KINGDOM OF CAMBODIA

NATION RELIGION KING

LAW

ON

COMBATING THE FINANCING OF PROLIFERATION

OF WEAPONS OF MASS DESTRUCTION

27 June 2020

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



Unofficial Translation

ROYAL KRAM

NS/RKM/0620/019

We

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

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

HEREBY PROMULGATE

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

LAW

ON

COMBATING THE FINANCING OF PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

CHAPTER 1
GENERAL PROVISIONS

Article 1.- Purpose

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

Article 2.- Scope

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

Article 3.- Definition

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

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

2. "**Designated individual or entity**" means an individual or entity designated by the United Nations Security Council or its Committees under Article 4 of this Law or by the Court under Article 5 of this Law.

3. "**Entity**" includes legal persons, unincorporated bodies, groups, associations, organisations, institutions and arrangements.

4. "**Property freeze**" refers to the prevention, sale, supply, lease, transfer, conversion, disposition or transfer, movement or use of the property.

5. "**Weapon of Mass Destruction**" shall mean weapons of mass destruction as atomic explosive weapons, radioactive material weapons, lethal chemical and biological weapons and any weapons developed in the future which might have characteristics in destructive effect to those of the atomic bomb or other weapons mentioned above.

6. "**Cambodia Financial Intelligence Unit**" shall refer to the Financial Intelligence Unit as defined in the Law on Anti-Money Laundering and Combating the Financing of Terrorism, and that carries out additional functions under this Law.

7. "**Supervisory authority**" shall mean the National Bank of Cambodia, the Securities and Exchange Commission of Cambodia and any other authority having oversight over a reporting entity.

CHAPTER 2
DESIGNATION AND PROPERTY FREEZE

Article 4.- Designation by the United Nations Security Council

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

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

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

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

Article 5.- Designation by the Court

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

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

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

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

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

Article 6.- Property Freeze

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

CHAPTER 3
APPLICATION TO UNITED NATIONS SECURITY COUNCIL FOR DELISTING AND PERMISSION TO USE THE FROZEN PROPERTY

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

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

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

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

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

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

Article 9.- Permission to Use the Frozen Property

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

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

CHAPTER 4
PROHIBITION AND OBLIGATION

Article 10- Prohibition of Using the Property

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

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

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

Article 11.- Reporting Entities

The reporting entities in this Law include:

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

Article 12.- Reporting Obligation of Reporting Entity

Reporting entities that have frozen the property pursuant to Article 6 of this Law shall report, no later than 03 (three) days, the property freeze and attempted transactions on the frozen property to the Cambodia Financial Intelligence Unit.
Reporting entities requested to make the property available to a designated individual or entity in contradiction with Article 10 of this Law, shall report the request, without delay, to the Cambodia Financial Intelligence Unit.

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

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

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

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

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

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

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

CHAPTER 5
SEIZURE OF FROZEN PROPERTY

Article 14.- Seizure of Frozen Property

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

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

The Court may appoint an administrator to manage seized property.

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

CHAPTER 6
ADMINISTRATION

Article 15.- National Coordination Committee

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

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

Article 16.- Monitoring and supervision

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

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

Article 17.- Disclosure of information

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

Article 18.- Legal Regulations for Implementing this Law

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

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

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

CHAPTER 7
PENALTIES

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

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

Article 20.- Offence relating to Making the Property Available

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

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

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

Article 22.- Criminal Responsibility of Legal Entities

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

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

more additional penalties under Article 168 (Additional Penalties) of the Penal Code.

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

CHAPTER 8
FINAL PROVISIONS

Article 23.- Abrogation

Any provisions that contradict this Law shall be abrogated.

Article 24.- Promulgation

This Law shall be promulgated as urgent.

Done in the Royal Palace, 27 June 2020

Royal Signature

NORODOM SIHAMONI

PorRorLor. 2006.696

Having respectfully proposed to His Majesty the King for Royal Signature

Prime Minister

(*Signature*)

Samdech Akka Moha Sena Padei Techo HUN SEN

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

Deputy Prime Minister, Minister of Interior

(*Signature*)

Samdech Krolahom SAR KHENG

Having duly copied from the original text

Standing Deputy Prime Minister, Minister in charge of the Office of the Council Ministers

(*Signature and Seal*)

H.E. Kittinitekorsalbandit BIN CHHIN

ANNEX

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

SUB-DECREE
ON
THE USE AND MANAGEMENT OF FROZEN PROPERTY FROM THE FINANCING OF PROLIFERATION OF WEAPONS OF MASS DESTRUCTION



Unofficial Translation

KINGDOM OF CAMBODIA
NATION RELIGION KING

ROYAL GOVERNMENT OF CAMBODIA

No. 159 ANK.BK

SUB-DECREE ON THE USE AND MANAGEMENT OF FROZEN PROPERTY FROM 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 Decree 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 Council of Ministers
- Having seen Royal Kram no. NS/RKM/0196/18 dated 24 January 1996 promulgating the Law on the Establishment of the Ministry of Economy and Finance
- Having seen Royal Kram no. NS/RKM/0196/08 dated 24 January 1996 promulgating the Law on the Establishment of the Ministry of Interior
- 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
- As per its necessary requirement

HEREBY DECIDES

CHAPTER 1
GENERAL PROVISIONS

ARTICLE 1.-

This Sub-Decree sets out the use and management of frozen property in order to enable an individual or entity holding the frozen property to use and manage the frozen property pursuant to the Law on Combating the Financing of Proliferation of Weapons of Mass Destruction.

ARTICLE 2.-

This Sub-Decree applies to the use and management of frozen property from the financing of the proliferation of weapons of mass destruction within the Kingdom of Cambodia.

ARTICLE 3.-

The key terms that are used in this Sub-Decree shall be defined as follows:

1. Basic expenditure refers to necessary expenses incurred from any of the following purposes:
   - Meal expense;
   - Payment for rent or lease;
   - Medication or treatment expenses;
   - Payment for taxes;
   - Payment for insurance premium;
   - Payment for water, electricity, gas and garbage collection services;
   - Payment for professional services;
   - Reasonable expenses associated with legal service; and
   - Other expenses that are not in violation of the United Nations Security Council's resolutions.
2. Expenses on performance of contract obligations prior to the imposition of punishment refer to necessary expenses incurred from performance of contract made prior to the frozen property of the individual or entity and such payment is not in violation of the United Nations Security Council's resolutions.
3. Other expenses that are authorized and in compliance with the United Nations Security Council's resolutions refer to expenses that exclude basic expenses or expenses on contract obligations made prior to the imposition of punishment as determined by the Ministry of Justice, and that are not in violation of the United Nations Security Council's resolutions, and that are adopted by United Nations Security Council or its committee.

CHAPTER 2

THE USE AND MANAGEMENT OF FROZEN PROPERTY

ARTICLE 4.-

An individual or entity holding the frozen property shall be authorized to use and manage the frozen property under the court ruling in order to cover:

- Basic expenses;
- Expenses on performance of contract obligations prior to the imposition of punishment;
- Other expenses that are authorized and in compliance with the United Nations' resolutions.

ARTICLE 5.-

An individual or entity holding the frozen property shall request for the use and/or management of the frozen property from the Court that issues the frozen ruling. The frozen ruling shall be made in a form of a court order.

CHAPTER 3
FINAL PROVISIONS

ARTICLE 6.-

Any provisions that contradict this Sub-Decree shall be abrogated.

ARTICLE 7.-

The Minister in charge of the Office of the Council of Ministers, the Minister of Economy and Finance, the Minister of Interior, the Minister of Justice, 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 30th of September 2020

PRIME MINISTER

(Signed and Sealed)

Samdech Akka Moha Sena Padei Techo HUN SEN

CC:
- Ministry of the Royal Palace
- General Secretariat of the Senate
- General Secretariat of the National Assembly
- Cabinet of Samdech Akka Moha Sena Padei Techo PRIME MINISTER
- Cabinet offices of Samdech, Excellency Deputy Prime Ministers
- Individuals as stated in Article 7
- Royal Gazette
- Documentation and Archives

SUB-DECREE
ON
THE ORGANIZATION AND FUNCTIONING OF THE NATIONAL COORDINATION COMMITTEE ON ANTI-MONEY LAUNDERING AND FINANCING OF TERRORISM AND FINANCING OF PROLIFERATION OF WEAPONS OF MASS DESTRUCTION



Unofficial Translation

KINGDOM OF CAMBODIA
NATION RELIGION KING

ROYAL GOVERNMENT OF CAMBODIA

No. 160 ANK.BK

SUB-DECREE ON THE ORGANIZATION AND FUNCTIONING OF THE NATIONAL COORDINATION COMMITTEE ON ANTI-MONEY LAUNDERING AND FINANCING OF TERRORISM AND 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 Decree 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/0196/08 dated 24 January 1996 promulgating the Law on the Establishment of the Ministry of Interior
- Having seen Royal Kram no. NS/RKM/0196/18 dated 20 January 1996 promulgating the Law on the Establishment of the Ministry of Economy and Finance
- 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 Royal Kram no. NS/RKM/0620/021 dated 27 June 2020 promulgating the Law on Anti-Money Laundering and Financing of Terrorism
- Having seen Sub-Decree no. 10 ANKR.BK dated 29 January 2008 on the Establishment of the Cambodia Financial Intelligence Unit
- As per its necessary requirement

HEREBY DECIDES

CHAPTER 1
GENERAL PROVISIONS

ARTICLE 1.-

This Sub-Decree sets out the organization and functioning of the National Coordination Committee on Anti-Money Laundering and Financing of Terrorism and Combating the Financing of Proliferation of Weapons of Mass Destruction, thereafter called NCC, to serve as the high-level coordination mechanism for the implementation of the Law on Anti-Money Laundering and Financing of Terrorism and the Law on Combating the Financing of Proliferation of Weapons of Mass Destruction.

CHAPTER 2

COMPOSITION

ARTICLE 2.-

The NCC is composed of:

- Deputy Prime Minister, Minister of Interior	Chairman
- Governor General of the National Bank of Cambodia Permanent	Vice-Chairman
- Representative from the Ministry of Interior	Vice Chairman
- Representative from the Ministry of Justice	Vice Chairman
- Representative from the Office of Council of Ministers	Member
- Representative from the Ministry of Economy and Finance	Member
- Representative from the Ministry of Foreign Affairs and International Cooperation	Member
- Representative from the Ministry of National Defense	Member
- Representative from the Ministry of Public Work and Transports	Member
- Representative from Ministry of Commerce	Member
- Representative from the National Counter-terrorism Committee	Member
- Chairman of the Board of Director from the Financial Intelligence Unit	Member
- Chairman of the Cambodia Financial Intelligence Unit	Secretary

The actual composition of the NCC shall be determined in the decision of the Royal Government of Cambodia as per the request of NCC Chairman.

CHAPTER 3

NCC'S ROLES AND DUTIES

ARTICLE 3.-

The NCC shall have the following roles and duties:

1. Develop national policies, national strategies, and mechanism to coordinate the implementation and assessment of risks on anti-money laundering and financing of terrorism, and the financing of proliferation of weapons of mass destruction;
2. Lead and coordinate the implementation of Law on Anti-Money Laundering and Financing of Terrorism and the Law on Combating the Financing of Proliferation of Weapons of Mass Destruction;
3. Coordinate the development of a system to combat money laundering and financing of terrorism, and the financing of proliferation of weapons of mass destruction;
4. Review the efficiency and progress on the implementation of the Law on Anti-Money Laundering and Financing of Terrorism and the Law on Combating the Financing of Proliferation of Weapons of Mass Destruction and related provisions;
5. Monitor and assess the risks on anti-money laundering, terrorist financing and the financing of proliferation of weapons of mass destruction;
6. Ensure consistency of policies and instructions, and trainings by various ministries and oversight institutions on anti-money laundering and financing of terrorism, and the financing of proliferation of weapons of mass destruction; and

7. Ensure that the Kingdom of Cambodia is in compliance with regional and global standards, including:
   - Resolutions of the United Nations Security Council;
   - Recommendations of the Financial Action Task Force;
   - Member States' obligations of Asia Pacific Group on anti-money laundering and financing of terrorism and the financing of proliferation of weapons of mass destruction;
   - International Organizations' conventions, resolutions, declarations and plans of actions on anti-money laundering and financing of terrorism and the financing of proliferation of weapons of mass destruction.
8. Establish an *ad-hoc* inter-ministerial/institutional mechanism necessary to carry out activities to combat money laundering and financing of terrorism and the financing of proliferation of weapons of mass destruction.

CHAPTER 4

OPERATION

ARTICLE 4.-

The NCC shall convene a meeting at the request of its Chairman or Vice-Chairman with the delegated power from the Chairman.

The NCC shall use the seal of the Ministry of Interior in performing its roles and duties.

ARTICLE 5.-

The NCC is entitled to invite the leadership, high-ranking officials or representatives from the relevant ministries-institutions or dignitaries or national/international stakeholders to attend the discussion and provide comments in its meetings when necessary.

ARTICLE 6.-

The NCC is entitled to establish one or more sub-committees or task forces to assist it in monitoring, making an assessment and coordinating the combat against money laundering and financing of terrorism, and the financing of proliferation of weapons of mass destruction. Members in these sub-committees or task forces may be selected from the ministries-institutions with representatives in the NCC and other related ministries-institutions according to their needs.

ARTICLE 7.-

The NCC shall have the Cambodia Financial Intelligence Unit as its secretariat to support the performance of its roles and duties.

The roles and duties and *modus operandi* of the secretariat shall be determined by the decision of the NCC's chairman.

ARTICLE 8.-

The expenses incurred from the performance of roles, duties and operations of the NCC's secretariat shall be covered by the National Bank of Cambodia's budget allocation package.

CHAPTER 5

FINAL PROVISIONS

ARTICLE 9.-

This Sub-Decree shall replace Sub-Decree no. 178 ANKR.BK dated 20 October 2017 on the modification of Article 1 of Sub-Decree 79 ANKR.BK dated 12 June 2015 on the Establishment of National Coordination Committee on Anti-Money Laundering and Financing of Terrorism, and Sub-Decree no. 79 ANKR.BK dated 12 June 2015 on the Establishment of National Coordination Committee on Anti-Money Laundering and Financing of Terrorism.

Any provisions that are contrary to this Sub-Decree shall be abrogated.

ARTICLE 10.-

The Minister in charge of the Office of the Council of Ministers, the Minister of Interior, the Minister of Economy and Finance, the Governor General of the National Bank of Cambodia, 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 30th of September 2020

PRIME MINISTER

(Signed and Sealed)

Samdech Akka Moha Sena Padei Techo HUN SEN

CC:
- Ministry of the Royal Palace;
- General Secretariat of the Constitutional Council;
- General Secretariat of the Senate;
- General Secretariat of the National Assembly;
- Cabinet of Samdech Akka Moha Sena Padei Techo PRIME MINISTER;
- Cabinets of Samdech, His/Her Excellency Deputy Prime Ministers;
- Individuals as stated in Article 10;
- Royal Gazette; and
- Documentation and Archives.

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

Unofficial Translation

KINGDOM OF CAMBODIA
NATION RELIGION KING

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 30th 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

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