



KRAM

NS/RKM/0620/019

We

**Preahkaruna Preah Bath Samdech Preah Boromneath Norodom Sihamoni
Samanphoum Cheatsasna Rakhatkateya Khemrarotheas Puthinthrea
Thoreamohaksat Khemreachnea Samophorpheas Kampuch
Ekreachroatboranaksanteh Sopheakmongkulea Sereyvibolar
Khemarasreypireas Preah Chao Krong Kampuchea Thipadey**

- Noting the Constitution of the Kingdom of Cambodia;
- Noting Royal Decree no. NS/RKT/0918/925 dated 06 September 2018 on the Appointment of the Royal Government of Cambodia;
- Noting Royal Decree no. NS/RKT/0320/421 dated 30 March 2020 on the Appointment and Modification of the Composition of the Royal Government of Cambodia;
- Noting Royal Kram no. NS/RKM/0618/012 dated 28 June 2018 promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Noting Royal Kram no. NS/RKM/0196/08 dated 24 January 1996 promulgating the Law on the Establishment of the Ministry of Interior;
- Having seen the proposal by Samdech Akka Moha Sena Padei Tech Hun Sen, Prime Minister of the Kingdom of Cambodia;

HEREBY PROMULGATE

Law on Combating the Financing of Proliferation of Weapons of Mass Destruction, adopted by the National Assembly on 04 June 2020 in the 4th Session of the 6th Legislature and fully approved in its entire form and substance by the Senate on 16 June 2020 in the 5th Plenary Session of the 4th Legislature, which reads in its entirety as follows:

LAW
ON
COMBATING THE FINANCING OF PROLIFERATION
OF WEAPONS OF MASS DESTRUCTION

CHAPTER 1

GENERAL PROVISIONS

Article 1.- Purpose

This Law aims at ensuring the combat against the financing of the proliferation of weapons of mass destruction by defining the preventing measures, control, suppression, and abolition against the financing of the proliferation of weapons of mass destruction.

Article 2.- Scope

This Law is applicable to all acts relating to the financing of the proliferation of weapons of mass destruction within the Kingdom of Cambodia.

Article 3.- Definition

The key terms that are used in this Law shall be defined as follows:

1. **“Property”** means funds, assets, financial resources and economic resources of every kind, whether tangible or intangible, movable or immovable, actual or potential, however acquired, including any of the following:
 - a) cash;
 - b) virtual or digital currencies, including crypto-currencies;
 - c) bank credits, travellers’ cheques, bank cheques, money orders;
 - d) precious metals and stones;
 - e) immovable, movable property and vessels;
 - f) shares, securities, bonds and bills of exchange or drafts;
 - g) rights of set-off, guarantees, performance bonds, and other financial commitments;
 - h) letters of credit, bills of lading and bills of sale;
 - i) instruments of export financing;
 - j) natural resources;
 - k) labour resources such as crew services;
 - l) any other economic resources that may be used to obtain funds, goods or services;
 - m) legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, or right to claim an asset;
 - n) any interest, dividend, income or value accruing from, generated by, or derived from an asset;

2. “**Designated individual or entity**” means an individual or entity designated by the United Nations Security Council or its Committees under Article 4 of this Law or by the Court under Article 5 of this Law.
3. “**Entity**” includes legal persons, unincorporated bodies, groups, associations, organisations, institutions and arrangements.
4. “**Property freeze**” refers to the prevention, sale, supply, lease, transfer, conversion, disposition or transfer, movement or use of the property.
5. “**Weapon of Mass Destruction**” shall mean weapons of mass destruction as atomic explosive weapons, radioactive material weapons, lethal chemical and biological weapons and any weapons developed in the future which might have characteristics in destructive effect to those of the atomic bomb or other weapons mentioned above.
6. “**Cambodia Financial Intelligence Unit**” shall refer to the Financial Intelligence Unit as defined in the Law on Anti-Money Laundering and Combating the Financing of Terrorism, and that carries out additional functions under this Law.
7. “**Supervisory authority**” shall mean the National Bank of Cambodia, the Securities and Exchange Commission of Cambodia and any other authority having oversight over a reporting entity.

CHAPTER 2

DESIGNATION AND PROPERTY FREEZE

Article 4.- Designation by the United Nations Security Council

Upon receiving the resolution on the designation of an individual or entity made by the United Nations Security Council and its Committees, the Ministry of Foreign Affairs and International Cooperation shall, without delay, forward the resolution as listed in the Annex of this Law to the Ministry of Justice which shall, without delay, make an ex-parte application to the Court for a freezing order over all the following property:

- a) property that are wholly or partially, directly or indirectly, owned or controlled by a designated individual or entity, and not just those that may link to a particular act, plot or threat;
- b) property of individuals or entities acting on behalf of, or at the direction of, a designated individual or entity;

- c) property diverted or generated from property as mentioned in paragraphs (a) and (b);
- d) vessels designated by the United Nations Security Council or its Committees in accordance with any of the United Nations Security Council Resolutions as listed in the Annex of this Law;

A freezing order by the Court shall have an indefinite duration unless this order is revoked.

Article 5.- Designation by the Court

The Minister of Justice may issue an injunction to the General Prosecutor of the Appeal Court or the Prosecutor of the First Instance Court, for the designation of an individual or entity and the property freeze.

The Court shall order the designation of an individual or entity and freeze their property if it has reasons to believe that the individual or entity meets the criteria for designation as specified in Paragraph 32 of the United Nations Security Council Resolution 2270 and the subsequent resolutions.

The freezing order issued by the Court is applicable to the following property:

- a) property that are wholly or partially, directly or indirectly, owned or controlled by a designated individual or entity, and not just assets that may link to a particular act, plot or threat;
- b) property of individuals or entities acting on behalf of, or at the direction of, a designated individual or entity;
- c) property diverted or generated from property as mentioned in paragraphs (a) and (b);
- d) vessels designated by the United Nations Security Council or its Committees in accordance with any of the United Nations Security Council Resolutions as listed in the Annex of this Law.

A designation and freezing order issued by the Court shall have an indefinite duration unless this order is revoked.

Article 6.- Property Freeze

Any individual or entity who holds the frozen property in accordance with an order issued by the Court as defined in Article 4 or Article 5 of this Law, shall freeze the property without delay and without prior notice.

CHAPTER 3

APPLICATION TO UNITED NATIONS SECURITY COUNCIL FOR DELISTING AND PERMISSION TO USE THE FROZEN PROPERTY

Article 7.- Application to the United Nations Security Council for Delisting

Any person or entity who is subject to a resolution on the designation under Article 4 of this Law may file the application for delisting from the resolution in the Annex of this Law, with the United Nations Security Council or its Committees to review the resolution.

After the United Nations Security Council or its Committees decides on delisting as requested, the Ministry of Foreign Affairs and International Cooperation shall send, without delay, the resolution on delisting to the Ministry of Justice that shall forward it, without delay, to the Court to revoke the order on property freeze.

Article 8.- Application to the Court for Delisting and Revoking the Property Freeze

Any person or entity who is subject to the court order on designation and property freeze under Article 5 of this Law may file with the Court the application for delisting and revoking the property freeze in accordance with applicable procedures.

After the issuance of an order on delisting and revocation of property freeze, the Court shall, through the Ministry of Justice, notify the Ministry of Foreign Affairs and International Cooperation of the order on delisting the person or entity and property freeze in order that the latter can forward it to the United Nations Security Council or its Committees.

Article 9.- Permission to Use the Frozen Property

Any individual or entity that holds the frozen property may be permitted to use or dispose the frozen property.

The use and disposal of the frozen property shall be determined by a sub-decree.

CHAPTER 4

PROHIBITION AND OBLIGATION

Article 10- Prohibition of Using the Property

No individual or entity who is subject to the laws of the Kingdom of Cambodia may make the whole or partial property directly or indirectly available to, or for the benefit of, any of the following individuals or entities:

- a) designated individuals or entities;
- b) individuals or entities directly or indirectly owned or controlled by designated individuals or entities;
- c) individuals or entities acting on behalf of, or at the direction of, designated individuals or entities, or those owned or controlled by them.

Reporting entities as provided for in Article 11 of this Law may permit payments or earnings that are acquired from a contractual obligation to be added to frozen account so long as those payments or earnings are also frozen.

Article 11.- Reporting Entities

The reporting entities in this Law include:

- a. banks, including branches of foreign banks;
- b. non-bank financial institutions, including securities brokerage firms and insurance companies;
- c. micro finance institutions;
- d. credit cooperatives;
- e. leasing companies, investment pension funds, investment companies and companies for managing investment funds;
- f. exchange offices;
- g. money remittance services;
- h. trust;
- i. agents, companies, developers of real estate, building and land;
- j. dealers in precious metals, stones, and gems;
- k. post office operating payment transactions;
- l. lawyers, notaries, accountants, auditors, investment advisors and asset managers when they prepare for or carry out transactions for their clients;
- m. casinos and other gambling institutions;
- n. non-governmental organizations and foundations engaging in business activities and fund raising;
- o. any other individuals or entities that are designated by the Cambodia Financial Intelligence Unit that falls within the scope of this Law.

Article 12.- Reporting Obligation of Reporting Entity

Reporting entities that have frozen the property pursuant to Article 6 of this Law shall report, no later than 03 (three) days, the property freeze and attempted transactions on the frozen property to the Cambodia Financial Intelligence Unit.

Reporting entities requested to make the property available to a designated individual or entity in contradiction with Article 10 of this Law, shall report the request, without delay, to the Cambodia Financial Intelligence Unit.

Reporting entities shall submit reports on property freeze to the Cambodia Financial Intelligence Unit who shall forward a copy of the report to the Ministry of Justice.

Reporting entities that have submitted reports under this Article shall expeditiously provide any other information in relation to the reports upon the request of the Cambodia Financial Intelligence Unit or Ministry of Justice.

Article 13.- Reporting Obligation of Individuals or Entities other than Reporting Entities

Individuals or entities other than reporting entities that have frozen the property pursuant to Article 6 of this Law shall report, no later than 03 (three) days, the property freeze and attempted transactions on the frozen property to the Ministry of Justice.

Individuals or entities other than reporting entities requested to make the property available to a designated individual or entity in contradiction with Article 10 of this Law shall report the request, without delay, to the Ministry of Justice.

Individuals or entities other than reporting entities shall submit reports on property freeze to the Ministry of Justice who shall forward a copy of the report to the Cambodia Financial Intelligence Unit. The Ministry of Justice may determine the template of the report on the property freeze.

Individuals or entities other than reporting entities that have submitted reports under this Article shall expeditiously provide any other information in relation to the reports upon the request of the Ministry of Justice or Cambodia Financial Intelligence Unit.

CHAPTER 5

SEIZURE OF FROZEN PROPERTY

Article 14.- Seizure of Frozen Property

Seizure of any frozen property shall be carried out under the court order upon the request of the General Prosecutor of the Appeal Court or the Prosecutor of the First Instance Court after receiving the injunction from the Minister of Justice, or upon the request of the holder of the frozen property.

The Court may issue an order to seize the frozen property if there is a reasonable risk that the property will dissipate.

The Court may appoint an administrator to manage seized property.

The seized property under this Article shall only be retained by the administrator appointed by the Court until the property is no longer subject to the property freeze as specified in Article 4 or Article 5 of this Law.

CHAPTER 6

ADMINISTRATION

Article 15.- National Coordination Committee

A National Coordination Committee shall be established to set out policies, to lead and to coordinate the implementation of this Law.

The organization and functioning of the National Coordination Committee shall be determined by a sub-decree.

Article 16.- Monitoring and supervision

Supervisory authorities shall monitor reporting entities under their supervision to ensure the compliance of this Law.

The Ministry of Justice shall monitor the compliance of, and conduct outreach to, individuals or entities other than reporting entities, regarding this Law.

Article 17.- Disclosure of information

The Ministry of Justice, Ministry of Foreign Affairs and International Cooperation, Cambodia Financial Intelligence Unit and supervisory authorities may disclose information obtained in the course of implementing this Law to the government ministries, national institutions, or international agencies or bodies, for law enforcement, supervisory or regulatory purposes.

Article 18.- Legal Regulations for Implementing this Law

Formalities and procedures relating to the combat against the financing of the proliferation of the weapon of mass destruction shall be determined by a sub-decree upon the request of the Ministry of Justice.

The Ministry of Justice may issue an instruction to individuals or entities other than reporting entities on the implementation of this Law.

Supervisory authorities may issue an instruction to reporting entities for implementation of this Law.

CHAPTER 7 PENALTIES

Article 19.- Offence relating to Violation of the Freezing Order

Any person who refuses to comply with the court order under Article 6 of this Law shall be punishable by imprisonment from 02 (two) to 05 (five) years and by a fine from 20,000,000 (twenty million) to 50,000,000 (fifty million) Riels, irrespective of other criminal offences.

Article 20.- Offence relating to Making the Property Available

A person who makes the property, directly or indirectly, wholly or jointly available to, or for the benefit of, the individual or institution under Article 10 of this law shall be punishable by imprisonment from 07 (seven) to 15 (fifteen) years and by a fine from 50,000,000 (fifty million) to 200,000,000 (two hundred) million Riels, irrespective of other criminal offences.

Article 21.- Offence relating to the Violation of Reporting Obligation

Anyone who fails to report in violation of Article 12 and Article 13 shall be punishable by imprisonment from 01 (one) to 06 (six) months and by a fine from 100,000 (one hundred thousand) to 1,000,000 (one million) Riels, irrespective of other criminal offences.

Article 22.- Criminal Responsibility of Legal Entities

Legal entities may be held responsible as defined in Article 42 (Criminal Responsibility of Legal Entities) of the Penal Code for offences under Article 19 of this Law. Legal Entities shall be punishable by a fine from 30,000,000 (thirty million) to 100,000,000 (one hundred million) Riels together with one or more additional penalties under Article 168 (Additional Penalties) of the Penal Code.

Legal entities may be held responsible as defined in Article 42 (Criminal Responsibility of Legal Entities) of the Penal Code for offences under Article 20 of this Law. Legal Entities shall be punishable by a fine from 100,000,000 (one hundred million) to 400,000,000 (four hundred million) Riels together with one or more additional penalties under Article 168 (Additional Penalties) of the Penal Code.

Legal entities may be held responsible as defined in Article 42 (Criminal Responsibility of Legal Entities) of the Penal Code for offences under Article 21 of this Law. Legal Entities shall be punishable by a fine from 30,000,000 (thirty million) to 100,000,000 (one hundred million) Riels together with one or more additional penalties under Article 168 (Additional Penalties) of the Penal Code.

CHAPTER 8 FINAL PROVISIONS

Article 23.- Abrogation

Any provisions that contradict this Law shall be abrogated.

Article 24.- Promulgation

This Law shall be promulgated as urgent.

Done in the Royal Palace, 27 June 2020

PorRorLor. 2006.696

Royal Signature

Having respectfully proposed to His Majesty the King for Royal Signature

NORODOM SIHAMONI

Prime Minister

(Signature)

Samdech Akka Moha Sena Padei Techo HUN SEN

Having respectfully submitted to
Samdech Akka Moha Sena Padei Techo Prime Minister

Deputy Prime Minister, Minister of Interior

(Signature)

Samdech Krolahom SAR KHENG

Having duly copied from the original text
**Standing Deputy Prime Minister, Minister in charge of
the Office of the Council Ministers**

(Signature and Seal)

ANNEX

- Resolution 1718 (2006) of the Security Council (adopted on 14 October 2006)
- Resolution 1737 (2006) of the Security Council (adopted on 27 December 2006)
- Resolution 1874 (2009) of the Security Council (adopted on 12 June 2009)
- Resolution 2087 (2013) of the Security Council (adopted on 22 January 2013)
- Resolution 2094 (2013) of the Security Council (adopted on 07 March 2013)
- Resolution 2231 (2015) of the Security Council (adopted on 20 July 2015)
- Resolution 2270 (2016) of the Security Council (adopted on 02 March 2016)
- Resolution 2321 (2016) of the Security Council (adopted on 30 November 2016)
- Resolution 2371 (2017) of the Security Council (adopted on 05 August 2017)
- Resolution 2375 (2017) of the Security Council (adopted on 11 September 2017)
- Resolution 2397 (2017) of the Security Council (adopted on 22 December 2017)
- Subsequent resolutions to any of the aforementioned Resolutions.