

**SUB-DECREE**  
**ON**  
**THE FORMALITIES AND PROCEDURES FOR**  
**THE IMPLEMENTATION OF THE LAW ON COMBATING**  
**THE FINANCING OF PROLIFERATION OF**  
**WEAPONS OF MASS DESTRUCTION**



**KINGDOM OF CAMBODIA  
NATION RELIGION KING**

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**ROYAL GOVERNMENT OF CAMBODIA**

**No. 161 ANK.BK**

**SUB-DECREE  
ON  
THE FORMALITIES AND PROCEDURES FOR THE IMPLEMENTATION OF  
THE LAW ON COMBATING THE FINANCING OF PROLIFERATION  
OF WEAPONS OF MASS DESTRUCTION**

**THE ROYAL GOVERNMENT OF CAMBODIA**

- Having seen the Constitution of the Kingdom of Cambodia
- Having seen Royal Decree no. NS/RKT/0918/925 dated 06 September 2018 on the Appointment of the Royal Government of Cambodia
- Having seen Royal Kram no. NS/RKT/0320/421 dated 30 March 2020 on the Appointment and Modification of the Composition of the Royal Government of Cambodia
- Having seen Royal Kram no. NS/RKM/0618/012 dated 28 June 2018 promulgating the Law on the Organization and Functioning of the Office of the Council of Ministers
- Having seen Royal Kram no. NS/RKM/0196/04 dated 24 January 1996 promulgating the Law on the Establishment of the Ministry of Justice
- Having seen Royal Kram no. NS/RKM/0620/019 dated 27 June 2020 promulgating the Law on Combating the Financing of Proliferation of Weapons of Mass Destruction
- Having seen Sub-Decree no. 240 ANKR.BK dated 29 August 2014 on the Organization and Functioning of the Ministry of Justice;
- As per the request of the Ministry of Justice;

**HEREBY DECIDES**

**CHAPTER 1  
GENERAL PROVISIONS**

**ARTICLE 1.-**

This Sub-Decree sets out applicable formalities and procedures for the implementation of the Law on Combating the Financing of Proliferation of Weapons of Mass Destruction to prevent, control, and abolish the financing of the proliferation of weapons of mass destruction.

## **ARTICLE 2.-**

This Sub-Decree is applicable to the formalities and procedures for the implementation of the Law on Combating the financing of the proliferation of weapons of mass destruction within the Kingdom of Cambodia.

## **CHAPTER 2 APPLICABLE FORMALITIES AND PROCEDURES**

## **ARTICLE 3.-**

Upon the receipt of the resolution from the Ministry of Foreign Affairs and International Cooperation on the designation of the individual or entity by UN Security Council or its Committees, the Ministry of Justice shall, without delay, forward the resolution to the municipal/provincial competent court of first instance for a ruling to freeze all property as stipulated in Article 4 of the Law on Combating the Financing of Proliferation of Weapons of Mass Destruction.

Upon the request from the Ministry of Justice, the municipal/provincial competent court of first instance as determined by the Ministry of Justice, shall issue, as a matter of urgency, its ruling to freeze the property. This ruling shall be made in a form of an order, which shall include reasoning and shall be in conformity with the applicable laws and procedures.

## **ARTICLE 4.-**

To issue an injunction pursuant to paragraph 1 of Article 5 of the Law on Combating the Financing of the Proliferation of Weapons of Mass Destruction, the Minister of Justice may request for or receive information and evidence from any relevant sources to identify an individual or entity that involves in the financing of the proliferation of weapons of mass destruction in order to request for the designation of the individual or entity and freeze their property.

The ruling on designation and property freeze against an individual or entity under paragraphs 2 and 3 of Article 5 of the Law on Combating the Financing of the Proliferation of Weapons of Mass Destruction shall be made in a form of an order.

An individual, entity or third party who is affected by the order on property freeze may file a complaint with the competent court of appeal to request the delisting and revocation of property freeze. Formalities and procedures on the appeal as set out in the Code of Criminal Procedures shall apply *mutatis mutandis*.

## **ARTICLE 5.-**

Upon the receipt of the order on property freeze as stated in Articles 4 and 5 of the Law on Combating the Financing of the Proliferation of Weapons of Mass Destruction, an individual or entity holding the property shall freeze the property without delay and without prior notice to the owner.

#### **ARTICLE 6.-**

Upon receiving from the Ministry of Foreign Affairs and International Cooperation the resolution on delisting by the UN Security Council or its committees, the Ministry of Justice shall, as a matter of urgency, forward the resolution to the municipal/provincial court of first instance issuing the order on property freeze to revoke property freeze.

#### **ARTICLE 7.-**

The ruling on delisting and revocation of property freeze under paragraph 2 of Article 8 of the Law on Combating the Financing of the Proliferation of Weapons of Mass Destruction shall be made in a form of an order on revocation of property freeze.

### **CHAPTER 3 REPORT TEMPLATE OF AN INDIVIDUAL AND ENTITY OTHER THAN REPORTING ENTITY**

#### **ARTICLE 8.-**

A report template on property freeze produced by an individual or entity other than the reporting entity shall be determined by Prakas of the Ministry of Justice.

### **CHAPTER 4 CONFISCATION OF THE FROZEN PROPERTY**

#### **ARTICLE 9.-**

The ruling on the confiscation of the frozen property in accordance with paragraph 2 of Article 14 of the Law on Combating the Financing of the Proliferation of Weapons of Mass Destruction shall be made in a form of an order with factual and legal reasoning.

An individual who may be appointed by the court to administer, monitor and manage the frozen property shall have sufficient qualification for administering such frozen property.

#### **ARTICLE 10.-**

The Ministry of Justice and the Ministry of Foreign Affairs and International Cooperation shall make in public the resolutions of the UN Security Council and the judicial decisions by the Courts of the Kingdom of Cambodia regarding the designation and property freeze and also the delisting and the revocation of the property freeze.

### **CHAPTER 5 FINAL PROVISIONS**

#### **ARTICLE 11.-**

Any provision that is contrary to this Sub-Decree shall be abrogated.

## **ARTICLE 12.-**

The Minister in charge of the Office of the Council of Ministers, the Minister of Justice, the Minister of Economy and Finance, Minister of Foreign Affairs and International Cooperation, and all Ministers of relevant ministries and institutions shall be responsible for implementing this Sub-Decree within their respective tasks from the date of signature.

Done in Phnom Penh, on the 30<sup>th</sup> of September 2020

**PRIME MINISTER**

**(Signed and Sealed)**

**Samdech Akka Moha Sena Padei Techo HUN SEN**

Having respectfully submitted to  
Samdech Akka Moha Sena Padei Techo HUN SEN for signature

Minster of Justice

Signed

**KAET RITH**

CC:

- Ministry of the Royal Palace
- General Secretariat of the Constitutional Council
- General Secretariat of the Senate
- General Secretariat of the National Assembly
- Cabinet office of the Samdech Techo Prime Minister
- Cabinets of Samdech, His/Her Excellency Deputy Prime Ministers
- Individuals as stated in Article 12
- Royal Gazette
- Documentation-archives