

The Khmer version is the official version of this document

Translated by the Legal Assistance Unit of the Cambodia Office of the High Commissioner for Human Rights

Law adopted by the NA, during

7th Ord-Sessn. 1st Legilsture UNOFFICIAL TRANSLATION on 09 December 1996.

KINGDOM OF CAMBODIA

NATION-RELIGION-KING

L A W

ON

CONTROL OF DRUGS

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## **CHAPTER I**

### **CLASSIFICATION OF STUPEFIENTS OR PSYCHOTROPIC SUBSTANCES AND THOSE USED AS INGREDIENTS IN DRUG MANUFACTURING**

#### **Article 1 :**

Shall be considered as narcotic drugs, those stupeficients, psychotropic substances and those substances used as ingredients in drug manufacturing which are classified in the Tables as hereunder:

Table I - Plants and substances which cause severe dangers but which are not useful for the medicine.

Table II - Plants and substances which cause serious danger, but which are useful for the medicine.

Table III- Plants and substances which cause danger,  
but which are useful for the medicine.

Table IV - Substances and chemicals which are used for the production of narcotics and psychotropic substances and which are classified in the 1988 UN Convention on Combatting against the illicit trafficking of drugs and psychotropic substances, or in the application of this Convention against the illicit trafficking of drugs.

These above 4 Tables will be mentioned in detail, in the Annexes.

All these 4 Tables will be modified later by a Proclamation (Prakas) of the Ministry of Health, after consultation with the National Anti-drug Authority, primarily when upon there is  
re-registration, elimination or transfer of drugs from one Table to another.

## **CHAPTER II**

### **PROHIBITION THE CULTIVATION OF NARCOTIC PLANTS, PRODUCTION, USE, DISTRIBUTION AND TRADING /TRAFFICKING OF DRUGS**

#### **Article 2 :**

Except for the cases of the article 14, the cultivation of opium poppy, cocoa plants, cannabis indica and cannabis saliva in the Kingdom of Cambodia , shall be prohibited.

#### **Article 3 :**

Except for the cases of the article 14, the production, distribution and trading/trafficking, wholesale or retail, transportation, storage, procurement, distribution by charging money or with free of charge, purchase, use, import , export or pass-by and transit on the territory of the Kingdom of Cambodia of those narcotic plants, substances or ingredients which are stated in the Table I above, shall be prohibited.

#### **Article 4 :**

Production, trading/trafficking, wholesale or retail distribution, international trading/trafficking, use/consumption of narcotic plants, substances and preparation for the fabrication of those plants and substances as stated in the Tables II and III, shall be prohibited for whoever who got no special License from the Ministry of Health and for any establishment or place which did not have a special License granted under the same condition.

Procedures for the application of articles and primarily those procedures relating to the conditions for the application and authorization, contents, limitation, ceasing of consumption (for temporary) and cancellation of both above Licenses, shall be determined by a Sub-Decree.

#### **Article 5 :**

It is likewise prohibited as the above, for those plants, substances and ingredients which are stated in the Tables II and III, especially their pass-by and transits on the territory of the Kingdom of Cambodia, whether those narcotic plants, substances and ingredients are disembarked or not from the means of transportation, except only when such purchase, transportation and storage are for the purposes of producing pharmaceutical for treatment of people or animals which is under the authorization and control of the Ministry of Health.

**Article 6 :**

Measures for the control and follow up as a provided for in this law, shall also be carried out in a duty- free port and tax-free zone.

**Article 7:**

The Ministry of Health shall determine once a year, of maximum quantity of narcotic plants, substances and ingredients needed by the State's and private enterprises for the production of pharmaceutical for treatment of people or animals, according to their respective real necessities.

**Article 8:**

The Ministry of Health imports various narcotic plants substances and ingredients which are needed for the year for State's enterprises and private enterprises as above, to produce pharmaceutical.

Those private enterprises which are producing pharmaceutical for the treatment of people and animals and which need to purchase narcotic plants, substances or ingredients for drug manufacturing as stated in the Tables II and III, shall request to buy them from the Ministry of Health.

**Article 9:**

Commercial advertisement of narcotic plants, substances and ingredients or of pharmaceutical as stated in the Tables II and III, shall be prohibited. Provision to the privates of samples or formula of pharmaceutical and of samples of substances and ingredients as stated in the Tables II and III, shall be prohibited.

**Article 10:**

The Minister of Health may issue a Proclamation (Prakas) to additionally instruct with regard to the commercial advertisement as provided for in the article 9.

The rules regarding to the issuance of Licenses and conditions under which any enterprise or private may conduct activities which are provided for in this law, shall be determined by Sub-Decree.

#### **Article 11:**

Any manufacture, sale, purchase or wholesale distribution and international trading of the substances as stated in the Table IV, shall comply with the provisions of the articles 5 through 8 of this Law.

#### **Article 12:**

Those producers, wholesalers, retailers who received authorizations through Proclamation (Prakas) of the Ministry of Health, shall record in their respective log-books which are page numbered and with initials made by the authority every times upon any purchase or sale of substances as stated in the Tables II, III and IV .

Such record, shall be done during the operation and on which should leave no blank space, make no scratch or erase or double writing.

When taking record it is indicate the date of the operation, name and number (quantity) of the products received or sold, name, address and occupation of purchasers or sellers.

The log-book shall be kept file for ten (10) years period from the date the last records were taken in, to show it to the competent authorities following their request.

#### **Article 13:**

When upon there is indication which is enough to have doubt that any of the substances as in the Table IV, is for production of any illicit drug or psychotropic substance, such substance shall be seized immediately pending the result of investigation by the court.

## **CHAPTER III**

### **MEDICAL, SCIENTIFIC AND EDUCATIONAL RESEARCH**

#### **Article 14 :**

For the purposes of medical, scientific and educational research and scientific police research, the Minister of Health may grant authorization to any natural person to produce, fabricate, purchase, import, use or store the plants, substances and ingredients as listed in the tables I, II and III at a quantity which should not exceed the quantity which is absolutely needed.

The authorised person, shall take record in a log-book, of quantity of plants, substances, ingredients which have been purchased, fabricated, used and destroyed. The concerned person shall keep file this above log-book for at least 10 years.

Moreover, the operation date and names of suppliers, shall also be recorded in the log-book. Each year, authorised person shall report to Minister of Health of quantities which have been used or destroyed and also of actual quantity existing in his/her stocks.

## **CHAPTER IV**

### **INSPECTION AND TAKING RECORD OF**

#### **OFFENSES**

#### **Article 15 :**

Every person, private or State's enterprise, medical or scientific establishment which are conducting activities or operation which are concerning with narcotic plants, substances, ingredients or pharmaceutical which are stated in this law, shall be under control and monitoring of the Minister of Health who shall assign a pharmacological inspector to carry out regular inspection of at least once a year and also irregular inspection at any time, at the establishments, places, stocks and recordings in log-books. The inspector of the Ministry of Health, may request for forces for help as necessary during the inspection.

Shall also be subject to under the control and monitoring above, those rooms which are storing medicine box for first aids for the public means of transportation which are serving the international transports.

A procedure for the application of this article, shall be determined by a Sub-Decree.

## **CHAPTER V**

### **PENALTIES**

#### **Article 16:**

Without yet considering of the charges which may due for the cultivation of narcotic plants, production, fabrication or illicit trafficking of drugs, which if any, shall be subject to a fine penalty in cash from 100,000 (a hundred thousand ) riels to 1,000,000 (one million) riels, for any person who within any framework of lawful activity which is carried out for the interest of the medicine or pharmacology, but who violated provisions of the laws and regulations relating to:

1- the prohibition of cultivation, production, fabrication or wholesale or retail trade, transportation, storage, gift, distribution, use in factory, import, export, transportation with transits, of substances or plants as stated in Table I.

2- the Licenses for carrying out any activity as stated above or any condition required by such License.

3- the importation or exportation, transportation with transits on the territory of the Kingdom of Cambodia of the substances as stated in the Tables II and III.

4- the maximum limitation specified by the Ministry of Health on the production and preparation of substances from those substances which are stated in the Tables II and III.

5- the commercial advertisement of the products from the substances which are stated in the Tables II and III.

6- the distribution, issuance of medical prescriptions,

subscription of the manufactured medicine or of substances which are stated in the Tables II and III.

7- the taking records of operations and statistics which are required to do.

8- the production, trade or use of substances mentioned in the Tables I, II and III, for the activities of research in the medicines, science or education.

In case of not repetition of offenses, the punishment term shall be doubled.

Shall be punished to imprisonment from 6 days to 1 month and with a fine penalty of from 1,000,000 (one million) riels to 5,000,000 (Five million) riels or either one of the 2 punishments, for any person who obstructs by whatever means the fulfilment of function by the pharmacological inspector.

**Article 17:**

If there is any incident which proves that the principal of the offense as stated in the article 16 has committed an offense for the benefit of his/her employer, such concerned employer shall be liable jointly in the payment of the fine as decided by the court.

**CHAPTER VI**

**PREVENTION AND DETECTION OF THE LAUNDERING OF MONEY**

**GENERATED FROM CLANDESTINE ILLICIT TRAFFICKING OF DRUGS**

**Section 1**

**Limitation of the amount of settlement of payment in cash**



### **Article 18:**

Any settlement of payment in cash which exceeds the amount as determined by the competent institution, shall be prohibited.

## **Section 2**

### **Obligation of making a declaration on the international transfer of valuables**

### **Article 19:**

All the transfers to or from foreign countries of funds, checks or other valuable objects which amount exceed to what determined in the Proclamation (Prakas) of the Minister of Finance, shall declare to the National Bank of Cambodia. In such declaration, shall indicate of the amount of the transfer, name and address of the sender and receiver.

## **Section 3**

### **Regulations regarding business of manual exchange of currencies**

### **Article 20:**

Any natural person or legal entity who are authorised to perform a business of manual exchange of currencies, shall:

1- ask for the identity of its customers, by asking them to prove a still valid document with photos, before accepting to exchange them any money which amount exceeding what specified by the competent institution.

2- record all the operations in chronological order by indicating of the first names, surnames and addresses of the customers in a serial books and with initial signature by the National Bank of Cambodia, which shall be kept file for at least five years after the last recorded operations.

The National Bank of Cambodia may designate its officer go down to inspect those books on site.

3- respect all the regulations of the National Bank of Cambodia, which is a competence which manages the exchange of money.

#### **Section 4**

#### **Obligations required for Casinos**

#### **Article 21:**

When any gambler buys, brings coins with him/her or changes coins or tickets for settling payment during the gambling, which have their values exceeding the amount specified by the Minister of Finance and Economy, the casino which has authorization from the Royal Government, shall:

1- ask for the identity of such gambler, by asking him/her to show his/her still valid documents with photo.

2- record down those operations in chronological order, following the actual amount of money, stating of the surname and first name and address of the gambler in a book which has serial number and with initials made by the Ministry of Finance. This book shall be kept file for at least 5 years from the last recorded operation.

The Ministry of Finance and Economy may designate its officers to inspect all these books on site.

## **Section 5**

### **Obligation of taking precaution by the financial organisations**

#### **Article 22:**

Credit establishments and financial institutions shall ask for identification of customers before proceeding any business transaction with them. Credit establishments and financial institutions shall monitor to see especially if there is any complicated or unusual operation taking place. All the documents related to the identification of their customers and the operation they have done shall be kept file. Credit establishments and financial institutions shall educate their staff members to be alert and join in the fighting against the laundering of money generated from the clandestine trafficking of drugs.

Conditions for the application of this article, shall be determined in a Sub-Decree.

## **CHAPTER VII**

### **DETECTING AND REPORTING OF SUSPICION OF MONEY LAUNDERING**

#### **Section 1**

##### **Reporting Individuals and Organisations**

#### **Article 23:**

Credit establishments, financial institutions and other persons which in the exercise of their professions, have done, controlled or instructed an operation which caused the flow of capitals, shall report of the amounts of money which they have suspicion of generated from the commission of offenses as stated in articles 31 through

33, 37 through 40 and 42 through 44, and indicate of the operations related to such amount of money. The lawyers shall only report of those operations which they had known of, apart from their function of defence.

Credit establishments and financial institutions have the obligation to report on such operations as stated above, despite that it is not possible to suspend those operations or that the amount of money stated above emerges after the operations was accomplished.

Organisations and persons stated in paragraph 1, shall also report on all the information which increases or rules out the fore suspicion.

## **Section 2**

### **Reporting Procedures**

#### **Article 24 :**

Credit establishments, financial institutions and other persons as stated in the above article, shall immediately send a report to the prosecutor. The prosecutor shall ask to the Commission which is established under the article 25 to provide him/her sufficient information, in order that he/she will make decision on due charge.

#### **Article 25 :**

A Commission shall be established to combat against the laundering of money generated from the illicit trafficking of drugs and which is placed under the power of the Prime Minister(s).

Composition and duty of this Commission, shall be determined by a Sub-Decree.

## **Section 3**

### **Management of reports**

#### **by the Commission of Anti-Money Laundering**

##### **Article 26 :**

The Commission of Anti-Money Laundering shall respond that it has already received the report within a specified period for conducting of banking or financial operation. In this above letter of response, there could be an objection which may require a suspension of the operation within a period of not exceeding 24 hours. If such letter of response does not mention of any denunciation complaint or upon the expiry of the denunciation period, there is no decision which orders to reporter take preventive measures as stated in the following paragraph, such reporter may then to proceed on with the operation.

When, within 24 hours period, it is not possible to determine the source of the money, the Chief Judge of the competent court may, upon request of the Prosecutor who received the complaint from the Anti-money Laundering Commission, order to stop the fund, account and checks, except when the investigating judge had already ordered to stop them up.

Decision of the court made following the request from the prosecutor shall be implemented immediately.

##### **Article 27:**

No individual or leader or persons in charge of inspection of the organisation as stated in article 23, shall be subject to any prosecution for the breach of confidentiality of the profession for what he/she reported in good faith as stated in that article.

No civil action and professional sanction shall be taken against individuals or organisations who had reported in good faith, even if the investigation or decision of the court proved that such report is unfounded.

##### **Article 28:**

Credit establishments or financial institutions, shall be exempted from all responsibilities, and no leader or person responsible for supervision of these establishments shall be subject to any criminal prosecution, if the

operation was conducted as what mentioned in the sub-para.1 of the article 26, except when those establishments or institutions accomplices with the owners of the money or holders of the operation.

## **CHAPTER VIII**

### **PENAL PROVISIONS**

#### **Article 29:**

Without yet taking into account of those due punishment terms which were provided for the illicit trafficking of drugs and psychotropic substances and for the laundering of money generated from the illicit trafficking of drugs :

1- Shall be subject to imprisonment from six (6) days to one (1) month and a fine penalty of from 100,000 (one hundred thousand) to 1,000,000 (one million) riels or, to either one of the two penalties, for:

**a)-** any person and leader or person in charge of supervision of the organisation as stated in the Article 23 who have told the money owner or holder of the operation as stated in Article 23 of the report which he/she has obligation to do or of the consequences which the money owner or holder of the operation will suffer or that he/she did not have intention to make such report as stipulated in the Article.

**b)-** any person who uses fake identity cards to achieve or attempt to achieve the operations stated in articles 18 and 21 of this Law.

2- Shall be subject to imprisonment from 1 month to 1 year and with a fine penalty in cash of from 100,000,000 (one million) riels to 5,000,000,000 (five million) riels, for those who destroy or steal register books or documents which are required to be kept files by the articles 20 and 21 of this law.

3- Shall be subject to a fine penalty of from 100,000 ( a hundred thousand) riels to 1,000,000 (one million) riels, for:

a) any person who made or accepted to settle a payment in cash which exceeds the amount permitted.

b) any person who violated the reporting obligation on the international transfer of funds, checks or valuables which are required to be reported by the Law.

c) any leader or person in charge of handling direct money exchange, person in charge of a casino, credit establishment and financial institution, who violated the provisions of the articles from 19 to 22 this Law.

Any person who committed offenses as stated in this Article may be ceased definitively or for a period of 6 months to 5 years from carrying out a profession which he/she has violated the law.

## **CHAPTER IX**

### **DISCIPLINARY PROVISIONS**

#### **Article 30:**

If credit establishments and financial institutions or persons mentioned in Article 23 or enterprises of direct money exchange or casinos failed to fulfil any obligation which is required to them by the provisions of this Law or by subsequent sub-decrees for application of this Law due to serious fault, negligence or lack of internal procedures, the Disciplinary Authorities may spontaneously/automatically take actions under the conditions stated in the administrative or professional regulations.

## **CHAPTER X**

### **CHARGES AND PRINCIPAL PUNISHMENTS**

#### **Section 1**

##### **Seriously endangering drugs**

**(Tables I & II)**

**Article 31:**

Any person who intentionally violates the provisions of this Law and regulations related to the cultivation of narcotic plants for the trading, producing, manufacturing, refining or transforming of drugs which result in serious dangers, shall be punished from 10 to 20 years imprisonment and with a fine penalty in cash of from 10,000,000 (ten million) riels to 50,000,000 (fifty million) riels.

**Article 32:**

Any person who intentionally violates the provisions of this Law and regulations related to the export, import, international transportation of drugs which result in serious dangers, shall be punished 10 to 20 years imprisonment and with a fine penalty in cash of from 10,000,000 (ten million) riels to 50,000,000 (fifty million) riels.

**Article 33:**

Any person intentionally violates the provisions of this law and regulations related to the request to supply for display, distribution, brokering, sale, delivery, in whatever rank, consigning, dispatching, transporting, purchasing, conserving or use of drugs which cause in serious dangers to other persons, shall be punished from 10 to 20 years imprisonment and with a fine penalty in cash of from 10,000,000 (ten million) riels to 50,000,000 (fifty million) riels or either one of the two punishments.

**Article 34:**

Any person who organises and directs a group of criminals or who finances such group of criminals in order to commit one or many offenses as stated in the articles from 31 to 33 and the article 39, shall be punished to life imprisonment and with a fine penalty in cash from 50,000,000 (fifty million) riels to 100,000,000 (a hundred million) riels.



### **Article 35:**

Shall be subject to punishment from one (1) year to five (5) years in prison and with a fine penalty of from 5,000,000 (five million) to 10,000,000 (ten million) riels or either one of the two penalties for:

1- any person who intentionally facilitates the others to consume drug illicitly even with charge or free of charge and which caused the latters serious dangers.

Such person is primarily: a landlord, manager, director, businessman of whatever title of a hotel and renting house which has furniture facilities, places for sleeping and eating, bar lounge, restaurant, club, leisure, dancing and entertainment or any open place for the publics or for use by the publics etc..., who tolerates the consumption of drugs which cause serious dangers inside those establishments or affiliate of such establishments or places.

2- any person, who has knowledge in advance, but still issues a pleasing medical prescription for consuming drugs which resulted in serious danger.

3- any person, who knows that the medical prescription is not appropriate or which is only made to please the consumer, but still gives it to a person to buy drugs which causes serious dangers.

4- any person, who brings an inappropriate or pleasing medical prescription in order that one will provide drugs to him/her or, who attempts to make the other to supply drugs which results in serious dangers.

5- any person who without letting the consumer to know of and stealthily puts a very dangerous drugs in the foods and drinks.

## **Section 2**

### **Distribution for personal consumption**

#### **Article 36:**

Shall be punished to imprisonment from one(1) month to one (1) year and with a fine penalty of from 1,000,000 ( one million) to 5,000,000 (five million) riels, or to either one of the two penalties, for any person who sold or provided very dangerous drugs to a person for personal consumption.

## **Section 3**

### **Dangerous drugs**

( Table III )

#### **Article 37:**

Shall be punished to imprisonment from five(5) to

fifteen (15) years and with a fine penalty of from 10,000,000 ( ten million) to 50,000,000 (fifty million) riels, or to either one of the two penalties, for any person who intentionally violates the provisions of the law and regulations relating to the cultivation of narcotic plants, production, fabricating, refining, preparation for manufacturing, transforming, importing, exporting, supplying, displaying, distributing, brokering, selling, delivering of whatever status, sending, donating, transmitting, transporting, purchasing, storing or consuming of dangerous drugs which cause serious danger as stated in the Table III.

## **Section 4**

### **Ingredients for drug manufacturing ( Table IV),**

### **materials and equipments**

#### **Article 38:**

Shall be punished from five (5) to ten (10) years in prison and with a fine penalty of 10,000,000.00 riels (ten million ) to 50,000,000.00 (fifty million ) or either of the two penalties, for any person who intentionally produces, imports and exports, transports, provides, sells, distributes, delivers despite of in what capacity, sends, dispatches, buys or preserves drug constituent substances, equipment and materials or for the purpose of planting, producing, or illegally manufacturing drugs which cause serious dangers or endangering drugs or with clear knowledge that such substances, equipment and materials are used for this purpose.

## **Section 5**

### **Laundering of money generated from**

### **illicit trafficking of drugs**

#### **Article 39:**

Shall be punished 10 (ten) to 20 (twenty) years imprisonment and with a fine penalty of 10,000,000 (ten million) riels to 50,000,000 (fifty million) riels or either one of the two penalties, for :

1- Any person who intentionally transferred resources or properties acquired through the commission of offenses as stipulated in articles 31 through 38 of this Law, for the purpose of concealing or diverting the illegal original source of such resources or properties or in order to help the offender to get away from punishments as a result of his/her own act.

2- Any person who helps concealing or diverting the original source, place, management, movement or real ownership over the resources, properties or rights related to the resources and properties obtained from any offenses stated in the sub-paragraph 1 above.

## **Section 6**

**Purchasing, storing or consuming, with  
knowledge of the consequences of resources  
and properties which are generated from offenses**

### **Article 40 :**

Shall be subject to imprisonment from one (1) to five (5) years and a fine penalty of from 5,000,000 (five million) to 10,000,000 (ten million) riels or, to either one of the two punishment terms, for any person who purchases, stores or consumes in whatever form, of the properties and resources which he/she had knowledge that they are obtained from the commission even directly or indirectly, of the offenses of the articles from 31 to 39 of this law.

## **CHAPTER XI**

### **COMMON PROVISIONS FOR OFFENSES**

#### **Section 1**

**Incitement for commission of offenses  
and drug abuses**

#### **Article: 41:**

Shall be punished for this above offence, for any person who has incited through whatever means, even directly or indirectly, to commit any offence as stated in the articles from 31 to 40 of this law, even though if such incitement is successful or not.

Shall be subject to punishment from one(1) to five (5) years imprisonment and with a fine penalty from 5,000,000 ( five million) to 10,000,000 (ten million) riels or, to either one of the 2 punishments, for any person

who has incited, by whatever means, even directly or indirectly to illicitly consume of drugs which cause serious dangers or of substances which have the same effect as these drugs.

Shall be subject to punishment from one (1) month to one (1) year and plus a fine penalty from 1,000,000 ( one million) to 5,000,000 ( five million) riels, in case of incitement to consume illicitly of drugs which cause dangers or of substances which have the same effects.

## **Section 2**

### **Attempt of commission of offenses in conspiracy or Agreement**

#### **Article: 42:**

The attempt of commission of offenses as stated in the Articles 31 to 40 of this law, shall be punished the same term as which of a successful commission of such offenses.

Any conspiracy or joint agreement for commission of any offence above, shall be punished the same term as which of the case of successful crime.

## **Section 3**

### **Conspirator**

#### **Article: 43:**

A conspirator, who with knowledge of the causes and effects, but who still provides means, helps supporting, provides assistance in whatever way or gives advice (to someone) to commit any offence, shall be punished the same term as which of the principal of such offence.

## **Section 4**

### **Financial Operation**

#### **Article: 44:**

Financial operations which are done intentionally and which are concerning with the offenses as stated in articles 31 to 38 of this law, shall be subject to the same punishment term as which of the commission of such offence itself.

## **Section 5**

### **Extra Provisions**

#### **Article: 45:**

Those punishments terms as provided for in the articles from 31 to 40 of this law, shall be also applied even if the acts which are elements of offenses are committed in different countries.

#### **Article: 46:**

Legal entities shall be criminally liable for the offenses as provided for in this law. The court may pronounce a sentence for one or many punishments as hereunder :

1- a fine penalty of maximum amount equal to 5 times the maximum punishment term as provided for in this law.

2- Dissolution of a legal entity when such entity was established for the purpose of diverting its objective to commit offenses which are subjected to imprisonment of above 5 years.

3- Prohibition from performing any profession or social activity either directly or indirectly, forever or for a period of not more than 5 years.

4- Placed under the court supervision for a period of not more than five years.

5- Closure for definitively or for a period of not more than 5 years, those establishments or establishments of enterprises which are used for the purpose of committing offenses.

- 6- Forbidden from joining in the public bidding for definitively or for a period of not longer than 5 years.
- 7- Forbidden from making advertisements for the publics to come with their money to open their saving accounts, for ever or for a period of not more than 5 years.
- 8- Prohibition from issuing checks apart from those checks for cash box, or from certifying checks or using order of payment, for a period of not over 5 years.
- 9- Confiscation in accordance with the provisions of the Articles from 50 to 59.
- 10- Posting decisions of the courts or publicising these decisions through newspapers or TV,

The 1st punishment term above shall not be applied for an institution which represents the personnel.

The 1st and 3rd punishment terms above shall not be applied for public legal entities which their responsibility may concern.

## **CHAPTER XII**

### **GROUND FOR AGGRAVATION OF PUNISHMENT**

#### **Article: 47:**

The maximum punishment terms as specified in articles 31 to 40 of this law, shall be increased in double, if :

- 1- the principal of the offense is a member of an organised group/click.
- 2- the principal of the offense has involved in other illegal activities which the existing drug offense which he/she committed, has facilitated them.
- 3- the principal of the offense has used violence or weapon.
- 4- the principle of the offense is performing in a public function and if the offense is committed during the accomplishment of such function.
- 5- the offense is committed by a health professional or person who is in charge of duty of combatting against the illicit drug abuse or trafficking.
- 6- when there is a delivery of drugs or request to use them or facilitation to a minor or mentally insane person or person under medical detoxication treatment, for the abuse of drugs.

- 7- When during the commission of the offence, there is involvement of a minor or mentally insane person.
- 8- when drugs which have been delivered caused death or serious danger to health of one or many persons.
- 9- when the offense was committed in a penitentiary, military or educational establishment, hospital or clinic, social service centre or other places where pupils and students are conducting their educational or sporting activities or social action, or if the offense is committed in the nearby area adjacent to the establishments and those places.
- 10- the principal of the offense had added in the drug of other substances which aggravated the extent of the danger.
- 11- the principal of an offense is in a state of recidivism (repetition of offenses), the sentences which were pronounced so far by the courts of other foreign countries, shall also be included for considering such recidivism.

## **CHAPTER XIII**

### **ACQUITTAL, ATTENUATION OF PUNISHMENT FOR REPENTANT**

#### **Section 1**

#### **Acquittal/Remission from punishment**

#### **Article: 48:**

Any person who are culpable for joining in a group or for having agreement with such group to commit any offense as specified in articles from 31 to 40 of this law, may be acquitted/remitted from punishment if such culprits had reported to the administrative or court authority before the offense is taking place by such above conspiracy with the group or by such agreement, in order that the latter could have sufficient time to prevent the successful achievement of such offence, or if such culprits had reported of their knowledge of other persons involved, in order to prevent the successful achievement of such offence and to investigate or monitor the unlawful activities of such group.



## **Section 2**

### **Attenuation of punishment**

#### **Article: 49:**

Apart from those cases as stated in this above article, the maximum punishment terms as specified in the articles from 31 to 40 of this law may be reduced to half, for any principal of the offense or accomplice who had reported for enabling to identify other culprits, before he/she is prosecuted or, who had help facilitating for the arrest of culprits after he /she was prosecuted.

Besides, such person shall also be exempted from a fine penalty and sub-punishment as well as from other additional optional penalties.

## **CHAPTER XIV**

### **PUNISHMENTS AND ACCESSORY OR COMPLEMENTARY MEASURES**

#### **Section 1**

##### **Confiscation,**

##### **Measures for temporary seizure to guarantee the confiscation**

#### **Article: 50:**

In case of prosecution is to be made, measures for seizure of properties, objects of the accused person(s) or which obtained from offenses or which are suspected to have been used or which are going to be used for the commission of offenses, shall be carried out in compliance with the conditions as determined in the law.

## **Section 2**

### **Obligatory confiscation**

#### **Article: 51:**

The court which made decision of weather to punish or release or acquit from charges for any of the offenses as stated in the articles from 31 to 38 and the article 98, shall order to confiscate the seized drugs which have still not been destroyed or not been send to any authorised establishment or to any authorized person to take care of them .

If no public action was filed so far, the confiscation as stated in above paragraph shall be decided by the chief judge of the court following the prosecutor's conclusion.

#### **Article: 52:**

In case of pronouncing a sentence for any of the offenses as provided for in the articles from 31 to 39 and the article 98, the court which passed such judgement, shall order for the confiscation of the equipment, materials, substances used for the production of drugs and other objects which have been used or which are intending to use for the commission of offenses.

In case of punishment for any of the offenses as stated in article 39 , the court which passed the judgement, shall order for the confiscation of all the resources or properties that are subject of such offense and all the incomes and other benefits which are the outcomes of those resources or properties.

#### **Article: 53:**

In case of pronouncing a sentence for any of the offenses as stated in articles 31 through 38 of this law, the court that passes the judgement, shall order for the confiscation of the resources and properties of all types which are obtained from the offenses and which had become heritage of the offender so far for five years before the punishment date, except only when upon such person has proved concrete evidence that those resources or properties were not obtained either directly or indirectly from the offence.

Shall be considered as obtained from the offenses, those moveable and immovable properties, which are the outcomes obtained through the transformation or investment for benefit from the offenses.

Confiscation of resources or properties gives full rights to lawful confiscation of the incomes or other benefits generated from those resources or properties.

If the outcomes from the offenses are mingled with the properties which are obtained lawfully, the confiscation of such properties may be done only within the amount of value of such outcome corresponding to its actual rate which is mingled in such lawful properties and which had been estimated by the court.

In the decision of confiscation, shall mention precisely of the properties which are to be confiscated, to make it easy to identify and discover them.

#### **Article: 54:**

In case of punishment for any of the offenses as provided for in the Article 34, the Court shall order for confiscation of movable and immovable properties of any criminal organisation which it inspected them directly and which have been used.

Shall be considered as a criminal organisation, a group of dishonest persons which is established in a purpose and objective to commit once and again, directly or under a form of lawful activity, of the offenses which are stated in the articles 31 through 40 of this law or other criminal activities.

### **Section 3**

#### **Optional confiscation**

#### **Article: 55:**

In case of punishment for any of the offenses as provided for in the sub-para.1 of the Article 35 of this law, the Court may issue an order for the confiscation of the instruments, materials and movable properties which are existing on site of the crime scene.

## **Article 56:**

### **Section 4**

#### **Exercise of Confiscation**

## **Article 56:**

The sales of confiscated properties, shall be carried out by the Ministry of Finance and Economy, in conformity with the formality for the sales of state's properties.

Properties obtained by the State from confiscation, shall maintain their same value for settling the payment of lawful debts incurred since before the confiscation by the court or before those properties are delivered to someone to take care of or before other measures for taking care of those properties are carried out.

Appropriate measures to insure the application of the provision of this Article, shall be determined by Sub-decree.

## **Article: 57:**

All funds obtained from confiscation and money from the sales or the rest of money after settling all debts, shall be deposited in a **National Fund Cash-box for fighting against drugs** which is under the authority of the **National Anti-drug Authority**.

This National Authority manages to provide the remaining money in the cash-box to those State's organisations or to private associations which were guaranteed that they have their precise specialities in fighting against abuses of drugs or illicit trafficking of drugs or psychotropic substances.

Conditions for the organisation and functioning of the above National Fund, shall be determined by Sub-decree.

## **Section 5**

### **Nullification of acts which intended to create obstacles for the process of confiscation**

#### **Article: 58:**

Shall be considered as void, all those letters/messages which are made either with payment of fees or with no fees, letters of testament (Wills) or messages made between living persons, even directly or through a third person or messenger indirectly and which have objective to divert properties, in order to prevent them from confiscation measures. Except if there is contradictory evidence, all acts of management or administration of properties shall be considered as those which are carried out intended to divert the properties( to prevent the confiscation), if those acts had been performed from the time of the arrest or upon charges are made against the concerned owners of properties or against the persons from whom the properties are actually received by the owners, for commission any of the offenses as stated in the Articles 31 through 40.

The civil court has competent to make a decision for nullification of those above letters/messages. If the court decides to nullify a sale contract, the money paid for such sale cost is to be returned to the buyer, if upon there is evidence which proves that such buyer had already paid for such sale cost.

## **Section 6**

### **Suppression of Obstacles to Confiscation**

#### **Article: 59:**

Any person who has knowledge of the facts and who facilitated or attempted to facilitate to steal back the equipment, materials, substances for drugs manufacturing or other objects, resources and properties that were ordered to be confiscated according to provisions of the Articles 51 through 54, shall be punished to imprisonment from 1 years to 5 years and with a fine penalty in cash of from 5 (five million) riels to 10,000,000 (ten million) riels or to either one of the two punishments, without yet taking into account of due punishment for the conspiracy in the offence as provided for in the Articles 31 through 40 of this law, if any.

## CHAPTER XV

### UNLIMITED PUNISHMENTS

#### Article 60:

1- In those cases as provided for in chapters ten, eleven and twelve, and in the Article 93, 97 and 98, the Court may additionally decide :

- a) to forbid a foreigner from entering into or from living on the territory of Cambodia for forever or for a period of 1 year to 5 years.
- b) to forbid from staying on the territory of Cambodia for a period of 1 year to 5 years.
- c) to forfeit the citizenship rights for a period 1 year to 5 years. But this length of time shall not exceed the length of the punishment term.
- d) to ban from leaving of the territory of Cambodia and to take away the passports for 1 year to 5 years.
- e) to ban from driving any kind of vehicles and take away the driving license for a period from 1 month up to 3 years.
- f) to ban from conducting a profession which he/she committed the offence while during the exercise of such profession, forever or for 1 year to 5 years.

2- In those cases which are provided for in the article 31 to 40 of this law, the court may make a decision:

- a) to close down for a period of 1 to 5 years, those places where crime was committed by the businessmen or by conspiracy of the businessmen such as hotel, renting house with movable properties available, place for staying and eating, drinking shop , restaurant, recreation club, dancing club and entertainment places or branch of those locations or any place opened for public or for use by public.
- b) to remove the business authorization for a period of from 1 year to 5 years.

#### Article 61:

Any person who violates those prohibitions as provided for in article 60 or who violates the closure of the establishments as stated in the paragraph 2 of the article 60, shall be punished from 1 year to 5 years in prison and with a fine penalty of from 5,000,000 (five million) riels to 10,000,000 ( ten million) riels or to either one of the two penalties without yet taking into account of those provisions of heavier punishments, if any.

## **CHAPTER XVI**

### **COMPLEMENTARY MEASURES**

#### **Article 62:**

If an addicted person is convicted for any of the offenses as provided for in the articles 31 to 41 of this law, the court may, in addition to the punishment, order to take a measure for medical treatment as provided for in the Section 2 of the Chapter 24.

## **CHAPTER XVII**

### **SPECIAL PROVISIONS OF PROCEDURE**

#### **Section 1**

#### **Competence**

#### **Article 63:**

Courts of the Kingdom of Cambodia have competence to make decisions on offenses:

- when an offense has been committed on the territory of the Kingdom of Cambodia or when an act which is element of the offence was committed on the territory of the Kingdom of Cambodia.
- when the offense has been committed by a khmer citizen or by any person who is permanently living on the territory of the Kingdom of Cambodia.
- when the principal of the offence is staying on the territory of the Kingdom of Cambodia and that principal was yet not been sent to the original country.
- when the offender has committed an offence on board of an airplane which had been registered on the territory of the Kingdom of Cambodia or on board of a ship which raised up with the flag of the Kingdom of Cambodia.
- Except when upon there is an agreement and settlement between the 2 States, when an offense/crime is committed on board of a ship which the State which is owner of the flag has permitted to the Kingdom of Cambodia to order to stop for a check and control and to take appropriate measures for the ship and people on

board and cargo ship's, in case when upon finding an evidence that there is involvement in the illicit trafficking of drugs.

## **Section 2**

### **Term limitation**

#### **Article 64:**

The term limitation of the offenses as provided for in the articles from 31 to 34 shall be expired after a period 10 years.

The term limitation of the punishment sentenced for any of the above offenses shall be expired after 20 years, from the date the final judgement or appeal judgement is made.

The term limitation of other offenses shall comply with ordinary law.

## **Section 3**

### **Seizure**

#### **Article 65:**

In case of there is any of the offenses as provided for in the chapters 10 and 11, the drugs and substances which are used to produce hard drug shall be immediately seized. Things installed and used, materials, equipment and other movable properties which are suspected to have been used or for using in the commission of all these offenses, money and value of movable properties which are suspected that are generated directly or indirectly from the offenses and all documents which are likely to help to prove evidence of the crimes and guilt of the principal of the offence, shall immediately be seized and cannot be raised as a pretext that they are documents of confidentiality of profession .



## **CHAPTER XVIII**

### **PROVISIONS TO FACILITATE THE INVESTIGATION**

#### **Section 1**

##### **Arrest**

##### **Article 66:**

In the cases as provided for in the articles from 31 to 34 and 39 of this law, the longest period for the arrest is 48 hours.

From the beginning of the arrest, if the arrested person has requested to the prosecutor or investigating judge, and if upon such file case has already reached to him /her, the prosecutor and investigating judge shall order a doctor to go down to examine the arrested person every 24 hours. The Doctor shall issue a medical certification stated of reason after each examination. Such medical certification shall be included in the file case. Other examinations shall be done if there is a request from the arrested person.

In the medical certificate certifies especially that whether the arrested person is a drug addicted person or not ? And whether the health condition of such arrested person can allow him/her to be detained in the detention centre or not?

The cost of the medical exam must be the burden of such arrested person. If the arrested person is poor, the cost of such medical exam shall then be born by the State.

#### **Section 2**

##### **Search**

##### **Article 67:**

The going down for carrying an inspection, search and seizure at the places which are producing, transforming, storing illegally of seriously dangerous drugs and dangerous drugs or substances for drug manufacturing, equipment and materials for the cultivation of narcotic plants, illicit production those drugs and at the collective places where seriously dangerous drugs are consumed by many people, may be done at any time, at night and in day time.

An inspection, search and seizure may be carried out at night time only for the cases of investigating and taking records of the offenses/crimes as provided for in articles 31 to 35 and the article 38 of this law.

All those minutes which are made for other objectives apart from these above cases, shall be considered as void.

For carrying an inspection or search as above it is required to have a written permission from the prosecutor or from the investigating judge when upon the case has already reached such prosecutor or investigating judge. .

### **Section 3**

#### **Inspection of postal service**

##### **Article 68:**

Persons who have legal competencies in the inspection and taking records or in the suppression of offenses/crimes as provided for in the articles from 31 to 46 of this law, shall be authorized to follow up on the postal services at anytime in the day and night, in order to search for the illegal sending of drugs and substances for producing drugs.

When upon there is enough evidence to assume that there is such kind of illegal sending, the prosecutor or investigating judge, if upon such case has already reached him/ her, may require the post office to open such sending packages.

### **Section 4**

#### **Searching**

##### **Article 69:**

Persons who have competence in the inspection or suppression the offenses/crimes as provided for in articles from 31 to 46 of this law, shall be allowed to carry out searches on physical body of individuals, vehicles, goods, packages, luggage, when there is an indication which may bring forth to a suspicion that there is commission of crime/offenses as provided for in the articles 31, 32 33 38 and 98. The body search shall be conducted by a person who has the same sex according to the regulations in vigour.

## **Section 5**

### **Investigation based on searching technic of medicine**

#### **Article 70:**

When there is enough indication to assume that person who crosses the border, has brought hard drugs with him/her by concealing them in his/her body, the public servants who have competence in taking records of the crimes/offenses may place such person under the examination by a doctor or by a medical technical physician who will primarily use a searching technic of medicine, after there is a written agreement from the concerned person. In case of there is no agreement from the concerned person, such public servant shall sue for authorization from prosecutor. This suit can be dispatched by all means. The prosecutor who received the suit can authorize the examination through medical process. The Prosecutor shall appoint a doctor or medical technical physician to proceed the examination immediately. The medical examination result given by the doctor and the opinion of those who are involving in the process of the medical examination, shall be written down in a minutes which must be sent to the Prosecutor.

Any person who refuses to be examined by the doctor following the order of the prosecutor, shall be sentenced to 1 month to 1 year in prison and with a fine penalty of from 1,000,000 (one million) riels to 5,000,000 (five million) riels or to either one of the two punishments.

## **Section 6**

### **Delivery under supervision of currencies and instruments which have affects on currencies**

#### **Article 71:**

The passage across the territory of the Kingdom of Cambodia of narcotic plants or substances, currencies and instruments which have affects on currencies as provided for under this law which are dispatched/transferred illegally or which are suspected that are illegal and which a competent authority has known of and follows up to control and take records of the offenses as stated in the articles 31, 32, 33, 37 and 38, may be authorized in order to follow up and find out the identification of those persons who are involving in such offenses, for prosecuting them .

May also be allowed to do for the same objective as above, the incitement by a public servant of the competent authority of control and take record of offenses/crimes, to sell illegally of narcotic plants, substances, even directly or through any person who follows instruction of such public servant.

The incitement to buy illegally of narcotic plants and substances by a public servant of the competent authority of control and taking records of offenses/crimes as provided for in this law, shall be prohibited. Otherwise such civil servant shall be charged with " incitement" as provided for in the article 41 and as to the "investigation", shall be considered as null and void, even if such public servant has committed it by himself/ herself or through any person.

#### **Article 72:**

A decision to authorize the use of method of delivery under supervision or a method of illegal sale, shall be made by an authority which is appointed through a Proclamation (Prakas) of the Minister of Justice or of a delegate assigned by Minister of Justice for each case. And if it is to be done, shall base on the agreement with other countries which have interest in this matter. Decision to use of method of delivery under supervision shall be notified immediately to the competent court of the place which is presumed as a place of sending in and out of the territory of the Kingdom of Cambodia in a one hand, and in the other hand, shall also be notified immediately to the competent court of the place which is presumed as a place of delivery or place of sending out.

Decision to authorise the use of method of incitement for illegal sale, shall immediately be notified to the competent court of the place which is presumed as a selling place.

#### **Article 73:**

The Authority which is appointed by the Proclamation (Pra kas) of Minister of Justice or his/her delegate, directs and supervises the operation on the territory of the Kingdom of Cambodia and orders to intervene when such authority deemed appropriate. If there is agreement from other countries which have related interests or eventually basing on financial agreement, such authority or its delegate may decide to lay ambush to intercept for seizure of objects which are dispatching/transferring illegally and may allow to go on dispatching/transferring them ahead as they are or after seizure of the currencies, instruments which have affects to currency, plants or substances and, eventually, by substituting them by other products.

## **Section 7**

### **Observation**

#### **Article 74:**

The prosecutor or investigating judge, when after the case has reached him/her, may :

- 1- Place under control of the bank accounts and other accounts which are considered as bank accounts,
- 2- Place under control and listening of telephone lines,
- 3- Inspect the computer systems,
- 4- Require to provide all authentic or private papers and all financial and commercial banking documents. When there is enough evidence to prove that these accounts, telephone lines or computers systems are used or may be used by those persons who are suspected of committing or who have committed any of the offenses as stated in the chapter X and XI, or if those papers or documents are related or may be related to anyone of the above offenses.

The above measures cannot be considered as violation of confidentiality of profession.

The placing of telephone lines under control and listening may be allowed only for a period of less than two months. Any extension of this measure, can be permitted only by the investigating judge who is holding this case.

#### **Article 75:**

Without yet taking into account of those punishments due for the offenses as stated in the chapter X and XI, shall be subject to punishment from one (1) to five (5) years in prison and with a fine penalty from 5,000,000 (five million) riels to 10,000,000 ( ten million) riels or, to either one of the 2 punishments, for:

- 1- Any person who has known through the exercise of his/her business of any measure as stated in the article 74 above and who has voluntarily told it to the persons involved.
- 2- Any person who provides to the court or the competent official of the government, with letters or documents as stated in sub-paragraph 4 of the article 74 above whilst upon he/she has known that these documents had been partly removed or false documents, but he/she had not reported it for the knowledge of the authority.

## **Section 8**

### **Ban from taking confidentiality of the Bank as pretext for refusing to provide evidence and statements of witnesses**

#### **Article 76:**

Confidentiality of the bank may not be taken as pretext for refusing to provide evidence or statement of witnesses of the facts which may be susceptible for any offense as stated in the chapters X and XI.

## **CHAPTER XIX**

### **TEMPORARY CLOSURE**

#### **Article 77:**

In case of prosecution for any of the offenses as stated in the articles 31, 32, 33, 34, 35 (paragraphs 1 and 5), 37 and 38, the court or investigating judge may order to close down for temporary for a period of not exceeding six (6) months of those hotels, furnished rented houses, boarding houses, drinking shops, restaurants, recreation clubs, dancing, entertainment places or their annexes or any place which is opened for the publics or for use by the publics or where the offenses are committed by businessmen or by their conspiracy.

This closure may be extended under the same form, for a period not exceeding six (6) months.

All decisions as provided for in the above paragraph shall be implemented immediately even if there is an appeal complaint.

## **CHAPTER XX**

### **ON THE PARTICIPATION INTO THE PROCEDURAL CASES**

#### **Article 78:**

Those persons who are accused of any of the offenses as stated in chapters X and XI and who are staying on the territory of the Kingdom of Cambodia, shall be compelled by all lawful means to participate in the criminal procedure which concerned with them.

## **CHAPTER XXI**

### **PROVISIONS ON IMPLEMENTATION OF THE SENTENCE**

#### **Section 1**

#### **Ban from staying on the territory of the Kingdom of Cambodia**

#### **Article 79:**

The decision which is made to ban any alien from staying on the territory of the Kingdom of Cambodia in compliance with sub-paragraph a, paragraph 1, article 60, will lead to an expulsion of the convicted person from the country, after the latter has served the sentence in the prison.

In case of banning from staying for definitively on the territory of the Kingdom of Cambodia, this measure cannot be cancelled in any later date.

## **Section 2**

### **Physical forced imprisonment**

#### **Article 80:**

The period for the physical forced imprisonment shall be determined for 2 years, if upon the fine and forfeit penalty has been decided for any of the offenses as stated in the articles from 31 to 40, or for any offenses related to the customs which amount exceeds 10,000,000 (ten millions) riels.

## **Section 3**

### **Accumulation of punishment terms**

#### **Article 81:**

If, under the same procedure, an accused person is found guilty for many offenses/crimes in which includes one of the offenses as stated in the articles from 31 to 40, such person shall undertake to serve all the punishments for all the above offenses which have been sentenced, and his/her imprisonment terms shall be accumulated to an extent that these terms should not exceed the maximum of the highest punishment term.

If, in separate procedures, an accused person is sentenced for many offenses, in which there is one of the offenses which is as stated as above, and, if the facts which leads to any punishment take place before another punishment become definitive, such a person shall undertake to serve all punishments for all the offenses as decided, and his/her imprisonment terms shall be accumulated to an extent that they should not exceed the maximum the highest punishment term.



## **CHAPTER XXII**

### **PROVISIONS ON KEEPING OR DESTRUCTION OF THE SEIZED PLANTS AND SUBSTANCES**

#### **Section 1**

#### **Fabrication and conditions to retain the seals**

##### **Article 82:**

In all cases as stated in Chapters X and XI and Articles 98 and 99, the stupefients, psychotropic substances and those substances that are for producing drugs, shall be seized and put in packages, boxes or cases and sealed from the time they are found.

Sealed packages , boxes or cases, must be well protected in order to prevent the plants and substances inside them from being stolen.

Each sealed package, box or case shall be marked with a serial number on it and on the envelop of such package or on the sealed slip with mention of the type, weight of the plants and substances in it and the number of packages in which there are plants and substances. A minutes shall be made up immediately specifying the days, months, years (date), places and time of the finding by indicating the plants and substances which are seized, the weight and weighing method which is used and also the analyzing test and its results, if any. Such minutes shall mention also of the number of the sealed packages and other things as stated above.

In the minutes shall also mention of the places where sealed packages, boxes or cases are brought and kept and other useful remarks.

Minutes and notes written on each package, box or case, shall be signed by those persons who involved in preparing them.

Sealed packages, boxes or cases, shall be/ preserved in appropriate conditions, in order to prevent them from being stolen or fraud. When upon moving such sealed packages or cases to somewhere else any time later, shall make up a minutes thereof, by indicating the location where they are brought to and the subject of such movement.

In this minutes shall record whether the seal and all the packages are still remaining in good condition or not, and whether their numbers are the same as what stated in the minutes of seizure or there is any loss or damage to the seal or any change from its original state .

## **Section 2**

### **Taking out for samples**

#### **Article 83:**

Court authorities have competence to draw out samples immediately from at least 3 packages or at necessary quantity , in front of the persons involved with the offense or, if no such persons are present, in front of two (2) witnesses, in order to be as evidence and as specimen of the seized plants or substances. Each sample shall be put in a sealed package. On the package or on the attached slip of the seal, shall be marked the types and weights of the objects which are inside it. When after taking out the samples, the original package shall be closed and re-sealed, then shall made up a minutes thereof by stating of the number of samples which have been drawn out, type and weight of the plants or substances contained in each package as well as the change of the seal from its original state.

On the minutes and all the inscriptions on each sample and on the re-sealed slip, shall be signed by all the persons who are present during the operation of drawing out the samples.

## **Section 3**

### **Expertise**

#### **Article 84:**

An expertise shall be carried out as soon as possible after the seizure by experts recognised by the Ministry of Justice, in order to identify the types, composition and proportion of the active materials of the plants and substances which are seized, in order to avoid damages or decreases of materials and chemical elements of these objects. The experts shall indicate in their reports of the number of samples which have been delivered, the type of plants and substances existed in each sample, number of samples which have been already used for the expertise, and if any, shall also state of the number of samples left which are collected back after the expertise, and any change on those samples.

## Section 4

### Delivery and destruction of the seized substances

#### Article 85:

Except only in case when it is absolutely indispensable to preserve the seized plants or substances for the court proceedings, the court authorities, after seizure, or taking out the samples, shall give orders to manage to implement immediately the followings :

- delivery of the usable medicine to the Ministry of Health ;
- delivery of the plants and substances that are usable in the pharmaceutical industry or for other purposes to the Ministry of Health;
- complete destruction of all plants and other substances, shall be carried out immediately and with most appropriate means, in front of a commission which will be established by a **Prakas**( Proclamation ) of the Ministry of Justice.

In the case when it is absolutely necessary to preserve the plants and substances for the court proceedings, their delivery or destruction shall be carried out as soon as possible, after a decision for confiscation becomes final.

When delivering or destroying, it is to inspect and take record in a minutes by indicating precisely of the seals which are delivered or destroyed.

The slips of the seals or inscriptions on the envelops of the packages, must be enclosed as annexes to the minutes which shall be signed by all the persons who are participating or who are present in the above delivery or destruction process.

## CHAPTER XXIII

### PROVIDING MINORS WITH POISONOUS CHEMICALS TO INHALE

#### Article 86:

Anyone who is clearly aware of the affects, but still provides minors to inhale any of the poisonous chemicals which are listed in the Prakas (Proclamation) of the Ministry of Health, shall be subject to punishment from one (1) year to five (5) years in prison and with a fine penalty of from 5,000,000 (five millions) to 10,000,000 (ten millions) riels.

## **CHAPTER XXIV**

### **MEASURES AGAINST THE ABUSE OF DRUGS**

#### **Section One**

##### **General Provisions**

###### **Article 87:**

An abuse of drugs and illegal use/consumption of drugs means the use/consumption of prohibited drugs or also of other drugs which are under control on the territory of the Kingdom of Cambodia, out of medical prescription .

Drug addicts are persons who are subordinated themselves physically and mentally to drugs, it means that they cannot abstain drugs that are under control on the territory of the Kingdom of Cambodia.

The treatment for detoxication of poisonous substances, is a treatment to eliminate the physical subordination to drugs.

###### **Article 88:**

The abuse of prohibited drugs and the use/consumption out of medical prescription of any other drugs which are under control, shall be prohibited on the territory of the Kingdom of Cambodia.

## **Section 2**

### **Measures for treatment**

#### **Article 89:**

An addict of poisonous substance who enters by himself/herself in a hospital or any specialised agency or any clinic to ask for treatment, such hospital, agency or clinic shall undertake to keep confidentiality, if so requested by the concerned person. Expenses for the medical treatment in the hospital or specialised agency or state clinic shall be entirely the burden of the State.

Any person who has received medical treatment under condition as stated in the para 1 above, may request to the hospital or body which provides the treatment to issue him/her a certificate which mentions the name, date, duration and subject of the treatment.

#### **Article 90:**

Prosecution shall not be made against any person who has committed offenses as stated in the article 98, para.2 and who had appeared by himself/herself for the treatment, before being prosecuted.

#### **Article 91:**

The prosecutor may summon those persons who committed offenses as provided for in article 98, para.2 to appear before the court within a period of not less than one month and not exceeds six months, and may make out an order to these concerned persons to show up within eight days in any detoxicating establishment as stated in article 89 for receiving proper treatment in accordance with their respective health conditions. The prosecutor shall notify to the relevant detoxicating establishment of such decision.

If such person does not show up in the detoxicating establishment or evades from the treatment prescribed by such establishment, the court shall apply the provision of the article 94 against such person.

If such person has complied with the order and undertook the treatment for all long up till the end, or if such person has continued with the treatment regularly, the court may declare the omission of punishment.

**Article 92:**

A person who is charged with an offense as stated in article 98, if upon examination it is found out that such person is addicted of poisonous substance, the court may decide to compel him/her to undertake an appropriate treatment measure in accordance with his/her health condition, during the implementation of the procedure.

If that person has undertook the treatment up till the end, the court may decide to only issue a warning.

**Article 93:**

Addicts of poisonous substances who are punished for offenses as stated in article 98, paragraph 2, may voluntarily request for medical treatment in accordance with their respective health conditions, after the court pronounced a sentence. In this case, the execution of the punishment shall be suspended temporarily. Those concerned persons who have undertaken the treatment until the end, shall be considered as having already served the punishment.

The punishment shall be re-applied immediately if the convicted person refuses to undertake the treatment or refuses to undertake the treatment until the end.

**Article 94:**

Any person who evades from the treatment as stated in articles 91, and articles 95 to 97, shall be punished from six (6) days to one (1) month in prison and with a fine penalty from 100,000 ( a hundred thousand) riels to 1,000,000 ( one million) riels or either one of the 2 punishments.

**Article 95:**

The civil court which has received a complaint filed by the spouse or parents or relatives of the concerned person, or from the prosecutor who sued to the civil court that the concerned person who is an addict of poisonous substances is known as dangerous for others, may force such concerned person to stay in a hospital or any specialized organisation as stated in article 89 for treatment.

### **Article 96:**

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.

### **Article 97:**

An addict of poisonous substances who was sentenced by the court to more than six months in prison, but with no suspension of punishment for other offenses, the court may compel them to undertake a measure of medical treatment.

## **Section 3**

### **Suppressive Measures**

#### **Article 98 :**

Notwithstanding the provisions of the articles 31 to 37, any person who violates the law by storing, purchasing or planting intentionally for his /her personal consumption of narcotic plants or substances which are considered as addicted drugs or psychotropic substances, shall be punished from six (6) days to one (1) month in prison and with a fine penalty from 100,000 (one hundred thousand) riels to 1,000,000 (one million) riels, or to either one of the two penalties.

Any person who uses/consume illegally of narcotic plants or substances considered as addicted drugs or psychotropic substances, shall be subjected to imprisonment from six (6) days to one (1) month and with a fine penalty, from 100,000 (one hundred thousand) to 1,000,000 (one million) riels, or to either one of the two penalties.

The above punishment terms shall be doubled, if the offender is a person who exercises profession in the field of health management and health care.

However, if in a circumstance when the grounds for any of the offenses as stated above has been committed but which involved only a very small quantity and was consumed as usual habit, the Prosecutor may acquit such offender from charges. If such case has reached the court, the chief judge of the court may decide to acquit such principal of the offence from punishment or to give only a warning to such person. Shall be considered as usual habitual consumption, the consumption that does not cause addiction and those who consume are villagers who used to consume since long time before following what practised by their ancestors.

**Article 99:**

Any person who is driving vehicle on land traffic, waterways of airways, when he/she is being under influence of a drug which has narcotic/addicted substance that he/she had consumed it illicitly and which causes danger, even if there is no appearance from the outside which shown of his/her addiction, shall be subject to punishment from six (6) days to one (1) month in prison and with a fine penalty from 100,000 (one hundred thousand) to 1,000,000 (one million) riels, or to either one of the two punishments.

Any person who refuses to be tested for drug addict, shall be subject to the same punishment as stated in the above paragraph.

In case when causing injuries or serious dangers to the lives, he/she shall be subject to punishment in triple the specified maximum punishment terms.



## **CHAPTER XXV**

### **INTERNATIONAL CO-OPERATION**

#### **Section 1**

#### **Common Provisions on Extradition and Mutual Assistance**

**in judicial field.**

#### **Article 100 :**

In case there is no Extradition Treaty and Mutual Assistance in judicial field, the offenses as stated in the Chapters X and XI, it is to comply with the provisions of Chapter XXV which can also be applicable on matters which has not provided by the Treaty.

#### **Article 101:**

The Royal Government of the Kingdom of Cambodia, will not consider the offenses stated in the above article either as fiscal or political offenses or as offenses based on political grounds, to refuse to extradite of the principals of those offenses or to refuse to mutually assist in the investigation, prosecution of criminal charges and in the court procedure for these above offenses.

## **Section 2**

### **Extradition**

#### **Article 102:**

Conditions, procedure and results of the extradition with regards to the offenses which are especially stated in the Chapters X and XI, shall be determined in the provisions of Chapter XXV of this Law.

#### **Article 103:**

Extradition may be refused by the Royal Government of the Kingdom of Cambodia, if the court authority of Cambodia thinks that this measure can facilitate to the prosecution or inflict criminal punishment against any person based on the grounds of race, religion, nationality or his/her political opinion.

#### **Article 104:**

Except when there is a mutual agreement or negotiations with the requesting State, the Royal Government of Cambodia refers the case to its competent court authorities to proceed a hearing on the public action, if the Royal Government refuses to extradite for the reasons of:

- the offense was committed on the territory of the Kingdom of Cambodia or on board of a ship flying a Cambodian flag or on board of an airplane bearing identification number in conformity with the Cambodian laws in force, at the time when the offense takes place ,
- the offense is committed by a Khmer citizen, or
- the person who is presumed to have committed such offense is on the territory of the Kingdom of Cambodia.

**Article 105:**

If the Royal Government refuses to extradite as what requested in order to implement a punishment as what was sentenced for any of the offenses as stated in Chapter X and XI for the reason that the convicted person is a Khmer citizen, and if such requesting State demands to the Royal Government of Cambodia to manage to implement itself such punishment or its remainder, the Royal Government shall then transmit such request to the Ministry of Justice in order to examine to ensure of the regularity of the complaint and of its conformity with the stipulation of the legislation of the Kingdom of Cambodia and after this to make decision according to the law. If the punishment term which had been sentenced according its type or duration, is more rigorous than what provided for in the Cambodian Law for the same case, the court of the residence or place of detention of the convicted person, following a complaint made by such convicted himself/ herself or by the prosecutor, shall substitute it with a punishment term which is more consistent with Cambodian law or shall reduce the sentenced term pronounced by the foreign court down to the maximum punishment term as stated by the Cambodian law.

**Article 106:**

If the circumstance requires and in urgent case, the prosecutor may order for temporary arrest a foreigner, simply after reception of an information which is sent directly to him/her by all available means of transmission, which left a written proof that the court at the requesting State has made out an order for an arrest or punishment of such concerned person for commission of any of the offenses as stated in the Chapter X and XI. The prosecutor informs of such arrest to the Minister of Justice.

The person who is temporary arrested under the above condition, may be released if within a period of twenty (20) days after the arrest no official request for extradition is received by the Royal Government.

**Article 107:**

The Royal government of Cambodia may agree to extradite after having only seen a request for the temporary arrest, if the person to be arrested has agreed in writing in

front of the prosecutor that he/she be extradited immediately to his /her country of origin.

### **Section 3**

#### **Mutual cooperation of the Judiciary**

##### **Article 108 :**

In the cases of offenses as stated in the Chapters X and XI, the court authority of the Kingdom of Cambodia may delegate power to the competent court authority of a foreign

State and may also receive delegation of power from a foreign State's court authority, to :

- 1- collect evidence or statements which are given according to judicial process,
- 2- inform of various court's documents,
- 3- conduct a search and seizure,
- 4- proceed an inspection of the objects and place,
- 5- provide information and material evidence,
- 6- issue the originals or copies with certification that it is in conformity with the original of a document and file case, including a Bank statement, accounting documents, company's file and business documents and other authentic or private paper documents,
- 7- show or provide witnesses, experts or other persons, including the arrested person who accepted to collaborate in the investigation process or participate in the procedure,
- 8- Transfer the criminal procedure, in case if necessary to do so, for the interest of good administration of justice,
- 9- identify and detect the resources, properties, equipment, materials and substances , in order to collect the pieces of evidence.
- 10- place under measures of temporary seizure of the products and properties obtained from the offense, as well as those equipments, materials and substances which are used or kept for use for the commission of offenses.
- 11- manage to implement a decision which orders for the confiscation of these products, properties, equipments, materials and substances,
- 12- order to confiscate of those objects which mentioned above,
- 13- notify of the prosecution in the criminal procedure,

14- make an inquiry of the accused person in the criminal procedure,

Conditions for requesting co-operation in judicial matters to foreign States or conditions for proceeding with the requests for co-operation in judicial matter from the foreign States, shall be determined by a Sub-Decree.

## **CHAPTER XXVI**

### **CO-ORDINATION IN COMBATTING AGAINST DRUG**

### **ABUSE AND ILLICIT TRAFFICKING OF DRUGS**

#### **Section 1**

#### **Co-ordination in combatting against drug abuse**

#### **Article 109:**

The National Anti-drug Authority implements the policy of the Royal Government for combatting against drug abuse.

The General Secretariat of the National Authority organises meetings of the National Authority and lays down decisions of the National Authority for application.

Composition and function of the National Anti-drug Authority, shall be determined by a Royal Decree.

## **Section 2**

### **Coordination in combatting against illicit trafficking of drugs**

#### **Article 110:**

Director of the Anti-drug Service of the Ministry of Interior collects all the information which may facilitate the detection and prevention of the illicit trafficking of drugs and coordinates all the operations inside the territory as well as in the international arena to suppress the illicit trafficking of drugs.

Composition and function of the Director of the above Service, shall be determined in a Sub-decree.

## **CHAPTER XXVII**

### **FINAL PROVISIONS**

#### **Article 111 :**

Any provisions which is contrary to this law shall be hereby repealed./.

**THIS LAW WAS ADOPTED ON 09 DECEMBER 1996, DURING THE 7th ORDINARY SESSION OF ITS 1st LLEGISLATURE**

**ANNEX I**

**KINGDOM OF CAMBODIA**

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**Chapter I : CLASSIFICATION OF STUPEFIENTS OR PSYCHOTROPIC SUBSTANCES AND THOSE USED AS INGREDIENTS IN DRUG MANUFACTURING**

**Chapter II: PROHIBITION THE CULTIVATION OF NARCOTIC PLANTS, PRODUCTION, USE, DISTRIBUTION AND TRADING/ TRAFFICKING OF DRUGS**

**Chapter III: MEDICAL, SCIENTIFIC AND EDUCATIONAL RESEARCH**

**Chapter IV : INSPECTION AND TAKING RECORD OF OFFENSES.**

**Chapter V : PENALTIES**

**Chapter VI: PREVENTION AND DETECTION OF LAUNDERING OF MONEY GENERATED FROM CLANDESTINE ILLICIT TRAFFICKING OF DRUGS**

**Section 1 :** Limitation of the amount of settlement of payment in cash.

**Section 2 :** Obligation in making a declaration of the international transfer of valuables.

**Section 3 :** Regulations regarding businesses of manual exchanges of currencies.

**Section 4 :** Obligations required for Casinos.



**Section 5 :** Obligation of taking precaution by the financial organisations.

**Chapter VII: DETECTING AND REPORTING OF SUSPICION OF MONEY LAUNDERING.**

**Section 1 :** Reporting Individuals and organisations.

**Section 2 :** Reporting Procedures.

**Section 3 :** Management of reports, by the Commission of Anti-Money Laundering.

**Chapter VIII: PENAL PROVISIONS.**

**Chapter IX : DISCIPLINARY PROVISIONS.**

**Chapter X : CHARGES AND PRINCIPAL PUNISHMENTS.**

**Section 1 :** Seriously endangering drugs (Table I & II).

**Section 2 :** Distribution for personal consumption.

**Section 3 :** Dangerous drugs (Table III).

**Section 4 :** Ingredients for drug manufacturing (Table IV), materials and equipments

**Section 5 :** Laundering of money generated from illicit drug trafficking.

**Section 6 :** Purchasing, storing or consuming, with knowledge of consequences of the resources and properties which are generated from offenses.

**Chapter XI : COMMON PROVISIONS FOR OFFENSES.**

**Section 1 :** Incitement for commission of offenses and for drug abuses.

**Section 2 :** Attempt of commission of offenses in conspiracy or Agreement.

**Section 3 :** Conspirator.

**Section 4 :** Financial operation.

**Section 5 :** Extra Provisions.

**Chapter XII : GROUNDS FOR AGGRAVATION OF PUNISHMENT.**

**Chapter XIII: ACQUITTAL, ATTENUATION OF PUNISHMENT FOR REPENTANT.**

**Section 1 :** Acquittal/Remission from punishment.

**Section 2 :** Attenuation of punishment.

**Chapter XIV : PUNISHMENT AND ACCESSORY OR COMPLEMENTARY MEASURES.**

**Section 1 :** Confiscation, Measures for Temporary Seizure to Guarantee the Confiscation.

**Section 2:** Obligatory Confiscation.

**Section 3:** Optional Confiscation.

**Section 4 :** Exercise of Confiscation.

**Section 5 :** Nullification of acts which intended to create obstacles to confiscation.

**Section 6 :** Suppression of Obstacles of Confiscation.

**Chapter XV : UNLIMITED PUNISHMENTS.**

**Chapter XVI : COMPLEMENTARY MEASURES.**

## **Chapter XVII: SPECIAL PROVISION OF PROCEDURE.**

**Section 1 :** Competence.

**Section 2 :** Term limitation.

**Section 3 :** Seizure.

## **Chapter XVIII : PROVISION TO FACILITATE THE INVESTIGATIONS**

**Section 1 :** Arrest.

**Section 2 :** search.

**Section 3 :** Inspection of postal services.

**Section 4 :** Searching.

**Section 5 :** Detection based of medical technic of investigation.

**Section 6 :** Delivery under supervision of currencies and instruments which have affects on currencies.

**Section 7 :** Observation

**Section 8 :** Ban from taking confidentiality of the Bank as pretext for refusing refusing to provide evidence or statement of witnesses.

## **Chapter XIX : TEMPORARY CLOSURE**

## **Chapter XX : PARTICIPATION INTO THE PPROCEDURAL CASES.**

## **Chapter XXI: PROVISIONS ON IMPLEMENTATION OF THE SENTENCES**

**Section 1 :** Ban from staying on the territory of the Kingdom of Cambodia.

**Section 2 :** Physical forced imprisonment.

**Section 3 :** Accumulation of punishment terms.

## **Chapter XXII: PROVISION ON KEEPING OR DESTRUCTION OF THE SEIZED PLANTS AND SUBSTANCES.**

**Section 1 :** Fabrication and Conditions retaining the seals.

**Section 2 :** Taking out for samples.

**Section 3 :** Expertise.

**Section 4 :** Delivery and destruction of the seized substances.

**Chapter XXIII:** PROVIDING MINOURS WITH POISONOUS CHEMICALS TO INHALE.

**Chapter XXIV:** MEASURES AGAINST THE ABUSE OF DRUGS.

**Section 1 :** General Provisions.

**Section 2 :** Treatment Measures.

**Section 2 :** Suppressive Measures.

**Chapter XXV :** INTERNATIONAL COOPERATION.

**Section 1 :** Common Provisions on Extradition and and mutual assistance in the judicial field.

**Section 2 :** Extradition.

**Section 3 :** Mutual cooperation of the judiciary

**Chapter XXVI :** COORDINATION IN COMMBATTING AGAINST DRUG ABUSE AND ILLICIT TRAFFICKING OF DRUGS.

**Section 1 :** Coordination in combatting against the drug abuses.

**Section 2 :** Coordination in combatting against the illicit trafficking of drugs.

**Chapter XXVII :** FINAL PROVISIONS.

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## **ANNEX II**

**Kingdom of Cambodia**

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**Annex**

**Lists of stupefiant, psychotropic substances and necessary substances for drug manufacture, which shall be under control.**

**IN THIS ANNEX THERE ARE :**

- The following substances which have their international common names or names which are used in the international Conventions in vigour.

- **Isomère**, in all cases which may be in conformity with the prime chemical formula of those substances, except only if there is a precise exceptional case.

- **Esthers and éthers**, of those substances, in all cases which there may be.

- **Salts** of all these substances, including the **salts** of the **esthers**, **éthers** and of the **isomères**, in all cases which all these may have.

- Preparation for combining to produce those substances, except when there is exceptional case stated by the law.

## **TABLE I**

### Table IV of the 1961 Convention

- Acétorphine.
- Cannabis et résine de cannabis.
- Cetobemidone.
- Désomorphine.
- Etorphine.
- Psilocine, Psilotsin.
- Psylocybine.
- Rolicyclidine.
- STP.
- DOM.
- Ténamfétamine.
- Ténocyclidine.
- Tétrahydrocannabinol.

- PEPAP.

- TMA.

## **TABLE II**

### **Table I & II of the 1961 Convention**

- Acétyldihydrocodéine.

- Acétylméthadol.

- Alfentanil.

- Allylprodine.

- Alphaméprodine.

- Alphaméthadol.

- Alpha-méthylthiophentanyl.

- Alphaprodine.

- Aniléridine.

- Benzéthidine.

- Benzylmorphine.

- Bétacétylméthadol.

- Bétaméprodine.

- Bétaméthadone.

- Bétaprodine .

- Bézitramide.

- Butyrate de dioxaphétyl.

- Cétobémidone.

- Clonitazene



- Lévomoramide.
- Lévophénacylmorphane.
- Lévorphanol.
- Métazocine.
- Méthadone.
- Méthadone, intermediary of the [ cyano-4 diméthylamino-2 diphényl-4, 4 butane].
- Méthylésorphine.
- Méthyldihydromorphine.
- Métopon.
- Moramide.
- Morphéridine.
- Morphine.
- Morphine méthobromide and other by products from morphines of pentavalent azote.
- Myrophine.
- Nicocodine.
- Nicodicodine.
- Nicomorphine.
- Noracyméthadol.
- Norcodéine.
- Norlévorphanaol.
- Norméthadone.
- Normorphine.
- Norpipanone.
- N-oxymorphine.
- Opium.
- Oxycodone.
- Oxymorphone.

- Péthidine.
  
- Mécloquelone.
  
- Métamfétamine.
  
- Métaqualone.
  
- Méthylphénidate.
  
- Phencyclidine.
  
- Phenmétrazine.
  
- Racémate de Métamfétamine
  
- Sécobarbital.

### **TABLE III**

#### Tables III of the 1971 Convention

- Amobarbital.
  
- Buprénorphine.
  
- Butalbital.
  
- Cathine.
  
- cyclobarbital.
  
- Glutéthimide.
  
- Pentazocine.
  
- Pentobarbital.

#### Table IV of the 1971 Convention

- Allobarbital.
- Alprazolam.
- Amfépranone.
- Barbital.
- Banzfétamine.
- Bromazépam.
- Butobarbital.
- Camazépam.
- Chloiazéproxide.
- Clobazam.
- Clonazépam.
- Nordazépam.
- Oxazépam.
- Oxazolam.
- Pémoline.
- Phendimétrazine.
- Phénobarbital.
- Phentermine.
- Pinazépam.
- Papradol.
- Prazépam.
- Pyrovalérone.
- Secbutabarbital.
- Témazépam.
- Trizolam.
- Vinylbital.

## **TABLE IV**

### **This Table has:**

- The following substances have their international common names (C.D.C.I.) or names which are used in the international Conventions in force.
- The salt substances may have importances in all cases, especially sulfuric acid and chlorhydric acids.

### **Table I of the 1988 Convention**

- Acide lysergique.
- Ephédrine.
- Ergométrine.
- Ergotamine.
- Phényl-1 propanone-2.
- Pseudo-éphédrine.
- Acide N-acétylanthranilique.

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