stated in Code of Criminal Procedure.
- Cambodia will expand the implementation on extradition by signing more bilateral agreements and strengthen the implementation through the development of the simple procedures and criteria such as Extradition Request Template, Internal Guideline, Extradition Management Request System, etc. (All these mechanisms will be stated in Cambodia’s MLA Bill).

174. Paragraph 5 of article 44

5. If a State Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention the legal basis for extradition in respect of any offence to which this article applies.

Does your country make extradition conditional on the existence of a treaty? (Check one answer)

(P) Yes, in part

Does your country consider this Convention as the legal basis for extradition in respect to any offence to which the article under review applies?

(P) Yes, in part

Cambodian laws comply with this provision. Article 50 of Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010) refers to Code of Criminal Procedure for the extradition. Article 567 of Code of Criminal Procedure (dated 10 August 2007) allows Cambodia to use other the treaty or convention as the ground for extradition. Thus, Cambodia can use UNCAC as the ground for extradition.

Please cite the applicable measure(s)

Please cite the text(s)

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 50: Extradition Provisions

Provisions of Chapter 2, content 1, part/section 9 of Penal Procedure Code shall be applicable in terms of the extradition of the case related to corruption offenses.

Code of Criminal Procedure (dated 10 August 2007)

Article 567 International Conventions and Treaties

The extradition of a foreign resident who has been arrested in the territory of the Kingdom shall be governed by the provisions of international conventions and treaties ratified by the Kingdom of Cambodia. If there is no such treaty or convention
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Please provide examples of implementation, including related court or other cases

The examples of corruption offences are not yet available but there are some general criminal cases including:

Criminal Case No.230 dated on 11 August, 2011

Criminal Verdict No. 67 “KR.VI S.V” dated on 31 August, 2011

Cambodia extradited a French man back to France because this offender committed an offence of buying alcoholic and addicted drinks without permission( drug trafficking) in France where the court in France gave him a two-year imprisonment but the offender escaped to Cambodia. Until now, Cambodia and France have not yet reached an agreement to have the Convention of Extradition

If applicable and available, please provide information on extraditions granted without an extradition treaty, using this Convention as the legal basis

There is no case regarding this.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Cambodia laws comply with this provision but there is no example for corruption offence.

175. Paragraph 6 of article 44

6. A State Party that makes extradition conditional on the existence of a treaty shall:

(a) At the time of deposit of its instrument of ratification, acceptance or approval of or accession to this Convention, inform the Secretary-General of the United Nations whether it will take this Convention as the legal basis for cooperation on extradition with other States Parties to this Convention; and

(b) If it does not take this Convention as the legal basis for cooperation on extradition, seek, where appropriate, to conclude treaties on extradition with other States Parties to this Convention in order to implement this article.

Does your country make extradition conditional on the existence of a treaty? (Check one answer)

(Y) Yes

Does your country consider this Convention as the legal basis for extradition in respect to any offence to which this article applies? (Check one answer)

(Y) Yes

Has your country informed the Secretary-General of the United Nations as prescribed above? (Check one answer)

(Y) Yes
Is your country in compliance with this provision? (Check one answer.)

(P) Yes, in part

Cambodian laws comply with this provision. Article 50 of Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010) refers to Code of Criminal Procedure for the extradition. Article 567 of Code of Criminal Procedure (dated 10 August 2007) allows Cambodia to apply international conventions and treaties ratified by the Kingdom of Cambodia regarding extradition. If the provisions of the international conventions and treaties ratified by the Kingdom of Cambodia do not state different from the code of criminal procedure, then this code shall be applied. Thus, the point that all the offences to which this article applies as extraditable offences between themselves could be stipulated in the convention or treaty.

It was concluded that this provision is applicable. In general, Cambodia requires a treaty for extradition but Cambodia is also use the principle of reciprocity.

Please cite the applicable measure(s)

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 50: Extradition Provisions

Provisions of Chapter 2, content 1, part/section 9 of Penal Procedure Code shall be applicable in terms of the extradition of the case related to corruption offenses.

Code of Criminal Procedure (dated 10 August 2007)

Article 567 International Conventions and Treaties

The extradition of a foreign resident who has been arrested in the territory of the Kingdom shall be governed by the provisions of international conventions and treaties ratified by the Kingdom of Cambodia. If there is no such treaty or convention the provisions of this Chapter shall apply, unless otherwise provided in a separate law.

Please provide examples of implementation (i.e. information on recent extradition cases between your country and other States parties for offences established in accordance with this

The examples of extradition of corruption offences are not yet available but there are
The examples of extradition of corruption offences are not yet available but there are some general criminal cases including:

Criminal Case No.230 dated on 11 August, 2011

Criminal Verdict No. 67 “KR.VI S.V” dated on 31 August, 2011

Cambodia extradited a French man named DAVID MINETTI back to France because this offender committed an offence of buying alcoholic and addicted drinks without permission (drug trafficking) in France where the court in France gave him a two-year imprisonment but the offender escaped to Cambodia. Until now, Cambodia and France have not yet reached an agreement to have the Convention of Extradition yet.

Criminal Case No.102 dated on 11 April, 2012 by the investigation chamber of court of appeals

Criminal Verdict No. 31 “KR.VI S.V” dated on 20 April, 2011

An Australian man committed a planned murder case in Adelaide Australia, on 2nd December, 2007. After that on 5th January, 2008 the accused escaped to Cambodia and settled down in Sihanouk Ville, Cambodia. Therefore, Australia requested for an extradition the accused from Cambodia and in April 2012, the Court of Appeals of Cambodia decided to allow for the extradition of the accused back to Australia.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Cambodia laws comply with this provision but there is no example for corruption offence.

177. Paragraph 8 of article 44

8. Extradition shall be subject to the conditions provided for by the domestic law of the requested State Party or by applicable extradition treaties, including, inter alia, conditions in relation to the minimum penalty requirement for extradition and the grounds upon which the requested State Party may refuse extradition.

Is your country in compliance with this provision? (Check one answer.)

(P) Yes, in part

Cambodian laws comply with this provision. Article 50 of Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010) refers to Code of Criminal Procedure for the extradition. Article 571 & 572 of this code stipulate about the minimum imprisonment sentence for extradition. Article 2 of Treaty Between the Korea and the Kingdom of Cambodia on Extradition also sates about the extraditable offences. Article 573, 574, 575, 579, 580, 583, 584, 585, 586, 587, 589, 590, 591, 592, 593, 594 of Code of Criminal Procedure stipulate about the reasons for refusing extradition such as acts of political nature, extinction of criminal actions etc.

Please cite the applicable measure(s), including relevant domestic law(s) and conditions
Article 50: Extradition Provisions

Provisions of Chapter 2, content 1, part/section 9 of Penal Procedure Code shall be applicable in terms of the extradition of the case related to corruption offenses.

Code of Criminal Procedure (dated 10 August 2007)

Article 571 Conditions Relative to Imprisonment Sentence

An extradition order may be issued if under the law of the requesting state the punishment against the wanted person amounts to at least two year imprisonment.

However, an extradition order may also be issued if the wanted person has been finally sentenced by the court of the requesting state to at least six month imprisonment, regardless of the maximum length of imprisonment provided by the law.

Article 572 Conditions Relative to Place of Commission of Offense

If the act charged against the wanted person was committed in the territory of the requesting state, an extradition order may be issued whether or not the wanted person is a citizen of the requesting state.

If the act charged against the wanted person was committed outside the territory of the requesting state, an extradition order may be issued only if the wanted person is a citizen of the requesting state.

Article 573 Acts of Political Nature

An extradition order may not be issued where the prosecuted facts are of political nature. However, violent acts involving the risk of death or injury to life, body or to individual freedom shall not be deemed political.

Article 574 Acts committed in Cambodia and Tried by Final Judgment

An extradition order may not be issued where the prosecuted facts were committed in the territory of the Kingdom of Cambodia and a trial has been concluded by final judgment.

Article 575 Extinction of Criminal Actions
Treaty Between the Korea and the Kingdom of Cambodia on Extradition

ARTICLE 2 Extraditable Offences

1. For the purpose of this Agreement, extraditable offences are offences which are punishable under the laws of both Parties by imprisonment or other form of detention for a period of at least two years or a more severe penalty.

2. Where the request for extradition relates to a person sentenced to imprisonment or other form of detention by a court of the requesting Party for any extraditable offence, extradition shall be granted only if a period of at least six months in the sentence remains to be served.

3. For the purpose of this Article, in determining whether an offence is an offence against the laws of both Parties, it shall not matter whether the laws of the Parties place the acts or omissions constituting the offence within the same category of offence or denominate the offence by the same terminology.

4. If the request for extradition refers to several separate offences each of which is punishable under the laws of both Parties, but some of which do not fulfill the other conditions set out in paragraphs 1 and 2 of this Article, extradition may be granted for the latter offences provided that the person is to be extradited for at least one extraditable offence.

5. Where the offence has been committed outside the territory of the requesting Party, extradition shall be granted where the law of the requested Party provides for the punishment of an offence committed outside its territory in similar circumstances. Where the law of the requested Party does not so provide, the requested Party may, in its discretion, grant extradition.
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 50: Extradition Provisions

Provisions of Chapter 2, content 1, part/section 9 of Penal Procedure Code shall be applicable in terms of the extradition of the case related to corruption offenses.

Code of Criminal Procedure (dated 10 August 2007)

Article 571 Conditions Relative to Imprisonment Sentence

An extradition order may be issued if under the law of the requesting state the punishment against the wanted person amounts to at least two year imprisonment.

However, an extradition order may also be issued if the wanted person has been finally sentenced by the court of the requesting state to at least six month imprisonment, regardless of the maximum length of imprisonment provided by the law.

Article 572 Conditions Relative to Place of Commission of Offense

If the act charged against the wanted person was committed in the territory of the requesting state, an extradition order may be issued whether or not the wanted person is a citizen of the requesting state.

If the act charged against the wanted person was committed outside the territory of the requesting state, an extradition order may be issued only if the wanted person is a citizen of the requesting state.

Article 573 Acts of Political Nature

An extradition order may not be issued where the prosecuted facts are of political nature. However, violent acts involving the risk of death or injury to life, body or to individual freedom shall not be deemed political.

Article 574 Acts committed in Cambodia and Tried by Final Judgment

An extradition order may not be issued where the prosecuted facts were committed in the territory of the Kingdom of Cambodia and a trial has been concluded by final judgment.

Article 575 Extinction of Criminal Actions

An extradition order may not be issued where the offenses cannot be
Treaty Between the Korea and the Kingdom of Cambodia on Extradition

ARTICLE 2 Extraditable Offences

1. For the purpose of this Agreement, extraditable offences are offences which are punishable under the laws of both Parties by imprisonment or other form of detention for a period of at least two years or a more severe penalty.

2. Where the request for extradition relates to a person sentenced to imprisonment or other form of detention by a court of the requesting Party for any extraditable offence, extradition shall be granted only if a period of at least six months in the sentence remains to be served.

3. For the purpose of this Article, in determining whether an offence is an offence against the laws of both Parties, it shall not matter whether the laws of the Parties place the acts or omissions constituting the offence within the same category of offence or denominate the offence by the same terminology.

4. If the request for extradition refers to several separate offences each of which is punishable under the laws of both Parties, but some of which do not fulfill the other conditions set out in paragraphs 1 and 2 of this Article, extradition may be granted for the latter offences provided that the person is to be extradited for at least one extraditable offence.

5. Where the offence has been committed outside the territory of the requesting Party, extradition shall be granted where the law of the requested Party provides for the punishment of an offence committed outside its territory in similar circumstances. Where the law of the requested Party does not so provide, the requested Party may, in its discretion, grant extradition.
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 50: Extradition Provisions

Provisions of Chapter 2, content 1, part/section 9 of Penal Procedure Code shall be applicable in terms of the extradition of the case related to corruption offenses.

Code of Criminal Procedure (dated 10 August 2007)

Article 571 Conditions Relative to Imprisonment Sentence

An extradition order may be issued if under the law of the requesting state the punishment against the wanted person amounts to at least two year imprisonment.

However, an extradition order may also be issued if the wanted person has been finally sentenced by the court of the requesting state to at least six month imprisonment, regardless of the maximum length of imprisonment provided by the law.

Article 572 Conditions Relative to Place of Commission of Offense

If the act charged against the wanted person was committed in the territory of the requesting state, an extradition order may be issued whether or not the wanted person is a citizen of the requesting state.

If the act charged against the wanted person was committed outside the territory of the requesting state, an extradition order may be issued only if the wanted person is a citizen of the requesting state.

Article 573 Acts of Political Nature

An extradition order may not be issued where the prosecuted facts are of political nature. However, violent acts involving the risk of death or injury to life, body or to individual freedom shall not be deemed political.

Article 574 Acts committed in Cambodia and Tried by Final Judgment

An extradition order may not be issued where the prosecuted facts were committed in the territory of the Kingdom of Cambodia and a trial has been concluded by final judgment.

Article 575 Extinction of Criminal Actions

An extradition order may not be issued where the offenses cannot be prosecuted anymore under the law of the requesting State (Article 7: Extinction of
Treaty Between the Korea and the Kingdom of Cambodia on Extradition

ARTICLE 2 Extraditable Offences

1. For the purpose of this Agreement, extraditable offences are offences which are punishable under the laws of both Parties by imprisonment or other form of detention for a period of at least two years or a more severe penalty.

2. Where the request for extradition relates to a person sentenced to imprisonment or other form of detention by a court of the requesting Party for any extraditable offence, extradition shall be granted only if a period of at least six months in the sentence remains to be served.

3. For the purpose of this Article, in determining whether an offence is an offence against the laws of both Parties, it shall not matter whether the laws of the Parties place the acts or omissions constituting the offence within the same category of offence or denominate the offence by the same terminology.

4. If the request for extradition refers to several separate offences each of which is punishable under the laws of both Parties, but some of which do not fulfill the other conditions set out in paragraphs 1 and 2 of this Article, extradition may be granted for the latter offences provided that the person is to be extradited for at least one extraditable offence.

5. Where the offence has been committed outside the territory of the requesting Party, extradition shall be granted where the law of the requested Party provides for the punishment of an offence committed outside its territory in similar circumstances. Where the law of the requested Party does not so provide, the requested Party may, in its discretion, grant extradition.
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 50: Extradition Provisions

Provisions of Chapter 2, content 1, part/section 9 of Penal Procedure Code shall be applicable in terms of the extradition of the case related to corruption offenses.

Code of Criminal Procedure (dated 10 August 2007)

Article 571 Conditions Relative to Imprisonment Sentence

An extradition order may be issued if under the law of the requesting state the punishment against the wanted person amounts to at least two year imprisonment.

However, an extradition order may also be issued if the wanted person has been finally sentenced by the court of the requesting state to at least six month imprisonment, regardless of the maximum length of imprisonment provided by the law.

Article 572 Conditions Relative to Place of Commission of Offense

If the act charged against the wanted person was committed in the territory of
**Treaty Between the Korea and the Kingdom of Cambodia on Extradition**

**ARTICLE 2 Extraditable Offences**

1. For the purpose of this Agreement, extraditable offences are offences which are punishable under the laws of both Parties by imprisonment or other form of detention for a period of at least two years or a more severe penalty.

2. Where the request for extradition relates to a person sentenced to imprisonment or other form of detention by a court of the requesting Party for any extraditable offence, extradition shall be granted only if a period of at least six months in the sentence remains to be served.

3. For the purpose of this Article, in determining whether an offence is an offence against the laws of both Parties, it shall not matter whether the laws of the Parties place the acts or omissions constituting the offence within the same category of offence or denominate the offence by the same terminology.

4. If the request for extradition refers to several separate offences each of

**Please provide examples of implementation**

The examples of extradition of corruption offences are not yet available but there are some general criminal cases including:

- Criminal Case No.66 dated on 25 April, 2012
- Criminal Verdict No. 114 dated on 15 June, 2012 of the supreme court

Australian government requested Cambodia to extradite an Australian citizen who had Cambodian nationality by birth on the murder case committed in Australia and escaped to Cambodia. Cambodia court refused to extradite him as Australian government did not provide enough evidence and did not fulfill the conditions for extradition in accordance with Cambodian law (article 579 of code of criminal procedure) and the person who was requested for extradition had Cambodian nationality by birth.

**Please provide information on conditions and grounds upon which extradition requests were refused**

The conditions are related to Imprisonment Sentence, Place of Commission of Offense, acts of political nature, Acts committed in Cambodia and Tried by Final Judgment, Extinction of Criminal Actions, and Cambodian nationality.

- Criminal Case No.66 dated on 25 April, 2012
- Criminal Verdict No. 114 dated on 15 June, 2012 of the supreme court
The conditions are related to Imprisonment Sentence, Place of Commission of Offense, acts of political nature, Acts committed in Cambodia and Tried by Final Judgment, Extinction of Criminal Actions, and Cambodian nationality.

Criminal Case No.66 dated on 25 April, 2012

Criminal Verdict No. 114 dated on 15 June, 2012 of the supreme court

Australian government requested Cambodia to extradite an Australian citizen who had Cambodian nationality by birth on the murder case committed in Australia and escaped to Cambodia. Cambodia court refused to extradite him as Australian government did not provide enough evidence and did not fulfill the conditions for extradition in accordance with Cambodian law (article 579 of code of criminal procedure) and the person who was requested for extradition had Cambodian nationality by birth.

Criminal Case No.142 dated on 03 July, 2009

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Cambodia laws comply with this provision but there is no example for corruption offence. Cambodia will further get to sign more with other countries the extradition treaty or convention.

178. Paragraph 9 of article 44

9. States Parties shall, subject to their domestic law, endeavour to expedite extradition procedures and to simplify evidentiary requirements relating thereto in respect of any offence to which this article applies.

Is your country in compliance with this provision? (Check one answer.)

(P) Yes, in part

Cambodian laws comply with this provision. Article 50 of Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010) refers to Code of Criminal Procedure for the extradition. Article 579-594 of code of criminal procedure stipulate about procedure for extradition which is simple and easy. In additions, article 10 of Treaty on extradition Between the Korea-Cambodia, Thailand-Cambodia, Laos-Cambodia states about the extradition procedure which is simple and is applicable when there is consent from the person who is wanted. This could make extradition get faster.

Please cite the applicable measure(s)

Please cite the text(s)

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 50: Extradition Provisions

Provisions of Chapter 2, content 1, part/section 9 of Penal Procedure Code shall be applicable in terms of the extradition of the case related to corruption.
shall apply.
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 50: Extradition Provisions

Provisions of Chapter 2, content 1, part/section 9 of Penal Procedure Code shall be applicable in terms of the extradition of the case related to corruption offenses.

Code of Criminal Procedure (dated 10 August 2007)

Article 579 Validation of Extradition Request

All extradition requests shall be submitted to Royal Government of Cambodia through the diplomatic channel. Each request shall contain the supporting documents.

The supporting documents shall include:

- Documents adequate for identifying the wanted person;
- A report of the acts for which the wanted person is prosecuted;
- The legal provisions applicable to such offense and the possible sentence; and
- A copy of the sentence decision, if any.

All documents shall be signed, officially sealed and enveloped. If they are not in the Khmer, French or English language, the request shall be accompanied by a certified translation of the documents into one of the three languages.

Article 580 Forwarding of Extradition Request

The Minister of Foreign Affairs of the Kingdom of Cambodia shall forward the request together with the supporting documents to the Minister of Justice. The Minister of Justice shall examine the regularity of the request and then forward it to the General Prosecutor attached to the Court of Appeal of Phnom Penh.

Article 581 Request of Provisional Arrest

The state requesting extradition may request the provisional arrest of the wanted person.

In case of urgency, the request for provisional arrest may be made prior to the extradition request provided in Article 579 (Validation of Extradition Request) of
shall apply.
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 50: Extradition Provisions

Provisions of Chapter 2, content 1, part/section 9 of Penal Procedure Code shall be applicable in terms of the extradition of the case related to corruption offenses.

Code of Criminal Procedure (dated 10 August 2007)

Article 579 Validation of Extradition Request

All extradition requests shall be submitted to Royal Government of Cambodia through the diplomatic channel. Each request shall contain the supporting documents.

The supporting documents shall include:

- Documents adequate for identifying the wanted person;
- A report of the acts for which the wanted person is prosecuted;
- The legal provisions applicable to such offense and the possible sentence; and
- A copy of the sentence decision, if any.

All documents shall be signed, officially sealed and enveloped. If they are not in the Khmer, French or English language, the request shall be accompanied by a certified translation of the documents into one of the three languages.

Article 580 Forwarding of Extradition Request

The Minister of Foreign Affairs of the Kingdom of Cambodia shall forward the request together with the supporting documents to the Minister of Justice. The Minister of Justice shall examine the regularity of the request and then forward it to the General Prosecutor attached to the Court of Appeal of Phnom Penh.

Article 581 Request of Provisional Arrest

The state requesting extradition may request the provisional arrest of the wanted person.

In case of urgency, the request for provisional arrest may be made prior to the extradition request provided in Article 579 (Validation of Extradition Request) of this Code.
shall apply.
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 50: Extradition Provisions

Provisions of Chapter 2, content 1, part/section 9 of Penal Procedure Code shall be applicable in terms of the extradition of the case related to corruption offenses.

Code of Criminal Procedure (dated 10 August 2007)

Article 579 Validation of Extradition Request

All extradition requests shall be submitted to Royal Government of Cambodia through the diplomatic channel. Each request shall contain the supporting documents.

The supporting documents shall include:

- Documents adequate for identifying the wanted person;

- A report of the acts for which the wanted person is prosecuted;

- The legal provisions applicable to such offense and the possible sentence; and

- A copy of the sentence decision, if any.

All documents shall be signed, officially sealed and enveloped. If they are not in the Khmer, French or English language, the request shall be accompanied by a certified translation of the documents into one of the three languages.

Article 580 Forwarding of Extradition Request

The Minister of Foreign Affairs of the Kingdom of Cambodia shall forward the request together with the supporting documents to the Minister of Justice. The Minister of Justice shall examine the regularity of the request and then forward it to the General Prosecutor attached to the Court of Appeal of Phnom Penh.

Article 581 Request of Provisional Arrest

The state requesting extradition may request the provisional arrest of the wanted person.

In case of urgency, the request for provisional arrest may be made prior to the extradition request provided in Article 579 (Validation of Extradition Request) of
shall apply.
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 50: Extradition Provisions

Provisions of Chapter 2, content 1, part/section 9 of Penal Procedure Code shall be applicable in terms of the extradition of the case related to corruption offenses.

Code of Criminal Procedure (dated 10 August 2007)

Article 579 Validation of Extradition Request

All extradition requests shall be submitted to Royal Government of Cambodia through the diplomatic channel. Each request shall contain the supporting documents.

The supporting documents shall include:

- Documents adequate for identifying the wanted person;

- A report of the acts for which the wanted person is prosecuted;

- The legal provisions applicable to such offense and the possible sentence; and

- A copy of the sentence decision, if any.

All documents shall be signed, officially sealed and enveloped. If they are not in the Khmer, French or English language, the request shall be accompanied by a certified translation of the documents into one of the three languages.

Article 580 Forwarding of Extradition Request

The Minister of Foreign Affairs of the Kingdom of Cambodia shall forward the request together with the supporting documents to the Minister of Justice. The Minister of Justice shall examine the regularity of the request and then forward it to the General Prosecutor attached to the Court of Appeal of Phnom Penh.

Article 581 Request of Provisional Arrest
shall apply.

Please provide examples of implementation.

The conditions are related to Imprisonment Sentence, Place of Commission of Offense, acts of political nature, Acts committed in Cambodia and Tried by Final Judgment, Extinction of Criminal Actions, and Cambodian nationality.
The conditions are related to Imprisonment Sentence, Place of Commission of Offense, acts of political nature, Acts committed in Cambodia and Tried by Final Judgment, Extinction of Criminal Actions, and Cambodian nationality.

Criminal Case No.66 dated on 25 April, 2012

Criminal Verdict No. 114 dated on 15 June, 2012 of the supreme court

Australian government requested Cambodia to extradite an Australian citizen who had Cambodian nationality by birth on the murder case committed in Australia and escaped to Cambodia. Cambodia court refused to extradite him as Australian government did

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Cambodia has simplified extradition procedure (article 10 of Treaty on extradition Between the Korea-Cambodia, Thailand-Cambodia, Laos-Cambodia) and the condition related to the agreement to extradition from the wanted person (article 588 of code of criminal procedure) but there is no such case occurred yet.

179. Paragraph 10 of article 44

10. Subject to the provisions of its domestic law and its extradition treaties, the requested State Party may, upon being satisfied that the circumstances so warrant and are urgent and at the request of the requesting State Party, take a person whose extradition is sought and who is present in its territory into custody or take other appropriate measures to ensure his or her presence at extradition proceedings.

Is your country in compliance with this provision? (Check one answer.)

(P) Yes, in part

Cambodian laws comply with this provision. Article 50 of Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010) refers to Code of Criminal Procedure for the extradition. Article 581 &582 of code of criminal procedure allow Cambodian authority to provisionally arrest and detent the wanted person for extradition due to the urgency in request but the wanted person shall be automatically released if the Royal Government of Cambodia does not receive all the documents specified in Article 579 (Validation of Extradition Request) within two months from the date of the arrest. The provisional arrest is also allowed by article 9 of Treaty on extradition Between the Korea-Cambodia, Thailand-Cambodia, China-Cambodia, Laos-Cambodia.

Please cite the applicable measure(s)

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

**Article 50: Extradition Provisions**

Provisions of Chapter 2, content 1, part/section 9 of Penal Procedure Code shall be applicable in terms of the extradition of the case related to corruption offenses.

**Code of Criminal Procedure (dated 10 August 2007)**

**Article 581 Request of Provisional Arrest**

The state requesting extradition may request the provisional arrest of the wanted person.

In case of urgency, the request for provisional arrest may be made prior to the extradition request provided in Article 579 (Validation of Extradition Request) of this Code.

The request for provisional arrest, which is aimed at preventing the wanted person from escaping, does not need to follow a special format.

The person detained under provisional arrest procedures shall be automatically released if the Royal Government of Cambodia does not receive all the documents specified in Article 579 (Validation of Extradition Request) within two months from the date of the arrest.

**Article 582 Special Detention Order against Wanted Persons**

The General Prosecutor attached to the Court of Appeal of Phnom Penh may issue a special detention order against the wanted person.

This order shall include:

- the identity of the wanted person;

- a reference to the request for provisional arrest made by the foreign State;

- the full name and position of the Prosecutor who issued such order.

The above order shall be dated, signed and sealed by the General Prosecutor. The special detention order shall be enforceable within the entire territory of the Kingdom of Cambodia.

**Treaty Between the People's Republic of China and the Kingdom of Cambodia on Extradition**
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

**Article 50: Extradition Provisions**

Provisions of Chapter 2, content 1, part/section 9 of Penal Procedure Code shall be applicable in terms of the extradition of the case related to corruption offenses.

**Code of Criminal Procedure (dated 10 August 2007)**

**Article 581 Request of Provisional Arrest**

The state requesting extradition may request the provisional arrest of the wanted person.

In case of urgency, the request for provisional arrest may be made prior to the extradition request provided in Article 579 (Validation of Extradition Request) of this Code.

The request for provisional arrest, which is aimed at preventing the wanted person from escaping, does not need to follow a special format.

The person detained under provisional arrest procedures shall be automatically released if the Royal Government of Cambodia does not receive all the documents specified in Article 579 (Validation of Extradition Request) within two months from the date of the arrest.

**Article 582 Special Detention Order against Wanted Persons**

The General Prosecutor attached to the Court of Appeal of Phnom Penh may issue a special detention order against the wanted person.

This order shall include:

- the identity of the wanted person;

- a reference to the request for provisional arrest made by the foreign State;

- the full name and position of the Prosecutor who issued such order.

The above order shall be dated, signed and sealed by the General Prosecutor. The special detention order shall be enforceable within the entire territory of the Kingdom of Cambodia.

**Treaty Between the People's Republic of China and the Kingdom of Cambodia on Extradition**
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 50: Extradition Provisions

Provisions of Chapter 2, content 1, part/section 9 of Penal Procedure Code shall be applicable in terms of the extradition of the case related to corruption offenses.

Code of Criminal Procedure (dated 10 August 2007)

Article 581 Request of Provisional Arrest

The state requesting extradition may request the provisional arrest of the wanted person.

In case of urgency, the request for provisional arrest may be made prior to the extradition request provided in Article 579 (Validation of Extradition Request) of this Code.

The request for provisional arrest, which is aimed at preventing the wanted person from escaping, does not need to follow a special format.

The person detained under provisional arrest procedures shall be automatically released if the Royal Government of Cambodia does not receive all the documents specified in Article 579 (Validation of Extradition Request) within two months from the date of the arrest.

Article 582 Special Detention Order against Wanted Persons

The General Prosecutor attached to the Court of Appeal of Phnom Penh may issue a special detention order against the wanted person.

This order shall include:

- the identity of the wanted person;
- a reference to the request for provisional arrest made by the foreign State;
- the full name and position of the Prosecutor who issued such order.

The above order shall be dated, signed and sealed by the General Prosecutor. The special detention order shall be enforceable within the entire territory of the Kingdom of Cambodia.

Treaty Between the People's Republic of China and the Kingdom of Cambodia on Extradition

29/12/2015 Cambodia

UNCAC Self-Assessment Checklist - Cycle 1 - Cambodia
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 50: Extradition Provisions

Provisions of Chapter 2, content 1, part/section 9 of Penal Procedure Code shall be applicable in terms of the extradition of the case related to corruption offenses.

Code of Criminal Procedure (dated 10 August 2007)

Article 581 Request of Provisional Arrest

The state requesting extradition may request the provisional arrest of the wanted person.

In case of urgency, the request for provisional arrest may be made prior to the extradition request provided in Article 579 (Validation of Extradition Request) of this Code.

The request for provisional arrest, which is aimed at preventing the wanted person from escaping, does not need to follow a special format.

The person detained under provisional arrest procedures shall be automatically released if the Royal Government of Cambodia does not receive all the documents specified in Article 579 (Validation of Extradition Request) within two

Please provide examples of implementation

The examples of extradition of corruption offences are not yet available but there are some general criminal cases including:

Criminal Case No.66 dated on 25 April, 2012

Criminal Verdict No. 114 dated on 15 June, 2012 of the supreme court

Australian government requested Cambodia to extradite an Australian citizen who had Cambodian nationality by birth on the murder case committed in Australia and escaped to Cambodia. Cambodia court refused to extradite him as Australian government did not provide enough evidence and did not fulfill the conditions for extradition in accordance with Cambodian law (article 579 of code of criminal procedure) and the person who was requested for extradition had Cambodian nationality by birth.

If applicable and available, please provide information on recent court or other cases in which a person whose extradition was sought and who was present in your territory has been taken into custody and cases in which other appropriate measures were taken to ensure his or her presence at extradition proceedings (please describe those measures)

The examples of extradition of corruption offences are not yet available but there are some general criminal cases including:
The examples of extradition of corruption offences are not yet available but there are some general criminal cases including:

Criminal Case No. 66 dated on 25 April, 2012
Criminal Verdict No. 114 dated on 15 June, 2012 of the supreme court

Australian embassy to Cambodia requested Cambodia, through ministry of foreign affairs and international cooperation, to extradite an Australian citizen who had Cambodian nationality by birth on the murder case committed in Australia and escaped to Cambodia. The ministry of foreign affairs and international cooperation forwarded the request to ministry of justice and ministry of justice forwarded this to court of appeal which

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Cambodia laws comply with this provision but there is no corruption offence has been requested for extradition. Cambodia will further sign the treaty on extradition with other countries and disseminate the relevant laws and legislations to the competent authorities.

180. Paragraph 11 of article 44

11. A State Party in whose territory an alleged offender is found, if it does not extradite such person in respect of an offence to which this article applies solely on the ground that he or she is one of its nationals, shall, at the request of the State Party seeking extradition, be obliged to submit the case without undue delay to its competent authorities for the purpose of prosecution. Those authorities shall take their decision and conduct their proceedings in the same manner as in the case of any other offence of a grave nature under the domestic law of that State Party. The States Parties concerned shall cooperate with each other, in particular on procedural and evidentiary aspects, to ensure the efficiency of such prosecution.

Is your country in compliance with this provision? (Check one answer.)

(P) Yes, in part

Cambodian law complies with this provision. Article 19 of Cambodian Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009) gives Cambodian authority the jurisdiction over a Cambodian national who commits felony or misdemeanor in a foreign country.

Please cite and summarize the applicable practice(s) or measure(s)

Please cite the text(s)

Penal Code(Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 19: Felony or misdemeanor committed by a Cambodian national

In criminal matters, the Cambodian Law is applicable to any felony committed by a Cambodian national outside the territory of the Kingdom of Cambodia.
Penal Code (Promulgated by Royal Kram No. NS/RKM/1109/022 dated 30 November 2009)

Article 19: Felony or misdemeanor committed by a Cambodian national

In criminal matters, the Cambodian Law is applicable to any felony committed by a Cambodian national outside the territory of the Kingdom of Cambodia.

Please provide examples of implementation

There is no case regarding this.

If available, please provide information on recent court or other cases submitted for prosecution by your authorities (statistics, types of cases, outcomes). Please provide per annum figures, as available

Not applicable.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Cambodia laws comply with this provision but there is no corruption offence has been requested for extradition. At the present, Cambodia has signed the treaty for extradition with 4 countries and will further sign the treaty on extradition with other countries and disseminate the relevant laws and legislations to the competent authorities.

181. Paragraph 12 of article 44

12. Whenever a State Party is permitted under its domestic law to extradite or otherwise surrender one of its nationals only upon the condition that the person will be returned to that State Party to serve the sentence imposed as a result of the trial or proceedings for which the extradition or surrender of the person was sought and that State Party and the State Party seeking the extradition of the person agree with this option and other terms that they may deem appropriate, such conditional extradition or surrender shall be sufficient to discharge the obligation set forth in paragraph 11 of this article.

Is your country in compliance with this provision? (Check one answer.)

(N) No

Please provide an account of your country’s efforts to date to implement the provision under review.

Cambodia could not enforce the sentence imposed by the foreign court as it is against constitution and Cambodian law (Each state has its sovereign jurisdiction. The verdict issued by the court of one state cannot enforce in other state. In additions, laws of some states state about execution when some do not.)
Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review
- Cambodia will implement in accordance with the extradition principles which are stated in Code of Criminal Procedure.
- Cambodia will expand the implementation on extradition by signing more bilateral agreements and strengthen the implementation through the development of the simple procedures and criteria such as Extradition Request Template, Internal Guideline, Extradition Management Request System, etc. (All these mechanisms will be stated in Cambodia’s MLA Bill).

182. Paragraph 13 of article 44

13. If extradition, sought for purposes of enforcing a sentence, is refused because the person sought is a national of the requested State Party, the requested State Party shall, if its domestic law so permits and in conformity with the requirements of such law, upon application of the requesting State Party, consider the enforcement of the sentence imposed under the domestic law of the requesting State Party or the remainder thereof.

Is your country in compliance with this provision? (Check one answer.)
(N) No

Please provide an account of your country’s efforts to date to implement the provision under review.
Cambodia could not enforce the sentence imposed by the foreign court as it is against constitution and Cambodian law (Each state has its sovereign jurisdiction. The verdict issued by the court of one state cannot enforce in other state. In additions, laws of some states state about execution when some do not.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review
- Cambodia will implement in accordance with the extradition principles which are stated in Code of Criminal Procedure.
- Cambodia will expand the implementation on extradition by signing more bilateral agreements and strengthen the implementation through the development of the simple procedures and criteria such as Extradition Request Template, Internal Guideline, Extradition Management Request System, etc. (All these mechanisms will be stated in Cambodia’s MLA Bill).

183. Paragraph 14 of article 44

14. Any person regarding whom proceedings are being carried out in connection with any of the offences to which this article applies shall be guaranteed fair treatment at all stages of the proceedings, including enjoyment of all the rights and guarantees provided by the domestic law of the State Party in the territory of which that person is present.
Is your country in compliance with this provision? (Check one answer.)

(P) Yes, in part

Article 579-589 of Code of Criminal Procedure (dated 10 August 2007), Constitution Article 31, 38 and article 3 of Code of Criminal Procedure (dated 10 August 2007) comply with this provision by guaranteed fair treatment at all stages of proceedings.

Please cite the applicable policy(ies) or measure(s):

Please cite the text(s)
Please see response in article 44.9 of UNCAC.

Please provide examples of implementation, including related court or other cases

There is no corruption case regarding this.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Cambodia laws comply with this provision but there is no corruption offence has been requested for extradition. At the present, Cambodia has signed the treaty for extradition with 4 countries and will further sign the treaty on extradition with other countries and disseminate the relevant laws and legislations to the competent authorities.

184. Paragraph 15 of article 44

15. Nothing in this Convention shall be interpreted as imposing an obligation to extradite if the requested State Party has substantial grounds for believing that the request has been made for the purpose of prosecuting or punishing a person on account of that person’s sex, race, religion, nationality, ethnic origin or political opinions or that compliance with the request would cause prejudice to that person’s position for any one of these reasons.

Is your country in compliance with this provision? (Check one answer.)

(P) Yes, in part

Article 3 of Cambodian constitution recognizes and respect human rights and every Khmer citizens shall be equal before the law regardless of race, color, sex, political tendency. Code of criminal procedure does not stipulate about the reasons of race, color, sex, political tendency for requesting extradition, but article 3 of Treaty on extradition Between the Korea-Cambodia, Thailand-Cambodia, China-Cambodia, Laos-Cambodia prohibits extradition made by the Requesting Party aims to institute criminal proceedings against or execute punishment upon the person sought on account of race, religion, nationality or political opinion of that person.

Please cite the applicable policy(ies), practice(s), or measure(s)

Please cite the text(s)

Constitution
Constitution

Article 31:

The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, The Universal Declaration of Human rights, the covenants and conventions related to human rights, women’s and children’s rights.

Every Khmer citizens shall be equal before the law, enjoying the same rights, freedom and fulfilling the same obligations regardless of race, color, sex, language, religious belief, political tendency, birth origin, social status, wealth or other status.

The exercise of personal rights and freedom by any individual shall not adversely affect the rights and freedom of others. The exercise of such rights and freedom shall be in accordance with the law.

Treaty Between the People’s Republic of China and the Kingdom of Cambodia on Extradition

ARTICLE 3 Grounds for Mandatory Refusal

Extradition shall not be granted under this Treaty in any of the following circumstances:

1. The Requested Party considers the offense for which the request for extradition is made by the Requesting Party as a political offense. Reference to a political offense shall not include the taking or attempted taking of the life or an attack on the person of a Head of State or a Head of Government or a member of his or her family.

2. The Requested Party has well-founded reasons to suppose that the request for extradition made by the Requesting Party aims to institute criminal proceedings against or execute punishment upon the person sought on account of race, religion, nationality or political opinion of that person, or that the position of the person sought in judicial proceedings will be prejudiced for any of the reasons mentioned above.

3. The offense for which the request for extradition is made is exclusively an offense under military law of the Requesting Party.

4. The prosecution or the execution of punishment for the offense for which extradition has been sought has become barred by reason prescribed under the law of either Contracting Party including a law relating to lapse of time.

5. The Requested Party has passed judgment upon the person sought in respect of the same offense, before the request for extradition is made.
Constitution

Article 31:

The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, The Universal Declaration of Human rights, the covenants and conventions related to human rights, women’s and children’s rights.

Every Khmer citizens shall be equal before the law, enjoying the same rights, freedom and fulfilling the same obligations regardless of race, color, sex, language, religious belief, political tendency, birth origin, social status, wealth or other status.

The exercise of personal rights and freedom by any individual shall not adversely affect the rights and freedom of others. The exercise of such rights and freedom shall be in accordance with the law.

Treaty Between the People’s Republic of China and the Kingdom of Cambodia on Extradition

ARTICLE 3 Grounds for Mandatory Refusal

Extradition shall not be granted under this Treaty in any of the following circumstances:

1. The Requested Party considers the offense for which the request for extradition is made by the Requesting Party as a political offense. Reference to a political offense shall not include the taking or attempted taking of the life or an attack on the person of a Head of State or a Head of Government or a member of his or her family.

2. The Requested Party has well-founded reasons to suppose that the request for extradition made by the Requesting Party aims to institute criminal proceedings against or execute punishment upon the person sought on account of race, religion, nationality or political opinion of that person, or that the position of the person sought in judicial proceedings will be prejudiced for any of the reasons mentioned above.

3. The offense for which the request for extradition is made is exclusively an offense under military law of the Requesting Party.

4. The prosecution or the execution of punishment for the offense for which extradition has been sought has become barred by reason prescribed under the law of either Contracting Party including a law relating to lapse of time.

5. The Requested Party has passed judgment upon the person sought in respect of the same offence, before the request for extradition is made.
Constitution

Article 31:

The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, The Universal Declaration of Human rights, the covenants and conventions related to human rights, women’s and children’s rights.

Every Khmer citizens shall be equal before the law, enjoying the same rights, freedom and fulfilling the same obligations regardless of race, color, sex, language, religious belief, political tendency, birth origin, social status, wealth or other status.

The exercise of personal rights and freedom by any individual shall not adversely affect the rights and freedom of others. The exercise of such rights and freedom shall be in accordance with the law.

Treaty Between the People’s Republic of China and the Kingdom of Cambodia on Extradition

ARTICLE 3 Grounds for Mandatory Refusal

Extradition shall not be granted under this Treaty in any of the following circumstances:

1. The Requested Party considers the offense for which the request for extradition is made by the Requesting Party as a political offense. Reference to a political offense shall not include the taking or attempted taking of the life or an attack on the person of a Head of State or a Head of Government or a member of his or her family.

2. The Requested Party has well-founded reasons to suppose that the request for extradition made by the Requesting Party aims to institute criminal proceedings against or execute punishment upon the person sought on account of race, religion, nationality or political opinion of that person, or that the position of the person sought in judicial proceedings will be prejudiced for any of the reasons mentioned above.

3. The offense for which the request for extradition is made is exclusively an offense under military law of the Requesting Party.

4. The prosecution or the execution of punishment for the offense for which extradition has been sought has become barred by reason prescribed under the law of either Contracting Party including a law relating to lapse of time.

5. The Requested Party has passed judgment upon the person sought in respect of the same offense, before the request for extradition is made.
Constitution

Article 31:

The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, The Universal Declaration of Human rights, the covenants and conventions related to human rights, women’s and children’s rights.

Please provide examples of implementation
There are some cases related to political tendency.

If applicable and available, please provide information on recent court or other cases where extradition was refused on such grounds
There is no case regarding this.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.
Cambodia laws comply with this provision but there is no corruption offence has been requested for extradition. At the present, Cambodia has signed the treaty for extradition with 4 countries and will further sign the treaty on extradition with other countries and disseminate the relevant laws and legislations to the competent authorities.

185. Paragraph 16 of article 44

16. States Parties may not refuse a request for extradition on the sole ground that the offence is also considered to involve fiscal matters.

Is your country in compliance with this provision? (Check one answer.)

(P) Yes, in part
Cambodian law does not state directly on this. The grounds for extradition refusal are stipulated in article 573,574,575 of code of criminal procedure, but there is no ground involving fiscal matters. Thus, Cambodia will not refuse to extradite on the ground that the offence is relevant to fiscal matters.

Please cite the applicable policy(ies) or measure(s):

Please cite the text(s)
Code of Criminal Procedure (dated 10 August 2007)

Article 573 Acts of Political Nature

An extradition order may not be issued where the prosecuted facts are of political nature. However, violent acts involving the risk of death or injury to life, body or to individual freedom shall not be deemed political.
Code of Criminal Procedure (dated 10 August 2007)

Article 573 Acts of Political Nature

An extradition order may not be issued where the prosecuted facts are of political nature. However, violent acts involving the risk of death or injury to life, body or to individual freedom shall not be deemed political.

Article 574 Acts committed in Cambodia and Tried by Final Judgment

An extradition order may not be issued where the prosecuted facts were committed in the territory of the Kingdom of Cambodia and a trial has been concluded by final judgment.

Article 575 Extinction of Criminal Actions

Please provide examples of implementation
There is no case regarding this.

Please provide information on recent cases in which extradition involving fiscal matters was not refused
There is no case regarding this.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.
In case there is a request for extradition, Cambodia will not refuse to extradite on the ground that the offence is relevant to fiscal matters. At the present, Cambodia has signed the treaty for extradition with 4 countries and will further sign the treaty on extradition with other countries and disseminate the relevant laws and legislations to the competent authorities.

186. Paragraph 17 of article 44

17. Before refusing extradition, the requested State Party shall, where appropriate, consult with the requesting State Party to provide it with ample opportunity to present its opinions and to provide information relevant to its allegation.

Is your country in compliance with this provision? (Check one answer.)
(P) Yes, in part
Cambodian laws comply with this provision. Article 50 of Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010) refers to Code of Criminal Procedure for the extradition. Article 579-586 of code of criminal
Cambodian laws comply with this provision. Article 50 of Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010) refers to Code of Criminal Procedure for the extradition. Article 579-586 of code of criminal procedure state about the extradition procedure which allows the mutual discussion and exchange of information before refusing to extradite. Moreover, article 8 of Treaty on extradition Between the Korea-Cambodia, Thailand-Cambodia, China-Cambodia, Laos-Cambodia states about time given which is enough for the requesting state to collect

**Please cite the applicable measure(s)**

Please see question 178 referring to paragraphed (44.9).

**Treaty Between the People's Republic of China and the Kingdom of Cambodia on Extradition**

**ARTICLE 8 Additional Information**

If the Requested Party considers that the information furnished in support of a request for extradition is not sufficient in accordance with this Treaty to enable extradition to be granted, that party may request that additional information be furnished within such time as it specifies. If the Requesting Party fails to submit additional information within that period, it shall be considered as having renounced its request voluntarily. However, the Requesting Party shall not be precluded from making a fresh request for the same purpose.

**Treaty Between the Kingdom of Thailand and the Kingdom of Cambodia on Extradition**

**ARTICLE 8 Additional Information**

If the Requested Party considers that the information furnished in support of a request for extradition is not sufficient in accordance with this Treaty to enable extradition to be granted, that party may request that additional information be furnished within such time as it specifies. If the Requesting Party fails to submit additional information within that period, it shall be considered as having renounced its request voluntarily. However, the Requesting Party shall not be precluded from making a fresh request for the same purpose.

**Treaty Between Laos and the Kingdom of Cambodia on Extradition**

**ARTICLE 8 Additional Information**

If the Requested Party considers that the information furnished in support of a request for extradition is not sufficient in accordance with this Treaty to enable extradition to be granted, that party may request that additional information be furnished within such time as it specifies. If the Requesting Party fails to submit additional information within that period, it shall be considered as having renounced its request voluntarily. However, the Requesting Party shall not be precluded from making a fresh request for the same purpose.
Treaty Between the People’s Republic of China and the Kingdom of Cambodia on Extradition

ARTICLE 8 Additional Information

If the Requested Party considers that the information furnished in support of a request for extradition is not sufficient in accordance with this Treaty to enable extradition to be granted, that party may request that additional information be furnished within such time as it specifies. If the Requesting Party fails to submit additional information within that period, it shall be considered as having renounced its request voluntarily. However, the Requesting Party shall not be precluded from making a fresh request for the same purpose.

Please provide examples of implementation

There is no case regarding this.

Please provide information on recent court or other cases and illustrations of relevant exchanges between your country and other States

There is no case regarding this.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Cambodia laws comply with this provision but there is no corruption offence has been requested for extradition. At the present, Cambodia has signed the treaty for extradition with 4 countries and will further sign the treaty on extradition with other countries and disseminate the relevant laws and legislations to the competent authorities.

187. Paragraph 18 of article 44

18. States Parties shall seek to conclude bilateral and multilateral agreements or arrangements to carry out or to enhance the effectiveness of extradition.

Is your country in compliance with this provision? (Check one answer.)

(P) Yes, in part

On this matter, Cambodia has signed 4 bilateral treaties and 2 multilateral treaties.

Please cite any other bilateral or multilateral agreement(s) or arrangement(s) related to extradition that have not already been cited in previous answers related to this article

Please cite the text(s)

a. Bilateral treaties

Treaty Between the People’s Republic of China and the...
a. **Bilateral treaties**

Treaty Between the People’s Republic of China and the Kingdom of Cambodia on Extradition

Treaty Between the Kingdom of Thailand and the Kingdom of Cambodia on Extradition

Treaty Between Laos and the Kingdom of Cambodia on Extradition

Treaty Between the Korea and the Kingdom of Cambodia on Extradition

b. **Multilateral treaties**

South East Asia Parties Against Corruption = SEA-PAC

**Please provide examples of implementation.**

Cambodia is taking its effort in to reach the agreement on bilateral treaties on extradition with other countries such as Vietnam, Malaysia, Indonesia etc.

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

Cambodia laws comply with this provision but there is no corruption offence has been requested for extradition. Cambodia needs some more time to study and negotiate in signing the bilateral or multilateral extradition treaty or convention.

188. **Technical Assistance**

The following questions on technical assistance relate to the article under review in its entirety.

**Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)**

(Y) Yes

**Which challenges are you facing in (fully) adopting/implementing the article under review? (Check all the answers that apply and provide an explanation in the "Comments” field)**

(INTACO) Inter-agency co-ordination

(MYSYS) Specificities in our legal system

(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)

(LIRIM) Limited resources for implementation (e.g. human/financial/other; please specify)

**Which of the following forms of technical assistance, if available, would assist your country in (fully) implementing the article under review? (Check all the answers that apply)**

(BEST) Summary of good practices/lessons learned

(ADV) Legal advice

(CAPICM) Capacity-building programmes for authorities responsible for international
45. Transfer of sentenced persons

189. Article 45

States Parties may consider entering into bilateral or multilateral agreements or arrangements on the transfer to their territory of persons sentenced to imprisonment or other forms of deprivation of liberty for offences established in accordance with this Convention in order that they may complete their sentences there.

Is your country in compliance with this provision? (Check one answer.)

(P) Yes, in part
Cambodia has signed 3 bilateral treaties on transfer of sentenced persons.

Please cite applicable bilateral or multilateral agreement(s) or arrangement(s) related to the provision under review.

Please cite the text(s)
1. Agreement between the Royal Government of Cambodia and the Government of the Republic of India on the transfer of sentenced persons
2. Agreement between the Royal Government of Cambodia and the Royal Government of Thailand on the transfer of sentenced persons and on the cooperation in execution of criminal sanction
3. Agreement between the Royal Government of Cambodia and the Government of Australia on the transfer of sentenced persons

Please provide examples of implementation.
The examples of corruption offences are not yet available but there are some general criminal cases including:

-Letter No. 157 KY.PRT/11 of Ministry of Justice dated 27 January, 2011: The Case of transfer an Austrian man receiving a sentence in Cambodia to be furthered receiving the execution of sentence in Austria.

An Austrian man committed the indecent act in Cambodia and the accused was sentenced by Cambodian court. Therefore, the Embassy of Austria to the Kingdom of Thailand requested Cambodia to send the accused to further execute the sentence in Austria.

-Letter No. 1301 KY.PRT/11 of Ministry of Justice dated 2 August, 2011: The case of transfer the Cambodian convict to receive the punishment in Cambodia.
The examples of corruption offences are not yet available but there are some general criminal cases including:

-Letter No. 157 KY.PRT/11 of Ministry of Justice dated 27 January, 2011: The Case of transfer an Austrian man receiving a sentence in Cambodia to be furthered receiving the execution of sentence in Austria.

An Austrian man committed the indecent act in Cambodia and the accused was sentenced by Cambodian court. Therefore, the Embassy of Austria to the Kingdom of Thailand requested Cambodia to send the accused to further execute the sentence in Austria.

- Letter No. 1301 KY.PRT/11 of Ministry of Justice dated 2 August, 2011: The case of transfer the Cambodian convict to receive the punishment in Cambodia.

5 Cambodian people committed offences in Thailand and the court of Thailand gave a sentence to those offenders in Thailand. Cambodian authority requested for the transfer of sentenced persons in Cambodia to be further executed.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Cambodia will draft the bill on “Transfer of Sentenced Persons”.

190. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(Y) Yes

Which challenges are you facing in (fully) adopting/implementing the article under review? (Check all the answers that apply and provide an explanation in the "Comments" field)

(MYSYS) Specificities in our legal system
Cambodian law does not state about the transfer of sentenced person but agreements with other countries does.

Which of the following forms of technical assistance, if available, would assist your country in (fully) implementing the article under review? (Check all the answers that apply)

(CAPICM) Capacity-building programmes for authorities responsible for international cooperation in criminal matters

(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(N) No

46. Mutual legal assistance
191. Paragraph 1 of article 46

1. States Parties shall afford one another the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to the offences covered by this Convention.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Cambodia has both laws and other international instruments which comply with this provision. However, at the present Cambodian national laws do not state clearly on the procedure of mutual legal assistance. The procedure which states in the ASEAN Mutual legal assistance in criminal matters is used.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 51 Mutual Legal Assistance, article 53 Mutual Legal Assistance Procedure

ASEAN Mutual Legal Assistance in Criminal Matters: Article 1 SCOPE OF ASSISTANCE

SEA-PAC: Article 2 Areas of Cooperation

Please summarize applicable mutual legal assistance laws and arrangements, including existing bilateral or multilateral agreement(s).

Please provide the summary.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 51: Mutual Legal Assistance

In the case of corruption offences, the court authority of the Kingdom of Cambodia may delegate power to competent court authority of any foreign state and may also obtain power from court authority of any foreign state, in order to:

1. Collect evidence/proof or answer/response through court means.

2. Inform about documents of the court.


4. Examine objects and crime scene.

5. Provide information and exhibit.

6. Issue original process-verbal or its authentic copies and dossier, including bank statement, accounting transactions, records of concerned institution, records of concerned company and trade records, as well as authentic and private documents.
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 51: Mutual Legal Assistance

In the case of corruption offences, the court authority of the Kingdom of Cambodia may delegate power to competent court authority of any foreign state and may also obtain power from court authority of any foreign state, in order to:

1. Collect evidence/proof or answer/response through court means.

2. Inform about documents of the court.


4. Examine objects and crime scene.

5. Provide information and exhibit.

6. Issue original process-verbal or its authentic copies and dossier, including bank statement, accounting transactions, records of concerned institution, records of concerned company and trade records, as well as authentic and private documents;

7. Identify or provide expert witnesses and others, including detainees who agree to assist in the investigation or participate in the legal proceedings.

8. Identify or seek resources, property, equipment, and materials that derive from offence and offence means.

9. Place under temporary holding the products and properties obtained from corruption offences as well as equipment, materials being used or kept for committing offences.

10. Enforce the decision of confiscation, seizure or repatriation of products, properties, equipment, material derived from offence.

11. Order to confiscate all objects as stated above.

12. Inform about the criminal charge.

13. Interrogate the accused based on criminal procedure.

14. Find out and identify witnesses and suspects.
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 51: Mutual Legal Assistance

In the case of corruption offences, the court authority of the Kingdom of Cambodia may delegate power to competent court authority of any foreign state and may also obtain power from court authority of any foreign state, in order to:

1. Collect evidence/proof or answer/response through court means.

2. Inform about documents of the court.


4. Examine objects and crime scene.

5. Provide information and exhibit.

6. Issue original process-verbal or its authentic copies and dossier, including bank statement, accounting transactions, records of concerned institution, records of concerned company and trade records, as well as authentic and private documents;

7. Identify or provide expert witnesses and others, including detainees who agree to assist in the investigation or participate in the legal proceedings.

8. Identify or seek resources, property, equipment, and materials that derive from offence and offence means.

9. Place under temporary holding the products and properties obtained from corruption offences as well as equipment, materials being used or kept for committing offences.

10. Enforce the decision of confiscation, seizure or repatriation of products, properties, equipment, material derived from offence.

11. Order to confiscate all objects as stated above.

Please provide examples of implementation.

- For Cambodia, Central authority is Ministry of Justice. There is no implementation yet on this as there is no case and this MLA has just been developed in 2010.

- In response to the request from Australian Embassy in Phnom Penh on the
For Cambodia, Central authority is Ministry of Justice. There is no implementation yet on this as there is no case and this MLA has just been developed in 2010.

In response to the request from Australian Embassy in Phnom Penh on the Cooperation in order to investigate on money laundering offence of the 2 Australian suspects namely THI KIM LOAN NGUYEN and THI LAN TRAN whose Australian government arrested on 23 May 2012 through

192. Paragraph 2 of article 46

2. Mutual legal assistance shall be afforded to the fullest extent possible under relevant laws, treaties, agreements and arrangements of the requested State Party with respect to investigations, prosecutions and judicial proceedings in relation to the offences for which a legal person may be held liable in accordance with article 26 of this Convention in the requesting State Party.

Is your country in compliance with this provision? (Check one answer)

(P) Yes, in part

Cambodia is quite open in Mutual Legal Assistance cooperation which is relevant to the responsibility of legal person.

Code of Criminal Procedure (dated 10 August 2007): Article 600 Coercive Measures against Legal Entity

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 46 Accessory Penalty applicable to certain Legal Entities, Article 51 Mutual Legal Assistance, article 53 Mutual Legal Assistance Procedure

ASEAN Mutual Legal Assistance in Criminal Matters: Article 1 SCOPE OF ASSISTANCE

Memorandum of understanding between the Anti-corruption Bureau of Brunei Darussalam, the Corruption Eradication Commission of the Republic of Indonesia, the Anti-corruption Agency of Malaysia, and the Corrupt Practices Investigation Bureau of the Republic of Singapore on cooperation for preventing and combating corruption: Article 2 Areas of Cooperation

Please cite the applicable measure(s)

Please cite the text(s)

Code of Criminal Procedure (dated 10 August 2007)

Article 600 Coercive Measures against Legal Entity

The representative of a legal entity may not, in his capacity of representative, be subject to any coercive measures other than those applicable to witnesses.

Law on Anti-Corruption (Promulgated by Royal Kram No.
Code of Criminal Procedure (dated 10 August 2007)

Article 600 Coercive Measures against Legal Entity

The representative of a legal entity may not, in his capacity of representative, be subject to any coercive measures other than those applicable to witnesses.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 46: Accessory Penalty applicable to certain Legal Entities

The legal Entity that commits corruption as stated in article 37 (corruption proceeds offence) of this law shall be subject to a fine of ten million Riel (10,000,000 to one hundred million Riel (100,000,000) and face accessory penalties as follows:

1. Dissolution.
2. Placement under the court’s watch.
3. Baring of operation of an activity or activities.
4. Expulsion from public procurement.
5. Prohibition on public saving appeal.
6. Prohibition on issuing cheque besides the cheque certified by any banks.
7. Prohibition on issuing payment vouchers.
8. Closure of the institution which being used to organize or commit offences.
9. Prohibition of the business establishment open to the public or used by the public.
10. Confiscation of instrument, material or any objects which are used to commit offence or aimed to commit offence.
11. Confiscation of objects or funds which are subject of committing offence.
12. Confiscation of capital or property that derives from offence.
13. Confiscation of proceeds, material and furniture in building where an offence is committed
15. Publication of the conviction judgment on print media or the announcement on non- print media outlets.

Article 51: Mutual Legal Assistance
Code of Criminal Procedure (dated 10 August 2007)

**Article 600 Coercive Measures against Legal Entity**

The representative of a legal entity may not, in his capacity of representative, be subject to any coercive measures other than those applicable to witnesses.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

**Article 46: Accessory Penalty applicable to certain Legal Entities**

The legal Entity that commits corruption as stated in article 37 (corruption proceeds offence) of this law shall be subject to a fine of ten million Riel (10,000,000 to one hundred million Riel (100,000,000) and face accessory penalties as follows:

1. Dissolution.
2. Placement under the court’s watch.
3. Baring of operation of an activity or activities.
4. Expulsion from public procurement.
5. Prohibition on public saving appeal.
6. Prohibition on issuing cheque besides the cheque certified by any banks.
7. Prohibition on issuing payment vouchers.
8. Closure of the institution which being used to organize or commit offences.
9. Prohibition of the business establishment open to the public or used by the public.
10. Confiscation of instrument, material or any objects which are used to commit offence or aimed to commit offence.
11. Confiscation of objects or funds which are subject of committing offence.
12. Confiscation of capital or property that derives from offence.
13. Confiscation of proceeds, material and furniture in building where an offence is committed.
15. Publication of the conviction judgment on print media or the announcement on non-print media outlets.

**Article 51: Mutual Legal Assistance**

In the case of corruption offences, the court authority of the
Code of Criminal Procedure (dated 10 August 2007)

Article 600 Coercive Measures against Legal Entity

The representative of a legal entity may not, in his capacity of representative, be subject to any coercive measures other than those applicable to witnesses.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 46: Accessory Penalty applicable to certain Legal Entities

The legal Entity that commits corruption as stated in article 37 (corruption proceeds offence) of this law shall be subject to a fine of ten million Riel (10,000,000 to one hundred million Riel (100,000,000) and face accessory penalties as follows:

1. Dissolution.
2. Placement under the court’s watch.
3. Baring of operation of an activity or activities.
4. Expulsion from public procurement.
5. Prohibition on public saving appeal.
6. Prohibition on issuing cheque besides the cheque certified by any banks.
7. Prohibition on issuing payment vouchers.
8. Closure of the institution which being used to organize or commit offences.
9. Prohibition of the business establishment open to the public or used by the public.
10. Confiscation of instrument, material or any objects which are used to commit offence or aimed to commit offence.
11. Confiscation of objects or funds which are subject of committing offence.
12. Confiscation of capital or property that derives from offence.
13. Confiscation of proceeds, material and furniture in building where an offence is committed

Please provide examples of implementation and related court or other cases, whether you were a requesting or a requested State

There is no case regarding this.
Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Cambodia has laws which comply with this provision. Those will be applied if the case occurs. Cambodian government tries to develop the guideline on the implementation of Mutual Legal Assistance and provides trainings to law enforcement authority to improve their capacity.

193. Subparagraphs 3 (a) to 3 (i) of article 46

3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:

(a) Taking evidence or statements from persons;
(b) Effecting service of judicial documents;
(c) Executing searches and seizures, and freezing;
(d) Examining objects and sites;
(e) Providing information, evidentiary items and expert evaluations;
(f) Providing originals or certified copies of relevant documents and records, including government, bank, financial, corporate or business records;
(g) Identifying or tracing proceeds of crime, property, instrumentalities or other things for evidentiary purposes;

Can your country afford the forms of mutual legal assistance listed in the provision above? (Check one answer)

(Y) Yes

Cambodia laws and other international instruments which Cambodia is a party comply with this provision.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 27 Privileges of Anti-corruption Unit related to monitoring, Article 28 Privileges of ACU related to freezing an individual’s assets, Article 29 Privileges of ACU in cooperation with public authority, Article 51 Mutual Legal Assistance, Article 53 Mutual Legal Assistance Procedure

Law on Anti-money laundering and combating the financing of terrorism (Promulgated by Royal Kram No. NS/RKM/0607/014 dated 24 June 2007): Article 6 Banking and Professional Secrecy

ASEAN Mutual Legal Assistance in Criminal Matters: Article 1 Scope of Assistance

Please cite the applicable measure(s)
Article 27: Privileges of Anti-corruption Unit related to monitoring

Being contradictory to article 105 (prohibition from wire-taping), and article 172 (wire taping ordered by the court) of the criminal procedure code, in the case there is clear hint of corruption offence, the ACU can:

a. Check and put under observation the bank accounts or other accounts which are described to be the same as bank accounts.

b. Check and order the provision or copy of authentic documents or individual documents, or all bank, financial and commercial documents.

c. Monitor, oversee, eavesdrop, record sound and take photos, and engage in phone taping.

d. Check documents and documents stored in the electronic system

e. Conduct operations aimed at collecting real evidence.

The above measures shall not be considered as violations of professional secrets. The secret of banks shall not be served as justification for not providing evidence related to corruption offences in the provisions of this law.

Article 28: Privileges of ACU related to freezing an individual’s assets

Upon the request by the chairman of ACU, the Royal Government can order the General Prosecutor of the Appeals Court or Prosecutor of the Municipal/Provincial Court to freeze the assets of individuals who commit offences stated in this law and corruption offences stated in the code of criminal procedure.

The individual assets, stated in the above first paragraph, includes the funds received or which forms asset belonging to the individual.

Article 29: Privileges of ACU in cooperation with public authority

The Chairman of the ACU can order public authorities, government officials, citizens who hold public office through election, as well as units concerned in private sector, namely financial institutions, to cooperate with officials of the ACU in the work of investigation.

The Chairman of the ACU can also ask the national and international institutions to cooperate in forensic examinations related to its investigation work.

Article 51: Mutual Legal Assistance

In the case of corruption offences, the court authority of the Kingdom of Cambodia may delegate power to competent court authority of any foreign state and may also obtain power from court authority of any foreign state, in order to...
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 27: Privileges of Anti-corruption Unit related to monitoring

Being contradictory to article 105 (prohibition from wire-taping), and article 172 (wire taping ordered by the court) of the criminal procedure code, in the case there is clear hint of corruption offence, the ACU can:

a. Check and put under observation the bank accounts or other accounts which are described to be the same as bank accounts.

b. Check and order the provision or copy of authentic documents or individual documents, or all bank, financial and commercial documents.

c. Monitor, oversee, eavesdrop, record sound and take photos, and engage in phone tapping.

d. Check documents and documents stored in the electronic system

e. Conduct operations aimed at collecting real evidence.

The above measures shall not be considered as violations of professional secrets. The secret of banks shall not be served as justification for not providing evidence related to corruption offences in the provisions of this law.

Article 28: Privileges of ACU related to freezing an individual’s assets

Upon the request by the chairman of ACU, the Royal Government can order the General Prosecutor of the Appeals Court or Prosecutor of the Municipal/Provincial Court to freeze the assets of individuals who commit offences stated in this law and corruption offences stated in the code of criminal procedure.

The individual assets, stated in the above first paragraph, includes the funds received or which forms asset belonging to the individual.

Article 29: Privileges of ACU in cooperation with public authority

The Chairman of the ACU can order public authorities, government officials, citizens who hold public office through election, as well as units concerned in private sector, namely financial institutions, to cooperate with officials of the ACU in the work of investigation.

The Chairman of the ACU can also ask the national and international institutions to cooperate in forensic examinations related to its investigation work.

Article 51: Mutual Legal Assistance

In the case of corruption offences, the court authority of the Kingdom of Cambodia may delegate power to competent court authority of any foreign state and may also obtain power from court authority of any foreign state, in order to:
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 27: Privileges of Anti-corruption Unit related to monitoring

Being contradictory to article 105 (prohibition from wire-taping), and article 172 (wire taping ordered by the court) of the criminal procedure code, in the case there is clear hint of corruption offence, the ACU can:

a. Check and put under observation the bank accounts or other accounts which are described to be the same as bank accounts.

b. Check and order the provision or copy of authentic documents or individual documents, or all bank, financial and commercial documents.

c. Monitor, oversee, eavesdrop, record sound and take photos, and engage in phone tapping.

d. Check documents and documents stored in the electronic system

e. Conduct operations aimed at collecting real evidence.

The above measures shall not be considered as violations of professional secrets. The secret of banks shall not be served as justification for not providing evidence related to corruption offences in the provisions of this law.

Article 28: Privileges of ACU related to freezing an individual’s assets

Upon the request by the chairman of ACU, the Royal Government can order the General Prosecutor of the Appeals Court or Prosecutor of the Municipal/Provincial Court to freeze the assets of individuals who commit offences stated in this law and corruption offences stated in the code of criminal procedure.

Please provide examples of implementation of these measures, including court or other cases in which you have made or received a request for forms of mutual legal assistance listed in the provision under review.

Referring to Mutual Legal Assistance in Criminal Matters, Ministry of Justice received the request from Belgium Embassy to Thailand through Cambodian Ministry of Foreign Affairs and International Cooperation to allow Belgium Judge to investigate in Cambodia on the Case of a Netherland national, Pieter CEULEN, lived in Belgium who was accused of distributing porn movies and rape the Cambodian minors. In response, on 20 May 2013, Rogatory letter of Belgium court allowed Cambodian authority to interview/question instead and this letter was forwarded to Siem Reap Court of the first instance.

194. Subparagraphs 3 (j) and 3 (k) of article 46

3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:
3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:

... (j) Identifying, freezing and tracing proceeds of crime in accordance with the provisions of chapter V of this Convention;

Can your country afford the forms of mutual legal assistance listed in the provision above? (Check one answer)

(Y) Yes

Cambodia law and other international instrument which Cambodia is a party comply with this provision.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 48 Seizure, Article 49 Repatriation of the proceeds of Corruption, Article 51 Mutual Legal Assistance, Article 52 Cambodians holding more than one nationality, Article 53 Mutual Legal Assistance Procedure

ASEAN Mutual Legal Assistance in Criminal Matters: Article 1 Scope of Assistance

Please cite the applicable measure(s)

Please cite the text(s)

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 48: Seizure

When a person is found guilty of corruption, the court shall confiscate all his/her corruption proceeds including property, material, instrument that is derived from corruption act and the proceeds shall be transformed into state property.

If the above seized asset is transferred/changed into different property from the original asset nature, this transformed asset will become the subject of seizure at the place where it locates.

If the corruption proceeds make more benefits or other advantages, all of these benefits and advantages will be seized as well.

If the corruption proceeds disappear or lose value, the court may order the settlement of the proceeds.

Article 49: Repatriation of the proceeds of Corruption

In case assets and corruption proceeds are found kept in foreign states, the competent authority of the kingdom of Cambodia shall take measure to claim that asset and proceeds back to Cambodia through means of international cooperation. The Kingdom of Cambodia shall cooperate with other countries who request to repatriate corruption proceeds that are kept in Cambodia.

Article 51: Mutual Legal Assistance
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 48: Seizure

When a person is found guilty of corruption, the court shall confiscate all his/her corruption proceeds including property, material, instrument that is derived from corruption act and the proceeds shall be transformed into state property.

If the above seized asset is transferred/changed into different property from the original asset nature, this transformed asset will become the subject of seizure at the place where it locates.

If the corruption proceeds make more benefits or other advantages, all of these benefits and advantages will be seized as well.

If the corruption proceeds disappear or lose value, the court may order the settlement of the proceeds.

Article 49: Repatriation of the proceeds of Corruption

In case assets and corruption proceeds are found kept in foreign states, the competent authority of the kingdom of Cambodia shall take measure to claim that asset and proceeds back to Cambodia through means of international cooperation. The Kingdom of Cambodia shall cooperate with other countries who request to repatriate corruption proceeds that are kept in Cambodia.

Article 51: Mutual Legal Assistance

In the case of corruption offences, the court authority of the Kingdom of Cambodia may delegate power to competent court authority of any foreign state and may also obtain power from court authority of any foreign state, in order to:

1. Collect evidence/proof or answer/response through court means.

2. Inform about documents of the court.


4. Examine objects and crime scene.

5. Provide information and exhibit.

6. Issue original process-verbal or its authentic copies and dossier, including bank statement, accounting transactions, records of concerned institution, records of concerned company and trade records, as well as authentic and private documents;
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 48: Seizure

When a person is found guilty of corruption, the court shall confiscate all his/her corruption proceeds including property, material, instrument that is derived from corruption act and the proceeds shall be transformed into state property.

If the above seized asset is transferred/changed into different property from the original asset nature, this transformed asset will become the subject of seizure at the place where it locates.

If the corruption proceeds make more benefits or other advantages, all of these benefits and advantages will be seized as well.

If the corruption proceeds disappear or lose value, the court may order the settlement of the proceeds.

Article 49: Repatriation of the proceeds of Corruption

In case assets and corruption proceeds are found kept in foreign states, the competent authority of the kingdom of Cambodia shall take measure to claim that asset and proceeds back to Cambodia through means of international cooperation. The Kingdom of Cambodia shall cooperate with other countries who request to repatriate corruption proceeds that are kept in Cambodia.

Article 51: Mutual Legal Assistance

In the case of corruption offences, the court authority of the Kingdom of Cambodia may delegate power to competent court authority of any foreign state and may also obtain power from court authority of any foreign state, in

Please provide examples of implementation of these measures, including court or other cases in which you have made or received a request for forms of mutual legal assistance listed in the provision under review.

Referring to Mutual Legal Assistance in Criminal Matters, Ministry of Justice received the request from Belgium Embassy to Thailand through Cambodian Ministry of Foreign Affairs and International Cooperation to allow Belgium Judge to investigate in Cambodia on the Case of a Netherland national, Pieter CEULEN, lived in Belgium who was accused of distributing porn movies and rape the Cambodian minors. In response, on 20 May 2013, Rogatory letter of Belgium court allowed Cambodian authority to interview/question instead and this letter was forwarded to Siem Reap Court of the first instance.
4. Without prejudice to domestic law, the competent authorities of a State Party may, without prior request, transmit information relating to criminal matters to a competent authority in another State Party where they believe that such information could assist the authority in undertaking or successfully concluding inquiries and criminal proceedings or could result in a request formulated by the latter State Party to this Convention.

**Is it possible for your country to transmit information as described above?**

(P) Yes, in part

Cambodia law does not state clearly on the point of transmit information relating to criminal matters without prior request, but it does state some points related to this through:

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 51 Mutual Legal Assistance, Article 53 Mutual Legal Assistance Procedure

**Please cite the applicable policy(ies) or measure(s):**

Please cite the text(s)

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

**Article 51: Mutual Legal Assistance**

In the case of corruption offences, the court authority of the Kingdom of Cambodia may delegate power to competent court authority of any foreign state and may also obtain power from court authority of any foreign state, in order to:

1. Collect evidence/proof or answer/response through court means.
2. Inform about documents of the court.
4. Examine objects and crime scene.
5. Provide information and exhibit.
6. Issue original process-verbal or its authentic copies and dossier, including bank statement, accounting transactions, records of concerned institution, records of concerned company and trade records, as well as authentic and private documents;
7. Identify or provide expert witnesses and others, including detainees who agree to assist in the investigation or participate in the legal proceedings.
8. Identify or seek resources, property, equipment, and materials that derive from offence and offence means.

29/12/2015 Cambodia
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

**Article 51: Mutual Legal Assistance**

In the case of corruption offences, the court authority of the Kingdom of Cambodia may delegate power to competent court authority of any

Please provide examples of implementation and related mutual legal assistance and other cases.

In implementing Mutual Legal Assistance, Cambodian Ministry of Justice has communicated with other 5 countries, Belgium, Peru, France, Germany, Sweden. In practice, if the case is related to corruption, then it is under the competent of Anti-corruption Unit only.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Cambodia has laws which comply with this provision. Those will be applied if the case occurs. Cambodian government will study more to if the point of transmit information relating to criminal matters without prior request could be stipulated more clearly in national law or other bilateral or multilateral treaties.

**196. Paragraph 5 of article 46**

5. The transmission of information pursuant to paragraph 4 of this article shall be without prejudice to inquiries and criminal proceedings in the State of the competent authorities providing the information. The competent authorities receiving the information shall comply with a request that said information remain confidential, even temporarily, or with restriction on its use. However, this shall not prevent the receiving State Party from disclosing in its proceedings information that is exculpatory to an accused person. In such a case, the receiving State Party shall notify the transmitting State Party prior to disclosure and, if so requested, consult with the transmitting State Party. If, in an exceptional case, advance notice is not possible, the receiving State Party shall inform the transmitting State Party of the disclosure without delay.

*Is your country in compliance with this provision? (Check one answer.)*

(Y) Yes

Cambodia law and other international instrument which Cambodia is a party comply with this provision.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 51 Mutual Legal Assistance, Article 53 Mutual Legal Assistance Procedure

ASEAN Mutual Legal Assistance in Criminal Matters: Article 9 PROTECTION OF CONFIDENTIALITY
Please cite the applicable policy(ies) or measure(s):

Please cite the text(s)

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 51: Mutual Legal Assistance

In the case of corruption offences, the court authority of the Kingdom of Cambodia may delegate power to competent court authority of any foreign state and may also obtain power from court authority of any foreign state, in order to:

1. Collect evidence/proof or answer/response through court means.

2. Inform about documents of the court.


4. Examine objects and crime scene.

5. Provide information and exhibit.

6. Issue original process-verbal or its authentic copies and dossier, including bank statement, accounting transactions, records of concerned institution, records of concerned company and trade records, as well as authentic and private documents;

7. Identify or provide expert witnesses and others, including detainees who agree to assist in the investigation or participate in the legal proceedings.

8. Identify or seek resources, property, equipment, and materials that derive from offence and offence means.

9. Place under temporary holding the products and properties obtained from corruption offences as well as equipment, materials being used or kept for committing offences.

10. Enforce the decision of confiscation, seizure or repatriation of products, properties, equipment, material derived from offence.

11. Order to confiscate all objects as stated above.

12. Inform about the criminal charge.

13. Interrogate the accused based on criminal procedure.
**Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)**

**Article 51: Mutual Legal Assistance**

In the case of corruption offences, the court authority of the Kingdom of Cambodia may delegate power to competent court authority of any foreign state and may also obtain power from court authority of any foreign state, in order to:

Please provide examples of implementation and related mutual legal assistance and other cases.

In implementing Mutual Legal Assistance, Cambodia, through Ministry of Justice, has cooperated with other 5 countries, Belgium, Peru, France, Germany, Sweden.

197. **Paragraph 8 of article 46**

8. States Parties shall not decline to render mutual legal assistance pursuant to this article on the ground of bank secrecy.

*Is your country in compliance with this provision? (Check one answer.)*

(P) Yes, in part

Cambodia has laws which comply with this provision. Bank secrecy cannot be used as the ground to decline mutual legal assistance.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 27 Privileges of Anti-corruption Unit related to monitoring, Article 47, Article 51 Mutual Legal Assistance, Article 53 Mutual Legal Assistance Procedure

Law on Anti-money laundering and combating the financing of terrorism (Promulgated by Royal Kram No. NS/RKM/0607/014 dated 24 June 2007): Article 6 Banking and Professional Secrecy

ASEAN Mutual Legal Assistance in Criminal Matters: Article 3 LIMITATIONS ON ASSISTANCE

*Please cite the applicable measure(s)*

Please cite the text(s)

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 27: Privileges of Anti-corruption Unit related to monitoring

Being contradictory to article 105 (prohibition from wire-taping), and article
(a) an offence against the life or person of a Head of State or a member of the immediate family of a Head of State;

(b) an offence against the life or person of
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 27: Privileges of Anti-corruption Unit related to monitoring

Being contradictory to article 105 (prohibition from wire-taping), and article 172 (wire taping ordered by the court) of the criminal procedure code, in the case there is clear hint of corruption offence, the ACU can:

a. Check and put under observation the bank accounts or other accounts which are described to be the same as bank accounts.

b. Check and order the provision or copy of authentic documents or individual documents, or all bank, financial and commercial documents.

c. Monitor, oversee, eavesdrop, record sound and take photos, and engage in phone tapping.

d. Check documents and documents stored in the electronic system

e. Conduct operations aimed at collecting real evidence.

The above measures shall not be considered as violations of professional secrets. The secret of banks shall not be served as justification for not providing evidence related to corruption offences in the provisions of this law.

Article 47: The Release of Bank Records

Credit entities or financial institutions shall be relieved of responsibility and no criminal complaint will be filed against the leader or trustee of that entity or institution should such operation has been carried out in accordance with the provisions of law, unless otherwise it is found that there is a pre-agreement with the fund owner or transactional operator to forge it.

Article 51: Mutual Legal Assistance

In the case of corruption offences, the court authority of the Kingdom of Cambodia may delegate power to competent court authority of any foreign state and may also obtain power from court authority of any foreign state, in order to:

1. Collect evidence/proof or answer/response through court means.

2. Inform about documents of the court.


4. Examine objects and crime scene.
(a) an offence against the life or person of a Head of State or a member of the immediate family of a Head of State;

(b) an offence against the life or person of a Head of a central Government, or of a Minister of a central Government;

(c) an offence within the scope of any international convention to which both the Requesting and Requested Parties are parties to and which imposes on the Parties thereto an obligation either to extradite or prosecute a person accused of the commission of that offence; and

(d) any attempt, abetment or conspiracy to commit any of the offences referred to in subparagraphs (a) to (c).

4. The Requested Party may restrict the application of any of the provisions made under paragraph 3 according to whether the Requesting Party has made similar provision in its laws.

5. Assistance shall not be refused solely on the ground of secrecy of banks and similar financial institutions or that the offence is also considered to involve fiscal matters.

6. The Requested Party may postpone the execution of the request if its immediate execution would interfere with any ongoing criminal matters in the Requested Party.

7. Before refusing a request or postponing its execution pursuant to this Article, the Requested Party shall consider whether assistance may be granted subject to certain conditions.

8. If the Requesting Party accepts assistance subject to the terms and conditions imposed under paragraph 7, it shall comply with such terms and conditions.

9. If the Requested Party refuses or postpones
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 27: Privileges of Anti-corruption Unit related to monitoring

Being contradictory to article 105 (prohibition from wire-taping), and article 172 (wire taping ordered by the court) of the criminal procedure code, in the case there is clear hint of corruption offence, the ACU can:

a. Check and put under observation the bank accounts or other accounts which are described to be the same as bank accounts.

b. Check and order the provision or copy of authentic documents or individual documents, or all bank, financial and commercial documents.

c. Monitor, oversee, eavesdrop, record sound and take photos, and engage in phone tapping.

d. Check documents and documents stored in the electronic system

e. Conduct operations aimed at collecting real evidence.

The above measures shall not be considered as violations of professional secrets. The secret of banks shall not be served as justification for not providing evidence related to corruption offences in the provisions of this law.

Article 47: The Release of Bank Records

Credit entities or financial institutions shall be relieved of responsibility and no criminal complaint will be filed against the leader or trustee of that entity or institution should such operation has been carried out in accordance with the provisions of law, unless otherwise it is found that there is a pre-agreement with the fund owner or transactional operator to forge it.

Article 51: Mutual Legal Assistance

In the case of corruption offences, the court authority of the Kingdom of Cambodia may delegate power to competent court authority of any foreign state and may also obtain power from court authority of any foreign state, in order to:

1. Collect evidence/proof or answer/response through court means.

2. Inform about documents of the court.


4. Examine objects and crime scene.

5. Provide information and exhibit.
(a) an offence against the life or person of a Head of State or a member of the immediate family of a Head of State;

(b) an offence against the life or person of a Head of a central Government, or of a Minister of a central Government;

(c) an offence within the scope of any international convention to which both the Requesting and Requested Parties are parties to and which imposes on the Parties thereto an obligation either to extradite or prosecute a person accused of the commission of that offence; and

(d) any attempt, abetment or conspiracy to commit any of the offences referred to in subparagraphs (a) to (c).

4. The Requested Party may restrict the application of any of the provisions made under paragraph 3 according to whether the Requesting Party has made similar provision in its laws.

5. Assistance shall not be refused solely on the ground of secrecy of banks and similar financial institutions or that the offence is also considered to involve fiscal matters.

6. The Requested Party may postpone the execution of the request if its immediate execution would interfere with any ongoing criminal matters in the Requested Party.

7. Before refusing a request or postponing its execution pursuant to this Article, the Requested Party shall consider whether assistance may be granted subject to certain conditions.

8. If the Requesting Party accepts assistance subject to the terms and conditions imposed under paragraph 7, it shall comply with such terms and conditions.

9. If the Requested Party refuses or postpones assistance, it shall promptly inform the...
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 27: Privileges of Anti-corruption Unit related to monitoring

Being contradictory to article 105 (prohibition from wire-tapping), and article 172 (wire taping ordered by the court) of the criminal procedure code, in the case there is clear hint of corruption offence, the ACU can:

a. Check and put under observation the bank accounts or other accounts which are described to be the same as bank accounts.

b. Check and order the provision or copy of authentic documents or individual documents, or all bank, financial and commercial documents.

c. Monitor, oversee, eavesdrop, record sound and take photos, and engage in phone tapping.

d. Check documents and documents stored in the electronic system

e. Conduct operations aimed at collecting real evidence.

The above measures shall not be considered as violations of professional secrets. The secret of banks shall not be served as justification for not providing evidence related to corruption offences in the provisions of this law.

Article 47: The Release of Bank Records

Credit entities or financial institutions shall be relieved of responsibility and no criminal complaint will be filed against the leader or trustee of that entity or institution should such operation has been carried out in accordance with the provisions of law, unless otherwise it is found that there is a pre-agreement with the fund owner or transactional operator to forge it.

Article 51: Mutual Legal Assistance

In the case of corruption offences, the court authority of the Kingdom of Cambodia may delegate power to competent court authority of any foreign state and may also obtain power from court authority of any foreign state, in order to:

1. Collect evidence/proof or answer/response through court means.

2. Inform about documents of the court.


4. Examine objects and crime scene.

5. Provide information and exhibit.
(a) an offence against the life or person of a Head of State or a member of the immediate family of a Head of State;

(b) an offence against the life or person of a Head of a central Government, or of a Minister of a central Government;

(c) an offence within the scope of any international convention to which both the Requesting and Requested Parties are parties to and which imposes on the Parties thereto an obligation either to extradite or prosecute a person accused of the commission of that offence; and

(d) any attempt, abetment or conspiracy to commit any of the offences referred to in subparagraphs (a) to (c).

4. The Requested Party may restrict the application of any of the provisions made under paragraph 3 according to whether the Requesting Party has made similar provision in its laws.

5. Assistance shall not be refused solely on the ground of secrecy of banks and similar financial institutions or that the offence is also considered to involve fiscal matters.

6. The Requested Party may postpone the execution of the request if its immediate execution would interfere with any ongoing criminal matters in the Requested Party.

7. Before refusing a request or postponing its execution pursuant to this Article, the Requested Party shall consider whether assistance may be granted subject to certain conditions.

8. If the Requesting Party accepts assistance subject to the terms and conditions imposed under paragraph 7, it shall comply with such terms and conditions.

9. If the Requested Party refuses or postpones
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 27: Privileges of Anti-corruption Unit related to monitoring

Being contradictory to article 105 (prohibition from wire-taping), and article 172 (wire taping ordered by the court) of the criminal procedure code, in the case there is clear hint of corruption offence, the ACU can:

a. Check and put under observation the bank accounts or other accounts which are described to be the same as bank accounts.

b. Check and order the provision or copy of authentic documents or individual documents, or all bank, financial and commercial documents.

c. Monitor, oversee, eavesdrop, record sound and take photos, and engage in phone tapping.
(a) an offence against the life or person of a Head of State or a member of the immediate family of a Head of State;

(b) an offence against the life or person of a Head of a central Government, or of a Minister of a central Government;

(c) an offence within the scope of any international convention to which both the Requesting and Requested Parties are parties to and which imposes on the Parties thereto an obligation either to extradite or prosecute a person accused of the commission of that offence; and

Please provide examples of implementation, including recent cases in which bank secrecy rules or issues did not impede effective mutual legal assistance

There is no case regarding this.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Cambodia has laws which comply with this provision. Those will be applied if the case occurs.

In practice, Cambodia provides Mutual Legal Assistance through memorandum of understanding as experience in implementation of ministry of justice, ministry of interior, and Cambodian Financial Intelligence Unit etc. For example, CAFIU always responses to the request of the competent authority in compliance with existing regulation especially in the case of bank secrecy, but the information is provided in the form of intelligence not evidence.

198. Subparagraph 9 (a) of article 46

9. (a) A requested State Party, in responding to a request for assistance pursuant to this article in the absence of dual criminality, shall take into account the purposes of this Convention, as set forth in article 1;

Is your country in compliance with this provision? (Check one answer.)

(P) Yes, in part

Cambodian law does not state about the condition of dual criminality in Mutual Legal Assistance. Law on Anti-corruption states broadly on this, so Cambodia can do this.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17
Cambodian law does not state about the condition of dual criminality in Mutual Legal Assistance. Law on Anti-corruption states broadly on this, so Cambodia can do this.

Please cite the applicable policy(ies), practice(s), or other measure(s)

Please cite the text(s)
Please see question 197 referring to paragraphed (46.8).

Please provide examples of implementation and related mutual legal assistance and other recent cases
There is no case regarding this.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Cambodia has laws which comply with this provision. However, none of them states clearly on the condition of dual criminality in MLA. The real case does not occur yet. Cambodia will try to develop this point in our national law in the near future.

199. Subparagraph 9 (b) of article 46

(b) States Parties may decline to render assistance pursuant to this article on the ground of absence of dual criminality. However, a requested State Party shall, where consistent with the basic concepts of its legal system, render assistance that does not involve coercive action. Such assistance may be refused when requests involve matters of a de minimis nature or matters for which the cooperation or assistance sought is available under other provisions of this Convention;

Is your country in compliance with this provision? (Check one answer.)

(N) No

Please provide an account of your country’s efforts to date to implement the provision under review.

No Cambodian law states on this, but Cambodia has will to make this point in to law and is always ready to cooperate.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review.

Cambodia will consider to state this point in law but it need sometimes to do this.

200. Subparagraph 9 (c) of article 46

(c) Each State Party may consider adopting such measures as may be necessary to enable it to provide a wider
(c) Each State Party may consider adopting such measures as may be necessary to enable it to provide a wider

Has your country adopted and implemented the measures described above? (Check one answer.)

(P) Yes, in part
Cambodia has both law and other international instrument which comply with this provision.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 51 Mutual Legal Assistance, article 53 Mutual Legal Assistance Procedure

ASEAN Mutual Legal Assistance in Criminal Matters: Article 1 SCOPE OF ASSISTANCE

Please cite the applicable policy(ies), practice(s), or other measure(s)
Please cite the text(s)
Please see question 191 referring to paragraphed (46.1).

Please provide examples of implementation, including related court or other cases
There is no case regarding this.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Cambodia has laws which comply with this provision. Those will be applied if the case occurs. Cambodian government tries to sign more Mutual Legal Assistance with other countries and provides trainings to law enforcement authority to improve their capacity.

201. Paragraph 10 of article 46

10. A person who is being detained or is serving a sentence in the territory of one State Party whose presence in another State Party is requested for purposes of identification, testimony or otherwise providing assistance in obtaining evidence for investigations, prosecutions or judicial proceedings in relation to offences covered by this Convention may be transferred if the following conditions are met:

(a) The person freely gives his or her informed consent;

(b) The competent authorities of both States Parties agree, subject to such conditions as those States Parties may deem appropriate.

Is your country in compliance with this provision? (Check one answer.)

(P) Yes, in part
Cambodia law and other international instrument which Cambodia is a party comply with this provision.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 51 Mutual Legal Assistance, article 53 Mutual Legal Assistance Procedure

29/12/2015 Cambodia
Cambodia law and other international instrument which Cambodia is a party comply with this provision.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 51 Mutual Legal Assistance, Article 53 Mutual Legal Assistance Procedure

Please cite the applicable measure(s)

Please cite the text(s)
Please see question 191 referring to paragraphed (46.1).

ASEAN Mutual Legal Assistance in Criminal Matters

ARTICLE 15. ATTENDANCE OF PERSON IN CUSTODY IN THE REQUESTING PARTY

1. The Requested Party may, subject to its domestic laws and practices, agree to allow a person in custody in the Requested Party, subject to his consent, to be temporarily transferred to the Requesting Party to give evidence or to assist in the investigations.

2. While the person transferred is required to be held in custody under the law of the Requested Party, the Requesting Party shall hold the person in custody and shall return that person in custody to the Requested Party at the conclusion of the matter in relation to which transfer was sought or at such earlier time as the person's presence is no longer required.

3. Where the Requested Party advises the Requesting Party that the transferred person is no longer required to be held in custody, that person shall be released from custody and be treated as a person referred to in Article 14 of this Treaty.

4. The Requesting Party shall not require the Requested Party to initiate extradition proceedings for the return of the person transferred.

5. The period during which such person was under the custody of the Requesting Party shall count towards the period of his imprisonment or detention in the Requested Party.

6. No transfer under this Article shall be effected unless the Requesting Party gives an undertaking -

(a) to bear and be responsible for all the expenses of the transfer of custody;

(b) to keep the person under lawful custody throughout the transfer of his custody; and

(c) to return him into the custody of the Requested Party immediately upon his attendance before the competent authority or court in the Requesting Party.
Please see question 191 referring to paragraphed (46.1).

ASEAN Mutual Legal Assistance in Criminal Matters

Please provide examples of implementation, including related court or other cases
There is no case regarding this.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Cambodia has laws which comply with this provision. Those will be applied if the case occurs. Cambodian government tries to sign more Mutual Legal Assistance with other countries and provides trainings to law enforcement authority to improve their capacity.

202. Paragraph 11 of article 46

11. For the purposes of paragraph 10 of this article:

(a) The State Party to which the person is transferred shall have the authority and obligation to keep the person transferred in custody, unless otherwise requested or authorized by the State Party from which the person was transferred;

(b) The State Party to which the person is transferred shall without delay implement its obligation to return the person to the custody of the State Party from which the person was transferred as agreed beforehand, or as otherwise agreed, by the competent authorities of both States Parties;

(c) The State Party to which the person is transferred shall not require the State Party from which the person was transferred to initiate extradition proceedings for the return of the person;

(d) The person transferred shall receive credit for service of the sentence being served in the State from which he or she was transferred for time spent in the custody of the State Party to which he or she was transferred.

Is your country in compliance with this provision? (Check one answer.)

(P) Yes, in part

Cambodia law and other international instrument which Cambodia is a party comply with this provision.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 51 Mutual Legal Assistance, Article 53 Mutual Legal Assistance Procedure

ASEAN Mutual Legal Assistance in Criminal Matters: Article 1 Scope of Assistance: ARTICLE 15. ATTENDANCE OF PERSON IN CUSTODY IN THE REQUESTING PARTY

Please cite the applicable measure(s)

Please cite the text(s)
Please see question 201 referring to paragraphed (46.10).

Please provide examples of implementation, including related court or other cases
There is no case regarding this.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Cambodia has laws which comply with this provision. Those will be applied if the case occurs. Cambodian government provides trainings to law enforcement authority to improve their capacity.

203. Paragraph 12 of article 46

12. Unless the State Party from which a person is to be transferred in accordance with paragraphs 10 and 11 of this article so agrees, that person, whatever his or her nationality, shall not be prosecuted, detained, punished or subjected to any other restriction of his or her personal liberty in the territory of the State to which that person is transferred in respect of acts, omissions or convictions prior to his or her departure from the territory of the State from which he or she was transferred.

Is your country in compliance with this provision? (Check one answer.)

(P) Yes, in part

Cambodia law and other international instrument which Cambodia is a party comply with this provision.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 51 Mutual Legal Assistance, Article 53 Mutual Legal Assistance Procedure

ASEAN Mutual Legal Assistance in Criminal Matters: Article 1 Scope of Assistance: ARTICLE 16 Safe Conduct

Please cite the applicable policy(ies) or measure(s):

Please cite the text(s)

Please see question 191 referring to paragraphed (46.1). ASEAN Mutual Legal Assistance in Criminal Matters

ARTICLE 16. SAFE CONDUCT

1. Subject to paragraph 2, where a person is present in the Requesting Party pursuant to a request made under Article 14 or 15 of this Treaty -

(a) that person shall not be detained, prosecuted, punished or subjected to any other restriction of personal liberty in the Requesting Party in respect of any
ARTICLE 16. SAFE CONDUCT

1. Subject to paragraph 2, where a person is present in the Requesting Party pursuant to a request made under Article 14 or 15 of this Treaty -

(a) that person shall not be detained, prosecuted, punished or subjected to any other restriction of personal liberty in the Requesting Party in respect of any acts or omissions or convictions for any offence against the law of the Requesting Party that is alleged to have been committed, or that was committed, before the person's departure from the Requested Party;

(b) that person shall not, without that person's consent, be required to give evidence in any criminal matter in the Requesting Party other than the criminal matter to which the request relates; or

(c) that person shall not be subjected to any civil suit in respect of any act or omission of the person that is alleged to have occurred, or that had occurred before the person's departure from the Requested Party.

2. Paragraph 1 shall cease to apply if that person, being free and able to leave, has not left the Requesting Party within a period of 15 consecutive days after that person has been officially told or notified that his presence is no longer needed.

Please provide examples of implementation, including related court or other cases
There is no case regarding this.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Cambodia has laws which comply with this provision. Those will be applied if the case occurs. Cambodian government provides trainings to law enforcement authority to improve their capacity.

204. Paragraph 13 of article 46

13. Each State Party shall designate a central authority that shall have the responsibility and power to receive requests for mutual legal assistance and either to execute them or to transmit them to the competent authorities for execution. Where a State Party has a special region or territory with a separate system of mutual legal assistance, it may designate a distinct central authority that shall have the same function for that region or territory. Central authorities shall ensure the speedy and proper execution or transmission of the requests received. Where the central authority transmits the request to a competent authority for execution, it shall encourage the speedy and proper execution of the request by the competent authority. The Secretary-General of the United Nations shall be notified of the central authority designated for this purpose at the time each State
13. Each State Party shall designate a central authority that shall have the responsibility and power to receive requests for mutual legal assistance and either to execute them or to transmit them to the competent authorities for execution. Where a State Party has a special region or territory with a separate system of mutual legal assistance, it may designate a distinct central authority that shall have the same function for that region or territory. Central authorities shall ensure the speedy and proper execution or transmission of the requests received. Where the central authority transmits the request to a competent authority for execution, it shall encourage the speedy and proper execution of the request by the competent authority. The Secretary-General of

Has your country established a central authority(ies) as described above? (Check one answer)

(Y) Yes

Cambodia law and other international instrument which Cambodia is a party comply with this provision.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 51 Mutual Legal Assistance, Article 53 Mutual Legal Assistance Procedure

ASEAN Mutual Legal Assistance in Criminal Matters: Article 4 DESIGNATION OF CENTRAL AUTHORITIES

Please cite the applicable arrangement(s) or measure(s)

Please cite the text(s)

Please see question 191 referring to paragraphed (46.1).

ASEAN Mutual Legal Assistance in Criminal Matters

ARTICLE 4. DESIGNATION OF CENTRAL AUTHORITIES

1. Each Party shall designate a Central Authority to make and receive requests pursuant to this Treaty.

2. The designation of the Central Authority shall be made at the time of the deposit of the instrument of ratification, acceptance, approval or accession to this Treaty.

3. Each Party shall expeditiously notify the others of any change in the designation of its Central Authority.

4. The Central Authorities shall communicate directly with one another but may, if they choose, communicate through the diplomatic channel.

Please provide examples of implementation

For Cambodia, Ministry of Justice is the central authority for MLA. Referring to Mutual Legal Assistance in Criminal Matters, Ministry of Justice received the request from Belgium Embassy to Thailand through Cambodian Ministry of Foreign Affairs and International Cooperation to allow Belgium Judge to investigate in Cambodia on the Case of a Netherland national, Pieter CEULEN, lived in Belgium who was accused of distributing porn movies and rape the Cambodian minors. In response, on 20 May 2013, Rogatory letter of Belgium court allowed Cambodian authority to interview/question instead and this letter was forwarded to Siem Reap Court of the first instance. However, the request to permit
For Cambodia, Ministry of Justice is the central authority for MLA. Referring to Mutual Legal Assistance in Criminal Matters, Ministry of Justice received the request from Belgium Embassy to Thailand through Cambodian Ministry of Foreign Affairs and International Cooperation to allow Belgium Judge to investigate in Cambodia on the Case of

If applicable and available, please provide recent court or other cases

In implementing Mutual Legal Assistance, Cambodia, through Ministry of Justice, has cooperated with other 5 countries, Belgium, Peru, France, Germany, Sweden.

205. Paragraph 14 of article 46

14. Requests shall be made in writing or, where possible, by any means capable of producing a written record, in a language acceptable to the requested State Party, under conditions allowing that State Party to establish authenticity. The Secretary-General of the United Nations shall be notified of the language or languages acceptable to each State Party at the time it deposits its instrument of ratification, acceptance or approval of or accession to this Convention. In urgent circumstances and where agreed by the States Parties, requests may be made orally but shall be confirmed in writing forthwith.

Is your country in compliance with this provision with regard to the communication of requests for mutual legal assistance? (Check one answer)

(P) Yes, in part

Cambodia law and other international instrument which Cambodia is a party comply with this provision.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 51 Mutual Legal Assistance, Article 53 Mutual Legal Assistance Procedure

ASEAN Mutual Legal Assistance in Criminal Matters: ARTICLE 5. FORM OF REQUESTS

Please cite the applicable measure(s) and language(s)

Please cite the text(s)

Please see question 191 referring to paragraphed (46.1).

ASEAN Mutual Legal Assistance in Criminal Matters

ARTICLE 5. FORM OF REQUESTS

1. Requests for assistance shall be made in writing or, where possible, by any means capable of producing a written record under conditions allowing the Requested Party to establish authenticity. In urgent situations and where permitted by the law of the Requested Party, requests may be made orally, but in such cases the requests shall be confirmed in writing within five days.

2. Central Authorities shall deal with the transmission of all requests and any communication related thereto. In urgent situations and where permitted by the
Please see question 191 referring to paragraphed (46.1).

ASEAN Mutual Legal Assistance in Criminal Matters

Please provide examples of implementation.
In implementing Mutual Legal Assistance, Cambodia, through Ministry of Justice, has cooperated with other 5 countries, Belgium, Peru, France, Germany, Sweden.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Cambodia has laws which comply with this provision. Those will be applied if the case occurs. Cambodian is always ready to cooperate.

Has your country notified the Secretary-General of the United Nations as prescribed above? (Check one answer)

(N) No

The Secretary-General would be grateful if Governments would send the aforementioned information to the Chief, Treaty Section, Office of Legal Affairs, Room M-13002, United Nations, 380 Madison Ave, New York, NY 10017 and copy the Secretary of the Conference of the States Parties to the United Nations Convention against Corruption, Corruption and Economic Crime Branch, United Nations Office on Drugs and Crime, Vienna International Centre, P.O. Box 500, 1400 Vienna, Austria (uncac.cop@unodc.org).

Cambodia will write the letter to inform UN on this matter.

206. Paragraphs 15 and 16 of article 46

15. A request for mutual legal assistance shall contain:

(a) The identity of the authority making the request;

(b) The subject matter and nature of the investigation, prosecution or judicial proceeding to which the request relates and the name and functions of the authority conducting the investigation, prosecution or judicial proceeding;

(c) A summary of the relevant facts, except in relation to requests for the purpose of service of judicial documents;

(d) A description of the assistance sought and details of any particular procedure that the requesting State Party wishes to be followed;

(e) Where possible, the identity, location and nationality of any person concerned; and

(f) The purpose for which the evidence, information or action is sought.

16. The requested State Party may request additional information when it appears necessary for the execution of the request in accordance with its domestic law or when it can facilitate such execution.
Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Cambodia law and other international instrument which Cambodia is a party comply with this provision.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 51 Mutual Legal Assistance, Article 53 Mutual Legal Assistance Procedure

ASEAN Mutual Legal Assistance in Criminal Matters: ARTICLE 6 CONTENTS OF REQUESTS

Please cite the applicable measure(s) and types of additional information you may need

Please cite the text(s)

Please see question 191 referring to paragraphed (46.1).

ASEAN Mutual Legal Assistance in Criminal Matters

ARTICLE 6. CONTENTS OF REQUESTS

1. A request for assistance in criminal matters shall contain such information as the Requested Party requires to execute the request, including -

(a) the name of the requesting office and the competent authority conducting the investigation or criminal proceedings to which the request relates;

(b) the purpose of the request and the nature of the assistance sought;

(c) a description of the nature of the criminal matter and its current status, and a statement setting out a summary of the relevant facts and laws;

(d) a description of the offence to which the request relates, including its maximum penalty;

(e) a description of the facts alleged to constitute the offence and a statement or text of the relevant laws;

(f) a description of the essential acts or omissions or matters alleged or sought to be ascertained;

(g) a description of the evidence, information or other assistance sought;

(h) the reasons for and details of any particular procedure or requirement that the Requesting Party wishes to be followed;

(i) specification of any time limit within which compliance with the request is desired;

(j) any special requirements for confidentiality and the reasons for it; and
ARTICLE 6. CONTENTS OF REQUESTS

1. A request for assistance in criminal matters shall contain such information as the Requested Party requires to execute the request, including -

   (a) the name of the requesting office and the competent authority conducting the investigation or criminal proceedings to which the request relates;

   (b) the purpose of the request and the nature of the assistance sought;

   (c) a description of the nature of the criminal matter and its current status, and a statement setting out a summary of the relevant facts and laws;

   (d) a description of the offence to which the request relates, including its maximum penalty;

   (e) a description of the facts alleged to constitute the offence and a statement or text of the relevant laws;

   (f) a description of the essential acts or omissions or matters alleged or sought to be ascertained;

   (g) a description of the evidence, information or other assistance sought;

   (h) the reasons for and details of any particular procedure or requirement that the Requesting Party wishes to be followed;

   (i) specification of any time limit within which compliance with the request is desired;

   (j) any special requirements for confidentiality and the reasons for it; and

   (k) such other information or undertakings as may be required under the domestic laws of the Requested Party or which is otherwise necessary for the effective execution of the request.

Please provide examples of implementation and related cases

In response to the request from Australian Embassy in Phnom Penh on the Cooperation in order to investigate on money laundering offence of the 2 Australian suspects namely THI KIM LOAN NGUYEN and THI LAN TRAN whose Australian government arrested on 23 May 2012 through Ministry of Foreign Affairs and International Cooperation, Ministry of Justice sent this request on 05 December 2012 to Phnom Penh Court of the First Instance to process and feedback to Ministry of Justice promptly to proceed further.
207. Paragraph 17 of article 46

17. A request shall be executed in accordance with the domestic law of the requested State Party and, to the extent not contrary to the domestic law of the requested State Party and where possible, in accordance with the procedures specified in the request.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes
Cambodia law and other international instrument which Cambodia is a party comply with this provision.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 51 Mutual Legal Assistance, Article 53 Mutual Legal Assistance Procedure

ASEAN Mutual Legal Assistance in Criminal Matters: ARTICLE 7. EXECUTION OF REQUESTS

Please cite the applicable policy(ies) or other measure(s)

Please cite the text(s)
Please see question 191 referring to paragraphed (46.1).

ASEAN Mutual Legal Assistance in Criminal Matters

ARTICLE 7. EXECUTION OF REQUESTS

1. Requests for assistance shall be carried out promptly, in the manner provided for by the laws and practices of the Requested Party. Subject to its domestic laws and practices, the Requested Party shall carry out the request in the manner specified by the Requesting Party.

2. The Requested Party shall, if requested to do so and subject to its domestic laws and practices, make all necessary arrangements for the representation of the Requesting Party in the Requested Party in any criminal proceedings arising out of a request for assistance and shall otherwise represent the interests of the Requesting Party.

3. The Requested Party shall respond as soon as possible to reasonable inquiries by the Requesting Party concerning progress toward execution of the request.

4. The Requested Party may ask the Requesting Party to provide information in such form as may be necessary to enable it to execute the request or to undertake any steps which may be necessary under the laws and practices of the Requested Party in order to give effect to the request received from the Requesting Party.

Please provide examples of implementation
In response to the request from Australian Embassy in Phnom Penh on the Cooperation in order to investigate on money laundering offence of the 2 Australian suspects namely THI KIM LOAN NGUYEN and THI LAN TRAN whose Australian government arrested on 23 May 2012 through Ministry of Foreign Affairs and International Cooperation, Ministry of Justice sent this request on 05 December 2012 to Phnom Penh Court of the First Instance to process and feedback to Ministry of Justice promptly to proceed further.

Please provide information on requests executed in ways specified in the request other than those envisaged in your domestic law

Cambodian national law does not state clearly on the procedure in Mutual Legal Assistance so in practice the procedure is taken from what states in the treaties of Mutual Legal Assistance in Criminal Matters in which Cambodia is a party.

208. Paragraph 18 of article 46

18. Whenever possible and consistent with fundamental principles of domestic law, when an individual is in the territory of a State Party and has to be heard as a witness or expert by the judicial authorities of another State Party, the first State Party may, at the request of the other, permit the hearing to take place by video conference if it is not possible or desirable for the individual in question to appear in person in the territory of the requesting State Party. States Parties may agree that the hearing shall be conducted by a judicial authority of the requesting State Party and attended by a judicial authority of the requested State Party.

Does your country permit hearings of individuals mentioned above to take place by video conference as described above? (Check one answer)

(N) No

Please provide an account of your country’s efforts to date to implement the provision under review.

No Cambodian law or MLA in which Cambodia is a party states about this. In practice, the resource to support this is also limited but Cambodia will try to apply this strategy.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review.

Cambodia has not started to apply this strategy yet as resources to support the implementation is limited.

209. Paragraph 19 of article 46

19. The requesting State Party shall not transmit or use information or evidence furnished by the requested State Party in a manner which is contrary to fundamental principles of domestic law.
19. The requesting State Party shall not transmit or use information or evidence furnished by the requested State Party for investigations, prosecutions or judicial proceedings other than those stated in the request without the prior consent of the requested State Party. Nothing in this paragraph shall prevent the requesting State Party from disclosing in its proceedings information or evidence that is exculpatory to an accused person. In the latter case, the requesting State Party shall notify the requested State Party prior to the disclosure and, if so requested, consult with the requested State Party. If, in an exceptional case, advance notice is not possible, the requesting State Party shall inform the requested State Party of the disclosure without delay.

**Is your country in compliance with this provision? (Check one answer.)**

(P) Yes, in part

Cambodia law and other international instrument which Cambodia is a party comply with this provision.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 51 Mutual Legal Assistance, Article 53 Mutual Legal Assistance Procedure

ASEAN Mutual Legal Assistance in Criminal Matters: ARTICLE 8. LIMITATIONS ON USE OF EVIDENCE OBTAINED

**Please cite the applicable measure(s)**

Please cite the text(s)

Please see question 191 referring to paragraphed (46.1).

ASEAN Mutual Legal Assistance in Criminal Matters

**ARTICLE 8. LIMITATIONS ON USE OF EVIDENCE OBTAINED**

1. The Requesting Party shall not, without the consent of the Requested Party and subject to such terms and conditions as the Requested Party considers necessary, use or disclose or transfer information or evidence provided by the Requested Party for purposes other than those stated in the request.

2. Notwithstanding paragraph 1, in cases where the charge is amended, the information or evidence provided may be used, with the prior consent of the Requested Party, in so far as the offence, as charged, is an offence in respect of which mutual legal assistance could be provided under this Treaty, and which is made out by the facts on which the request was made.

**Please provide examples of implementation, including related court or other cases**

There is no case regarding this.

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

Cambodia has laws which comply with this provision. Those will be applied if the case occurs. Cambodian government provides trainings to law enforcement authority to improve their capacity.
210. Paragraph 20 of article 46

20. The requesting State Party may require that the requested State Party keep confidential the fact and substance of the request, except to the extent necessary to execute the request. If the requested State Party cannot comply with the requirement of confidentiality, it shall promptly inform the requesting State Party.

Is your country in compliance with this provision? (Check one answer.)

(P) Yes, in part
Cambodia law and other international instrument which Cambodia is a party comply with this provision.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 51 Mutual Legal Assistance, Article 53 Mutual Legal Assistance Procedure

ASEAN Mutual Legal Assistance in Criminal Matters: ARTICLE 9. PROTECTION OF CONFIDENTIALITY

Please cite the applicable measure(s)
Please cite the text(s)
Please see question 191 referring to paragraphed (46.1).

ASEAN Mutual Legal Assistance in Criminal Matters

ARTICLE 9. PROTECTION OF CONFIDENTIALITY

1. The Requested Party shall, subject to its domestic laws, take all appropriate measures to keep confidential the request for assistance, its contents and its supporting documents, the fact of granting of such assistance and any action taken pursuant to the request. If the request cannot be executed without breaching confidentiality requirements, the Requested Party shall so inform the Requesting Party, which shall then determine whether the request should nevertheless be executed.

2. The Requesting Party shall, subject to its domestic laws, take all appropriate measures to -

(a) keep confidential information and evidence provided by the Requested Party, except to the extent that the evidence and information is needed for the purposes described in the request; and

(b) ensure that the information and evidence is protected against loss and

Please provide examples of implementation and cases in which it was not possible to comply with the requirement of confidentiality
There is no case regarding this.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

   Cambodia has laws which comply with this provision. Those will be applied if the case occurs. Cambodian government provides trainings to law enforcement authority to improve their capacity.

211. Paragraph 21 of article 46

21. Mutual legal assistance may be refused:

   (a) If the request is not made in conformity with the provisions of this article;

   (b) If the requested State Party considers that execution of the request is likely to prejudice its sovereignty, security, ordre public or other essential interests;

   (c) If the authorities of the requested State Party would be prohibited by its domestic law from carrying out the action requested with regard to any similar offence, had it been subject to investigation, prosecution or judicial proceedings under their own jurisdiction;

   (d) If it would be contrary to the legal system of the requested State Party relating to mutual legal assistance for the request to be granted.

   Does your country’s legal system recognize any ground for refusal? (Check one answer)

   (Y) Yes

   Cambodia law and other international instrument which Cambodia is a party comply with this provision.

   Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 51 Mutual Legal Assistance, Article 53 Mutual Legal Assistance Procedure

   ASEAN Mutual Legal Assistance in Criminal Matters: ARTICLE 3. LIMITATIONS ON ASSISTANCE

   Please cite the applicable measure(s)

   Please cite the text(s)

   Please see question 191 referring to paragraphed (46.1).

   ASEAN Mutual Legal Assistance in Criminal Matters

   ARTICLE 3. LIMITATIONS ON ASSISTANCE

   1. The Requested Party shall refuse assistance if, in its opinion -

   (a) the request relates to the investigation, prosecution or punishment of a person for an offence that is, or is by reason of the circumstances in which it is...
ARTICLE 3. LIMITATIONS ON ASSISTANCE

1. The Requested Party shall refuse assistance if, in its opinion -

(a) the request relates to the investigation, prosecution or punishment of a person for an offence that is, or is by reason of the circumstances in which it is alleged to have been committed or was committed, an offence of a political nature;

(b) the request relates to the investigation, prosecution or punishment of a person in respect of an act or omission that, if it had occurred in the Requested Party, would have constituted a military offence under the laws of the Requested Party which is not also an offence under the ordinary criminal law of the Requested Party;

(c) there are substantial grounds for believing that the request was made for the purpose of investigating, prosecuting, punishing or otherwise causing prejudice to a person on account of the person's race, religion, sex, ethnic origin, nationality or political opinions;

(d) the request relates to the investigation, prosecution or punishment of a person for an offence in a case where the person -

   (i) has been convicted, acquitted or pardoned by a competent court or other authority in the Requesting or Requested Party; or

   (ii) has undergone the punishment provided by the law of that Requesting or Requested Party, in respect of that offence or of another offence constituted by the same act or omission as the first-mentioned offence;

(e) the request relates to the investigation, prosecution or punishment of a person in respect of an act or omission that, if it had occurred in the Requested Party, would not have constituted an offence against the laws of the Requested Party except that the Requested Party may provide assistance in the absence of dual criminality if permitted by its domestic laws;

(f) the provision of the assistance would affect the sovereignty, security, public order, public interest or essential interests of the Requested Party;

(g) the Requesting Party fails to undertake that it will be able to comply with a future request of a similar nature by the Requested Party for assistance in a criminal matter;

(h) the Requesting Party fails to undertake that the item requested for will not be used for a matter other than the criminal matter in respect of which the request was made and the Requested Party has not consented to waive such...
ARTICLE 3. LIMITATIONS ON ASSISTANCE

1. The Requested Party shall refuse assistance if, in its opinion -

(a) the request relates to the investigation, prosecution or punishment of a person for an offence that is, or is by reason of the circumstances in which it is alleged to have been committed or was committed, an offence of a political nature;

(b) the request relates to the investigation, prosecution or punishment of a person in respect of an act or omission that, if it had occurred in the Requested Party, would have constituted a military offence under the laws of the Requested Party which is not also an offence under the ordinary criminal law of the Requested Party;

(c) there are substantial grounds for believing that the request was made for the purpose of investigating, prosecuting, punishing or otherwise causing prejudice to a person on account of the person's race, religion, sex, ethnic origin, nationality or political opinions;

(d) the request relates to the investigation, prosecution or punishment of a person for an offence in a case where the person -

   (i) has been convicted, acquitted or pardoned by a competent court or other authority in the Requesting or Requested Party; or

   (ii) has undergone the punishment provided by the law of that Requesting or Requested Party, in respect of that offence or of another offence constituted by the same act or omission as the first-mentioned offence;

(e) the request relates to the investigation, prosecution or punishment of a person in respect of an act or omission that, if it had occurred in the Requested Party, would not have constituted an offence against the laws of the Requested Party except that the Requested Party may provide assistance in the absence of dual

If applicable and available, please provide information on court or other cases in which you refused mutual legal assistance

Belgium government made a request to send its expert to investigate in Cambodia on the murder case of the Belgium couple who were murdered near Preah Vihear Temple in 1994. For this request, Cambodia government could not approve as the court of each country has its own independence and sovereignty on its own territory so the foreigners could not come to investigate. However, this could be permitted in the MLA in Criminal Matters framework.

If applicable and available, please provide information on other cases in which you were refused mutual legal assistance
212. Paragraph 22 of article 46

22. States Parties may not refuse a request for mutual legal assistance on the sole ground that the offence is also considered to involve fiscal matters.

Is your country in compliance with this provision? (Check one answer.)

(P) Yes, in part

Cambodia law and other international instrument which Cambodia is a party comply with this provision.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 51 Mutual Legal Assistance, Article 53 Mutual Legal Assistance Procedure

ASEAN Mutual Legal Assistance in Criminal Matters: ARTICLE 3. LIMITATIONS ON ASSISTANCE

Please cite the applicable measure(s)

Please cite the text(s)

Please see question 191 referring to paragraphed (46.1).

ASEAN Mutual Legal Assistance in Criminal Matters

ARTICLE 3. LIMITATIONS ON ASSISTANCE

1. The Requested Party shall refuse assistance if, in its opinion -

(a) the request relates to the investigation, prosecution or punishment of a person for an offence that is, or is by reason of the circumstances in which it is alleged to have been committed or was committed, an offence of a political nature;

(b) the request relates to the investigation, prosecution or punishment of a person in respect of an act or omission that, if it had occurred in the Requested Party, would have constituted a military offence under the laws of the Requested Party which is not also an offence under the ordinary criminal law of the Requested Party;

(c) there are substantial grounds for believing that the request was made for the purpose of investigating, prosecuting, punishing or otherwise causing prejudice to a person on account of the person's race, religion, sex, ethnic origin, nationality or political opinions;

(d) the request relates to the investigation, prosecution or punishment of a person in relation to an act or omission in respect of which the Requested Party has legal authority to exercise jurisdiction over the person in question.
ARTICLE 3.  LIMITATIONS ON ASSISTANCE

1. The Requested Party shall refuse assistance if, in its opinion -

(a) the request relates to the investigation, prosecution or punishment of a person for an offence that is, or is by reason of the circumstances in which it is alleged to have been committed or was committed, an offence of a political nature;

(b) the request relates to the investigation, prosecution or punishment of a person in respect of an act or omission that, if it had occurred in the Requested Party, would have constituted a military offence under the laws of the Requested Party which is not also an offence under the ordinary criminal law of the Requested Party;

(c) there are substantial grounds for believing that the request was made for the purpose of investigating, prosecuting, punishing or otherwise causing prejudice to a person on account of the person's race, religion, sex, ethnic origin, nationality or political opinions;

(d) the request relates to the investigation, prosecution or punishment of a person for an offence in a case where the person -

   (i) has been convicted, acquitted or pardoned by a competent court or other authority in the Requesting or Requested Party; or

   (ii) has undergone the punishment provided by the law of that Requesting or Requested Party, in respect of that offence or of another offence constituted by the same act or omission as the first-mentioned offence;

(e) the request relates to the investigation, prosecution or punishment of a person in respect of an act or omission that, if it had occurred in the Requested Party, would not have constituted an offence against the laws of the Requested Party except that the Requested Party may provide assistance in the absence of dual criminality if permitted by its domestic laws;

(f) the provision of the assistance would affect the sovereignty, security, public order, public interest or essential interests of the Requested Party;

(g) the Requesting Party fails to undertake that it will be able to comply with a future request of a similar nature by the Requested Party for assistance in a criminal matter;

(h) the Requesting Party fails to undertake that the item requested for will not be used for a matter other than the criminal matter in respect of which the request was made and the Requested Party has not consented to waive such
Please see question 191 referring to paragraphed (46.1).

ASEAN Mutual Legal Assistance in Criminal Matters

ARTICLE 3. LIMITATIONS ON ASSISTANCE

1. The Requested Party shall refuse assistance if, in its opinion -

(a) the request relates to the investigation, prosecution or punishment of a person for an offence that is, or is by reason of the circumstances in which it is alleged to have been committed or was committed, an offence of a political nature;

(b) the request relates to the investigation, prosecution or punishment of a person in respect of an act or omission that, if it had occurred in the Requested Party, would have constituted a military offence under the laws of the Requested Party which is not also an offence under the ordinary criminal law of the Requested Party;

(c) there are substantial grounds for believing that the request was made for the purpose of investigating, prosecuting, punishing or otherwise causing prejudice to a person on account of the person's race, religion, sex, ethnic origin, nationality or political opinions:

Please provide examples of implementation
There is no case regarding this.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Cambodia has laws which comply with this provision. Those will be applied if the case occurs. Cambodia will try to sign more agreement on this matter.

213. Paragraph 23 of article 46

23. Reasons shall be given for any refusal of mutual legal assistance.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes
Cambodia law and other international instrument which Cambodia is a party comply with this provision.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 51 Mutual Legal Assistance, Article 53 Mutual Legal Assistance Procedure
Cambodia law and other international instrument which Cambodia is a party comply with this provision.

Please cite the applicable measure(s)

Please cite the text(s)

Please see question 191 referring to paragraphed (46.1).

ASEAN Mutual Legal Assistance in Criminal Matters

ARTICLE 3. LIMITATIONS ON ASSISTANCE

1. The Requested Party shall refuse assistance if, in its opinion -

   (a) the request relates to the investigation, prosecution or punishment of a person for an offence that is, or is by reason of the circumstances in which it is alleged to have been committed or was committed, an offence of a political nature;

   (b) the request relates to the investigation, prosecution or punishment of a person in respect of an act or omission that, if it had occurred in the Requested Party, would have constituted a military offence under the laws of the Requested Party which is not also an offence under the ordinary criminal law of the Requested Party;

   (c) there are substantial grounds for believing that the request was made for the purpose of investigating, prosecuting, punishing or otherwise causing prejudice to a person on account of the person's race, religion, sex, ethnic origin, nationality or political opinions;

   (d) the request relates to the investigation, prosecution or punishment of a person for an offence in a case where the person -

      (i) has been convicted, acquitted or pardoned by a competent court or other authority in the Requesting or Requested Party; or

      (ii) has undergone the punishment provided by the law of that Requesting or Requested Party, in respect of that offence or of another offence constituted by the same act or omission as the first-mentioned offence;

   (e) the request relates to the investigation, prosecution or punishment of a person in respect of an act or omission that, if it had occurred in the Requested Party, would not have constituted an offence against the laws of the Requested Party except that the Requested Party may provide assistance in the absence of dual criminality if permitted by its domestic laws;

   (f) the provision of the assistance would affect the sovereignty, security, public order, public interest or essential interests of the Requested Party;

   (g) the Requesting Party fails to undertake that it will be able to comply with a future request of a similar nature by the Requested Party for assistance in a
ARTICLE 3. LIMITATIONS ON ASSISTANCE

1. The Requested Party shall refuse assistance if, in its opinion -

   (a) the request relates to the investigation, prosecution or punishment of a person for an offence that is, or is by reason of the circumstances in which it is alleged to have been committed or was committed, an offence of a political nature;

   (b) the request relates to the investigation, prosecution or punishment of a person in respect of an act or omission that, if it had occurred in the Requested Party, would have constituted a military offence under the laws of the Requested Party which is not also an offence under the ordinary criminal law of the Requested Party;

   (c) there are substantial grounds for believing that the request was made for the purpose of investigating, prosecuting, punishing or otherwise causing prejudice to a person on account of the person's race, religion, sex, ethnic origin, nationality or political opinions;

   (d) the request relates to the investigation, prosecution or punishment of a person for an offence in a case where the person -

      (i) has been convicted, acquitted or pardoned by a competent court or other authority in the Requesting or Requested Party; or

      (ii) has undergone the punishment provided by the law of that Requesting or Requested Party, in respect of that offence or of another offence constituted by the same act or omission as the first-mentioned offence;

   (e) the request relates to the investigation, prosecution or punishment of a person in respect of an act or omission that, if it had occurred in the Requested Party, would not have constituted an offence against the laws of the Requested Party except that the Requested Party may provide assistance in the absence of dual criminality if permitted by its domestic laws;

   (f) the provision of the assistance would affect the sovereignty, security, public order, public interest or essential interests of the Requested Party;

   (g) the Requesting Party fails to undertake that it will be able to comply with a future request of a similar nature by the Requested Party for assistance in a criminal matter;

   (h) the Requesting Party fails to undertake that the item requested for will not be used for a matter other than the criminal matter in respect of which the request was made and the Requested Party has not consented to waive such
Please see question 191 referring to paragraphed (46.1).

**ASEAN Mutual Legal Assistance in Criminal Matters**

Please provide examples of implementation, including related court or other cases
For Cambodia, Ministry of Justice is the central authority for MLA. Referring to Mutual Legal Assistance in Criminal Matters, Ministry of Justice received the request from Belgium Embassy to Thailand through Cambodian Ministry of Foreign Affairs and International Cooperation to allow Belgium Judge to investigate in Cambodia on the Case of a Netherland national, Pieter CEULEN, lived in Belgium who was accused of distributing porn movies and rape the Cambodian minors. In response, on 20 May 2013, Rogatory letter of Belgium court allowed Cambodian authority to interview/question instead and this letter was forwarded to Siem Reap Court of the first instance. However, the request to permit Belgium expert to investigate in Cambodia is not granted as the court of each country has their own sovereignty so the foreigners are not permitted to investigate in Cambodia territory.

214. **Paragraph 24 of article 46**

24. The requested State Party shall execute the request for mutual legal assistance as soon as possible and shall take as full account as possible of any deadlines suggested by the requesting State Party and for which reasons are given, preferably in the request. The requesting State Party may make reasonable requests for information on the status and progress of measures taken by the requested State Party to satisfy its request. The requested State Party shall respond to reasonable requests by the requesting State Party on the status, and progress in its handling, of the request. The requesting State Party shall promptly inform the requested State Party when the assistance sought is no longer required.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(Y) Yes

Cambodia law and other international instrument which Cambodia is a party comply with this provision.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 51 Mutual Legal Assistance, Article 53 Mutual Legal Assistance Procedure

ASEAN Mutual Legal Assistance in Criminal Matters: **ARTICLE 7. EXECUTION OF REQUESTS**

*Please cite the applicable measure(s)*

*Please cite the text(s)*

Please see question 191 referring to paragraphed (46.1).

**ASEAN Mutual Legal Assistance in Criminal Matters**

**ARTICLE 7. EXECUTION OF REQUESTS**

1. Requests for assistance shall be carried out promptly, in the manner provided for
ARTICLE 7. EXECUTION OF REQUESTS

1. Requests for assistance shall be carried out promptly, in the manner provided for by the laws and practices of the Requested Party. Subject to its domestic laws and practices, the Requested Party shall carry out the request in the manner specified by the Requesting Party.

2. The Requested Party shall, if requested to do so and subject to its domestic laws and practices, make all necessary arrangements for the representation of the Requesting Party in the Requested Party in any criminal proceedings arising out of a request for assistance and shall otherwise represent the interests of the Requesting Party.

3. The Requested Party shall respond as soon as possible to reasonable inquiries by the Requesting Party, in the manner provided for by its laws and practices.

Please provide examples of implementation and related cases
In response to the request from Australian Embassy in Phnom Penh on the cooperation in order to investigate on money laundering offence of the 2 Australian suspects namely THI KIM LOAN NGUYEN and THI LAN TRAN whose Australian government arrested on 23 May 2012 through Ministry of Foreign Affairs and International Cooperation, Ministry of Justice sent this request on 05 December 2012 to Phnom Penh Court of the First Instance to process and feedback to Ministry of Justice promptly to proceed further.

Please provide information on the customary length of time between receiving requests for mutual legal assistance and responding to them
In general, after the time of getting the MLA request, the response to this could be more than 3 months.

215. Paragraph 25 of article 46

25. Mutual legal assistance may be postponed by the requested State Party on the ground that it interferes with an ongoing investigation, prosecution or judicial proceeding.

Is your country in compliance with this provision? (Check one answer.)

(P) Yes, in part
Cambodia law and other international instrument which Cambodia is a party comply with this provision.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17
Cambodia law and other international instrument which Cambodia is a party comply with this provision.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 51 Mutual Legal Assistance, Article 53 Mutual Legal Assistance Procedure

Please cite the applicable measure(s)

Please cite the text(s)

Please see question 191 referring to paragraphed (46.1).

ASEAN Mutual Legal Assistance in Criminal Matters

ARTICLE 3. LIMITATIONS ON ASSISTANCE

1. The Requested Party shall refuse assistance if, in its opinion -

   (a) the request relates to the investigation, prosecution or punishment of a person for an offence that is, or is by reason of the circumstances in which it is alleged to have been committed or was committed, an offence of a political nature;

   (b) the request relates to the investigation, prosecution or punishment of a person in respect of an act or omission that, if it had occurred in the Requested Party, would have constituted a military offence under the laws of the Requested Party which is not also an offence under the ordinary criminal law of the Requested Party;

   (c) there are substantial grounds for believing that the request was made for the purpose of investigating, prosecuting, punishing or otherwise causing prejudice to a person on account of the person's race, religion, sex, ethnic origin, nationality or political opinions;

   (d) the request relates to the investigation, prosecution or punishment of a person for an offence in a case where the person -

      (i) has been convicted, acquitted or pardoned by a competent court or other authority in the Requesting or Requested Party; or

      (ii) has undergone the punishment provided by the law of that Requesting or Requested Party, in respect of that offence or of another offence constituted by the same act or omission as the first-mentioned offence;

   (e) the request relates to the investigation, prosecution or punishment of a person in respect of an act or omission that, if it had occurred in the Requested Party, would not have constituted an offence against the laws of the Requested Party except that the Requested Party may provide assistance in the absence of dual criminality if permitted by its domestic laws;

   (f) the provision of the assistance would affect the sovereignty, security, public order, public interest or essential interests of the Requested Party;
ARTICLE 3. LIMITATIONS ON ASSISTANCE

1. The Requested Party shall refuse assistance if, in its opinion -

(a) the request relates to the investigation, prosecution or punishment of a person for an offence that is, or is by reason of the circumstances in which it is alleged to have been committed or was committed, an offence of a political nature;

(b) the request relates to the investigation, prosecution or punishment of a person in respect of an act or omission that, if it had occurred in the Requested Party, would have constituted a military offence under the laws of the Requested Party which is not also an offence under the ordinary criminal law of the Requested Party;

(c) there are substantial grounds for believing that the request was made for the purpose of investigating, prosecuting, punishing or otherwise causing prejudice to a person on account of the person's race, religion, sex, ethnic origin, nationality or political opinions;

(d) the request relates to the investigation, prosecution or punishment of a person for an offence in a case where the person -

   (i) has been convicted, acquitted or pardoned by a competent court or other authority in the Requesting or Requested Party; or

   (ii) has undergone the punishment provided by the law of that Requesting or Requested Party, in respect of that offence or of another offence constituted by the same act or omission as the first-mentioned offence;

(e) the request relates to the investigation, prosecution or punishment of a person in respect of an act or omission that, if it had occurred in the Requested Party, would not have constituted an offence against the laws of the Requested Party except that the Requested Party may provide assistance in the absence of dual criminality if permitted by its domestic laws;

(f) the provision of the assistance would affect the sovereignty, security, public order, public interest or essential interests of the Requested Party;

(g) the Requesting Party fails to undertake that it will be able to comply with a future request of a similar nature by the Requested Party for assistance in a criminal matter;

(h) the Requesting Party fails to undertake that the item requested for will not be used for a matter other than the criminal matter in respect of which the request was made and the Requested Party has not consented to waive such use.
Please see question 191 referring to paragraphed (46.1).

ASEAN Mutual Legal Assistance in Criminal Matters

ARTICLE 3.  LIMITATIONS ON ASSISTANCE

Please provide information on cases in which you postponed the provision of mutual legal assistance on the ground that it interfered with an ongoing investigation, prosecution or judicial proceeding.

In the process of requesting MLA, MLA could be postponed by the requested state for the reason that it interferes with the investigation task, trial, and criminal proceedings. However, this case does not occur in Cambodia yet.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Cambodia has laws which comply with this provision. Those will be applied if the case occurs.

216. Paragraph 26 of article 46

26. Before refusing a request pursuant to paragraph 21 of this article or postponing its execution pursuant to paragraph 25 of this article, the requested State Party shall consult with the requesting State Party to consider whether assistance may be granted subject to such terms and conditions as it deems necessary. If the requesting State Party accepts assistance subject to those conditions, it shall comply with the conditions.

Is your country in compliance with this provision? (Check one answer.)

(P) Yes, in part

Cambodia law and other international instrument which Cambodia is a party comply with this provision.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 51 Mutual Legal Assistance, Article 53 Mutual Legal Assistance Procedure

ASEAN Mutual Legal Assistance in Criminal Matters: ARTICLE 3. LIMITATIONS ON ASSISTANCE

Please cite the applicable measure(s)

Please cite the text(s)

Please see question 191 referring to paragraphed (46.1).

ASEAN Mutual Legal Assistance in Criminal Matters

ARTICLE 3. LIMITATIONS ON ASSISTANCE
ARTICLE 3. LIMITATIONS ON ASSISTANCE

1. The Requested Party shall refuse assistance if, in its opinion -

(a) the request relates to the investigation, prosecution or punishment of a person for an offence that is, or is by reason of the circumstances in which it is alleged to have been committed or was committed, an offence of a political nature;

(b) the request relates to the investigation, prosecution or punishment of a person in respect of an act or omission that, if it had occurred in the Requested Party, would have constituted a military offence under the laws of the Requested Party which is not also an offence under the ordinary criminal law of the Requested Party;

(c) there are substantial grounds for believing that the request was made for the purpose of investigating, prosecuting, punishing or otherwise causing prejudice to a person on account of the person's race, religion, sex, ethnic origin, nationality or political opinions;

(d) the request relates to the investigation, prosecution or punishment of a person for an offence in a case where the person -

(i) has been convicted, acquitted or pardoned by a competent court or other authority in the Requesting or Requested Party; or

(ii) has undergone the punishment provided by the law of that Requesting or Requested Party, in respect of that offence or of another offence constituted by the same act or omission as the first-mentioned offence;

(e) the request relates to the investigation, prosecution or punishment of a person in respect of an act or omission that, if it had occurred in the Requested Party, would not have constituted an offence against the laws of the Requested Party except that the Requested Party may provide assistance in the absence of dual criminality if permitted by its domestic laws;

(f) the provision of the assistance would affect the sovereignty, security, public order, public interest or essential interests of the Requested Party;

(g) the Requesting Party fails to undertake that it will be able to comply with a future request of a similar nature by the Requested Party for assistance in a criminal matter;

(h) the Requesting Party fails to undertake that the item requested for will not be used for a matter other than the criminal matter in respect of which the request was made and the Requested Party has not consented to waive such
ARTICLE 3. LIMITATIONS ON ASSISTANCE

1. The Requested Party shall refuse assistance if, in its opinion -

(a) the request relates to the investigation, prosecution or punishment of a person for an offence that is, or is by reason of the circumstances in which it is alleged to have been committed or was committed, an offence of a political nature;

(b) the request relates to the investigation, prosecution or punishment of a person in respect of an act or omission that, if it had occurred in the Requested Party, would have constituted a military offence under the laws of the Requested Party which is not also an offence under the ordinary criminal law of the Requested Party;

(c) there are substantial grounds for believing that the request was made for the purpose of investigating, prosecuting, punishing or otherwise causing prejudice to a person on account of the person's race, religion, sex, ethnic origin, nationality or political opinions;

(d) the request relates to the investigation, prosecution or punishment of a person for an offence in a case where the person -

(i) has been convicted, acquitted or pardoned by a competent court or other authority in the Requesting or Requested Party; or

(ii) has undergone the punishment provided by the law of that Requesting or Requested Party, in respect of that offence or of another offence constituted by the same act or omission as the first-mentioned offence;

(e) the request relates to the investigation, prosecution or punishment of a person in respect of an act or omission that, if it had occurred in the Requested Party, would not have constituted an offence against the laws of the Requested Party except that the Requested Party may provide assistance in the absence of dual criminality if permitted by its domestic laws;

(f) the provision of the assistance would affect the sovereignty, security, public order, public interest or essential interests of the Requested Party;

Please provide examples of implementation, related cases, and ways in which they were handled
There is no case regarding this.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.
Cambodia has laws which comply with this provision. Those will be applied if the case occurs.

217. Paragraph 27 of article 46

27. Without prejudice to the application of paragraph 12 of this article, a witness, expert or other person who, at the request of the requesting State Party, consents to give evidence in a proceeding or to assist in an investigation, prosecution or judicial proceeding in the territory of the requesting State Party shall not be prosecuted, detained, punished or subjected to any other restriction of his or her personal liberty in that territory in respect of acts, omissions or convictions prior to his or her departure from the territory of the requested State Party. Such safe conduct shall cease when the witness, expert or other person having had, for a period of fifteen consecutive days or for any period agreed upon by the States Parties from the date on which he or she has been officially informed that his or her presence is no longer required by the judicial authorities, an opportunity of leaving, has nevertheless remained voluntarily in the territory of the requesting State Party or, having left it, has returned of his or her own free will.

Is your country in compliance with this provision? (Check one answer.)

(P) Yes, in part

Cambodia law and other international instrument which Cambodia is a party comply with this provision.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 51 Mutual Legal Assistance, Article 53 Mutual Legal Assistance Procedure

ASEAN Mutual Legal Assistance in Criminal Matters: ARTICLE 16. SAFE CONDUCT

Please cite the applicable measure(s)

Please cite the text(s)

Please see question 191 referring to paragraphed (46.1).

ASEAN Mutual Legal Assistance in Criminal Matters

ARTICLE 16. SAFE CONDUCT

1. Subject to paragraph 2, where a person is present in the Requesting Party pursuant to a request made under Article 14 or 15 of this Treaty -

(a) that person shall not be detained, prosecuted, punished or subjected to any other restriction of personal liberty in the Requesting Party in respect of any acts or omissions or convictions for any offence against the law of the Requesting Party that is alleged to have been committed, or that was committed, before the person's departure from the Requested Party;

(b) that person shall not, without that person's consent, be required to give evidence in any criminal matter in the Requesting Party other than the criminal matter to which the request relates.
ARTICLE 16.  SAFE CONDUCT

1. Subject to paragraph 2, where a person is present in the Requesting Party pursuant to a request made under Article 14 or 15 of this Treaty -

(a) that person shall not be detained, prosecuted, punished or subjected to any other restriction of personal liberty in the Requesting Party in respect of any acts or omissions or convictions for any offence against the law of the Requesting Party that is alleged to have been committed, or that was committed, before the person's departure from the Requested Party;

(b) that person shall not, without that person's consent, be required to give evidence in any criminal matter in the Requesting Party other than the criminal matter to which the request relates; or

Please provide examples of implementation, including related court or other cases

The Case of CFF

A Cambodian citizen with American national resided in the United States of America was the mastermind of the movement to overthrow the Royal Government of Cambodia by distributing the funding to the CFF. The court of the United States of America gave sentence to the accused for a life imprisonment and in the process of trial, Cambodia sent the representatives of the Royal Government from the Ministry of Justice and Ministry of Interior to provide the testimony and other legal assistance to the United States of America through the evidences, and Cambodian national witnesses giving the testimony in the court in U.S.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Cambodia has laws which comply with this provision. Those will be applied if the case occurs.

218. Paragraph 28 of article 46

28. The ordinary costs of executing a request shall be borne by the requested State Party, unless otherwise agreed by the States Parties concerned. If expenses of a substantial or extraordinary nature are or will be required to fulfill the request, the States Parties shall consult to determine the terms and conditions under which the request will be executed, as well as the manner in which the costs shall be borne.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes
Cambodia law and other international instrument which Cambodia is a party comply with this provision.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 51 Mutual Legal Assistance, Article 53 Mutual Legal Assistance Procedure

ASEAN Mutual Legal Assistance in Criminal Matters: ARTICLE 25. Costs

*Please cite the applicable policy(ies) or other measure(s)*

*Please cite the text(s)*

Please see question 191 referring to paragraphed (46.1).

**ASEAN Mutual Legal Assistance in Criminal Matters**

**ARTICLE 25. COSTS**

1. The Requested Party shall assume all ordinary expenses of fulfilling the request for assistance except that the Requesting Party shall bear -

   (a) the fees of counsel retained at the request of the Requesting Party;

   (b) the fees and expenses of expert witnesses;

   (c) the costs of translation, interpretation and transcription;

   (d) the expenses associated with conveying any person to or from the territory of the Requested Party and the fees, allowances and expenses payable to the person concerned while that person is in the Requesting Party pursuant to a request made under Article 14 or 15 of this Treaty; and

   (e) the expenses associated with conveying custodial or escorting officers.

2. The cost of establishing live video or television links or other appropriate communications facilities, the costs related to the servicing of live video or television links or other appropriate communications facilities, the remuneration of interpreters provided by the Requested Party and allowances to witnesses and their traveling expenses in the Requested Party shall be refunded by the Requesting Party to the Requested Party, unless the Parties mutually agree otherwise.

3. If during the execution of the request it becomes apparent that expenses of an

*Please provide examples of arrangements related to such costs.*

In implementing Mutual Legal Assistance, Cambodia, through Ministry of Justice, has cooperated with other 5 countries, Belgium, Peru, France, Germany, Sweden. All those cases, the cost is implemented according to this MLA.
219. Subparagraph 29 (a) of article 46

29. The requested State Party:

(a) Shall provide to the requesting State Party copies of government records, documents or information in its possession that under its domestic law are available to the general public;

Is your country in compliance with this provision? (Check one answer.)

(P) Yes, in part
Cambodia law and other international instrument which Cambodia is a party comply with this provision.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 51 Mutual Legal Assistance, Article 53 Mutual Legal Assistance Procedure

ASEAN Mutual Legal Assistance in Criminal Matters: ARTICLE 13. PROVISION OF PUBLICLY AVAILABLE DOCUMENTS AND OTHER RECORDS

Please cite the applicable measure(s)

Please cite the text(s)
Please see question 191 referring to paragraphed (46.1).

ASEAN Mutual Legal Assistance in Criminal Matters

ARTICLE 13. PROVISION OF PUBLICLY AVAILABLE DOCUMENTS AND OTHER RECORDS

1. The Requested Party shall provide to the Requesting Party copies of publicly available documents or records in the possession of government departments and agencies.

2. The Requested Party may, subject to its domestic laws and practices, provide the Requesting Party with copies of any documents or records in the possession of government departments and agencies that are not publicly available. The Requested Party may in its discretion deny entirely or in part a request pursuant

Please provide examples of implementation
There is no case regarding this.

If available, please provide information on how such records, documents or information can be obtained and how they were provided to the requesting State Party
There is no case regarding this.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.
Cambodia has laws which comply with this provision. Those will be applied if the case occurs.
220. Subparagraph 29 (b) of article 46

29. The requested State Party:
...
(b) May, at its discretion, provide to the requesting State Party in whole, in part or subject to such conditions as it deems appropriate, copies of any government records, documents or information in its possession that under its domestic law are not available to the general public.

Is your country in compliance with this provision? (Check one answer.)
(P) Yes, in part
Cambodia law and other international instrument which Cambodia is a party comply with this provision.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 51 Mutual Legal Assistance, Article 53 Mutual Legal Assistance Procedure

ASEAN Mutual Legal Assistance in Criminal Matters: ARTICLE 13. PROVISION OF PUBLICLY AVAILABLE DOCUMENTS AND OTHER RECORDS

Please cite the applicable measure(s)
Please cite the text(s)
Please see question 191 referring to paragraphed (46.1).

ASEAN Mutual Legal Assistance in Criminal Matters

ARTICLE 13. PROVISION OF PUBLICLY AVAILABLE DOCUMENTS AND OTHER RECORDS

1. The Requested Party shall provide to the Requesting Party copies of publicly available documents or records in the possession of government departments and agencies.

2. The Requested Party may, subject to its domestic laws and practices, provide the Requesting Party with copies of any documents or records in the possession of government departments and agencies that are not publicly available. The Requested Party may in its discretion deny entirely or in part a request pursuant

Please provide examples of cases where such information was provided.
There is no case regarding this.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.
Cambodia has laws which comply with this provision. Those will be applied if the case occurs. Cambodia will try to sign more treaties on this.
221. Paragraph 30 of article 46

30. States Parties shall consider, as may be necessary, the possibility of concluding bilateral or multilateral agreements or arrangements that would serve the purposes of, give practical effect to, or enhance the provisions of this article.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Please cite the applicable bilateral or multilateral agreement(s) or arrangement(s) or other measure(s)

Please cite the text(s)

In this context, Cambodia has signed the bilateral and multilateral treaties and there are some measures such as:

- Cambodian Penal Code
- Cambodian Code of Criminal Procedure
- Cambodian Civil Code
- Cambodian code of Civil Procedure
- Cambodian Anti-corruption Law
- ASEAN Mutual Legal Assistance in Criminal Matters
- Memorandum of understanding between the Anti-corruption Bureau of Brunei Darussalam, the Corruption Eradication Commission of the Republic of Indonesia, the Anti-corruption Agency of Malaysia, and the Corrupt Practices Investigation Bureau of the Republic of Singapore on cooperation for preventing and combating corruption
- Memorandum of understanding on the Cooperation between Ministry of Interior of Cambodia and Ministry of Public Security of People's Republic of China
- Memorandum of Understanding on The Exchange of Information related to Money laundering and terrorism financing (MOU) between Cambodian Financial Intelligence Unit (CAFIU) and Bank Negara Malaysia dated on 03 April 2009, and MOU between CAFIU and Srilankar dated on 26 October 2009, and MOU between CAFIU and Bangladesh dated on 26 October 2009, and MOU between CAFIU and Japan dated on 19 July 2011, and MOU between CAFIU and State Bank of Vietnam dated on 28 March 2012.

Please provide examples of implementation.

Cambodian Government received the request from Australian Government on the 2 suspects namely THI KIM NGUYEN and THI LAN TRAN on money laundering offence.

Cambodian Government permitted Belgium Government to have the rights to send
Cambodian Government received the request from Australian Government on the 2 suspects namely THI KIM NGUYEN and THI LAN TRAN on money laundering offence.

222. Technical Assistance
The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)
(Y) Yes

Which challenges are you facing in (fully) adopting/implementing the article under review? (Check all the answers that apply and provide an explanation in the "Comments" field)
(NONE) None

Which of the following forms of technical assistance, if available, would assist your country in (fully) implementing the article under review? (Check all the answers that apply)
(OTHER) Other assistance (please specify)
- Arrange the workshop to exchange the experience on MLA in Criminal matters in the regional and international levels.

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

47. Transfer of criminal proceedings
223. Article 47
States Parties shall consider the possibility of transferring to one another proceedings for the prosecution of an offence established in accordance with this Convention in cases where such transfer is considered to be in the interests of the proper administration of justice, in particular in cases where several jurisdictions are involved, with a view to concentrating the prosecution.

Has your country adopted and implemented the measures described above? (Check one answer.)
(N) No
At the present, Cambodian law or regulation does not stipulate about the transfer of criminal proceedings in which including the corruption offence, but Cambodian laws stipulate about mutual legal assistance (article 51 of anti-corruption law) and there is Treaty on Mutual legal assistance in criminal matters.
Please provide an account of your country’s efforts to date to implement the provision under Anti-corruption law (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 51: Mutual Legal Assistance
In the case of corruption offences, the court authority of the Kingdom of Cambodia may delegate power to competent court authority of any foreign state and may also obtain power from court authority of any foreign state, in order to:

1. Collect evidence/proof or answer/response through court means.
2. Inform about documents of the court.
4. Examine objects and crime scene.
5. Provide information and exhibit.
6. Issue original process-verbal or its authentic copies and dossier, including bank statement, accounting transactions, records of concerned institution, records of concerned company and trade records, as well as authentic and private documents;
7. Identify or provide expert witnesses and others, including detainees who agree to assist in the investigation or participate in the legal proceedings.
8. Identify or seek resources, property, equipment, and materials that derive from offence and offence means.
9. Place under temporary holding the products and properties obtained from corruption offences as well as equipment, materials being used or kept for committing offences.
10. Enforce the decision of confiscation, seizure or repatriation of products, properties, equipment, material derived from offence.
11. Order to confiscate all objects as stated above.
12. Inform about the criminal charge

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review

Cambodia will draft the bill on “Transfer of Criminal Proceedings”.

224. Technical Assistance
The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)
(Y) Yes

Which challenges are you facing in (fully) adopting/implementing the article under review? (Check all the answers that apply and provide an explanation in the ”Comments” field)
(MYSYS) Specificities in our legal system

Which of the following forms of technical assistance, if available, would assist your country in (fully) implementing the article under review? (Check all the answers that apply)
48. Law enforcement cooperation

225. Subparagraph 1 (a) of article 48

1. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. States Parties shall, in particular, take effective measures:

(a) To enhance and, where necessary, to establish channels of communication between their competent authorities, agencies and services in order to facilitate the secure and rapid exchange of information concerning all aspects of the offences covered by this Convention, including, if the States Parties concerned deem it appropriate, links with other criminal activities;

Has your country adopted and implemented the measures described above? (Check one answer.)

(P) Yes, in part

On legal cooperation which is included the exchange of information and other cooperation relevant to the offence, some Cambodian legislations comply with this.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 52 Cambodians holding more than one nationality, article 53 Mutual Legal Assistance Procedure

Law on Anti-money laundering and combating the financing of terrorism (Promulgated by Royal Kram No. NS/RKM/0607/014 dated 24 June 2007): Article 25 Relationships with Foreign FIU

ASEAN Mutual Legal Assistance in Criminal Matters: Article 1 SCOPE OF ASSISTANCE

SEA-PAC: Article 2 Areas of Cooperation

Memorandum of Understanding between the Cambodia Financial Intelligence Unit and National Police General Commissariat of Ministry of Interior on the Exchange of Financial Information dated on 22 December 2011

Please cite the applicable measure(s)

Please cite the text(s)

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 52: Cambodians holding more than one nationality
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

**Article 52: Cambodians holding more than one nationality**

Anti-Corruption Institution and competent authorities concerned have obligation to seek international cooperation and mutual legal assistance in terms of the property’s status of Cambodians holding more than one nationality.

**Article 53: Mutual Legal Assistance Procedure**

Procedures for Implementing mutual legal assistance shall be in agreement with the principles stated in treaties or bilateral and multi-lateral agreement, and national law in force.

Law on Anti-money laundering and combating the financing of terrorism (Promulgated by Royal Kram No. NS/RKM/0607/014 dated 24 June 2007)

**Article 25.- Relationships with Foreign FIU**

1. The FIU may, subject to a reciprocal arrangement, exchange information with foreign FIU, provided that they are subject to similar requirements of confidentiality and irrespective of the nature of those units. It may, for that purpose, conclude cooperation agreements with such units.

2. Upon receipt of a request for information or transmission from a counterpart foreign FIU, it shall comply with that request within the scope of the powers conferred upon it by the present Law.

**ASEAN Mutual Legal Assistance in Criminal Matters**

**ARTICLE 1. SCOPE OF ASSISTANCE**

1. The Parties shall, in accordance with this Treaty and subject to their respective domestic laws, render to one another the widest possible measure of mutual legal assistance in criminal matters, namely investigations, prosecutions and resulting proceedings.

2. Mutual assistance to be rendered in accordance with this Treaty may include:

   (a) taking of evidence or obtaining voluntary statements from persons;

   (b) making arrangements for persons to give evidence or to assist in criminal matters;

   (c) effecting service of judicial documents;
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 52: Cambodians holding more than one nationality

Anti-Corruption Institution and competent authorities concerned have obligation to seek international cooperation and mutual legal assistance in terms of the property’s status of Cambodians holding more than one nationality.

Article 53: Mutual Legal Assistance Procedure

Procedures for Implementing mutual legal assistance shall be in agreement with the principles stated in treaties or bilateral and multi-lateral agreement, and national law in force.

Law on Anti-money laundering and combating the financing of terrorism (Promulgated by Royal Kram No. NS/RKM/0607/014 dated 24 June 2007)

Article 25.- Relationships with Foreign FIU

1. The FIU may, subject to a reciprocal arrangement, exchange information with foreign FIU, provided that they are subject to similar requirements of confidentially and irrespective of the nature of those units. It may, for that purpose, conclude cooperation agreements with such units.

2. Upon receipt of a request for information or transmission from a counterpart foreign FIU, it shall comply with that request within the scope of the powers conferred upon it by the present Law.

ASEAN Mutual Legal Assistance in Criminal Matters

ARTICLE 1. SCOPE OF ASSISTANCE

1. The Parties shall, in accordance with this Treaty and subject to their respective domestic laws, render to one another the widest possible measure of mutual legal assistance in criminal matters, namely investigations, prosecutions and resulting proceedings.

2. Mutual assistance to be rendered in accordance with this Treaty may include:

   (a) taking of evidence or obtaining voluntary statements from persons;

   (b) making arrangements for persons to give evidence or to assist in criminal matters;

   (c) effecting service of judicial documents;

   (d) executing searches and seizures;
Please provide examples of implementation
There are 3 cases regarding this.

Do you have a database through which information can be shared?
Database system which could share the information, especially the general information, can be found at the ministries through website and printed news bulletin etc.
Website of Ministry of Interior:  [www.moi.gov.kh](http://www.moi.gov.kh)
Website of Ministry of Justice:  [www.moj.gov.kh](http://www.moj.gov.kh)
Website of Anti-corruption Unit:  [www.acu.gov.kh](http://www.acu.gov.kh)

If available, please provide examples of recent cases in which your law enforcement authorities have exchanged information with those of other State Parties for offences covered by this Convention (please describe the aspects of such offences covered by information exchanges)
There is no case regarding this.
If applicable, please provide information on exchange of information for recent cases involving other criminal activities
There is no case regarding this.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.
Cambodia has law and legislation which can be applied if there is any case occur.

226. Subparagraph 1 (b) of article 48

1. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. States Parties shall, in particular, take effective measures:

   ... (b) To cooperate with other States Parties in conducting inquiries with respect to offences covered by this Convention concerning:

   (i) The identity, whereabouts and activities of persons suspected of involvement in such offences or the location of other persons concerned;

   (ii) The movement of proceeds of crime or property derived from the commission of such offences;

   (iii) The movement of property, equipment or other instrumentalities used or intended for use in the commission of such offences;

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes
Cambodia laws and other legislation comply with this provision.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 49 Repatriation of the proceeds of Corruption, Article 51 Mutual
Cambodia laws and other legislation comply with this provision.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 49 Repatriation of the proceeds of Corruption, Article 51 Mutual Legal Assistance, Article 52 Cambodians holding more than one nationality, article 53 Mutual Legal Assistance Procedure

Law on Anti-money laundering and combating the financing of terrorism (Promulgated by Royal Kram No. NS/RKM/0607/014 dated 24 June 2007): Article 25 Relationships with Foreign FIU

ASEAN Mutual Legal Assistance in Criminal Matters: Article 1 SCOPE OF

Please cite the applicable measure(s)

Please cite the text(s)

Please see question 225 referring to paragraphed (48.1.a).

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 49: Repatriation of the proceeds of Corruption

In case assets and corruption proceeds are found kept in foreign states, the competent authority of the kingdom of Cambodia shall take measure to claim that asset and proceeds back to Cambodia through means of international cooperation. The Kingdom of Cambodia shall cooperate with other countries who request to repatriate corruption proceeds that are kept in Cambodia.

Article 51: Mutual Legal Assistance

In the case of corruption offences, the court authority of the Kingdom of Cambodia may delegate power to competent court authority of any foreign state and may also obtain power from court authority of any foreign state, in order to:

1. Collect evidence-proof or answer/response through court means.

2. Inform about documents of the court.


4. Examine objects and crime scene.

5. Provide information and exhibit.

6. Issue original process-verbal or its authentic copies and dossier, including bank statement, accounting transactions, records of concerned institution, records of concerned company and trade records, as well as authentic and private documents;

7. Identify or provide expert witnesses and others, including detainees who agree to assist in the investigation or participate in the legal proceedings.
Please see question 225 referring to paragraphed (48.1.a).

**Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)**

**Article 49: Repatriation of the proceeds of Corruption**

Please provide examples of implementation, including related court or other cases

Cambodian Government received the request from Australian Government on the 2 suspects namely THI KIM NGUYEN and THI LAN TRAN on money laundering offence.

Cambodian Government permitted Belgium Government to have the rights to send Rogatory letter to a Netherland national who lives in Belgium, Pieter CEULEN, on the offence of distributing porn movies and rape the minors who have Cambodian nationality.

---

**227. Subparagraph 1 (c) of article 48**

1. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. States Parties shall, in particular, take effective measures:

   ... (c) To provide, where appropriate, necessary items or quantities of substances for analytical or investigative purposes;

---

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(P) Yes, in part

Cambodia laws and other legislation comply with this provision.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 51 Mutual Legal Assistance, article 53 Mutual Legal Assistance Procedure

Law on Anti-money laundering and combating the financing of terrorism (Promulgated by Royal Kram No. NS/RKM/0607/014 dated 24 June 2007): Article 25 Relationships with Foreign FIU

ASEAN Mutual Legal Assistance in Criminal Matters: Article 1 SCOPE OF ASSISTANCE

SEA-PAC: Article 2 Areas of Cooperation

---

*Please cite the applicable measure(s)*

Please see question 225 referring to paragraphed (48.1.a).
Please provide examples of implementation.
There is no case regarding this.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.
Cambodia has laws which comply with this provision. Cambodian government will making more effort to disseminate the relevant laws and legislations.

228. Subparagraph 1 (d) of article 48

1. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. States Parties shall, in particular, take effective measures:

   (d) To exchange, where appropriate, information with other States Parties concerning specific means and methods used to commit offences covered by this Convention, including the use of false identities, forged, altered or false documents and other means of concealing activities;

Has your country adopted and implemented the measures described above? (Check one answer.)

(P) Yes, in part
Cambodia laws and other legislation comply with this provision.

   Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 51 Mutual Legal Assistance, article 53 Mutual Legal Assistance Procedure

   ASEAN Mutual Legal Assistance in Criminal Matters: Article 1 SCOPE OF ASSISTANCE

   SEA-PAC: Article 2 Areas of Cooperation

Please cite the applicable measure(s)

Please cite the text(s)
Please see question 225 referring to paragraphed (48.1.a)

Please provide examples of implementation and related analyses, reports or typologies related to means and methods used to commit offences established in accordance with the Convention
There is no example regarding this.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.
Cambodia has laws which comply with this provision. Cambodian government will making more effort to disseminate the relevant laws and legislations.
229. Subparagraph 1 (e) of article 48

1. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. States Parties shall, in particular, take effective measures:

... 

(e) To facilitate effective coordination between their competent authorities, agencies and services and to promote the exchange of personnel and other experts, including, subject to bilateral agreements or arrangements between the States Parties concerned, the posting of liaison officers;

Has your country adopted and implemented the measures described above? (Check one answer.)

(P) Yes, in part
Cambodia laws and other legislation comply with this provision.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 51 Mutual Legal Assistance, article 53 Mutual Legal Assistance Procedure

Law on Anti-money laundering and combating the financing of terrorism (Promulgated by Royal Kram No. NS/RKM/0607/014 dated 24 June 2007): Article 25 Relationships with Foreign FIU

ASEAN Mutual Legal Assistance in Criminal Matters: Article 1 SCOPE OF ASSISTANCE

SEA-PAC: Article 2 Areas of Cooperation

Please cite the applicable measure(s)

Please cite the text(s)
Please see question 225 referring to paragraphed (48.1.a)

Please provide examples of implementation
There is no example regarding this.

If applicable, please identify/describe the liaison officer positions within your law enforcement authorities

1. Ministry of Justice
HE. PHOV SAMPHY, General Director of Research and Development on Justice General Department

2. Anti-Corruption Unit
Department of Legal, Complaint, and International Affairs

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.
Cambodia has laws which comply with this provision. Cambodian government will making more effort to disseminate the relevant laws and legislations.
230. Subparagraph 1 (f) of article 48

1. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. States Parties shall, in particular, take effective measures:

... (f) To exchange information and coordinate administrative and other measures taken as appropriate for the purpose of early identification of the offences covered by this Convention.

Has your country adopted and implemented the measures described above? (Check one answer.)

(P) Yes, in part

Cambodia laws and other legislation comply with this provision.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 51 Mutual Legal Assistance, article 53 Mutual Legal Assistance Procedure

Law on Anti-money laundering and combating the financing of terrorism (Promulgated by Royal Kram No. NS/RKM/0607/014 dated 24 June 2007): Article 25 Relationships with Foreign FIU

ASEAN Mutual Legal Assistance in Criminal Matters: Article 1 SCOPE OF ASSISTANCE

SEA-PAC: Article 2 Areas of Cooperation, Article 4 Technical Arrangement, Article 6 Implementation Mechanism

Please cite the applicable measure(s)

Please cite the text(s)

Please see question 225 referring to paragraphed (48.1.a)

SEA-PAC

Article 4 Technical Arrangement

Activities described in this Memorandum of Understanding may be implemented through the development of specific arrangements, programs or projects between the Parties. Such arrangements, programs or projects shall specify the objective, financial arrangement, and other details relating to specific undertakings of all the Parties involved.

Article 6 Implementation Mechanism

a. The Parties shall hold annual meeting on rotational basis to review the implementation of this Memorandum of Understanding and to recommend programs of cooperation.

b. Special meeting can be held on a date and venue as agreed and deemed necessary by the Parties.

c. The Parties shall discuss to resolve any issues regarding the operation of this Memorandum of Understanding.
Activities described in this Memorandum of Understanding may be implemented through the development of specific arrangements, programs or projects between the Parties. Such arrangements, programs or projects shall specify the objective, financial arrangement, and other details relating to specific undertakings of all the Parties involved.

Please provide examples of implementation.
There is no example regarding this.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.
Cambodia has laws which comply with this provision. Cambodian government will making more effort to disseminate the relevant laws and legislations.

231. Paragraph 2 of article 48

2. With a view to giving effect to this Convention, States Parties shall consider entering into bilateral or multilateral agreements or arrangements on direct cooperation between their law enforcement agencies and, where such agreements or arrangements already exist, amending them. In the absence of such agreements or arrangements between the States Parties concerned, the States Parties may consider this Convention to be the basis for mutual law enforcement cooperation in respect of the offences covered by this Convention. Whenever appropriate, States Parties shall make full use of agreements or arrangements, including international or regional organizations, to enhance the cooperation between their law enforcement agencies.

Has your country entered into bilateral or multilateral agreements or arrangements on direct cooperation with law enforcement agencies of other States parties? (Check one answer.)
(P) Yes, in part

Please cite the applicable bilateral or multilateral agreement(s) or arrangement(s) or other measure(s)

Please cite the text(s)
Laws and regulations which come in to force in Cambodia are:

- Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

- ASEAN Mutual Legal Assistance in Criminal Matters

- Memorandum of understanding between the Anti-corruption Bureau of Brunei Darussalam, the Corruption Eradication Commission of the Republic of Indonesia, the Anti-corruption Agency of Malaysia, and the Corrupt Practices Investigation Bureau of the Republic of Singapore on cooperation for preventing
Laws and regulations which come into force in Cambodia are:

- Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)
- ASEAN Mutual Legal Assistance in Criminal Matters
- Memorandum of understanding between the Anti-corruption Bureau of Brunei Darussalam, the Corruption Eradication Commission of the Republic of Indonesia, the Anti-corruption Agency of Malaysia, and the Corrupt Practices Investigation Bureau of the Republic of Singapore on cooperation for preventing and combating corruption
- Memorandum of understanding on the Cooperation between Ministry of Interior of Cambodia and Ministry of Public Security of People's Republic of China
- Memorandum of Understanding on the Exchange of Information related to Money laundering and terrorism financing (MOU) between Cambodian Financial Intelligence Unit (CAFIU) and Bank Negara Malaysia dated on 03 April 2009, and MOU between CAFIU and Srilankar dated on 26 October 2009, and MOU between CAFIU and Bangladesh dated on 26 October 2009, and MOU between CAFIU and Japan dated on 19 July 2011, and MOU between CAFIU and State Bank of Vietnam dated on 28 March 2012, and MOU between CAFIU and South Korea dated on 27 August 2013, and MOU between CAFIU and Thailand dated on 30 January 2014.

If applicable and available, please provide information on law enforcement cooperation provided or received making use of bilateral or multilateral agreements or arrangements, including international or regional organizations

- Memorandum of understanding between the Anti-corruption Bureau of Brunei Darussalam, the Corruption Eradication Commission of the Republic of Indonesia, the Anti-corruption Agency of Malaysia, and the Corrupt Practices Investigation Bureau of the Republic of Singapore on cooperation for preventing and combating corruption
- Memorandum of understanding on the Cooperation between Ministry of Interior of Cambodia and Ministry of Public Security of People's Republic of China
- Memorandum of Understanding on the Exchange of Information related to Money laundering and terrorism financing (MOU) between Cambodian Financial Intelligence Unit (CAFIU) and Bank Negara Malaysia dated on 03 April 2009, and MOU between CAFIU and Srilankar dated on 26 October 2009, and MOU between CAFIU and Bangladesh dated on 26 October 2009, and MOU between CAFIU and Japan dated on 19 July 2011, and MOU between CAFIU and State Bank of Vietnam dated on 28 March 2012, and MOU between CAFIU and South Korea dated on 27 August 2013, and MOU between CAFIU and Thailand dated on 30 January 2014.

Does your country consider this Convention as the basis for mutual law enforcement cooperation in respect of the offences covered by this Convention? (Check one answer)

(Y) Yes

If applicable and available, please provide information on law enforcement cooperation provided or received using this Convention as the legal basis

There is no such case happen yet.
232. Paragraph 3 of article 48

3. States Parties shall endeavour to cooperate within their means to respond to offences covered by this Convention committed through the use of modern technology.

Is your country in compliance with this provision? (Check one answer.)

(P) Yes, in part
Cambodia laws and other legislation comply with this provision.

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 51 Mutual Legal Assistance, article 53 Mutual Legal Assistance Procedure

Law on Anti-money laundering and combating the financing of terrorism (Promulgated by Royal Kram No. NS/RKM/0607/014 dated 24 June 2007): Article 25 Relationships with Foreign FIU

ASEAN Mutual Legal Assistance in Criminal Matters: Article 5 Form of Requests

Please cite the applicable measure(s)

Please see question 225 referring to paragraphed (48.1.a)

ASEAN Mutual Legal Assistance in Criminal Matters

ARTICLE 5. FORM OF REQUESTS

1. Requests for assistance shall be made in writing or, where possible, by any means capable of producing a written record under conditions allowing the Requested Party to establish authenticity. In urgent situations and where permitted by the law of the Requested Party, requests may be made orally, but in such cases the requests shall be confirmed in writing within five days.

2. Central Authorities shall deal with the transmission of all requests and any communication related thereto. In urgent situations and where permitted by the law of the Requested Party, requests and any communication related thereto may be transmitted through the International Criminal Police Organization (INTERPOL) or the Southeast Asian Police Organization (ASEANAPOL).

Please provide examples of implementation.

There is an example regarding this.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Cambodia has laws which comply with this provision. Cambodian government will making more effort to disseminate the relevant laws and legislations.
233. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)
   (Y) Yes

Which challenges are you facing in (fully) adopting/implementing the article under review? (Check all the answers that apply and provide an explanation in the "Comments" field)
   (LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)
   (ISSUE) Other issues (please specify)
   There is limitation in technology.

Which of the following forms of technical assistance, if available, would assist your country in (fully) implementing the article under review? (Check all the answers that apply)
   (OTHER) Other assistance (please specify)
   Provide high technology and skill on this to the enforcement authorities.

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
   (N) No

49. Joint investigations

234. Article 49

States Parties shall consider concluding bilateral or multilateral agreements or arrangements whereby, in relation to matters that are the subject of investigations, prosecutions or judicial proceedings in one or more States, the competent authorities concerned may establish joint investigative bodies. In the absence of such agreements or arrangements, joint investigations may be undertaken by agreement on a case-by-case basis. The States Parties involved shall ensure that the sovereignty of the State Party in whose territory such investigation is to take place is fully respected.

Has your country adopted and implemented the measures described above? (Check one answer)
   (P) Yes, in part
   Cambodia laws and other legislation comply with this provision.

   Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 51 Mutual Legal Assistance, article 53 Mutual Legal Assistance Procedure

   ASEAN Mutual Legal Assistance in Criminal Matters

Please cite the applicable bilateral or multilateral agreement(s) or arrangement(s) or other measure(s)

Please cite the text(s)
   Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004)
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 51: Mutual Legal Assistance

In the case of corruption offences, the court authority of the Kingdom of Cambodia may delegate power to competent court authority of any foreign state and may also obtain power from court authority of any foreign state, in order to:

1. Collect evidence/proof or answer/response through court means.
2. Inform about documents of the court.
4. Examine objects and crime scene.
5. Provide information and exhibit.
6. Issue original process-verbal or its authentic copies and dossier, including bank statement, accounting transactions, records of concerned institution, records of concerned company and trade records, as well as authentic and private documents;
7. Identify or provide expert witnesses and others, including detainees who agree to assist in the investigation or participate in the legal proceedings.
8. Identify or seek resources, property, equipment, and materials that derive from offence and offence means.
9. Place under temporary holding the products and properties obtained from corruption offences as well as equipment, materials being used or kept for committing offences.
10. Enforce the decision of confiscation, seizure or repatriation of products, properties, equipment, material derived from offence.

Please provide examples of implementation
Cambodia has Laws and regulations, and memorandum of understanding to assist and support the international cooperation which are:

- Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)
- ASEAN Mutual Legal Assistance in Criminal Matters
- Memorandum of understanding between the Anti-corruption Bureau of Brunei Darussalam, the Corruption Eradication Commission of the Republic of Indonesia, the Anti-corruption Agency of Malaysia, and the Corrupt Practices
Cambodia has Laws and regulations, and memorandum of understanding to assist and support the international cooperation which are:

- Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)
- ASEAN Mutual Legal Assistance in Criminal Matters
- Memorandum of understanding between the Anti-corruption Bureau of Brunei Darussalam, the Corruption Eradication Commission of the Republic of Indonesia, the Anti-corruption Agency of Malaysia, and the Corrupt Practices Investigation Bureau of the Republic of Singapore on cooperation for preventing and combating corruption
- Memorandum of understanding on the Cooperation between Ministry of Interior of Cambodia and Ministry of Public Security of People's Republic of China
- Memorandum of Understanding on The Exchange of Information related to If available, please provide information on all joint investigations and joint investigative bodies

There is no information regarding this.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Cambodia has laws which comply with this provision. Cambodian government will making more effort to disseminate the relevant laws and legislations.

235. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(Y) Yes

Which challenges are you facing in (fully) adopting/implementing the article under review? (Check all the answers that apply and provide an explanation in the "Comments" field)

(LIRIM) Limited resources for implementation (e.g. human/financial/other; please specify)

Which of the following forms of technical assistance, if available, would assist your country in (fully) implementing the article under review? (Check all the answers that apply)

(CAPCLEC) Capacity-building programmes for authorities responsible for cross-border law enforcement cooperation

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(N) No

50. Special investigative techniques
236. Paragraph 1 of article 50

1. In order to combat corruption effectively, each State Party shall, to the extent permitted by the basic principles of its domestic legal system and in accordance with the conditions prescribed by its domestic law, take such measures as may be necessary, within its means, to allow for the appropriate use by its competent authorities of controlled delivery and, where it deems appropriate, other special investigative techniques, such as electronic or other forms of surveillance and undercover operations, within its territory, and to allow for the admissibility in court of evidence derived therefrom.

Has your country adopted and implemented the measures described above? (Check one answer.)

(P) Yes, in part

Please cite the applicable measure(s)

Please cite the text(s)

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 27: Privileges of Anti-corruption Unit related to monitoring

Being contradictory to article 105 (prohibition from wire-taping), and article 172 (wire taping ordered by the court) of the criminal procedure code, in the case there is clear hint of corruption offence, the ACU can:

a. Check and put under observation the bank accounts or other accounts which are described to be the same as bank accounts.

b. Check and order the provision or copy of authentic documents or individual documents, or all bank, financial and commercial documents.

c. Monitor, oversee, eavesdrop, record sound and take photos, and engage in phone tapping.

d. Check documents and documents stored in the electronic system

e. Conduct operations aimed at collecting real evidence.

The above measures shall not be considered as violations of professional...
Cambodia has laws which comply with this provision. Cambodian government will making more effort to disseminate the relevant laws and legislations.

237. Paragraph 2 of article 50

2. For the purpose of investigating the offences covered by this Convention, States parties are encouraged to conclude, when necessary, appropriate bilateral or multilateral agreements or arrangements for using such special investigative techniques in the context of cooperation at the international level. Such agreements or arrangements shall be concluded and implemented in full compliance with the principle of sovereign equality of States and shall be carried out strictly in accordance with the terms of those agreements or arrangements.

Is your country in compliance with this provision? (Check one answer.)

(P) Yes, in part

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010): Article 27 Privileges of Anti-corruption Unit related to monitoring, Article 51 Mutual Legal Assistance, Article 53: Mutual Legal Assistance Procedure

Please cite the applicable bilateral or multilateral agreement(s) or arrangement(s) or other measure(s)

Please cite the text(s)

Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

Article 27: Privileges of Anti-corruption Unit related to monitoring

Being contradictory to article 105 (prohibition from wire-taping), and article 172 (wire taping ordered by the court) of the criminal procedure code, in the case there is clear hint of corruption offence, the ACU can:

a. Check and put under observation the bank accounts or other accounts which are described to be the same as bank accounts.

b. Check and order the provision or copy of authentic documents or individual documents, or all bank, financial and commercial documents.

c. Monitor, oversee, eavesdrop, record sound and take photos, and engage in phone tapping.

d. Check documents and documents stored in the electronic system

e. Conduct operations aimed at collecting real evidence.

The above measures shall not be considered as violations of professional secrets. The secret of banks shall not be served as justification for not providing evidence related to corruption offences in the provisions of this law.

Article 51: Mutual Legal Assistance
Law on Anti-Corruption (Promulgated by Royal Kram No. NS/RKM/0410/004 dated 17 April 2010)

**Article 27: Privileges of Anti-corruption Unit related to monitoring**

Being contradictory to article 105 (prohibition from wire-taping), and article 172 (wire-taping ordered by the court) of the criminal procedure code, in the case there is clear hint of corruption offence, the ACU can:

a. Check and put under observation the bank accounts or other accounts which are described to be the same as bank accounts.

b. Check and order the provision or copy of authentic documents or individual documents, or all bank, financial and commercial documents.

c. Monitor, oversee, eavesdrop, record sound and take photos, and engage in phone tapping.

d. Check documents and documents stored in the electronic system

e. Conduct operations aimed at collecting real evidence.

The above measures shall not be considered as violations of professional secrets. The secret of banks shall not be served as justification for not providing evidence related to corruption offences in the provisions of this law.

**Article 51: Mutual Legal Assistance**

In the case of corruption offences, the court authority of the Kingdom of Cambodia may delegate power to competent court authority of any foreign state and may also obtain power from court authority of any foreign state, in order to:

Please provide examples of implementation

There is no case regarding this.

If available, please provide information on recent cases in which bilateral or multilateral agreements or arrangements have facilitated the use of special investigative techniques

There is no case regarding this.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Cambodia has laws which comply with this provision. Cambodian government will making more effort to disseminate the relevant laws and legislations.

238. Paragraph 3 of article 50
3. In the absence of an agreement or arrangement as set forth in paragraph 2 of this article, decisions to use such special investigative techniques at the international level shall be made on a case-by-case basis and may, when necessary, take into consideration financial arrangements and understandings with respect to the exercise of jurisdiction by the States Parties concerned.

_Has your country adopted and implemented the measures described above? (Check one answer)_

(N) No

Please provide an account of your country’s efforts to date to implement the provision under review.

Cambodia has the will to support the cooperation in this context in accordance with its capacity.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review

Cambodia will strive to cooperate on this but it will be depend on each case which will happen. Thus, timeframe could not be set.

239. Paragraph 4 of article 50

4. Decisions to use controlled delivery at the international level may, with the consent of the States Parties concerned, include methods such as intercepting and allowing the goods or funds to continue intact or be removed or replaced in whole or in part.

_Has your country adopted and implemented the measures described above? (Check one answer)_

(N) No

Please provide an account of your country’s efforts to date to implement the provision under review.

Cambodia has the will to support the cooperation in this context in accordance with its capacity.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review

Cambodia will strive to cooperate on this but it will be depend on each case which will happen. Thus, timeframe could not be set.

240. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.
The following questions on technical assistance relate to the article under review in its:

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(Y) Yes

Which challenges are you facing in (fully) adopting/implementing the article under review? (Check all the answers that apply and provide an explanation in the "Comments" field)

(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)

(LISPT) Limited awareness of state-of-the-art special investigative techniques

(LIRIM) Limited resources for implementation (e.g. human/financial/other; please specify)

Which of the following forms of technical assistance, if available, would assist your country in (fully) implementing the article under review? (Check all the answers that apply)

(CAPINT) Capacity-building programmes for authorities responsible for international cooperation in criminal/investigative matters

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(N) No