



Kingdom of Cambodia
Nation Religion King



Criminal Code Of Cambodia

30-11-2009



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ROYAL KRAM

NS/RKM/1109/022

We,

KING NORODOM SIHAMONI

- Having Seen the Constitution of the Kingdom of Cambodia;
- Having Seen the Royal Decree NS/RKT/0908/1055 dated 25th September, 2008 on the Nomination of the Royal Government of Cambodia;
- Having Seen the Royal Kram No. 02/NS/94 dated 20th July, 1994 Promulgating the Law on Organization and Functioning of the Council of Ministers;
- Having Seen the Royal Kram NS/RKM/0196/04 24th January, 1996 Promulgating the Law on Establishment of the Ministry of Justice;
- Having Seen the Request from Samdech Akka Moha Sena Padei Techo Hun Sen, Prime Minister of the Kingdom of Cambodia and Pursuant to Request of the Minister of Justice.

HEREBY PROMULGATES

The **Penal Code** adopted by the National Assembly on 12th October, 2009 at its 3rd plenary session of the 4th mandate, entirely approved by the Senate on its form and legal concepts on the 17th November, 2009 at its 6th plenary session of the 2nd legislature, and which has its full substance as follows:

BOOK 1
GENERAL PROVISIONS
TITLE 1
THE CRIMINAL LAW
CHAPTER 1
GENERAL PRINCIPLES

Article 1: Scope of application of the criminal law

The criminal law defines offences, determines those who may be found guilty of committing them, sets penalties, and determines how they shall be enforced.

Where necessary, statutory instruments issued by the executive branch may define petty offences that are punishable only by a fine.

Article 2: Definition and classification of offences

The law provides that offences are certain acts committed by natural persons or legal entities which cause social disturbance. Offences are classified pursuant to their seriousness as felonies, misdemeanours and petty offences.

Article 3: Principle of legality

Conduct may give rise to criminal conviction only if it constituted an offence at the time it occurred.

A penalty may be imposed only if it was legally applicable at the time the offence was committed.

Article 4: Intent

There shall be no offence in the absence of intent to commit it.

However, where so provided by law, an offence may result from recklessness, carelessness, negligence or failure to fulfil a specific obligation.

Article 5: Interpretation of criminal law

In criminal matters, the law shall be strictly construed. A judge may neither extend its scope of application nor interpret it by analogy.

Article 6: Pronouncement of penalty

No penalty may be enforced unless it was pronounced by the court

Article 7: Application of Cambodian criminal law

In criminal matters, the scope of application of Cambodian law in space shall be determined by the provisions of this Code, subject to international treaties.

Article 8: No impunity for serious violations of international humanitarian law

The provisions of this Code may not have the effect of denying justice to the victims of serious offences which, under special legislation, are characterised as violations of international humanitarian law, international custom, or international conventions recognised by the Kingdom of Cambodia.

CHAPTER 2**TEMPORAL APPLICATION OF CRIMINAL LAW****Article 9: Application of less severe laws**

A new provision which abolishes an offence shall be applicable immediately. An act committed before the new provision came into force shall no longer be subject to prosecution. Any ongoing prosecutions shall be terminated.

If final judgement has been passed, the resulting penalties shall not be enforced or shall cease to be enforced.

Article 10: Lighter or heavier penalties

A new provision which prescribes a lighter penalty shall be applicable immediately. However, final judgements shall be enforced regardless of the severity of the relevant penalties.

A new provision which prescribes a heavier penalty shall be applicable only to acts committed after the provision came into force.

Article 11: Validity of proceedings

The immediate application of a new provision shall not affect the validity of proceedings taken under a previous provision.

CHAPTER 3**TERRITORIAL APPLICATION OF CAMBODIAN CRIMINAL LAW****SECTION 1****OFFENCES COMMITTED OR DEEMED TO HAVE BEEN COMMITTED IN THE
TERRITORY OF THE KINGDOM OF CAMBODIA****Article 12: Meaning of territory of the Kingdom of Cambodia**

In criminal matters, Cambodian law is applicable to all offences committed in the territory of the Kingdom of Cambodia.

The territory of the Kingdom of Cambodia includes its corresponding air and maritime spaces.

Article 13: Place where offence is committed

An offence shall be deemed to have been committed in the territory of the Kingdom of Cambodia if one of the ingredients of the offence was committed in the territory of the Kingdom of Cambodia.

Article 14: Offence committed on board a Cambodian vessel

In criminal matters, Cambodian law is applicable to offences committed on board vessels flying the Cambodian flag, regardless of where they are.

Article 15: Offence committed on board a foreign-plugged vessel

In criminal matters, Cambodian law is applicable on board foreign vessels which Cambodian authorities are authorised to inspect or board by international agreement.

Article 16: Offense committed on board a Cambodian registered aircraft

In criminal matters, Cambodian law is applicable to offences committed on board an aircraft, registered in the Kingdom of Cambodia, regardless of where it is.

Article 17: Application of Cambodian criminal law to acts initiated in Cambodia

In criminal matters, Cambodian law is applicable to any person who, in the territory of the Kingdom of Cambodia, instigates or is an accomplice to a felony or misdemeanour committed abroad, if the following two conditions are met:

- the offence is punishable under both the Cambodian law and the foreign law; and
- the fact that the offence was committed is established by final judgement of a foreign court.

Article 18: Characterisation of offence committed by a legal entity

The characterisation of an offence committed by a legal entity as a felony, misdemeanour or petty offence shall be determined by the penalty incurred by a natural person.

SECTION 2

**OFFENCES COMMITTED OUTSIDE THE TERRITORY OF THE KINGDOM OF
CAMBODIA**

Article 19: Felony or misdemeanour committed by a Cambodian national

In criminal matters, Cambodian law is applicable to any felony committed by a Cambodian national outside the territory of the Kingdom of Cambodia.

Cambodian law is applicable to misdemeanours committed by Cambodian nationals in a foreign country if the conduct is also punishable under the law of that country.

These provisions shall be applicable even if the accused acquired Cambodian nationality after the acts which he or she is alleged to have committed.

Article 20: Where the victim is a Cambodian national

In criminal matters, Cambodian law is applicable to any felony committed by a Cambodian or foreign national outside the territory of the Kingdom of Cambodia, if the victim is a Cambodian national at the time of the offence.

Article 21: Initiation of prosecution

In the cases specified in Article 19 (Felony or misdemeanour committed by a Cambodian national) and Article 20 (Where the victim is a Cambodian national), prosecution may only be initiated by the Prosecuting Authority. It must be preceded either by a complaint by the victim or his or her assigns, or by a formal information by the authorities of the country where the offence was committed.

Article 22: Special jurisdiction for specific felonies

In criminal matters, Cambodian law is applicable to any felony committed outside the territory of the Kingdom of Cambodia if it is characterised as:

- (1) an offence against the security of the Kingdom of Cambodia;
- (2) counterfeiting the seal of the Kingdom of Cambodia;
- (3) counterfeiting the national currency and banknotes being legal tender in the Kingdom of Cambodia;
- (4) an offence against diplomatic or consular agents of the Kingdom of Cambodia;
- (5) an offence against diplomatic or consular premises of the Kingdom of Cambodia.

Article 23: Prohibition against cumulative charging and convictions

No one may be prosecuted for the same conduct for which he or she has already been finally tried abroad and who, in the event of conviction, establishes that he or she has already served the penalty or that the penalty has been extinguished by statute of limitation.

TITLE 2

CRIMINAL RESPONSIBILITY

CHAPTER I

GENERAL PROVISIONS

Article 24: Principle of individual criminal responsibility

No one shall be criminally responsible except for his or her own conduct.

Article 25: Definition of perpetrator

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

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

Article 26: Definition of co-perpetrator

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

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

Article 27: Definition of attempt

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

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

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

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

Article 28: Definition of instigator

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

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

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

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

Article 29: Definition of accomplice

An accomplice shall be any person who knowingly, by aiding or abetting, facilitates an attempt to commit a felony or a misdemeanour, or its commission.

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

An accomplice to a felony or a misdemeanour shall incur the same penalties as the perpetrator.

Article 30: Definition of public official and holder of public elected office

Public official means;

(a) any person appointed by legal instrument either temporarily or permanently, with or without remuneration and, regardless of his or her status or age, works in a legislative, executive or judicial institution;

(b) any other person who works in the public service, including public agencies or enterprises or other public institutions within the meaning of the laws of the Kingdom of Cambodia.

A holder of public elected office includes senators, members of the National Assembly, municipal councillors of the capital, provincial councillors, city councilors, district or *Khan* councillors, and commune or *Sangkat* councilors and any person holding public elected office in any other capacity.

CHAPTER 2

EXCLUSION OF OR DIMINISHED CRIMINAL RESPONSIBILITY

Article 31: Absence of criminal responsibility by reason of mental disorder

A person who, at the time he or she committed an offence, was suffering from a mental disorder which destroyed his or her capacity to reason, shall not be criminally responsible.

A person who, at the time he or she committed an offence, was suffering from a mental disorder which diminished his or her capacity to reason, shall still be criminally responsible. However, the court shall take this into account when it decides the penalty.

A person who, at the time he or she committed an offence, was suffering from a mental disorder resulting from the consumption of alcohol, drugs, or prohibited substances, shall still be criminally responsible.

Article 32: Authorisation by law or lawful authority

A person shall not be criminally responsible if he or she performs an act prescribed or authorised by law.

A person shall not be criminally responsible if he or she performs an act ordered by a lawful authority, unless the act was manifestly unlawful.

The perpetrator, co-perpetrator, instigator, or accomplice of genocide, or of a crime against humanity, or a war crime shall not, under any circumstances, be excused from criminal responsibility on the ground that:

- (1) he or she committed an act prescribed, authorised or not prohibited by the law in force;
- (2) he or she acted by order of a lawful authority.

Article 33: Self-defence

A person who commits an offence in self-defence shall not be criminally responsible.

Self-defence must meet the following conditions:

- the offence was compelled by the necessity to defend oneself or others or to defend property against an unjustified assault;
- the offence and the assault must occur at the same time; and
- the means used in defence were not disproportionate to the seriousness of the assault.

Article 34: Presumption of self-defence

A person shall be presumed to have acted in self-defence if he or she acted:

- (1) at night, to repel an entry into a dwelling place committed by forced entry, violence or deception;
- (2) to defend himself or herself against the perpetrators of theft or pillaging with violence.

The presumption of self-defence is not absolute. It may be rebutted by contrary evidence.

Article 35: Defence of necessity

A person who commits an offence out of necessity shall not be criminally responsible.

A state of necessity must meet the following conditions:

- the commission of the offence was necessary to defend oneself or to protect others or property against a present or imminent danger; and
- the means used for protection were not disproportionate to the seriousness of the danger.

Article 36: Effect of force or compulsion

A person who commits an offence under the influence of an irresistible force or compulsion shall not be criminally responsible.

The force or compulsion can only be the result of circumstances beyond human control. It must be unforeseeable and inevitable.

Article 37: Absence of criminal responsibility

A person who is not criminally responsible shall not be liable to criminal punishment.

CHAPTER 3

CRIMINAL RESPONSIBILITY OF MINORS

Article 38: Age of criminal responsibility

The age of criminal responsibility shall be eighteen and over.

Article 39: Measures applicable to minors

Minors who commit offences shall be subject to supervision, education, protection, and assistance.

However, a court may impose a criminal penalty on a minor of fourteen years and over if warranted by the circumstances of the offence or the character of the minor.

Article 40: Types of measures

Supervisory, educational, protective and assistance measures shall include:

- (1) returning the minor to his or her parents, guardian, custodian, or to another person who is trustworthy;
- (2) committing the minor to a social service agency which cares for minors;
- (3) committing the minor to a private organisation that is qualified to receive minors;
- (4) committing the minor to a specialized hospital or institution;
- (5) placing the minor under judicial protection.

Article 41: Placement under judicial protection

In case of placement under judicial protection, the court shall designate a person to supervise the minor. The supervisor shall report regularly to the Prosecutor on the behaviour of the minor. The supervisor shall also inform the Prosecutor of all events that would entail a variation of the measure.

CHAPTER 4

CRIMINAL RESPONSIBILITY OF LEGAL ENTITIES

Article 42: Criminal responsibility of legal entities

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

The criminal responsibility of legal entities shall not preclude that of natural persons for the same acts.

TITLE 3

PENALTIES

CHAPTER 1

CATEGORIES OF PENALTIES

SECTION 1

PRINCIPAL PENALTIES

Article 43: Principal penalties

Principal penalties shall include imprisonment and fines.

Fines shall be expressed in Riels.

Article 44: Minimum and maximum principal penalties

If the penalty for an offence is imprisonment, the law shall set the minimum and maximum sentences of imprisonment incurred.

If the penalty for an offence is a fine, the law shall set the minimum and maximum amounts or the fine incurred.

Article 45: Aggravated and reduced penalties

The minimum and maximum sentences of imprisonment and fines may be aggravated or reduced as provided for by this Code.

Article 46: Definition of felony

A felony is an offence for which the maximum sentence of imprisonment incurred is;

- (1) life imprisonment;
- (2) imprisonment for more than five years, but no more than thirty years.

A fine may be imposed in addition to imprisonment.

Article 47: Definition of misdemeanour

A misdemeanour is an offence for which the maximum sentence of imprisonment incurred is more than six days, but no more than five years.

A fine may be imposed in addition to imprisonment.

Article 48: Definition of petty offence

A petty offence is an offence:

- (1) for which the maximum sentence of imprisonment incurred is six days or less. A fine may be imposed in addition to imprisonment;
- (2) punishable solely by a fine.

Article 49: computation of sentence

A term of imprisonment of one day shall mean twenty four hours.

A term of imprisonment of one month shall mean thirty days.

A term of imprisonment of more than one month shall take into account the actual number of days in the relevant months.

A term of imprisonment of one year shall mean twelve months.

Article 50: Calculation of end-date of term of imprisonment

A convicted person whose term of imprisonment would normally end on a Saturday, Sunday or a public holiday within the meaning of the law or legal instruments shall be released on the preceding day.

Article 51: Deduction of time spent in pre-trial detention

Time spent in pre-trial detention shall be wholly deducted from the term of imprisonment to be served.

Article 52: Proceeds from fines

Proceeds from fines shall be paid to the State Treasury.

SECTION 2

ADDITIONAL PENALTIES

Article 53: Additional penalties

Additional penalties are:

- (1) forfeiture of certain rights;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed;
- (3) prohibition from driving any motor vehicle whatsoever;
- (4) suspension of a driving license;
- (5) local exclusion;
- (6) prohibition from leaving the territory of the Kingdom of Cambodia;
- (7) prohibition of a convicted alien from entering and remaining in the territory of the Kingdom of Cambodia;
- (8) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;
- (9) confiscation of the items or funds which were the subject of the offence;
- (10) confiscation of the proceeds or property arising out of the offence;
- (11) confiscation of the utensils, materials and furnishings in the premises in which the offence was committed;
- (12) confiscation of one or more vehicles belonging to the convicted person;
- (13) prohibition from possessing or carrying any weapon, explosive or ammunition of any kind;
- (14) disqualification from public tenders;
- (15) closure of an establishment used to plan or to commit the offence;
- (16) prohibition from operating an establishment that is open to or used by the public;
- (17) publication of sentencing decision;
- (18) publication of sentencing decision in the print media;
- (19) broadcasting of sentencing decision by any audio-visual communication.

Other additional penalties may be provided for by specific provision.

Article 54: Circumstances under which additional penalties may be pronounced

Additional penalties may be pronounced only if they are specifically provided for in respect of the felony, misdemeanour or petty offence under prosecution.

The pronouncement of additional penalties is optional. However, the pronouncement shall be mandatory if the law expressly so provides.

Article 55: Forfeiture of rights

The rights that may be forfeited under Article 53(1) (Additional penalties) are:

- (1) the right to vote;
- (2) the right to stand for election;
- (3) the right to be a public official;
- (4) the right to be appointed as an expert, an arbitrator or to be a judicially appointed official;
- (5) the right to receive official decorations and honours;
- (6) the right to testify under oath in court.

The penalty of forfeiture of certain rights may be permanent or temporary. In the latter case, the period of forfeiture may not exceed five years.

Article 56: Prohibition from practising profession

The prohibition from practising a profession shall not be applicable to elected office or union stewardship. It shall also not be applicable in the case of Press offences.

The prohibition may be permanent or temporary. In the latter case, the period of prohibition may not exceed five years.

The court shall specify the profession which shall not be practised.

Article 57: Prohibition from driving

The period of prohibition from driving a motor vehicle may not exceed five years.

Article 58: Suspension of driving license

The penalty of suspension of a driving license may not exceed five years. The convicted person must surrender his or her license to the greffier of the court. It shall be kept as specified by *Prakas* of the Minister of Justice.

Article 59: Exclusion from certain places in the territory of the Kingdom of Cambodia

The penalty of local exclusion shall mean the prohibition of a convicted person from being in certain places in the territory of the Kingdom of Cambodia. The period of local exclusion may not exceed ten years in the case of a felony, and five years in the case of a misdemeanour.

The court shall list the places where the exclusion applies and the duration of such exclusion.

Local exclusion shall be accompanied by supervision. The convicted person must:

(1) appear when summonsed by the judicial or administrative authorities designated by the court;

(2) report periodically at the offices of the Royal Police or Royal Gendarmerie designated by the court.

The court shall determine how the supervision shall be carried out.

The Prosecutor shall notify the court decision to the Ministry of Interior and the Ministry of National Defence.

Article 60: Prohibition from leaving the territory of the Kingdom of Cambodia

The period of prohibition from leaving the territory of Cambodia may not exceed five years.

The convicted person must surrender his or her passport to the greffier of the court. The passport shall be kept as specified by *Prakas* of the Minister of Justice.

The convicted person cannot, during the period of the penalty, obtain a passport.

Article 61: Prohibition of a convicted alien from entering and remaining in the territory of the Kingdom of Cambodia

Prohibition of a convicted alien from entering and remaining in the territory of the Kingdom of Cambodia may be permanent or temporary. In the latter case, the period of prohibition may not exceed five years. Such prohibition shall entail the expulsion of the convicted person at the end of his or her sentence of imprisonment.

Article 62: Confiscation

Confiscation may be ordered in relation to the following items:

(1) any instruments, materials or items which were used or intended to be used to commit the offence;

(2) the items or funds which were the subject of the offence;

(3) the proceeds or property arising out of the offence;

(4) the utensils, materials and furnishings in the premises in which the offence was committed.

However, confiscation shall not be ordered if it affects the rights of third parties.

Article 63: Disposition of confiscated items

When confiscation becomes final, the items confiscated shall become the property of the State, except as otherwise specified by specific provision.

The State may sell or destroy the items confiscated as prescribed in the procedures for selling State property.

Article 64: Prohibition from possessing or carrying any weapon, explosive or ammunition of any kind

The prohibition from possessing or carrying any weapon, explosive or ammunition of any kind may be permanent or temporary. In the latter case, the period of prohibition may not exceed five years. The prohibition shall apply to weapons, explosives or ammunitions of any kind in the Kingdom of Cambodia.

Article 65: Disqualification from Public Tenders

The penalty of disqualification from public tenders shall entail prohibition from participating, directly or indirectly, in any tender issued by:

- (1) the State;
- (2) a sub-national entity;
- (3) a public establishment; and
- (4) a State or sub-national entity concession or a State or sub-national entity controlled enterprise.

Disqualification from public tenders may be permanent or temporary. In the latter case, the period of disqualification may not exceed five years.

Article 66: Closure of establishment

The penalty of closure of an establishment shall entail prohibition from carrying out in the establishment the activity in connection with which the offence was committed.

Closure of an establishment may be permanent or temporary. In the latter case, the period of closure may not exceed five years.

Article 67: Prohibition from operating an establishment

The prohibition from operating an establishment that is open to or used by the public may be permanent or temporary. In the latter case, the period of prohibition may not exceed five years.

Article 68: Publication of sentencing decision

The penalty of publication of the decision shall be carried out in such places and for such period of time determined by the court. The publication may not extend beyond two months. It may involve all or part of the decision, or mere references thereto. The cost of the publication shall be borne by the convicted person.

If the publication is removed, concealed or torn, a new publication shall be made at the expense of the person who removed, concealed or tore it.

Article 69: Publication of sentencing decision in the print media

The penalty of publishing the decision shall be carried out in the print media in the manner and for the period of time determined by the court.

The cost of publication shall be borne by the convicted person. The convicted person may be subject to imprisonment in default of payment.

A newspaper may not refuse to publish a decision where publication is ordered by the court.

Article 70: Broadcast of the sentencing decision by audio-visual communication

The penalty of broadcasting the decision by audio-visual communication shall be carried out in the manner determined by the court. The broadcast may not be carried out for more than eight days. It may involve all or part of the decision, or references thereto. The cost of the broadcast shall be borne by the convicted person.

Article 71: Date of enforcement of additional penalties

Unless otherwise decided by the court, additional penalties under Articles 53(1), (2), (3), (4), (5), (6) and (7) (Additional penalties) shall be enforced upon completion of the sentence of imprisonment.

SECTION 3

ALTERNATIVE PENALTIES

SUB-SECTION 1

COMMUNITY SERVICE

Article 72: Meaning of community service

If an accused is liable to imprisonment for a maximum period of three years or more, the court may order the convicted person to perform community service.

Community service is an obligation to perform, for a period of thirty to two hundred hours, unpaid service for the benefit of the State, a sub-national entity, or a public corporation, an association or a non-governmental organisation.

Article 73: Community service may not benefit a natural person

Community service may not, under any circumstances, be carried out for the benefit of a natural person.

Article 74: Provision pertaining to community service

Community service shall be governed by the provisions of the Labour Code, in particular those provisions of the Code dealing with night work, occupational health, safety, and women at work.

Community service may be performed in conjunction with a professional activity.

Article 75: Reparation for harm caused to third parties

The State shall pay compensation for harm caused to third parties by a convicted person in connection with the performance of community service. The State shall be subrogated by operation of law to the rights of the victim.

SUB-SECTION 2

REPRIMAND

Article 76: Provisions pertaining to reprimand

A court may reprimand an accused who is liable to a maximum sentence of imprisonment of three years or more if the following three conditions are met:

- the public disturbance caused by the offence has ceased;
- the harm has been repaired;
- the accused provides guarantees of his or her social reintegration.

CHAPTER 2

AGGRAVATING AND MITIGATING CIRCUMSTANCES

SECTION 1

AGGRAVATING CIRCUMSTANCES

SUB-SECTION 1

DEFINITION OF CERTAIN AGGRAVATING CIRCUMSTANCES

Article 77: Organised criminal enterprise

An organised criminal enterprise shall be any group or conspiracy established with a view to plan or commit one or more offences.

Article 78: Premeditation

Premeditation is the intent, formed prior to the act, to commit an offence.

Article 79: Forced entry

Forced entry consists in forcing, damaging or destroying any closing device or fence of any kind.

Forced entry includes the following:

- (1) the use of false keys;
- (2) the use of unlawfully obtained keys;
- (3) the use of any instrument which may be employed to operate a closing device without forcing, damaging or destroying it.

Article 80: Unlawful entry

Unlawful entry is the act of entering any place, either by climbing over a fence, or by passing through any aperture not designed to be used as an entrance.

Article 81: Weapons and items deemed to be weapons

A weapon shall be any item designed to kill or wound.

Weapon includes any other item liable to be dangerous to persons if:

- (1) it was used to kill, wound or threaten;
- (2) it was intended to be used to kill, wound or threaten.

A weapon includes an animal used to kill, wound or threaten.

Article 82: Ambush

An ambush is the act of lying in wait for the victim in any place with a view to committing an offence.

SUB-SECTION 2

SUBSEQUENT OFFENCES

Article 83: Subsequent offences penalties

Committing a subsequent offence shall result in aggravating, in accordance with this Sub-Section, the maximum sentence of imprisonment incurred for a felony or a misdemeanour.

Article 84: Applicability of subsequent offences

A subsequent offence is said to have been committed:

- (1) if a person against whom final judgement has already been entered for a felony commits a new felony within ten years;
- (2) if a person against whom final judgement has already been entered for a felony commits a misdemeanour within five years;
- (3) if a person against whom a final judgement of imprisonment of three years or more has already been entered for a misdemeanour commits a felony within five years;
- (4) if a person against whom final judgement has already been entered for a misdemeanour commits the same misdemeanour within five years.

The time limits of ten years and five years shall be computed from the day the conviction for the first offence becomes final.

Article 85: Subsequent felonies

If a person against whom final judgement has already been entered for a felony commits a new felony within ten years, the maximum sentence of imprisonment incurred for the new felony shall be aggravated as follows:

- (1) if the maximum sentence of imprisonment incurred for the new felony does not exceed twenty years, the maximum sentence of imprisonment shall be doubled;
- (2) if the maximum sentence of imprisonment incurred for the new felony is thirty years, the maximum sentence of imprisonment shall be life imprisonment.

Article 86: Committing a misdemeanour after sentencing for a felony

If a person against whom final judgement has already been entered for a felony commits a misdemeanour within five years, the maximum sentence of imprisonment incurred for the misdemeanour shall be doubled.

If, by reason of committing a subsequent offence, the maximum term of imprisonment incurred exceeds five years, the legal qualification of the offence shall remain a misdemeanour despite the aggravation of the penalty.

Article 87: Committing a felony after sentencing for a misdemeanour

If a person against whom a final judgement of imprisonment of three years or more has already been entered for a misdemeanour commits a felony within five years, the penalty incurred for the felony shall be aggravated as follows:

(1) if the maximum sentence of imprisonment incurred for the felony does not exceed twenty years, the maximum sentence of imprisonment shall be doubled;

(2) if the maximum sentence of imprisonment incurred for the felony is thirty years, the maximum sentence of imprisonment shall be life imprisonment.

Article 88: Committing a misdemeanour after sentencing for a misdemeanour

If a person against whom final judgement has already been entered for a misdemeanour commits the same misdemeanour within five years, the maximum sentence of imprisonment incurred for the new misdemeanour shall be doubled.

If, by reason of committing a subsequent offence, the maximum sentence of imprisonment incurred exceeds five years, the legal qualification of the offence shall remain a misdemeanour despite the aggravation of the penalty.

Article 89: Deeming

Theft, breach of trust, and fraud shall be deemed to be the same offence for the purposes of the rules pertaining to subsequent offences.

Receiving stolen goods shall be deemed to be the offence by which the goods in question were obtained.

Money laundering shall be deemed to be the offence in connection with which the money laundering occurred.

Article 90: Previous offences and prosecution

A court may only consider a previous conviction and use it as grounds for aggravating the sentence of imprisonment if it is expressly stated in the indictment.

Article 91: Previous offences and final decisions

A decision is considered final where it is no longer subject to appeal.

For the purposes of the rules pertaining to subsequent offences, only final decisions in respect of the criminal prosecution shall be taken into account.

Article 92: Specific provisions

A previous conviction may be taken into account notwithstanding the application of the statute of limitations to the relevant sentence.

A previous conviction may not be taken into account where pardon is granted with respect to the sentence under Article 90 new (2)(4) of the Constitution of the Kingdom of Cambodia.

SECTION 2

MITIGATING CIRCUMSTANCES

Article 93: Definition of mitigating circumstances

The court may grant the accused the benefit of mitigating circumstances if warranted by the nature of the offence or the character of the accused.

The accused may also benefit from mitigating circumstances notwithstanding that he or she has a previous conviction.

Article 94: Effect of mitigating circumstances

If the court grants an accused the benefit of mitigating circumstances, the minimum principal penalty incurred for a felony or a misdemeanour shall be reduced as follows:

(1) if the minimum sentence of imprisonment incurred is ten years or more, it shall be reduced to two years;

(2) if the minimum sentence of imprisonment incurred is five years or more, but less than ten years, it shall be reduced to one year;

(3) if the minimum sentence of imprisonment incurred is two years or more, but less than five years, it shall be reduced to six months;

(4) if the minimum sentence of imprisonment incurred is six days or more, but less than two years, it shall be reduced to one day;

(5) the minimum fine incurred shall be reduced by half.

Article 95: Life imprisonment and mitigating circumstances

If the penalty incurred for an offence is life imprisonment, the judge granting the benefit of mitigating circumstances may impose a sentence of between fifteen and thirty years imprisonment.

CHAPTER 3

SENTENCING PRINCIPLES

SECTION 1

GENERAL PRINCIPLES

Article 96: Principle of individualisation of penalties

In imposing penalties, the court shall take into account the seriousness and circumstances of the offence, the character of the accused, his or her psychological state, his or her means,

expenses and motives, as well as his or her behaviour after the offence, especially towards the victim.

Article 97: Pronouncement of principal penalties

In all cases where an offence is punished both by a sentence of imprisonment and a fine, the court may impose:

- a sentence of imprisonment and a fine concurrently; or
- a sentence of imprisonment only; or
- a fine only.

Article 98: Pronouncement of alternative penalties

Community service may be ordered as an alternative to a principal penalty. If the court orders community service, it may not impose a sentence of imprisonment or a fine.

A reprimand may be issued as an alternative to a principal penalty. If the court issues a reprimand, it may not impose a sentence of imprisonment or a fine.

Article 99: Pronouncement of additional penalties in addition to principal penalties

If one or more additional penalties are incurred, such penalties shall be imposed in addition to the principal penalty subject to the provisions of Article 100 (Pronouncement of additional penalties in lieu of principal penalties) of this Code.

Article 100: Pronouncement of additional penalties in lieu of principal penalties

The court may decide to substitute one or more additional penalties for principal penalties in the following cases:

- (1) if the only principal penalty incurred by the accused is a fine;
- (2) if the accused incurs a maximum sentence of imprisonment of three years or less.

If the court decides to substitute one or more additional penalties for principal penalties, it may not impose a sentence of imprisonment or a fine.

Article 101: Specific rules applicable to the pronouncement of community service orders

A community service penalty may only be imposed if the accused is present at the hearing and accepts to perform the work. Before issuing its decision or judgement, the court shall inform the accused of his or her right to refuse to perform community service. His or her response shall be recorded in the decision or judgement.

Article 102: Duration of community service

If a court orders community service, it shall set its duration and the time within which it shall be performed. This period may not exceed one year.

Article 103: Execution of community service penalty

The manner in which a community service penalty shall be executed shall be determined by the Prosecutor.

The Prosecutor shall designate the legal entity which shall be the beneficiary of the community service.

A community service penalty shall be executed under the supervision of the Prosecutor.

SECTION 2
SUSPENDED SENTENCE
SUB-SECTION 1
COMMON PROVISIONS

Article 104: Pronouncement of suspended sentences

The court may suspend the enforcement of a principal penalty as prescribed in this Section.

Article 105: Rules pertaining to suspended sentences

For the purposes of the provisions pertaining to suspended sentences, only final decisions in respect of a criminal prosecution shall be taken into account.

SUB-SECTION 2
PROSECUTION FOR FELONY OR MISDEMEANOUR

Article 106: Previous convictions

The sentence of an accused charged with a felony or misdemeanour may be suspended where no final conviction has been entered against him or her within the five years preceding the offence.

Article 107: Penalties that may be suspended

The following penalties may be suspended:

- (1) sentences of imprisonment of five years or less;
- (2) fines.

Article 108: Partial suspension

The court may suspend part of a sentence of imprisonment for such period of time as it may determine or suspend part of a fine for such amount as it may determine.

Article 109: Revocation of suspended sentences

A suspended sentence imposed upon final conviction for a felony or misdemeanour shall be revoked automatically if a new final conviction for a felony or misdemeanour is entered within five years following the pronouncement of the suspended sentence.

The first penalty shall be executed, but not concurrently with the second penalty.

Article 110: Non-revocation of suspended sentences

Notwithstanding the provisions of Article 109 (Revocation of suspended sentences), the court may, by a specially reasoned decision, decide that the new sentence shall not entail revocation of an existing suspended sentence.

Article 111: Suspended sentences deemed never to have been passed

A suspended sentence imposed upon final conviction for a felony or a misdemeanour shall be deemed never to have been passed if no new conviction is entered for a felony or a misdemeanour within five years following the pronouncement of the suspended sentence. The sentence may no longer be enforced.

If part only of a sentence is suspended, the entire sentence shall be deemed never to have been passed. The sentence may no longer be enforced.

SUS-SECTION 3

PROSECUTION FOR PETTY OFFENCE

Article 112: Previous conviction

The sentence of an accused Charged with a petty offence may be suspended if no final conviction to imprisonment has been entered against him or her within the year preceding the offence.

Article 113: Penalties that may be suspended

The following penalties for petty offences may be suspended:

- (1) imprisonment;
- (2) fines.

Article 114: Revocation of suspended sentences

A suspended sentence imposed upon final conviction for a petty offence shall be revoked automatically if a new final conviction for a felony, misdemeanour or petty offence is entered within one year following the pronouncement of the suspended sentence. The first penalty shall be executed, but not concurrently with the second penalty.

Article 115: Non-revocation of suspended sentences

Notwithstanding the provisions of Article 114 (Revocation of suspended sentences), the court may, by a specially reasoned decision, decide that the new sentence shall not entail revocation of an existing suspended sentence.

Article 116: Suspended sentences deemed never to have been passed

A suspended sentence imposed upon final conviction for a petty offence shall be deemed never to have been passed if no new conviction is entered for a felony, misdemeanour or petty offence within one year following the pronouncement of the suspended sentence. The sentence may no longer be enforced.

SECTION 3

SUSPENDED SENTENCE WITH PROBATION

Article 117: Meaning of suspended sentence with probation

The court may combine a suspended sentence with probation if the sentence of imprisonment incurred is between six months and five years.

A suspended sentence with probation subjects the convicted person, for a certain period, to probation measures and one or more specific obligations.

Article 118: Probationary period

The court shall determine the duration of the probationary period, which may not be less than one year nor more than three years.

Article 119: Probation measures

A convicted person shall be subject to the following probation measures:

- (1) to appear when summonsed by the Prosecutor or his or her designated representative;
- (2) to receive visits from any person designated by the Prosecutor;
- (3) to provide the Prosecutor or his or her designated representative with documents establishing his or her social reintegration;
- (4) to alert the Prosecutor of any change of address;
- (5) to alert the Prosecutor of any change of employment; and
- (6) to obtain prior authorisation from the Prosecutor before travelling abroad.

Article 120: Specific obligations that may be imposed on a convicted person

The following specific obligations may be imposed on a convicted person:

- (1) to remain in employment;
- (2) to follow a course of instruction or vocational training;
- (3) to take up residence in a specified place;
- (4) to undergo medical examination or treatment;
- (5) to demonstrate that he or she is contributing to his or her family's expenses;
- (6) to repair, pursuant to his or her means, the harm caused by the offence;
- (7) to demonstrate that he or she is paying, pursuant to his or her means, the amounts owing to the State as a result of his or her conviction;
- (8) not to engage in the professional or social activity as specified by the court which enabled or facilitated the commission of the offence;
- (9) not to be present in such places as specified by the court;
- (10) not to frequent gambling places;
- (11) not to frequent drinking establishments;

- (12) not to associate with certain persons as specified by the court, especially the perpetrator, co-perpetrators, instigators, accomplices or victims of the offence;
- (13) not to have or carry any weapon, explosive or ammunition of any kind.

The court's decision shall include the specific obligation or obligations imposed on the convicted person.

Article 121: Modification of specific obligation by the court

The court may, at any time, modify the specific obligations imposed on a convicted person.

Application therefor shall be made as provided for by the Code of Criminal Procedure.

Article 122: Revocation of suspended sentence with probation

A suspended sentence with probation may be revoked by the court:

- (1) if, during the probationary period, the convicted person does not comply with the probation measures or specific obligations;
- (2) if, during the probationary period, the convicted person is again convicted of a felony or misdemeanour.

The court may order that all or part of the suspended sentence with probation be revoked. In such case, the sentence shall be served in whole or in part.

Application therefor shall be made as provided for by the Code of Criminal Procedure.

Article 123: Sentence with probation deemed never to have been passed

A suspended sentence with probation shall be deemed never to have been passed if there has been no request to revoke it, followed by a decision revoking it, prior to the end of the probationary period.

SECTION 4

DEFERMENT OF SENTENCE

Article 124: Circumstances in which sentence may be deferred

In case of prosecution for a misdemeanour, the court may, after finding the accused guilty, defer passing sentence if the following conditions are met:

- the public disturbance caused by the offence has ceased;
- the accused provides guarantees of his or her social reintegration; and
- the accused requests time to repair the harm.

Article 125: Deferment decision

A deferment may only be granted if the accused is present at the hearing.

The court shall, in its decision or judgement, set the date for sentencing.

Sentence must be passed no later than one year following the deferment decision.

Article 126: Adjourned hearing

The court shall pass sentence at the adjourned hearing.

SECTION 5
DAY RELEASE

Article 127: Availability of day release

If a court imposes a sentence of imprisonment of six months or less, it may decide that the sentence is to be served on day release in order to enable the convicted person to practice a trade or profession, follow a course of instruction or vocational training, undergo medical treatment, or meet the needs of his or her family.

Article 128: Day release arrangements

A convicted person placed on day release shall be allowed to leave the penitentiary at prescribed periods.

The court shall, in its decision, set the days and times during which the convicted person shall be allowed to leave the penitentiary.

Article 129: Deduction of time spent on day release from penalty

Time spent on day release shall be deducted from the duration of the penalty which is being served.

Article 130: Terms and revocation

The court may, at any time, at the request of the Prosecutor, set the terms of or revoke a day release arrangement.

Application therefor shall be made as provided for by the Code of Criminal Procedure.

Article 131: Arrest and incarceration

The Prosecutor may order the arrest and incarceration of a convicted person who fails to return to the penitentiary at the end of a period of day release.

SECTION 6
SENTENCE SERVED IN INSTALMENTS

Article 132: Circumstances in which sentence may be served in instalments

If a court imposes a sentence of imprisonment of one year or less, it may decide that the sentence shall be served in instalments because of serious family, medical, Professional or social reasons.

Article 133: Service of sentences

None of the instalments of the sentence may be shorter than one month. The total period for serving the sentence, including interruptions, may not exceed two years.

The decision of the court shall set out how the instalments are to be served.

Article 134: Terms and revocation

The court may, at any time, at the request of the Prosecutor, set the terms of or revoke an instalment arrangement.

Application therefor shall be made as provided for by the Code of Criminal Procedure.

Article 135: Arrest and incarceration

The Prosecutor may order the arrest and incarceration of a convicted person who fails to return to the penitentiary at the end of a period of interruption of his or her sentence.

CHAPTER 4

RULES APPLICABLE IN CASE OF CONCURRENT OFFENCES

SECTION 1

GENERAL RULES

Article 136: Concurrent offence

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

Article 137: Single prosecution

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

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

Article 138: Separate prosecutions

If, in the course of separate prosecutions, the accused is found guilty of several concurrent offences, the sentences imposed shall run cumulatively to the extent of the highest maximum

penalty allowed by law. However, the last court dealing with the matters may order that all or part of the sentences of a similar nature shall run concurrently.

For the purposes of this Article, if an accused is liable to life imprisonment, the highest maximum sentence of imprisonment allowed by law shall be thirty years if the accused has not been sentenced to life imprisonment.

The fact that one of the sentences imposed for concurrent offences is wholly or partially suspended shall not be an impediment to the enforcement of the non-suspended sentences of a similar nature.

SECTION 2

SPECIAL RULES

Article 139: Effect or pardon and reduction of penalties

Where pardon is granted in respect of a penalty under Article 27 of the Constitution of the Kingdom of Cambodia, the resulting penalty shall be taken into account for the purposes of the rules applicable in the case of concurrent offences.

The length of the reduction of the penalty shall be deducted from the penalty to be imposed, if any, following concurrence.

Article 140: Cumulative character of fines

Notwithstanding the preceding provisions, fines imposed for petty offences shall be cumulative, including with fines imposed for concurrent felonies or misdemeanours.

Article 141: non-concurrence of sending for prison escape

Sentences imposed for prison escape shall be cumulated with those sentences imposed for the offence in respect of which the convicted person escaped; they cannot run concurrently.

CHAPTER 5

GENERAL FACTORS RELEVANT TO THE ENFORCEMENT OF PENALTIES

SECTION 1

STATUTE OF LIMITATIONS OF PENALTIES

Article 142: Effect of statute of limitations

If the statute of limitations for a sentence expires, the sentence may no longer be enforced.

Article 143: Non-applicability of statute of limitations for certain crimes

Penalties imposed for genocide, crimes against humanity and war crimes shall not be subject to any statute of limitations.

Apart from the above crimes, a special law may provide for the non-applicability of statute of limitations to penalties imposed for other crimes.

Article 144: Applicability of statute of limitations

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

The statute of limitations for a misdemeanour shall be five years.

The statute of limitations for a petty offence shall be one year.

Article 145: Commencement of limitation period

The twenty-year, five-year and one-year limitation periods provided for in Article 144 (Applicability of statute of limitations) shall start to run from the date when the conviction becomes final.

Article 146: Applicability of statute of limitations to civil obligations resulting from a criminal decision

Civil obligations resulting from a final criminal decision are subject to limitation pursuant to the rules set out in the Civil Code.

SECTION 2

PARDON

Article 147: Effect of pardon

Pardon within the meaning of Article 27 of the Constitution of the Kingdom of Cambodia shall exempt the offender from serving his or her sentence.

Article 148: Effect of pardon on victims' right to reparation

Unless otherwise provided by Royal Decree, a pardon shall not be an impediment to a victim's right to obtain reparation for the harm he or she suffered.

SECTION 3

AMNESTY

Article 149: Effect of amnesty

An amnesty within the meaning of Article 90 new (2)(4) of the Constitution of the Kingdom of Cambodia, shall expunge the relevant convictions.

Penalties shall not be enforced.

Ongoing enforcement of penalties, if any, shall cease.

However, the State shall not refund any fines and court fees already paid.

Article 150: Amnesty and revocation of suspended sentence

If a suspended sentence is revoked by reason of a subsequent conviction, an amnesty in respect of the subsequent conviction shall restore the benefit of the suspension.

Article 151: Effect of amnesty on victims' right to reparation

Unless otherwise provided by law, an amnesty shall not be an impediment to a victim's right to obtain reparation for the harm he or she suffered.

SECTION 4

ADJUSTMENT AND REMOVAL OF CERTAIN ADDITIONAL PENALTIES

Article 152: Where available

If the court imposes additional penalties under Articles 53(1), (2), (3), (4), (5), (6), (7), (14), (15), and (16), (Additional penalties), it may order either an adjustment or removal of one or more penalties if the following conditions are met:

- the public disturbance caused by the offence has ceased;
- the harm has been repaired;
- the decision to adjust or remove the penalties would promote the social reintegration of the offender.

Application therefor shall be made by the Prosecuting Authority on its own motion or at the request of the convicted person. The court's decision shall be delivered in open Court after hearing the views of the representative of the Prosecuting Authority, the convicted person and his or her lawyer, as the case may be.

Article 153: Reinstatement of all or part of rights

In case of forfeiture of rights, the court may reinstate all or part of the rights under Article 55 (forfeiture of rights) of this Code.

Article 154: Adjustment or lifting of prohibition

The court may adjust or lift:

- (1) prohibition from carrying on a professional or social activity;
- (2) prohibition from driving a motor vehicle.

Article 155: Reinstatement of driving license

In case of suspension of a driving license, the court may order that it be reinstated.

Article 156: Modification of local exclusion measures

In case of local exclusion, the court may, alter the supervision measures.

In case of emergency, the Prosecutor may authorise temporary residency for no more than eight days in a prohibited place. The Prosecutor shall inform the court of his or her decision.

The decisions of the court and the Prosecutor shall be notified to the Ministry of Interior and the Ministry of National Defence.

Article 157: Modification of prohibition from leaving the territory of the Kingdom of Cambodia.

The court may lift prohibition from leaving the territory of the Kingdom of Cambodia. The court may, if it deems necessary, impose certain conditions.

Article 158: Modification from entering of the territory of the Kingdom of Cambodia

The court may lift the prohibition against a convicted alien from entering and remaining in the territory of the Kingdom of Cambodia.

However, the Prosecutor must first seek the opinion of the Ministry of Foreign Affairs and International Cooperation and notify it to the court.

The court is not bound by the opinion.

Article 159: Modification of disqualification from public tenders, closure of an establishment and prohibition from operating an establishment

The court may adjust or terminate the following penalties:

- (1) disqualification from public tenders;
- (2) closure of an establishment;
- (3) prohibition from operating an establishment that is open to or used by the public.

CHAPTER 6

PENALTIES APPLICABLE TO MINORS

SECTION 1

GENERAL PROVISIONS

Article 160: Principal Penalties Applicable to minors over the age of fourteen

If the court decides to impose a criminal sentence on a minor over the age of fourteen. The principal penalties incurred for the offence under prosecution shall be reduced as follows:

- (1) the maximum sentence of imprisonment incurred shall be reduced by half;
- (2) if the maximum sentence incurred is life imprisonment, it shall be reduced to twenty years imprisonment;
- (3) if the minimum sentence incurred is more than one day of imprisonment, it shall be reduced by half;
- (4) the minimum and the maximum fines shall be reduced by half.

In case of prosecution for a felony, if by reason of the provisions of this Article, the maximum penalty of imprisonment incurred is reduced to five years or less, the offence under prosecution shall remain a felony.

Article 161: Additional penalties

Only the following additional penalties shall be applicable to minors:

- (1) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;
- (2) confiscation of the items or funds which were the subject of the offence;
- (3) confiscation of the proceeds or property arising out of the offence;
- (4) confiscation of the utensils, materials and furnishings in the premises in which the offence was committed;
- (5) prohibition from possessing or carrying any weapon, explosive or ammunition of any kind.

Article 162: Community service penalties

Community service penalties shall be applicable to minors aged sixteen years and over. However, the duration of the community service may not exceed one hundred hours.

The community service must be adapted to minors; it must be educative and promote social reintegration.

Article 163: Minor not subject to provisions pertaining to previous offences

The provisions pertaining to previous offences shall not be applicable to minors.

Article 164: Minors may be granted the benefit of mitigating circumstances

The provisions pertaining to mitigating circumstances shall be applicable to minors.

If the court grants a minor the benefit of mitigating circumstances, the minimum principal penalty incurred by the minor for a felony or a misdemeanour shall be reduced as follows:

- (1) if the minimum sentence of imprisonment incurred is ten years or more, it shall be reduced to one year;
- (2) if the minimum sentence of imprisonment incurred is five years or more, but less than ten years, it shall be reduced to six months;
- (3) if the minimum sentence of imprisonment incurred is two years or more, but less than five years, it shall be reduced to three months;
- (4) if the minimum sentence of imprisonment incurred is six days or more, but less than two years, it shall be reduced to one day;
- (5) the minimum fine incurred shall be reduced by half.

Article 165: Specific obligations for minors in case of suspended sentences with probation

In case of a suspended sentence with probation, only the following specific obligations shall be applicable to minors:

- (1) to follow a course of instruction or vocational training;

- (2) to take up residence in a specified place;
- (3) to undergo medical examination or treatment;
- (4) to repair, pursuant to his or her means, the harm caused by the offence;
- (5) to demonstrate that he or she is paying, pursuant to his or her means, the amounts owing to the State as a result of the conviction;
- (6) not to be present in specified places;
- (7) not to frequent drinking establishments;
- (8) not to associate with certain persons – as specified by the court, especially the co-perpetrators, instigators, accomplices or victims of the offence;
- (9) not to have or carry any weapon, explosive or ammunition of any kind.

SECTION 2

SPECIAL PROVISIONS

Article 166: Separate prison facilities for minors

Minors imprisoned shall be housed in special units separate from adults. They shall be subject to a specific and personalised regime with a large emphasis on education and vocational training.

The detention regime shall be determined by Prakas of the Minister of Justice and relevant ministers.

CHAPTER 7

PENALTIES APPLICABLE TO LEGAL ENTITIES

SECTION 1

GENERAL PROVISIONS

Article 167: Penalties incurred by legal entities

Specific penalties incurred by legal entities are:

- (1) fines as principal penalties;
- (2) additional penalties under Article 168 (Additional penalties applicable to legal entities).

SECTION 2

ADDITIONAL PENALTIES

Article 168: Additional penalties applicable to legal entities

Additional penalties applicable to legal entities are:

- (1) dissolution;
- (2) placement under judicial supervision;
- (3) prohibition from undertaking one or more activities;
- (4) disqualification from public tenders;
- (5) prohibition from making a public offering;

- (6) prohibition from issuing cheques other than cheques certified by a bank;
- (7) prohibition from using payment cards;
- (8) closure of the establishment which was used to plan or to commit the offence;
- (9) prohibition from operating an establishment that is open to or used by the public;
- (10) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;
- (11) confiscation of the items or funds with which were the subject of the offence;
- (12) confiscation of the proceeds or property arising out of the offence;
- (13) confiscation of the utensils, materials and furnishings in the premises in which the offence was committed;
- (14) publication of sentencing decision, publication of the sentencing decision in the print media or communicating the decision to the public by audio-visual communication.

Specific provisions may institute other additional penalties.

Article 169: Where available

The court may only pronounce additional penalties if they are specifically provided for in respect of the alleged offence.

Article 170: Dissolutions and liquidation of entities

The decision ordering the dissolution of a legal entity shall entail the referral of the legal entity before the court having jurisdiction to liquidate it.

Article 171: Placement under judicial supervision

The placement under judicial supervision may not exceed a period of five years. The decision to place a legal entity under judicial supervision entails the designation of a judicially appointed official whose remit is determined by the court. At least once every six months, the judicially appointed official shall report to the Prosecutor on the fulfilment of his or her remit.

Upon reviewing these reports, the Prosecutor may refer the matter to the court which ordered the judicial supervision. The court may then impose a new penalty.

The court shall make its decision in open court after hearing the views of the representative of the Prosecuting Authority, the judicially appointed official and the lawyer for the legal entity, as the case may be.

Article 172: Prohibition from carrying on activities

The prohibition from carrying on an activity may be permanent or temporary. In the latter case, the prohibition may not exceed five years.

The court shall specify the prohibited activity or activities.

Article 173: Disqualification from public tenders

Disqualification from public tenders entails the prohibition from participating, directly or indirectly, in any tender issued by:

- (1) the State;
- (2) a sub-national entity;
- (3) a public body;
- (4) a State or sub-national entity concession or a State or sub-national entity controlled enterprise;

Disqualification from public tenders may be permanent or temporary. In the latter case, The period of disqualification may not exceed five years.

Article 174: Prohibition from making a public offering

The prohibition from making a public offering may be permanent or temporary. In the latter case, the period of prohibition may not exceed five years.

The prohibition from making a public offering shall entail prohibition of the legal entity from using any credit institutions, financial institutions or brokers for the sale of its securities.

It shall also entail prohibition from advertising.

Article 175: Prohibition from issuing cheques

The prohibition from issuing cheques may be permanent or temporary. In the latter case, the period of prohibition may not exceed five years.

The same applies in respect of the prohibition from using payment cards.

Article 176: Closure of an establishment

The penalty of closure of an establishment shall entail prohibition from exercising in the establishment the activity in connection with which the offence was committed.

Closure of an establishment may be permanent or temporary. In the latter case, the period of closure may not exceed five years.

Article 177: Prohibition from operating an establishment

The prohibition from operating an establishment that is open to or used by the public may be permanent or temporary. In the latter case, the period of prohibition may not exceed five years.

Article 178: Ownership, sale and destruction of items confiscated

When confiscation becomes final, the items confiscated shall become the property of the State, except as otherwise specified by specific provision.

The State may sell or destroy the items confiscated as prescribed in the procedures for selling State property. The law may also provide for the destruction of certain items.

If an item confiscated has not been seized and cannot be produced, the convicted person shall pay its value which shall be set by the court. For the purposes of recovery, the provisions pertaining to imprisonment for default of payment of debts shall apply.

Article 179: Confiscation and rights of third parties

Confiscation may be ordered in respect of the following items:

- (1) any instruments, materials or items which were used or intended to be used to commit the offence;
- (2) the items or funds which were the subject of the offence;
- (3) the proceeds or property arising out of the offence;
- (4) the utensils, materials and furnishings in the premises in which the offence was committed.

However, confiscation may not be ordered if it affects the rights of third parties.

Article 180: Publication of decisions

The penalty of publication of the decision shall be carried out in such places and for such period of time as determined by the court. The publication may not extend beyond two months. It may involve all or part of the decision, or mere references thereto. The cost of the publication shall be borne by the convicted legal entity.

If the publication is removed, concealed or torn, a new publication shall be made at the expense of the person who removed, concealed or tore it.

Article 181: Broadcasting of decision by audio-visual communication

The penalty of broadcasting the decision by audio-visual communication shall be carried out in the manner determined by the court. The broadcast may not be carried for more than eight days. It may involve all or part of the decision, or references thereto. The cost of the broadcast shall be borne by the convicted legal entity.

The penalty of publishing the decision shall be carried out in the print media in the manner and for the period of time determined by the court. The cost of publication shall be borne by the convicted legal entity. A newspaper may not refuse to publish a decision where publication is ordered by the court.

Article 182: Application of provisions regarding natural persons to legal entities

The provisions of titles 1, 2 and 3 of Book 1 of this Code regarding natural persons shall be applicable to legal entities in so far as they are not inconsistent with the provisions of this Chapter.

BOOK 2

CRIMES AGAINST PERSONS

TITLE 1

GENOCIDE, CRIMES AGAINST HUMANITY, WAR CRIMES

CHAPTER 1

GENOCIDE

Article 183: Definition of genocide

Genocide shall mean any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (1) killing members of the group;
- (2) causing serious bodily or mental harm to members of the group;
- (3) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (4) imposing forceful measures or voluntary means intended to prevent births within the group;
- (5) forcibly transferring children of the group to another group.

Article 184: Penalty

Genocide shall be punishable by life imprisonment.

Article 185: Planning of genocide

Participation in a group formed or in a conspiracy to plan genocide shall be punishable by imprisonment from twenty to thirty years.

The planning must be characterised by one or more material acts.

Article 186: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the felonies defined in this Chapter:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) local exclusion for a period not exceeding ten years;
- (4) prohibition from leaving the territory of the Kingdom of Cambodia for a period not exceeding five years;
- (5) prohibition of a convicted alien from entering and remaining in the territory of the Kingdom of Cambodia, either permanently or for a period not exceeding five years;
- (6) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;
- (7) prohibition from possessing or carrying any weapon, explosive or ammunition of any kind, either permanently or for a period not exceeding five years;
- (8) publication of sentencing decision for a period not exceeding two months;
- (9) publication of sentencing decision in the print media;
- (10) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

Article 187: Criminal responsibility of legal entities

Legal entities may be found criminally responsible under Article 42 (Criminal responsibility of legal entities) of this Code for the offences defined in Article 183 (Genocide) and Article 185 (Planning of genocide) of this Code.

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

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

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

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

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

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

(6) publication of sentencing decision pursuant to Article 180 (Publication of decisions) of this Code;

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

CHAPTER 2

CRIMES AGAINST HUMANITY

Article 188: Definition of crimes against humanity

Crime against humanity shall mean any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population:

(1) murder;

(2) extermination;

(3) enslavement;

(4) deportation or forcible transfer of population;

(5) imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;

(6) torture;

(7) rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;

(8) persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious or gender grounds;

(9) enforced disappearance of persons;

(10) the crime of apartheid;

(11) other inhumane acts intentionally causing great suffering, or serious injury to body.

Article 189: Penalty

Crimes against humanity shall be punishable by life imprisonment

Article 190: Planning of crimes against humanity

Participation in a group formed or in a conspiracy to plan crimes against humanity shall be punishable by imprisonment from twenty to thirty years.

The planning must be characterised by one or more material acts.

Article 191: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the felonies defined in this Chapter:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) local exclusion for a period not exceeding ten years;
- (4) prohibition from leaving the territory of the Kingdom of Cambodia for a period not exceeding five years;
- (5) prohibition of a convicted alien from entering and remaining in the territory of the Kingdom of Cambodia, either permanently or for a period not exceeding five years;
- (6) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;
- (7) prohibition from possessing or carrying any weapon, explosive or ammunition of any kind, either permanently or for a period not exceeding five years;
- (8) publication of sentencing decision for a period not exceeding two months;
- (9) publication of sentencing decision in the print media;
- (10) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

Article 192: Criminal responsibility of legal entities

Legal entities may be found criminally responsible under Article 42 (Criminal responsibility of legal entities) of this Code for the offences defined in Article 188 (Crimes against humanity) and Article 190 (Planning of crimes against humanity) of this Code.

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

- (1) dissolution pursuant to Article 170 (Dissolution and liquidation of legal entities) of this Code;
- (2) placement under judicial supervision pursuant to Article 171 (Placement under judicial supervision) of this Code;
- (3) prohibition from exercising one or more activities pursuant to Article 172 (Prohibition from carrying on activities) of this Code;
- (4) disqualification from public tenders pursuant to Article 173 (Disqualification from public tenders) of this Code;
- (5) prohibition from making a public offering pursuant to Article 174 (Prohibition from making a public offering) of this Code;

(6) publication of sentencing decision pursuant to Article 180 (Publication of decisions) of this Code;

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

CHAPTER 3

WAR CRIMES

Article 193: Definition of war crimes

War crime shall mean any of the following acts directed against persons or property protected by the provisions of the Geneva Conventions of 12 August 1949:

- (1) murder;
- (2) torture or other inhuman treatment, including biological experiments;
- (3) wilfully causing great suffering, or serious injury to body or health;
- (4) extensive destruction or appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;
- (5) compelling a prisoner of war or a civilian to serve in the forces of a hostile power;
- (6) depriving a prisoner of war or a civilian of the rights of fair and regular trial;
- (7) unlawful deportation, transfer or confinement of a civilian;
- (8) taking of civilian hostages.

Article 194: Other war crimes

Any of the following acts also constitutes a war crime if it is committed during an international or non-international armed conflict:

- (1) employing poisonous weapons or other weapons calculated to cause unnecessary suffering;
- (2) intentionally attacking or bombarding, by whatever means, undefended towns, villages, dwellings or buildings which are not military objectives;
- (3) intentionally attacking personnel or material involved in a humanitarian mission in accordance with the Charter of the United Nations;
- (4) intentionally starving civilians by depriving them of objects indispensable to their survival;
- (5) utilizing civilians to render certain buildings, areas of the territory or military forces immune from military operations;
- (6) intentionally destroying or damaging buildings dedicated to religion, charitable purposes, education, art, science, historic monuments, Artistic works or scientific works;
- (7) causing widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct military advantage anticipated;
- (8) plunder of public or private property.

Article 195: Penalty

A war crime shall be punishable by life imprisonment.

Article 196: Planning of war crimes

Participation in a group formed or in a conspiracy to plan a war crime shall be punishable by imprisonment from twenty to thirty years.

The planning must be characterised by one or more material acts.

Article 197: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the felonies defined in this Chapter:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) local exclusion for a period not exceeding ten years;
- (4) prohibition from leaving the territory of the Kingdom of Cambodia for a period not exceeding five years;
- (5) prohibition of a convicted alien from entering and remaining in the territory of the Kingdom of Cambodia, either permanently or for a period not exceeding five years;
- (6) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;
- (7) prohibition from possessing or carrying any weapon, explosive or ammunition of any kind, either permanently or for a period not exceeding five years;
- (8) publication of sentencing decision for a period not exceeding two months;
- (9) publication of sentencing decision in the print media;
- (10) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

Article 198: Criminal responsibility of legal entities

Legal entities may be found criminally responsible under Article 42 (Criminal responsibility of legal entities) of this Code for the offences defined in Article 193 (War crimes), Article 194 (Other war crimes) and Article 196 (Planning of war crimes) of this Code.

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

- (1) dissolution pursuant to Article 170 (Dissolution and liquidation of legal entities) of this Code;
- (2) placement under judicial supervision pursuant to Article 171 (Placement under judicial supervision) of this Code;
- (3) prohibition from exercising one or more activities pursuant to Article 172 (Prohibition from carrying on activities) of this Code;
- (4) disqualification from public tenders pursuant to Article 173 (Disqualification from public tenders) of this Code;
- (5) prohibition from making a public offering pursuant to Article 174 (Prohibition from making a public offering) of this Code;
- (6) publication of sentencing decision pursuant to Article 180 (Publication of decisions) of this Code;

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

TITLE 2

OFFENCES AGAINST THE PERSON

CHAPTER 1

HOMICIDE

SECTION 1

INTENTIONAL HOMICIDE

Article 199: Definition of murder

Murder shall mean the wilful killing of another person with or without a weapon with no aggravating circumstances within the meaning of Article 200 (Definition of premeditated murder) to Article 205 (Murder accompanied by torture, cruelty or rape) of this Code.

Murder shall be punishable by imprisonment from ten to fifteen years.

Article 200: Definition of premeditated murder

Premeditated murder shall mean murder committed with premeditation or by ambush.

Premeditation consists of the plan conceived beforehand to make an attempt against the person of the victim.

An ambush consists in the act of laying in wait for another person with a view to committing acts of violence against the victim.

Premeditated murder shall be punishable by life imprisonment.

Article 201: Definition of murder by poisoning

Murder by poisoning shall be punishable by imprisonment from fifteen to thirty years.

Article 202: Aggravating circumstances (status of the victim)

Murder shall be punishable by imprisonment from fifteen to thirty years if it is committed:

- (1) against a person who is particularly vulnerable by reason of his or her age;
- (2) against a pregnant woman whose pregnancy is obvious or known to the perpetrator;
- (3) against a person who is particularly vulnerable by reason of his or her illness or disability which is obvious or known to the perpetrator;
- (4) against a public official in the performance of his or her duties or in connection therewith.

Article 203: Aggravating circumstances (motive)

Murder shall be punishable by imprisonment from fifteen to thirty years if it is committed:

(1) against a victim or a civil party, either to prevent him or her from reporting an offence or seeking reparation for harm;

(2) against a witness to prevent him or her from testifying at an investigation, a judicial investigation, a trial or in the proceedings of other complaints;

(3) against a victim or a civil party for reporting an offence or seeking reparation for harm suffered;

(4) against a witness for testifying at an investigation, a judicial investigation, a trial or in the proceedings of other complaints.

Article 204: Murder committed by public officials

Murder shall be punishable by imprisonment from fifteen to thirty years if it is committed by a public official in the performance of his or her duties or in connection therewith.

Article 205: Murder accompanied by torture, cruelty or rape

Murder preceded or followed by torture, cruelty or rape shall be punishable by life imprisonment.

Article 206: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the felonies defined in this Section:

(1) forfeiture of certain rights, either permanently or for a period not exceeding five years,

(2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;

(3) local exclusion, either permanently or for a period not exceeding ten years;

(4) prohibition of a convicted alien from entering and remaining in the territory of the Kingdom of Cambodia, either permanently or for a period not exceeding five years;

(5) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;

(6) prohibition from possessing or carrying any weapon, explosive or ammunition of any kind, either permanently or for a period not exceeding five years;

(7) publication of sentencing decision for a period not exceeding two months;

(8) publication of sentencing decision in the print media;

(9) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

SECTION 2

UNINTENTIONAL HOMICIDE

Article 207: Definition of manslaughter

Manslaughter shall mean the act of causing the death of another person by:

(1) negligence, recklessness or carelessness;

(2) breach of the safety requirement or due diligence imposed by law.

Manslaughter shall be punishable by imprisonment from one year to three years and a fine from two million to six million Riels.

Article 208: Additional penalties (nature and duration)

The following additional penalties may be imposed for manslaughter:

- (1) prohibition from practising a profession in the practice of or in connection with which the offense was committed for a period not exceeding five years;
- (2) prohibition from driving any motor vehicle for a period not exceeding five years;
- (3) suspension of a driving license for a period not exceeding five years;
- (4) prohibition from possessing or carrying any weapon, explosive or ammunition of any kind for a period not exceeding five years;
- (5) publication of sentencing decision for a period not exceeding two months;
- (6) publication of sentencing decision in the print media;
- (7) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

Article 209: Criminal responsibility of legal entities

Legal entities may be found criminally responsible under Article 42 (Criminal responsibility of legal entities) for offences defined in Article 207 (Definition of manslaughter) of this Code.

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

- (1) dissolution pursuant to Article 170 (Dissolution and liquidation of legal entities) of this Code;
- (2) placement under judicial supervision pursuant to Article 171 (Placement under judicial supervision) of this Code;
- (3) prohibition from exercising one or more activities pursuant to Article 172 (Prohibition from carrying on activities) of this Code;
- (4) disqualification from public tenders pursuant to Article 176 (Closure of establishment) of this Code;
- (5) prohibition from making a public offering pursuant to Article 177 (Prohibition from operating an establishment) of this Code;
- (6) publication of sentencing decision pursuant to Article 180 (Publication of decisions) of this Code;
- (7) publication of sentencing decision in the print media or broadcasting of sentencing decision by any audio-visual communication pursuant to Article 181 (Broadcasting of decision by audiovisual communication) of this Code.

CHAPTER 2

VIOLATIONS OF PERSONAL INTEGRITY

SECTION 1

TORTURE AND ACTS OF CRUELTY

Article 210: Torture and acts of cruelty

Torture and acts of cruelty committed against another person shall be punishable by imprisonment from seven to fifteen years.

Article 211: Aggravating circumstances (status of the victim)

The offences defined in Article 110 (Torture and acts and cruelty) shall be punishable by imprisonment from ten to twenty years if it is committed:

- (1) against a person who is particularly vulnerable by reason of his or her age;
- (2) against a pregnant woman whose pregnancy is obvious or known to the perpetrator;
- (3) against a person who is particularly vulnerable by reason of illness or disability and whose state is obvious or known to the perpetrator.

Article 112: Aggravating circumstances (motive)

The offences defined in Article 210 (Torture and acts of cruelty) shall be punishable by imprisonment from ten to twenty years if it is committed:

- (1) against a victim or a civil party, either to prevent him or her from reporting an offence or seeking reparation for harm suffered;
- (2) against a witness, to prevent him or her from testifying at an investigation, a judicial investigation, a trial or in the proceedings of other complaints;.
- (3) against a victim or a civil party who reported an offence or for seeking reparation for harm suffered;
- (4) against a witness for testifying at an investigation, a judicial investigation, a trial or in the proceedings of other complaints.

Article 213: Aggravating circumstances (status of the perpetrator)

The offences defined in Article 210 (Torture and acts of cruelty) shall be punishable by imprisonment from ten to twenty years if it is committed by a public official in the performance of his or her duties or in connection therewith.

Article 214: Aggravating circumstances (mutilation or disability)

The offences defined in Article 210 (Torture and acts of cruelty) shall be punishable by imprisonment from ten to twenty years if it results in the mutilation or permanent disability of the victim.

Article 215: Aggravating circumstances (death of the victim)

The offences defined in Article 210 (Torture and acts of cruelty) shall be punishable by imprisonment from fifteen to thirty years if, without intent to kill, it results in the death of the victim or if it leads to the suicide of the victim.

Article 216: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the felonies defined in this Section:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;

(2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;

(3) local exclusion for a period not exceeding ten years;

(4) prohibition of a convicted alien from entering and remaining in the territory of the Kingdom of Cambodia, either permanently or for a period not exceeding five years;

(5) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;

(6) prohibition from possessing or carrying any weapon, explosive or ammunition of any kind, either permanently or for a period not exceeding five years;

(7) publication of sentencing decision for a period not exceeding two months;

(8) publication of sentencing decision in the print media;

(9) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

SECTION 2

ACTS OF VIOLENCE

Article 217: Intentional acts of violence

Intentional acts of violence committed against another person shall be punishable by imprisonment from one to three years and a fine from two million to six million Riels.

Article 218: Aggravating circumstances

Intentional acts of violence shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels if they are committed:

(1) with premeditation;

(2) with the use of orthreat to use a weapon;

(3) by several persons acting as perpetrators, co-perpetrators, instigators or accomplices.

Article 219: Aggravating circumstances (status of the victim)

Intentional acts of violence shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels if it is committed:

(1) against a person who is particularly vulnerable by reason of his or her age;

(2) against a pregnant woman whose pregnancy is obvious or known to the perpetrator;

(3) against a person who is particularly vulnerable by reason of illness or disability and whose state is obvious or known to the perpetrator.

Article 220: Aggravating circumstances (motive)

Intentional acts of violence shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels if they are committed:

(1) against a victim or a civil party, either to prevent him or her from reporting all offence or seeking reparation for harm suffered;

(2) against a witness, to prevent him or her from testifying at an investigation, a judicial investigation, a trial or in the proceedings of other complaints;

(3) against a victim or a civil party who reported an offence or for seeking reparation for harm suffered;

(4) against a witness for testifying at an investigation, a judicial investigation, a trial or in the proceedings of other complaints.

Article 221: Aggravating circumstances (status of the perpetrator)

Intentional acts of violence shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels if it is committed by a public official in the performance of his or her duties or in connection therewith.

Article 222: Violence committed by spouse or partner

Intentional acts of violence shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels if they are committed by the spouse or partner of the victim.

Article 223: Aggravating circumstance (mutilation or disability)

Intentional acts of violence which result in the mutilation of permanent disability of the victim shall be punishable by imprisonment from five to ten years.

Article 224: Aggravating circumstances (death of the victim)

Intentional acts of violence shall be punishable by imprisonment from seven to fifteen years if, without intent to kill, they cause the death of the victim.

Article 225: Toxic substances deemed to be intentional acts of violence

The administration of toxic substances to another person shall be deemed to be intentional acts of violence.

Article 226: Toxic food deemed to be intentional acts of violence

Selling, granting or giving food or drinks knowing that the food or drinks are toxic to health are deemed intentional acts of violence.

Article 227: Introduction of toxic substances into drinking water deemed to be intentional acts of violence

The introduction of any substance that is toxic to health into public drinking water shall be deemed to be an intentional act of violence.

Article 228: Definition of less severe acts of violence

An act, if it is committed with less severe violence against another person and which does not result in any injury, shall be punishable by a fine from five thousand to one hundred thousand Riels.

Article 229: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the felonies defined in this Chapter:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) local exclusion for a period not exceeding ten years for a felony and not exceeding five years for a misdemeanour;
- (4) prohibition of a convicted alien from entering and remaining in the territory of the Kingdom of Cambodia, either permanently or for a period not exceeding five years;
- (5) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;
- (6) prohibition from possessing or carrying any weapon, explosive or ammunition of any kind, either permanently or for a period not exceeding five years;
- (7) publication of sentencing decision for a period not exceeding two months;
- (8) publication of sentencing decision in the print media;
- (9) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

Article 230: Criminal responsibility of legal entities

Legal entities may be found criminally responsible under Article 42 (Criminal responsibility of legal entities) of this Code for the offences defined in Article 226 (Toxic food deemed to be intentional acts of violence) and Article 227 (Introduction of toxic substances into drinking water deemed to be intentional acts of violence) of this Code.

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

- (1) dissolution pursuant to Article 170 (Dissolution and liquidation of legal entities) of this Code;
- (2) placement under judicial supervision pursuant to Article 171 (Placement under judicial supervision) of this Code;
- (3) prohibition from exercising one or more activities pursuant to Article 172 (Prohibition from carrying on activities) of this Code;
- (4) disqualification from public tenders pursuant to Article 173 (Disqualification from public tenders) of this Code;
- (5) prohibition from making a public offering pursuant to Article 174 (Prohibition from making a public offering) of this Code;
- (6) closure of the establishment which was used to commit the offence pursuant to Article 176 (Closure of establishment) of this Code;
- (7) prohibition from operating an establishment that is open to or used by the public pursuant to Article 177 (Prohibition from operating an establishment) of this Code;
- (8) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence pursuant to Article 178 (Ownership, sale and destruction of items confiscated) and Article 179 (Confiscation and rights of third parties) of this Code;

(9) confiscation of the items or funds which were the subject of the offence pursuant to Article 178 (Ownership, sale and destruction of items confiscated) and Article 179 (Confiscation and rights of third parties) of this Code;

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

(11) publication of sentencing decision pursuant to Article 180 (Publication of decisions) of this Code;

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

SECTION 3

THREATS

Article 231: Threats

A threat to commit a felony or a misdemeanour against persons shall be punishable by imprisonment from one to six months and a fine from one hundred thousand to one million Riels. if it is repeated, or made by means of a written document, image or any kind of object.

Article 232: Threat accompanied by extortion

A threat to commit a felony or a misdemeanour against persons, made by any means whatsoever, shall be punishable by imprisonment from six months to two years and a fine from one million to four million Riels if the threat is accompanied by extortion.

Article 233: Death threat

A death threat shall be punishable by imprisonment from six months to two years and a fine from one million to four million Riels. if it is repeated, or made by means of a written document, image or any kind of object.

Article 234: Death threat accompanied by extortion

A death threat made by any means whatsoever, shall be punishable by imprisonment from one to three years and a fine from two million to six million Riels if the threat is made together with extortion.

Article 235: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

(1) forfeiture of certain rights, either permanently or for a period not exceeding five years;

(2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;

(3) local exclusion for a period not exceeding five years;

- (4) prohibition of a convicted alien from entering and remaining in the territory of the Kingdom of Cambodia, either permanently or for a period not exceeding five years;
- (5) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;
- (6) prohibition from possessing or carrying any weapon, explosive or ammunition of any kind, either permanently or for a period not exceeding five years;
- (7) publication of sentencing decision for a period not exceeding two months;
- (8) publication of sentencing decision in the print media;
- (9) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

SECTION 4

CAUSING INVOLUNTARY BODILY HARM

Article 236: Causing involuntary bodily harm

Causing an injury to another person constitutes an offence of causing involuntary bodily harm if it results from:

- (1) negligence, recklessness or carelessness causing a disability to the victim for a period of eight days or more;
- (2) breach of the safety requirement or due diligence imposed by law.

Causing involuntary bodily harm shall be punishable by imprisonment from six months to two years and a fine from one million to four million Riels.

Article 237: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offence of causing involuntary bodily harm:

- (1) prohibition from practising a profession in the practice of or in connection with which the offence was committed for a period not exceeding five years;
- (2) prohibition from driving any motor vehicle for a period not exceeding five years;
- (3) suspension of a driving license for a period not exceeding five years;
- (4) prohibition from possessing or carrying any weapon, explosive or ammunition of any kind for a period not exceeding five years;
- (5) publication of sentencing decision for a period not exceeding two months;
- (6) publication of sentencing decision in the print media;
- (7) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

Article 238: Criminal responsibility of legal entities

Legal entities may be found criminally responsible under Article 42 (Criminal responsibility of legal entities) for offences defined in Article 236 (Causing involuntary bodily harm) of this Code.

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

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

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

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

(4) disqualification from public tenders pursuant to Article 176 (Closure of establishment) of this Code;

(5) prohibition from making a public offering pursuant to Article 177 (Prohibition from operating an establishment) of this Code;

(6) publication of sentencing decision pursuant to Article 180 (Publication of decisions) of this Code;

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

CHAPTER 3

SEXUAL ASSAULTS

SECTION 1

RAPE

Article 239: Definition of rape

Rape shall mean any act of sexual penetration with a sexual organ or an object committed against another person of either sex by violence, coercion, threat or by being opportunistic.

Rape shall be punishable by imprisonment from five to ten years.

The age for sexual majority shall be fifteen years of age.

Article 240: Aggravating circumstances (means used or status of the perpetrator)

Rape shall be punishable by imprisonment from seven to fifteen years if it is committed:

- (1) with the use or threatened use of a weapon;
- (2) with the use of a narcotic or any means liable to overcome or weaken the victim's resistance;
- (3) by any person having authority over the victim;
- (4) by any person abusing the authority vested in him or her by his or her duties;
- (5) by several persons acting as perpetrators, co-perpetrators, instigators or accomplices.

Article 241: Aggravating circumstances (status of the victim)

Rape shall be punishable by imprisonment from seven to fifteen years if it is committed:

- (1) against a person who is particularly vulnerable by reason of his or her age;
- (2) against a pregnant woman whose pregnancy is obvious or known to the perpetrator;

(3) against a person who is particularly vulnerable by reason of illness or disability and whose state is obvious or known to the perpetrator.

Article 242: Aggravating circumstances (mutilation or disability)

Rape shall be punishable by imprisonment from ten to twenty years if it results in the mutilation or permanent disability of the victim.

Article 243: Aggravating circumstances (torture or acts of cruelty)

Rape shall be punishable by imprisonment from ten to thirty years if it is preceded, accompanied or followed by torture or acts of cruelty.

Article 244: Aggravating circumstances (death of the victim)

Rape shall be punishable by imprisonment from fifteen to thirty years if, without intent to kill, it results in the death of the victim or it leads to the suicide of the victim.

Article 245: Additional penalties (nature and duration)

The following additional penalties may imposed in respect of the felonies defined in this Section:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) local exclusion for a period not exceeding ten years;
- (4) prohibition of a convicted alien from entering and remaining in the territory of the Kingdom of Cambodia, either permanently or for a period, not exceeding five years;
- (5) prohibition from possessing or carrying any weapon, explosive or ammunition of any kind, either permanently or for a period not exceeding five years;
- (6) publication of sentencing decision for a period not exceeding two months;
- (7) publication of sentencing decision in the print media;
- (8) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

SECTION 2

OTHER SEXUAL ASSAULTS

Article 246: Definition of indecent assault

Touching, fondling or caressing the sexual organs or other part of a person without that person's consent or coercing another person to perform such acts on the perpetrator himself or herself or a third person for the purpose of arousing the perpetrator or providing sexual pleasure to the perpetrator constitutes indecent assault.

Indecent assault shall be punishable by imprisonment from one to three years and a fine from two million to six million Riels.

Article 247: Aggravating circumstances (means used or status of the perpetrator)

The offence defined in Article 246 (Definition of indecent assault) of this Code shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels if it is committed:

- (1) with the use or threatened use of a weapon;
- (2) with the use of a narcotic or any means liable to overcome or weaken the victim's resistance;
- (3) by any person having authority over the victim;
- (4) by any person abusing the authority, vested in him or her by his or duties;
- (5) by several persons acting as perpetrators, co-perpetrators, accomplices, instigators.

Article 248: Aggravating circumstances (status of the victim)

The offence defined in Article 246 (Definition of indecent assault) of this Code shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels if it is committed:

- (1) against a person who is particularly vulnerable by reason of his or her age;
- (2) against a pregnant woman whose pregnancy is obvious or known to the perpetrator;
- (3) against a person who is particularly vulnerable by reason of illness or disability and whose state is obvious or known to the perpetrator.

Article 249: Indecent exposure

Any indecent exposure to others in a public place shall be punishable by imprisonment from six days to three months and a fine from one hundred thousand to five hundred thousand Riels.

Article 250: Definition of sexual harassment

Sexual harassment shall mean the abuse by one person of the authority conferred by his or her functions against another person for the purpose of applying pressure repeatedly in order to obtain sexual favours.

Sexual harassment shall be punishable by imprisonment from six days to three months and a fine from one hundred thousand to five hundred thousand Riels.

Article 251: Attempt

An attempt to commit the misdemeanours defined in this Section shall be punishable by the same penalties.

Article 252: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;

(2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;

(3) local exclusion for a period not exceeding five years;

(4) prohibition of a convicted alien from entering and remaining in the territory of the Kingdom of Cambodia, either permanently or for a period not exceeding five years;

(5) prohibition from possessing or carrying any weapon, explosive or ammunition of any kind, either permanently or for a period not exceeding five years;

(6) publication of sentencing decision for a period not exceeding two months;

(7) publication of sentencing decision in the print media;

(8) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

CHAPTER 4

UNLAWFUL DEPRIVATION OF LIBERTY

SECTION 1

ARREST, DETENTION AND UNLAWFUL CONFINEMENT

Article 253: Arrest, detention and unlawful confinement

Anyone who, without judicial authorisation, or who unlawfully arrests, detains or unlawfully confines another person shall be punishable by imprisonment:

(1) from one to three years if the arrest, detention or unlawful confinement is for less than forty eight hours;

(2) from three to five years if the arrest, detention or unlawful confinement is for more than forty eight hours but less than one month;

(3) from five to ten years if the arrest, detention or unlawful confinement is for one month or more.

Article 254: Aggravating circumstances

Anyone who, without judicial authorisation, or who unlawfully arrests, detains, or unlawfully confines another person shall be punishable by imprisonment from fifteen to thirty years in the following cases:

(1) the arrest, detention or unlawful confinement is accompanied by torture or acts of cruelty;

(2) the arrest, detention or unlawful confinement is followed by the unintentional death of the person;

(3) if the arrest, detention or unlawful confinement is committed to secure the payment of a ransom or to demand fulfilment of a condition.

Article 255: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

(1) forfeiture of certain rights, either permanently or for a period not exceeding five years;

(2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;

(3) local exclusion for a period not exceeding 10 years for a felony or for a period not exceeding five years for a misdemeanour;

(4) prohibition of a convicted alien from entering and remaining in the territory of the Kingdom of Cambodia, either permanently or for a period not exceeding five years;

(5) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;

(6) confiscation of the proceeds or property arising out of the offence;

(7) confiscation of one or more vehicles belonging to the convicted person;

(8) prohibition from possessing or carrying any weapon, explosive or ammunition of any kind, either permanently or for a period not exceeding five years;

(9) publication of sentencing decision for a period not exceeding two months;

(10) publication of sentencing decision in the print media;

(11) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

SECTION 2

OTHER DEPRIVATION OF LIBERTY

Article 256: Hijacking of a means of transport

Seizing or taking control, by violence or threat of violence, of any means of transportation carrying people shall be punishable by imprisonment from five to ten years.

Article 257: Aggravating circumstances (mutilation or disability)

The offence defined in Article 256 (Hijacking of a means of transportation) of this Code shall be punishable by imprisonment from ten to twenty years if it results in the mutilation or permanent disability of a victim.

Article 258: Aggravating circumstances (torture or acts of cruelty)

The offence defined in Article 256 (Hijacking of a means of transport) of this Code shall be punishable by imprisonment from fifteen to thirty years if it is preceded, accompanied or followed by torture or acts of cruelty.

Article 259: Aggravating circumstances (death of the victim)

The offence defined in Article 256 (Hijacking of a means of transport) of this Code shall be punishable by imprisonment from fifteen to thirty years if it results in the death of one or more persons.

Article 260: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) local exclusion for a period not exceeding ten years;
- (4) prohibition of a convicted alien from entering and remaining in the territory of the Kingdom of Cambodia, either permanently or for a period not exceeding five years;
- (5) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;
- (6) confiscation of the proceeds or property arising out of the offence;
- (7) confiscation of one or more vehicles belonging to the convicted person;
- (8) prohibition from possessing or carrying any weapon, explosive or ammunition of any kind, either permanently or for a period not exceeding five years;
- (9) publication of sentencing decision for a period not exceeding two months;
- (10) publication of sentencing decision in the print media;
- (11) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

CHAPTER 5

VIOLATION OF PERSONAL DIGNITY

SECTION 1

VIOLATION OF RESPECT FOR THE DEAD

Article 261 : Violation of physical integrity of a corpse

Violating the physical integrity of a corpse shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels.

Article 262: Desecrating burial grounds

Desecrating tombs, burial grounds, stupa or monuments erected in the memory of the dead, by any means whatsoever, shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels.

Article 263: Attempt

An attempt to commit the misdemeanours defined in this Section shall be punishable by the same penalties.

Article 264: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;

(2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;

(3) publication of sentencing decision for a period not exceeding two months;

(4) publication of sentencing decision in the print media;

(5) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

SECTION 2

DISCRIMINATION

Article 265: Refusal to supply goods or services

Refusing to supply goods or services to another person shall be punishable by imprisonment from one month to one year and a fine from ten thousand to two million Riels if the refusal is based on any of the following grounds:

(1) membership or non-membership of a given ethnic group, nationality or race;

(2) membership or non-membership of a given religion;

(3) political affiliation,

(4) union activities,

(5) family situation;

(6) gender;

(7) state of health;

(8) disability.

Article 266: Subjecting the supply of goods or services to conditions

Subjecting the supply of goods or services to another person to any of the following conditions shall be punishable by imprisonment from one month to one year and a fine from ten thousand to two million Riels:

(1) membership or non-membership of a given ethnic group, nationality or race;

(2) membership or non-membership of a given religion;

(3) political affiliation,

(4) union activities,

(5) family situation;

(6) gender;

(7) state of health;

(8) disability.

Article 267: Refusal to hire

Refusing to hire a person shall be punishable by imprisonment from one month to one year and a fine from ten thousand to two million Riels if it is based on any of the grounds set out in paragraphs 265(1) to (8) (Refusal to supply goods or services) of this Code.

Article 268: Subjecting offer of employment to conditions

Subjecting an offer of employment to any of the conditions set out in paragraphs 266 (1) to (8) (Subjecting the supply of goods or services to conditions) of this Code shall be punishable

by imprisonment from one month to one year and a fine from ten thousand to two million Riels.

Article 269: Termination of employment or removal from office on discriminatory grounds

Terminating employment or removing a person from office shall be punishable by imprisonment from one month to one year and a fine from ten thousand to two million Riels if it is based on any of the grounds set out in paragraphs 265(1) to (8) (Refusal to supply goods or services) of this Code.

Article 270: Denial of rights by public officials on discriminatory grounds

Refusal by a public official in the performance of his or her duties or in connection therewith of the rights of another person shall be punishable by imprisonment from six months to two years and a fine from one million Riels to four million Riels if it is based on any of the grounds set out in paragraphs 265(1) to (8) (Refusal to supply goods or services) of this Code.

Article 271: Discrimination authorised by law

No offence shall be committed under this Section if the discrimination is authorised by law.

The provisions in this section shall not apply if the discrimination:

- (1) is based on the state of health and its aim is to prevent the risk to physical integrity, incapacity to work or disability;
- (2) is based on the state of health or disability and the refusal to hire or the termination of employment is based on a medically established incapacity;
- (3) in hiring is based on gender if the fact of being male or female is the determining factor in the practice of an employment or a profession.

Article 272: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) publication of sentencing decision for a period not exceeding two months;
- (4) publication of sentencing decision in the print media;
- (5) broadcasting of sentencing decision by audio-visual communication for a period not exceeding eight days.

Article 273: Criminal responsibility of legal entities

Legal entities may be found criminally responsible under Article 42 (Criminal responsibility of legal entities) of this Code for the offences defined in Article 265 (Refusal to supply goods

or services) and Article 269 (Termination of employment or removal from office on discriminatory grounds) of this Code.

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

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

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

(3) publication of sentencing decision pursuant to Article 180 (Publication of decisions) of this Code;

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

SECTION 3

WORKING CONDITIONS INCOMPATIBLE WITH HUMAN DIGNITY

Article 274: Subjecting to working conditions incompatible with human dignity

Subjecting a person by exploiting his or her vulnerability or dependence to working conditions incompatible with human dignity shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels.

Article 275: Attempt

An attempt to commit the misdemeanour defined in Article 274 (Subjecting to working conditions incompatible with human dignity) of this Code shall be punishable by the same penalties.

Article 276: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

(1) forfeiture of certain rights, either permanently or for a period not exceeding five years;

(2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;

(3) publication of sentencing decision for a period not exceeding two months;

(4) publication of sentencing decision in the print media;

(5) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

Article 277: Criminal responsibility of legal entities

Legal entities may be found criminally responsible under Article 42 (Criminal responsibility of legal entities) of this Code for the offences defined in Article 274 (Subjecting to working conditions incompatible with human dignity) of this Code.

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

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

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

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

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

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

(6) closure of the establishment which was used to commit the offence pursuant to Article 176 (Closure of establishment) of this Code;

(7) prohibition from operating an establishment that is open to or used by the public pursuant to Article 177 (Prohibition from operating an establishment) of this Code;

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

(9) confiscation of the items or funds which were the subject of the offence pursuant to

Article 178 (Ownership, sale and destruction of items confiscated) and Article 179 (Confiscation and rights of third parties) of this Code;

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

(11) publication of sentencing decision pursuant to Article 180 (Publication of decisions) of this Code;

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

SECTION 4

CORRUPTION BY EMPLOYEES AND ADMINISTRATORS

Article 278: Requesting or accepting bribes by employees

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

Article 279: Giving bribes to employees

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

Article 280: Bribery by administrators

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

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

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

Article 281: Attempt

An attempt to commit the misdemeanour defined in Article 278 (Requesting or accepting bribes by employees) and Article 279 (Giving bribes to employees) of this Code shall be punishable by the same penalties.

Article 282: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) publication of sentencing decision for a period not exceeding two months;
- (4) publication of sentencing decision in the print media;
- (5) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

Article 283: Criminal responsibility of legal entities

Legal entities may be found criminally responsible under Article 42 (Criminal responsibility of legal entities) of this Code for the offences defined in Article 279 (Giving bribes to employees) of this Code.

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

- (1) dissolution pursuant to Article 170 (Dissolution and liquidation of legal entities) of this Code;
- (2) placement under judicial supervision pursuant to Article 171 (Placement under judicial supervision) of this Code;
- (3) prohibition from exercising one or more activities pursuant to Article 172 (Prohibition from carrying on activities) of this Code;
- (4) disqualification from public tenders pursuant to Article 173 (Disqualification from public tenders) of this Code;
- (5) prohibition from making a public offering pursuant to Article 174 (Prohibition from making a public offering) of this Code;

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

(7) publication of sentencing decision pursuant to Article 180 (Publication of decisions) of this Code;

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

SECTION 5

PROCURING

Article 284: Procuring

Procuring shall mean:

- (1) making a financial gain out of the prostitution of others;
- (2) aiding in or protecting the prostitution of others or organising, in whatever manner, prostitution;
- (3) recruiting, abducting or inducing a person into prostitution;
- (4) exercising pressure on any person to become a prostitute;
- (5) Procuring shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Article 285: Acting as intermediary between prostitute and procurer

Acting as an intermediary between a prostitute and a procurer shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Article 286: Justification of resources from procuring

Facilitating the justification or concealment of a procurer's fictitious resources shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

The same penalty is applicable for anyone who cannot account for an income compatible with his or her lifestyle while living with a person habitually engaging in prostitution or while entertaining a habitual relationship with one or more persons engaging in prostitution.

Article 287: Obstructing measures designed to prevent prostitution

Any act of obstructing the prevention, assistance or re-education initiatives undertaken by public service agencies or competent private institutions in favour of persons or engaging in or in danger of engaging in prostitution shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Article 288: Aggravating circumstances (status of the perpetrator)

Procuring shall be punishable by imprisonment from five to ten years if:

(1) the procurer or pimp is an ascendant or a descendent of the person engaging in prostitution;

(2) the procurer or pimp abuses his or her authority by reason of his or her duties over the person engaging in prostitution;

(3) the procurer or pimp uses coercion or violence against the person engaging in prostitution;

(4) it is committed by an organised criminal enterprise;

(5) several persons engage in prostitution.

Article 289: Aggravating circumstances (status of the victim)

Procuring shall be punishable by imprisonment from seven to fifteen years if the person engaging in prostitution is a minor.

Article 290: Aggravating circumstances (torture or acts of cruelty)

Procuring shall be punishable by imprisonment from ten to twenty years if the procurer inflicts torture or acts of cruelty on the person engaging in prostitution.

Article 291: Operating a place of prostitution

Managing, exploiting, directing, operating or financing a place of prostitution, directly or through an intermediary, shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Article 292: Consent for activities involving prostitution in an establishment

A penalty of imprisonment from two to five years and a fine from four million to ten million Riels shall be imposed on anyone who manages, exploits, directs, or operates an establishment open to the public, acting directly or through an intermediary and accepts or habitually tolerates any person:

(1) to engage in prostitution within the premises or their annexes;

(2) to regularly solicit clients in such premises with a view to prostitution within the premises or their annexes.

Article 293: Making premises available for prostitution

A penalty of imprisonment from two to five years and a fine from four million to ten million Riels shall be imposed on anyone who sells or makes available to any person any premises or places not open to the public, in the knowledge that they will there engage in prostitution.

Article 294: Attempt

An attempt to commit the misdemeanours defined in this Section shall be punishable by the same penalties.

Article 295: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) local exclusion for a period not exceeding ten years for a felony or not exceeding five years for a misdemeanour;
- (4) prohibition of a convicted alien from entering and remaining in the territory of the Kingdom of Cambodia, either permanently or for a period not exceeding five years;
- (5) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;
- (6) confiscation of the items or funds which were the subject of the offence;
- (7) confiscation of the proceeds or property arising out of the offence;
- (8) confiscation of the utensils, materials and furnishings in the premises in which the offence was committed;
- (9) confiscation of one or more vehicles belonging to the convicted person;
- (10) prohibition from possessing or carrying any weapon, explosive or ammunition of any kind, either permanently or for a period not exceeding five years;
- (11) closure of an establishment used to plan or to commit the offence, either permanently or for a period not exceeding five years;
- (12) prohibition from operating an establishment that is open to or used by the public, either permanently or for a period not exceeding five years;
- (13) publication of sentencing decision for a period not exceeding two months;
- (14) publication of sentencing decision in the print media;
- (15) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

Article 296: Criminal responsibility of legal entities

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

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

- (1) dissolution pursuant to Article 170 (Dissolution and liquidation of legal entities) of this Code;
- (2) placement under judicial supervision pursuant to Article 171 (Placement under judicial supervision) of this Code;
- (3) prohibition from exercising one or more activities pursuant to Article 172 (Prohibition from carrying on activities) of this Code;
- (4) closure of the establishment which was used to commit the offence pursuant to Article 176 (Closure of establishment) of this Code;
- (5) prohibition from operating an establishment that is open to or used by the public pursuant to Article 177 (Prohibition from operating an establishment) of this Code;
- (6) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence pursuant to Article 178 (Ownership, sale and destruction of items confiscated) and Article 179 (Confiscation and rights of third parties) of this Code;
- (7) confiscation of the items or funds which were the subject of the offence pursuant to Article 178 (Ownership, sale and destruction of items confiscated) and Article 179 (Confiscation and rights of third parties) of this Code;

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

(9) publication of sentencing decision pursuant to Article 180 (Publication of decisions) of this Code;

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

SECTION 6

OTHER VIOLATIONS OF DIGNITY

Article 297: Intoxication

Any person who is manifestly drunk on a public thoroughfare shall be punishable by a fine from five thousand to ten thousand Riels.

Article 298: Soliciting in public place

Publicly soliciting another person with a view to inciting them to engage in sexual relations shall be punishable by a fine from five thousand to fifty thousand Riels.

CHAPTER 6

VIOLATIONS OF PERSONAL LIBERTY

SECTION 1

VIOLATIONS OF PRIVACY

Article 299: Breaking and entering into dwelling place

Entering the dwelling place of another person by acts of violence, or by coercion, threats or manoeuvres, except where authorised by law, shall be punishable by imprisonment from one month to one year and a fine from ten thousand to two million Riels.

Article 300: Aggravating circumstances (status of the perpetrator)

Entering the dwelling place of another person against the person's will by a public official in the performance of his or her duties or in connection therewith, except where authorized by law shall be punishable by imprisonment from one year to two years and a fine from two million to four million Riels.

Article 301: Intercepting or recording private conversation

Intercepting or recording words uttered in private or confidential circumstances without the consent of the person concerned, except where authorised by law, shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels.

Consent shall be presumed if the person concerned was notified of the interception or recording, but did not object to it.

Article 302: Violation of privacy (recording of person's image)

Recording the image of a person who is in a private place, without the person's consent of the person concerned except where authorised by law, shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels.

Consent shall be presumed if the person concerned was notified of the recording, but did not object to it.

Article 303: Attempt

An attempt to commit the misdemeanours defined in this Section shall be punishable by the same penalties.

Article 304: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years,
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) publication of sentencing decision for a period not exceeding two months;
- (4) publication of sentencing decision in the print media;
- (5) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

SECTION 2

DEFAMATION AND PUBLIC INSULT

Article 305: Definition of defamation

Defamation shall mean any allegation or charge made in bad faith which tends to injure the honour or reputation of a person or an institution.

Defamation shall be punishable by a fine from one hundred thousand to ten million Riels if it is committed by any of the following means:

- (1) any words whatsoever uttered in a public place or in a public meeting;
- (2) written documents or pictures of any type released or displayed to the public;
- (3) any audio-visual communication intended for the public.

Article 306: Defamation through the media

Defamation committed through the media shall be subject to the provisions of the Press Law.

Article 307: Definition of public insult

Insult shall mean outrageous expression, term of contempt or any invective that does not involve any imputation of fact.

An insult committed by any of the following means shall be punishable by a fine from one hundred thousand to ten million Riels:

- (1) any words whatsoever uttered in a public place or in a public meeting;
- (2) written documents or pictures of any type released or displayed to the public;
- (3) any audio-visual communication intended for the public.

Article 308: Insult through the media

An insult committed through the media shall be subject to the provisions of the Press Law.

Article 309: Court proceeding with regard to defamation and public insult

In case of defamation or insult of members of the Royal Government, Public officials or any citizen perform public mission or public mandate, the prosecution shall be undertaken either following their complaint or *proprio motu* following a complaint filed by the person concerned or by the head of the institution concerned.

In case of defamation or insult against private individual, the charge shall be filed by the person who suffered from defamation or insult.

The complaint by the individual or the head of the institution as stipulated in Article 309(1)(2) above is the required condition for the Prosecuting authority to initiate criminal prosecution and the withdrawal of such complaint shall extinguish the criminal complaint.

However, the charge may be automatically filed by a prosecutor if the defamation or insulting is committed against a person or a group of persons based on the origin, ethnicity, race, nationality or religion of the person. In such case, the procedures for forwarding the case for trial shall be in compliance with the provisions of the Criminal Code of Procedure.

Article 310: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

- (1) publication of sentencing decision;
- (2) publication of sentencing decision in the print media;
- (3) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

SECTION 3

MALICIOUS DENUNCIATION

Article 311: Definition of malicious denunciation

Malicious denunciation is a denunciation of a fact, which is known to be false and liable to causing criminal or disciplinary sanctions if it is sent to:

- a competent authority to take action, including judges, judicial police officers or an employer; or
- any person having the power to refer it to the competent authority.

Article 312: Applicable penalty and condition for prosecution

Malicious denunciation shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels.

The statute of limitation of this criminal action is one year.

The limitation period for the offence shall start to run from the day the malicious denunciation became known or referred to the competent authority.

In case where the subject-matter of the denunciation has led to criminal prosecution, the action for malicious denunciation shall be suspended until the prosecution is completed.

Article 313: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the misdemeanour defined in this Section:

- (1) publication of sentencing decision for a period not exceeding two months;
- (2) publication of sentencing decision in the print media;
- (3) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

SECTION 4

BREACH OF PROFESSIONAL SECRECY

Article 314: Breaches of Professional Secrecy

Any person who, by reason of his or her position or profession, or his or her duties or mission is entrusted with secret information, shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels, if he or she discloses such information to a person not qualified to receive the information.

There shall be no offence if the law authorises or imposes the disclosure of the secret.

Article 315: Inapplicability of Article 314

The offence defined in Article 314 (Breaches of professional secrecy) of this Code shall be deemed not to have been committed if a person discloses to any judicial, medical or administrative authority mistreatment inflicted on a minor under the age of fifteen which came to

his or her knowledge in the performance of his or her profession.

Article 316: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the misdemeanour defined in this Section:

- (1) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (2) publication of sentencing decision for a period not exceeding two months;
- (3) publication of sentencing decision in the print media;
- (4) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

SECTION 5

BREACH OF PRIVACY OF CORRESPONDENCE AND TELECOMMUNICATION

Article 317: Breaches of correspondence

Maliciously opening, destroying, delaying or diverting correspondence sent to a third party, shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels.

The same penalty shall apply to the malicious interception of correspondence sent to a third party.

Article 318: Breaches of privacy of telephone conversation

Maliciously listening to or interfering with telephone conversations shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels.

The same penalties shall be applicable to the malicious interception of or interference with, or viewing or listening to messages transmitted by means of telecommunication.

Article 319: Attempt

An attempt to commit the misdemeanours defined in this Section shall be punishable by the same penalties.

Article 320: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

- (1) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (2) confiscation of any instruments, materials or items which were used or intended to be used to commit, the offence;
- (3) publication of sentencing decision for a period not exceeding two months;
- (4) publication of sentencing decision in the print media;

(5) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

TITLE 3

OFFENCES AGAINST MINORS AND THE FAMILY

CHAPTER 1

ABANDONMENT OF MINORS

Article 321: Penalty for abandonment of minors

The abandonment of a minor under fifteen years of age by a legal custodian shall be punishable by imprisonment from one to five years and a fine from two million to ten million Riels where the circumstance of the abandonment endangers the health or safety of the minor.

Article 322: Attempt

An attempt to commit the misdemeanour defined in this Chapter shall be punishable by the same penalties.

Article 323: Additional penalties (nature and duration)

With respect to the misdemeanour defined in this Chapter the following additional penalties may be imposed:

- (1) forfeiture of certain rights for a period not exceeding five years;
- (2) publication of sentencing decision for a period not exceeding two months;
- (3) publication of sentencing decision in the print media;
- (4) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

CHAPTER 2

ABANDONMENT OF FAMILY

Article 324: Abandonment of family

Failure to comply with a final court decision to pay alimomial support to one's spouse or ex-spouse, to a minor, or to a descendant, an ascendant or other relatives for more than two months shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels.

Article 325: Additional penalties (nature and duration)

With respect to the misdemeanours defined in this Chapter the following additional penalties may be imposed:

- (1) forfeiture of certain rights for a period not exceeding five years;
- (2) publication of sentencing decision for a period not exceeding two months;
- (3) publication of sentencing decision in the print media;
- (4) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

CHAPTER 3

INTERFERENCE WITH THE CUSTODY OF MINORS

Article 326: Failure to hand over minors

Maliciously failing to hand over a minor to the person who has the right to claim shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels.

Article 327: Taking away of minors

Taking away a minor from the person who has legal custody shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels.

The offence shall be punishable by imprisonment from one year to three years and a fine from two million to six million Riels if the minor is kept outside the territory of the Kingdom of Cambodia.

Article 328: Attempt

An attempt to commit the misdemeanours defined in this Chapter shall be punishable by the same penalties.

Article 329: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Chapter:

- (1) forfeiture of certain rights for a period not exceeding five years;
- (2) publication of sentencing decision for a period not exceeding two months;
- (3) publication of sentencing decision in the print media;
- (4) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

CHAPTER 4

OFFENCES AGAINST FAMILIAL RELATIONSHIPS

Article 330: Incitement to abandon a child

The direct incitement for pecuniary gain of one or both parents to abandon a child, born or to be born, shall be punishable by imprisonment from one month to six months and a fine from one hundred thousand to one million Riels.

Article 331: Acting as an intermediary in case of adoption or abandonment

Acting as an intermediary for pecuniary gain between a person or a couple desiring to adopt a child and a parent desiring to abandon its born or unborn child shall be punishable by

imprisonment from one month to six months and a fine from one hundred thousand to one million Riels.

Article 332: Intermediary between an adoptive parent and a pregnant woman

Acting as an intermediary for pecuniary gain between a person or a couple desiring to adopt a child and a woman agreeing to bear the child with the intent to give up the child to them shall be punishable by imprisonment from one month to six months and a fine from one hundred thousand to one million Riels.

Article 333: Acts of substitution, false representation or concealment of a child existence

Substitution, false representation or concealment of the existence of a child which infringes his or her civil status shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels.

Article 334: Attempt

An attempt to commit the misdemeanours defined in this Chapter shall be punishable by the same penalties.

Article 335: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Chapter:

- (1) forfeiture of certain rights for a period not exceeding five years;
- (2) publication of sentencing decision for a period not exceeding two months;
- (3) publication of sentencing decision in the print media;
- (4) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

Article 336: Criminal responsibility of legal entities

Legal entities may be found criminally responsible under Article 42 (Criminal responsibility of legal entities) of this Code for the offences defined in Article 330 (Incitement to abandon a child), Article 331 (Acting as an intermediary in case of adoption or abandonment) and Article 332 (Intermediary between an adoptive parent and a pregnant woman) of this Code.

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

- (1) placement under judicial supervision pursuant to Article 171 (Placement under judicial supervision) of this Code;
- (2) prohibition from exercising one or more activities pursuant to Article 172 (Prohibition from carrying on activities) of this Code;
- (3) closure of the establishment which was used to commit the offence pursuant to Article 176 (Closure of establishment) of this Code;
- (4) confiscation of the items or funds which were the subject of the offence pursuant to Article 178 (Ownership, sale and destruction of items confiscated) and Article 179 (Confiscation and rights of third parties) of this Code;

(5) publication of sentencing decision pursuant to Article 180 (publication of decisions) of this Code;

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

CHAPTER 5

ENDANGERMENT OF MINORS

SECTION 1

THREAT TO PHYSICAL AND MENTAL HEALTH

Article 337: Depriving minor under the age of 15 years of food or care

Depriving a minor under the age of 15 years of food or care to the point of endangering his or her health, inflicted by any person having authority over him or her, shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Article 338: Aggravating circumstances (death of the victim)

The offence defined in Article 337 (Depriving minor under the age of 15 years of food or care) of this Code shall be punishable, by imprisonment from seven to fifteen years if it results in the death of the victim.

Article 339: Subjecting minor to working conditions harmful to his or her health

Subjecting a minor to working conditions harmful to his or her health or physical development shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Article 340: Aggravating circumstances as a consequence of the death of the minor

The offences defined in Article 339 (Subjecting minor to working conditions harmful to his or her health) of this Code shall be punishable by imprisonment from seven to fifteen years if it results in the death of the victim.

Article 341: Indecent assault of minor under 15 years of age

An indecent assault is the act of touching or exposing the sexual organs or other parts of another person's body, or of letting another person to touch the sexual organs or other parts of the perpetrator's body or that of a third person for the purpose of sexual arousal or satisfaction of the perpetrator.

Where an indecent assault is committed upon a minor under fifteen years of age the perpetrator shall be punishable by imprisonment from one year to three years and a fine from two million to six million Riels.

Article 342: Aggravating circumstances

The offence defined in Article 341 (Indecent assault of minor under 15 years of age) of this Code shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels, if:

- (1) it is committed by an ascendant;
- (2) it is committed by a person having authority over the minor;
- (3) it is committed by several persons acting as perpetrators, co-perpetrators, instigators, or accomplices;
- (4) it involves the payment of remunerations.

SECTION 2

INCITING MINORS TO COMMIT UNLAWFUL OR DANGEROUS ACTS

Article 343: Inciting minor to consume narcotics

The direct incitement of a minor to unlawfully and regularly consume large quantities of narcotics shall be punishable by imprisonment from six months to two years and a fine from one million to four million Riels.

Article 344: Inciting minor to beg

The direct incitement of a minor to beg shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand Riels to two million Riels.

Article 345: Inciting minor to commit felony or misdemeanour

The direct incitement of a minor to commit a felony or a misdemeanour shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Article 346: Arrangement by an adult of indecent exposure or sexual relations involving minors

The arrangement, by an adult, of meetings involving indecent exposure or sexual relations at which minors are present or participate shall be punishable by imprisonment from one to five years and a fine from two million to ten million Riels.

SECTION 3

ABUSE OF PARENTAL AUTHORITY

Article 347: Abuse of Parental Authority

The abuse of parental authority by a legal, natural or adoptive ascendant of his or her authority over a minor to the point of depriving the minor of his or her freedom shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels, if, by reason of the abuse, the health, safety or mental condition of the minor is endangered.

SECTION 4

ATTEMPT AND PENALTIES

Article 348: Attempt

An attempt to commit the misdemeanours defined in this Chapter shall be punishable by the same penalties.

Article 349: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Chapter:

- (1) forfeiture of certain rights for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) local exclusion for a period not exceeding ten years for a felony or not exceeding five years for a misdemeanour;
- (4) publication of sentencing decision for a period not exceeding two months;
- (5) publication of sentencing decision in the print media;
- (6) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

CHAPTER 6

OTHER OFFENCES AGAINST THE FAMILY

Article 350: Bigamy

Contracting a second marriage before the dissolution of a previous marriage shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels.

The same punishment shall be applied to a civil status registration officer who is aware of the fact, but still authorizes or registers a marriage before the dissolution of a previous marriage.

Article 351: Sexual assault of minor by ascendant

Sexual intercourse by an ascendant with a minor under eighteen years of age shall be punishable by imprisonment from five to ten year if the perpetrator is an ascendant of the minor.

Article 352: Sexual assault by consanguinity or affinity

Having sexual intercourse among consanguinity or affinity of the three levels shall be punishable by imprisonment from 1 (one) month to 1 (one) year and a fine from 100,000 (A Hundred Thousand) to 2,000,000 (Two Millions) Riels.

Shall not be considered offensive based on the above paragraph, if one of the spouses die and the one who is living has sexual intercourse with affinity of levels two or three.

BOOK 3
OFFENCES AGAINST PROPERTIES
TITLE 1
FRAUDULENT APPROPRIATION
CHAPTER 1
THEFT AND RELATED OFFENCES
SECTION 1
THEFT

Article 353: Definition of theft

Theft is the fraudulent taking by any means of property belonging to another person with intent to keep it.

Article 354: Theft of energy

The fraudulent use of energy to the prejudice of another person shall be deemed to be theft.

Article 355: Family immunity

Theft shall not be criminally prosecuted if it is committed by a person:

- (1) to the prejudice of his or her ascendant or his or her descendant;
- (2) to the prejudice of a spouse.

Article 356: Applicable penalty

Theft shall be punishable by imprisonment from six months to three years and a fine from one million to six million Riels.

Article 357: Aggravating circumstances (violence)

Theft shall be punishable by imprisonment from three to ten years:

- (1) if it is preceded, accompanied or followed by acts of violence;
- (2) if it is committed by breaking and entering.

Article 358: Aggravating circumstances (mutilation or disability)

Theft shall be punishable by imprisonment from ten to twenty years if it is preceded, accompanied or followed by acts of violence causing mutilation or permanent disability.

Article 359: Aggravating circumstances (torture or acts of cruelty)

Theft shall be punishable by imprisonment from fifteen to thirty years if it is preceded, accompanied or followed by torture or acts of cruelty.

Article 360: Aggravating circumstances (death of the victim)

Theft shall be punishable by imprisonment from fifteen to thirty years if it is preceded, accompanied or followed by violence unintentionally causing the death of the victim.

Article 361: Attempt

An attempt to commit the misdemeanours defined in this Section shall be punishable by the same penalties.

Article 362: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) prohibition from driving any motor vehicle permanently or for a period not exceeding five years;
- (4) local exclusion for a period not exceeding ten years for a felony or not exceeding five years for a misdemeanour;
- (5) prohibition from entering and residing in the territory of the Kingdom of Cambodia for a convicted foreigner, either permanently or for a period not exceeding five years;
- (6) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;
- (7) confiscation of the items or funds which were the subject of the offence;
- (8) confiscation of the proceeds or property arising out of the offence;
- (9) confiscation of the utensils, materials and furnishings in the premises in which the offence was committed;
- (10) confiscation of one or more vehicles belonging to the convicted person;
- (11) prohibition from possessing or carrying any weapon, explosive or ammunition of any kind;
- (12) closure of an establishment used to plan or to commit the offence, either permanently or for a period not exceeding five years;
- (13) prohibition from operating an establishment that is open to or used by the public, either permanently or for a period not exceeding five years;
- (14) publication of sentencing decision for a period not exceeding two months;
- (15) publication of sentencing decision in the print media;
- (16) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

SECTION 2

EXTORTION

Article 363: Definition of extortion

Extortion is the act of obtaining by violence, threat of violence or coercion:

- (1) a signature or fingerprint;
- (2) a commitment or an abandonment;
- (3) the disclosure of a secret;
- (4) the handing over of funds, valuables or of any asset.

Article 364: Applicable penalty

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

Article 365: Aggravating circumstances (status of the victim)

Extortion shall be punishable by imprisonment from five to ten years if it is committed:

- (1) against a person who is particularly vulnerable by reason of his or her age;
- (2) against a pregnant woman whose pregnancy is obvious or known to the perpetrator;
- (3) against a person who is particularly vulnerable by reason of illness or disability and whose state is obvious or known to the perpetrator.

Article 366: Aggravating circumstances (use of a weapon)

Extortion shall be punishable by imprisonment from seven to fifteen years if it is committed either with the use or threatened use of a weapon.

Article 367: Aggravating circumstances (mutilation or disability)

Extortion shall be punishable by imprisonment from ten to twenty years if it is preceded, accompanied or followed by acts of violence causing mutilation or permanent disability.

Article 368: Aggravating circumstances (torture or acts of cruelty)

Extortion shall be punishable by imprisonment from fifteen to thirty years if it is preceded, accompanied or followed by acts of torture or cruelty.

Article 369: Aggravating circumstances (death of the victim)

Extortion shall be punishable by imprisonment from fifteen to thirty years if it is preceded, accompanied or followed by acts of violence unintentionally causing the death of the victim,

Article 370: Attempt

An attempt to commit the misdemeanours defined in this Section shall be punishable by the same penalties.

Article 371: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) local exclusion for a period not exceeding ten years for a felony or not exceeding five years for a misdemeanour;
- (4) prohibition of a convicted alien from entering and remaining in the territory of the Kingdom of Cambodia, either permanently or for a period not exceeding five years;
- (5) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;
- (6) confiscation of the items or funds which were the subject of the offence;
- (7) confiscation of the proceeds or property arising out of the offence;
- (8) confiscation of the utensils, materials and furnishings in the premises in which the offence was committed;
- (9) confiscation of one or more vehicles belonging to the convicted person;
- (10) prohibition from possessing or carrying any weapon, explosive or ammunition of any kind, either permanently or for a period not exceeding five years;
- (11) publication of sentencing decision for a period not exceeding two months;
- (12) publication of sentencing decision in the print media;
- (13) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

SECTION 3

BLACKMAIL

Article 372: Definition of blackmail

Blackmail is the act of obtaining by threatening to disclose or to impute facts liable to harm a person's honour or reputation:

- (1) a signature or a fingerprint;
- (2) a commitment or an abandonment;
- (3) the disclosure of a secret; or
- (4) the handing over of funds, valuables or of any asset.

Article 373: Applicable penalty

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

Article 374: Aggravating circumstances by reason of carrying out the threat

If the threat to disclose or impute facts liable to harm a person's honour or reputation has been carried out, the perpetrator shall be punishable by imprisonment from five to ten years.

Article 375: Attempt

An attempt to commit the misdemeanours defined in this Section shall be punishable by the same penalties.

Article 376: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) local exclusion for a period not exceeding ten years for a felony or not exceeding five years for a misdemeanour;
- (4) prohibition of a convicted alien from entering and remaining in the territory of the Kingdom of Cambodia, either permanently or for a period not exceeding five years;
- (5) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;
- (6) confiscation of the items or funds which were the subject of the offence;
- (7) confiscation of the proceeds or property arising out of the offence;
- (8) confiscation of the utensils, materials and furnishings in the premises in which the offence was committed;
- (9) confiscation of one or more vehicles belonging to the convicted person;
- (10) prohibition from possessing or carrying any weapon, explosive or ammunition of any kind, either permanently or for a period not exceeding five years;
- (11) publication of sentencing decision for a period not exceeding two months;
- (12) publication of sentencing decision in the print media;
- (13) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

CHAPTER 2

FRAUD AND RELATED OFFENCES

SECTION 1

FRAUD

Article 377: Definition of fraud

Fraud is the act of deceiving a natural or legal person by the use of a false name or a fictitious capacity by the abuse of a genuine capacity, or by means of unlawful manoeuvres, in order to obtain from that person to his or her prejudice or to the prejudice of a third party:

- (1) the transfer of funds, valuables or any property;
- (2) the provision of a service; or
- (3) the making of a document incurring or discharging an obligation.

Article 378: Applicable penalty

Fraud shall be punishable by imprisonment from six months to three years and a fine from one million to six million Riels.

Article 379: Aggravating circumstances (status of the victim)

Fraud shall be punishable by imprisonment from two to five years if it is committed:

- (1) against a person who is particularly vulnerable by reason of his or her age;
- (2) against a pregnant woman whose pregnancy is obvious or known to the perpetrator;
- (3) against a person who is particularly vulnerable by reason of illness or disability and whose state is obvious or known to the perpetrator.

Article 380: Other aggravating circumstances

Fraud shall be punishable by imprisonment from two to five years if it is committed:

- (1) by a civilian or military public official in the performance of his or her duties or in connection therewith;
- (2) by a person unlawfully assuming the capacity of a person holding a public office;
- (3) by a person making a public appeal with a view to issuing securities;
- (4) by a person making a public appeal with a view to raising funds for humanitarian or social assistance;
- (5) by an organised criminal enterprise.

Article 381: Attempt

An attempt to commit the misdemeanours defined in this Section shall be punishable by the Same penalties.

Article 382: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) local exclusion for a period not exceeding five years for a misdemeanour;
- (4) prohibition of a convicted alien from entering and remaining in the territory of the Kingdom of Cambodia, either permanently or for a period not exceeding five years;
- (5) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;
- (6) confiscation of the items or funds which were the subject of the offence;
- (7) confiscation of the proceeds or property arising out of the offence;
- (8) confiscation of the utensils, materials and furnishings in the premises in which the offence was committed;
- (9) confiscation of one or more vehicles belonging to the convicted person;
- (10) prohibition from possessing or carrying any weapon, explosive or ammunition of any kind, either permanently or for a period not exceeding five years;
- (11) publication of sentencing decision for a period not exceeding two months;
- (12) publication of sentencing decision in the print media;
- (13) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

SECTION 2
OFFENCES SIMILAR TO FRAUD
SUD-SECTION 1
EXPLOITATION OF WEAKNESS

Article 383: Taking advantage of ignorance or weakness

Knowingly taking advantage of the ignorance or weakness of a person who is particularly vulnerable by reason of his or her age, pregnancy or disability by compelling him or her to commit an act or not to commit an act to his or her grave prejudice shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels.

SUB-SECTION 2
DISHONESTY

Article 384: Definition of dishonesty

Dishonesty is where a person, knowing himself or herself to be wholly unable to meet payment or being determined not to pay:

- (1) orders food or drink in a bar, Restaurant or other establishment open to the public;
- (2) books and effectively occupies a room in a hotel or other establishment open to the public;
- (3) causes himself to be transported by a tricycle taxi or other means of transport.

Dishonesty shall be punishable by imprisonment from six days to three months and a fine from one hundred thousand to five hundred thousand Riels.

Article 385: Attempt

An attempt to commit the misdemeanours defined in this Sub-Section shall be punishable by the same penalties.

Article 386: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Sub-Section:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) confiscation of the proceeds or property arising out of the offence;
- (4) confiscation of one or more vehicles belonging to the convicted person;
- (5) publication of sentencing decision for a period not exceeding two months;
- (6) publication of sentencing decision in the print media;

(7) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

SUB-SECTION 3

INTERFERENCE WITH AUCTIONS

Article 387: Improper bidding

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

Article 388: Hindering the freedom of biddings

Hindering the freedom to make bids during a public sale by bidding, by violence or threats shall be punishable by imprisonment from one to three years and a fine from two million to six million Riels.

Article 389: Attempt

An attempt to commit the misdemeanours defined in this Section shall be punishable by the same penalties.

Article 390: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offence defined in this Section:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) confiscation of the proceeds or property arising out of the offence;
- (4) confiscation of one or more vehicles belonging to the convicted person;
- (5) publication of sentencing decision for a period not exceeding two months;
- (6) publication of sentencing decision in the print media;
- (7) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

CHAPTER 3

BREACH OF TRUST AND RELATED OFFENCES

SECTION 1

BREACH OF TRUST

Article 391: Definition of breach of trust

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

Article 392: Applicable penalty

Breach of trust shall be punishable by imprisonment from six months to three years and a fine from one million to six million Riels.

Article 393: Breach of special trust by administrators or other persons

Breach of trust shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels if it is committed by a director or-manager of a limited liability or a joint stock corporation or a judicially appointed official or a person who is authorized by a legal entity with the intention to make a personal gain or a profit for a third party or with the intention to causing damage to a legal entity and damages have been made to the property.

The provisions of Paragraph 1 shall also be applicable where a liquidator of a limited liability or a joint stock corporation or a judicially appointed official acting on behalf of the liquidator committed an offence within the meaning of Paragraph 1 and caused damage to the property of the legal entity.

An attempt to commit the offences provided for in Article 393(1) and 393(2) shall be punishable by the same penalties.

Article 394: Aggravating circumstances (status of the perpetrator)

Breach of trust shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels, if it is committed:

- (1) by a person who made a public offering in order to receive funds or assets for his or her own behalf or on behalf of a commercial or industrial enterprise;
- (2) by a judicially appointed official or officer of the court in the performance of his or her duties or in connection therewith;
- (3) by a civilian or military public official in the performance of his or her duties or in connection therewith.

Article 395: Attempt

An attempt to commit the misdemeanours defined in this Section shall be punishable by the same penalties.

Article 396: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;

(2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;

(3) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;

(4) confiscation of the items or funds which were the subject of the offence;

(5) confiscation of the proceeds or property arising out of the offence;

(6) confiscation of the utensils, materials and furnishings in the premises in which the offence was committed;

(7) confiscation of one or more vehicles belonging to the convicted person;

(8) publication of sentencing decision for a period not exceeding two months;

(9) publication of sentencing decision in the print media;

(10) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

SECTION 2

EMBEZZLEMENT OF ITEMS SEIZED OR PLEDGED

Article 397: Embezzlement of items seized or pledged

The destruction or misappropriation, by a debtor of an item seized by a competent authority or pledged as security shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels.

Article 398: Attempt

An attempt to commit the misdemeanours shall be punishable by the same penalties.

CHAPTER 4

ADDITIONAL OFFENCES

SECTION 1

RECEIVING STOLEN GOODS

Article 399: Definition of receiving stolen goods

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

Receiving stolen goods shall also mean:

(1) serving as intermediary in order to transfer an item, knowing that that item was obtained by a felony or misdemeanour;

(2) knowingly benefiting from the proceeds of a felony or misdemeanour.

Article 400: Applicable penalty

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

Article 401: Aggravating circumstances

Receiving stolen goods shall be punishable by imprisonment from five to ten years if it is committed:

- (1) habitually;
- (2) by using the facilities conferred by the exercise of a profession;
- (3) by an organised criminal enterprise.

Article 402: Maximum fines

The maximum fine incurred may be raised to the value of the goods handled.

Article 403: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) prohibition from driving any motor vehicle permanently or for a period not exceeding five years;
- (4) local exclusion for a period not exceeding ten years for a felony or not exceeding five years for a misdemeanor;
- (5) prohibition of a convicted alien from entering and remaining in the territory of the Kingdom of Cambodia, either permanently or for a period not exceeding five years;
- (6) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;
- (7) confiscation of the items or funds which were the subject of the offence;
- (8) confiscation of the proceeds or property arising out of the offence;
- (9) confiscation of the utensils, materials and furnishings in the premises in which the offence was committed;
- (10) confiscation of one or more vehicles belonging to the convicted person;
- (11) prohibition from possessing or carrying any weapon, explosive or ammunition of any kind;
- (12) closure of an establishment used to plan or to commit the offence, either permanently or for a period not exceeding five years;
- (13) prohibition from operating an establishment that is open to or used by the public, either permanently or for a period not exceeding five years;
- (14) publication of sentencing decision for a period not exceeding two months;
- (15) publication of sentencing decision in the print media;
- (16) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

SECTION 2

MONEY LAUNDERING

Article 404: Definition of money laundering

Money laundering is the act of facilitating by any means the false justification of the origin of the direct or indirect proceeds of a felony or misdemeanour.

Money laundering shall also include providing assistance in investing, concealing or converting the direct or indirect proceeds of a felony or misdemeanour.

Article 405: Applicable penalty

Money laundering shall be punishable by imprisonment from two to five years and a fine of four million Riels. The maximum fine may be raised to amount to the value of the funds or property which was the subject of the money laundering.

Where the offence which produced the property or funds which was the subject of the money laundering is punishable by imprisonment sentence higher than that imposed in Paragraph 1 above, the offence of money laundering shall be punishable by the penalties applicable to the offence known to the perpetrator, and if the offence was accompanied by aggravating circumstances, by such penalties known to him or her.

Article 406: Aggravating circumstances

Money laundering shall be punishable by imprisonment from five to ten years if it is committed:

- (1) habitually;
- (2) by using the facilities conferred by the exercise of a profession;
- (3) by an organised criminal enterprise.

Article 407: Attempt

An attempt to commit the misdemeanours defined in this Section shall be punishable by the same penalties.

Article 408: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;
- (4) confiscation of the items or funds which were the subject of the offence;
- (5) confiscation of the proceeds or property arising out of the offence;
- (6) confiscation of the utensils, materials and furnishings in the premises in which the offence was committed;
- (7) confiscation of one or more vehicles belonging to the convicted person;
- (8) publication of sentencing decision for a period not exceeding two months;
- (9) publication of sentencing decision in the print media;
- (10) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

Article 409: Criminal responsibility of legal entities

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

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

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

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

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

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

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

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

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

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

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

TITLE 2

INFRINGEMENTS ON PROPERTY

CHAPTER 1

DESTRUCTION, DEFACEMENT AND DAMAGE

SECTION 1

DESTRUCTION, DEFACEMENT AND DAMAGE

Article 410: Intentionally causing damage

Intentionally destroying, defacing or damaging property belonging to another person shall be punishable by imprisonment from six months to two years and a fine from one million to four million Riels, except where only minor damage has ensued.

Article 411: Aggravating circumstances

The offence defined in Article 410 (Intentionally causing damage) shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels:

- (1) if it is committed by several persons acting as perpetrators, co-perpetrators, instigators or accomplices;
- (2) if it is committed within dwelling premises;
- (3) if it is committed on the premises used for the safekeeping of funds, securities, goods or equipment;
- (4) if it results in damages to a public building or road;
- (5) if it is committed and causes damages to farm products or crops;
- (6) if it results in damages to international border markers of the Kingdom of Cambodia.

Article 412: Aggravating circumstances (status of the victim)

The offence defined in Article 410 (Intentionally causing damage) shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels if it is committed to the prejudice of:

- (1) a judge, a public official or a lawyer, with a view to influencing his or her conduct in the discharge of his or her duties;
- (2) a victim or a civil party, either to prevent him or her from reporting the offence or seeking reparations for the damages;
- (3) a witness, either to prevent him or her from making a statement during a judicial investigation, an enquiry, a trial or during other court proceedings or to influence his or her testimony;
- (4) a victim or a civil party after he or she filed a complaint or sought reparations for the damages;
- (5) a witness on account of his or her testimony given during a judicial investigation, an enquiry, a trial or during other court proceedings.

Article 413: Aggravating circumstances (employing means dangerous to persons)

Intentionally destroying, defacing or damaging property belonging to another person by the use of an explosion, fire or other means likely to endanger persons shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Article 414: Aggravating circumstances (causing injury to others)

The offence defined in Article 413 (Aggravating circumstances (employing means dangerous to persons)) of this Code shall be punishable by imprisonment from five to ten years if it results in injury to others.

Article 415: Aggravating circumstances (mutilation or disability)

The offence defined in Article 413 (Aggravating circumstances (employing means dangerous to persons)) of this Code shall be punishable by imprisonment from seven to fifteen years if it results in the mutilation or permanent disability of a person.

Article 416: Aggravating circumstances (commission of offences by an organized criminal enterprise)

The offence defined in Article 413 (Aggravating circumstances (employing means dangerous to persons)) of this Code shall be punishable by imprisonment from seven to fifteen years if it is committed by an organised criminal enterprise.

Article 417: Aggravating circumstances (death of another person)

The offence defined in Article 413 (Aggravating circumstances (employing means dangerous to persons)) of this Code shall be punishable by imprisonment from ten to twenty years if it unintentionally results in the death of another person.

Article 418: Minor damage

Intentionally destroying, defacing or damaging property belonging to another person shall be punishable by imprisonment from one day to six days and a fine from one thousand to one hundred thousand Riels, if only minor damage ensued.

The provisions of this Article are not applicable to public or private cultural properties which are part of the national patrimony of the Kingdom of Cambodia.

Article 419: Other damage due to recklessness or breach of regulations

Destroying, defacing or damaging property belonging to another person by the use of an explosive or fire shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels if it is caused by:

- (1) negligence, recklessness or carelessness;
- (2) failure to observe the safety requirement or due diligence imposed by law.

Article 420: Damaging official poster or notice

Unintentionally destroying, defacing or damaging an official poster or official notice posted by the administration shall be punishable by imprisonment from one day to six days and a fine from one thousand to one hundred thousand Riels.

Article 421: Attempt

Except for the offences defined in Article 419 (Other damage due to recklessness or breach of regulations) of this Code, an attempt to commit the misdemeanours defined in this Section shall be punishable by the same penalties.

Article 422: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) prohibition from driving any motor vehicle permanently or for a period not exceeding five years;

- (4) local exclusion for a period not exceeding ten years for a felony or not exceeding five years for amisdemeanour;
- (5) prohibition of a convicted alien from entering and remaining in the territory of the Kingdom of Cambodia, either permanently or for a period not exceeding five years;
- (6) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;
- (7) confiscation of the items or funds which were the subject of the offence;
- (8) confiscation of the proceeds or property arising out of the offence;
- (9) confiscation of the utensils, materials and furnishings in the premises in which the offence was committed;
- (10) confiscation of one or more vehicles belonging to the convicted person;
- (11) prohibition from possessing or carrying any weapon, explosive or ammunition of any kind;
- (12) closure of an establishment used to plan or to commit the offence, either permanently or for a period not exceeding five years;
- (13) prohibition from operating an establishment that is open to or used by the public, either permanently or for aperiod not exceeding five years;
- (14) publication of sentencing decision for aperiod not exceeding two months;
- (15) publication of sentencing decision in the print media;
- (16) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

SECTION 2

THREATS TO DESTROY, DEFACE OR DAMAGE

Article 423: Threats to cause damage

The threat to cause any destruction, defacement or damage shall be punishable by imprisonment from one month to six months and a fine from one hundred thousand to one million Riels if it is repeated, or if it is put in material form by writing, pictures or other objects.

Where the value of the property which is the subject of the threat to cause destruction, defacement or damage is little, the offence shall be punishable by a fine from five thousand to one hundred thousand Riels.

Article 424: Threats to destroy followed by an order

The threat to cause any destruction, defacement or damage shall be punishable by imprisonment from one to two years and a fine from two million to four million Riels if it is accompanied by an order to perform or not to perform an act.

Article 425: False information

The communication or disclosure of any false information with a view to inducing a belief that a destruction, defacement or damage dangerous to other persons will be carried out shall be punishable by imprisonment from one to two years and a fine from two million to four million Riels.

Article 426: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) prohibition from driving any motor vehicle permanently or for a period not exceeding five years;
- (4) local exclusion for a period not exceeding ten years for a felony or not exceeding five years for a misdemeanour;
- (5) prohibition of a convicted alien from entering and remaining in the territory of the Kingdom of Cambodia, either permanently or for a period not exceeding five years;
- (6) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;
- (7) confiscation of the items or funds which were the subject of the offence;
- (8) confiscation of the proceeds or property arising out of the offence;
- (9) confiscation of the utensils, materials and furnishings in the premises in which the offence was committed;
- (10) confiscation of one or more vehicles belonging to the convicted person;
- (11) prohibition from possessing or carrying any weapon, explosive or ammunition of any kind;
- (12) closure of an establishment used to plan or to commit the offence, either permanently or for a period not exceeding five years;
- (13) prohibition from operating an establishment that is open to or used by the public, either permanently or for a period not exceeding five years;
- (14) publication of sentencing decision for a period not exceeding two months;
- (15) publication of sentencing decision in the print media;
- (16) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

CHAPTER 2

OFFENCES RELATED TO INFORMATION TECHNOLOGY

Article 427: Unauthorized access to or remaining in automated data processing system

Fraudulently accessing or remaining within an automated data processing system shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels.

Where the act causes the destruction or modification of data contained in that system, or any alteration of the functioning of that system, the sentence is imprisonment from one to two years and a fine from two million to four million Riels.

Article 428: Obstructing the functioning of automated data processing system

Obstructing the functioning of an automated data processing system shall be punishable by imprisonment from one to two years and a fine from two million to four million Riels.

Article 429: Fraudulent introduction, deletion or modification of data

The fraudulent introduction of data into an automated data processing system or the fraudulent deletion or modification of the data that it contains shall be punishable by imprisonment from one to two years and a fine from two million to four million Riels.

Article 430: Participation in a group or conspiracy commit offences

Participating in a group or a conspiracy established with a view to the planning of one or more offences defined in this Section shall be punishable by imprisonment from one to two years and a fine from two million to four million Riels.

Article 431: Attempt

An attempt to commit the misdemeanours defined in this Section shall be punishable by the same penalties.

Article 432: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the misdemeanours defined in this Section:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;
- (4) confiscation of the items or funds which were the subject of the offence;
- (5) confiscation of the proceeds or property arising out of the offence;
- (6) confiscation of the utensils, materials and furnishings in the premises in which the offence was committed;
- (7) confiscation of one or more vehicles belonging to the convicted person;
- (8) publication of sentencing decision for a period not exceeding two months;
- (9) publication of sentencing decision in the print media;
- (10) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

BOOK 4

OFFENCES AGAINST THE NATION

TITLE 1

INFRINGEMENTS AGAINST MAJOR INSTITUTIONS OF STATE

CHAPTER 1

OFFENCES AGAINST THE KING

Article 433: Regicide

Regicide is the assassination of the King.

Regicide shall be punishable by life imprisonment.

Article 434: Acts of torture or cruelty against the King

Acts of torture or cruelty committed against the King shall be punishable by imprisonment from ten to twenty years.

Article 435: Violence against the King

Intentionally committing violence against the King shall be punishable by imprisonment from seven to fifteen years.

Article 436: Aggravating circumstances (mutilation or disability)

Intentional violence committed against the King shall be punishable by imprisonment from ten to twenty years if it results in the mutilation or permanent disability of the King.

Article 437: Aggravating circumstances (death of the King)

Intentional violence committed against the King shall be punishable by imprisonment from twenty to thirty years if it unintentionally caused the death of the King.

Article 438: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Chapter:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) local exclusion for a period not exceeding ten years for a felony or not exceeding five years for a misdemeanour;
- (4) prohibition from leaving the territory of the Kingdom of Cambodia for a period not exceeding five years;
- (5) prohibition of a convicted alien from entering and remaining in the territory of the Kingdom of Cambodia, either permanently or for a period not exceeding five years;
- (6) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;
- (7) prohibition from possessing or carrying any weapon, explosive or ammunition of any kind, either permanently or for a period not exceeding five years;
- (8) publication of sentencing decision for a period not exceeding two months;
- (9) publication of sentencing decision in the print media;
- (10) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

CHAPTER 2
BREACH OF STATE SECURITY
SECTION 1
TREASON AND ESPIONAGE

Article 439: Treason and espionage

The offences defined in this Section constitute treason where they are committed by a Cambodian national or a soldier in the service of Cambodia, and constitute espionage where they are committed by any other person.

Article 440: Handing over to foreign state an or part of the national territory

Handing over all or part of the national territory to a foreign state or to its agents shall be punishable by life imprisonment.

Article 441: Handing over to foreign state National Armed Forces

Handing over troops belonging to the National Armed Forces to a foreign state or its agents shall be punishable by life imprisonment.

Article 442: Handing over to foreign state equipment assigned to national defence

Handing over food, equipment, constructions, installations or mechanical apparatus assigned to the national defence to a foreign state or its agents shall be punishable by imprisonment from fifteen to thirty years.

Article 443: Conspiracy with foreign power

Conspiracy with a foreign power is the act of having secret agreement with a foreign state or its agents, with a view to fomenting hostilities or acts of aggression against the Kingdom of Cambodia.

It shall be punishable by imprisonment from fifteen to thirty years.

Article 444: Furnishing foreign state with means to foment hostilities or acts of aggression

Furnishing a foreign state or its agents with the means to foment hostilities or commit acts of aggression against the Kingdom of Cambodia shall be punishable by imprisonment from fifteen to thirty years.

Article 445: Supplying foreign state with information prejudicial to national defence

Supplying or making accessible to a foreign state or its agents information, processes, objects, documents, computerised data or files which are liable to prejudice the national defence shall be punishable by imprisonment from seven to fifteen years.

Article 446: Collecting information prejudicial to national defense

Receiving or collecting information, processes, objects, documents, computerised data or files, with a view to supplying them to a foreign state or its agents which are liable to prejudice the national defence shall be punishable by imprisonment from five to ten years.

Article 447: Destruction of equipment prejudicial to national defence

Destroying, defacing or misappropriating any food, document, equipment, construction, installation, mechanical apparatus, technical device, weaponry, technical spare parts or other technical support apparatus or computerized system, or rendering them defective, where this is liable to prejudice the national defence shall be punishable by imprisonment from seven to fifteen years.

Article 448: Supplying false information

Supplying the Cambodian civilian or military authority with false information liable to damage the national defence, in order to serve the interests of a foreign slate shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Article 449: Attempt

An attempt to commit the misdemeanours defined in Article 448 (Supplying false information) shall be punishable by the same penalties.

Article 450: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) local exclusion for a period not exceeding ten years for a felony or not exceeding five years for a misdemeanour;
- (4) prohibition from leaving the territory of the Kingdom of Cambodia for a period not exceeding five years;
- (5) prohibition of a convicted alien from entering and remaining in the territory of the Kingdom of Cambodia, either permanently or for a period not exceeding five years;
- (6) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;
- (7) confiscation of one or more vehicles belonging to the convicted person;
- (8) prohibition from possessing or carrying any weapon, explosive or ammunition of any kind, either permanently or for a period not exceeding five years;
- (9) publication of sentencing decision for a period not exceeding two months;
- (10) publication of sentencing decision in the print media;
- (11) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

SECTION 2

ATTACK AND PLOTTING

Article 451: Attack

An attack consists of the commission of one or more acts of violence liable to endanger the institutions of the Kingdom of Cambodia or violate the integrity of the national territory.

It shall be punishable by imprisonment from fifteen to thirty years.

Article 452: Aggravating circumstances (status of the perpetrator)

The attack shall be punishable by life imprisonment where it was committed by a person holding public authority.

Article 453: Plotting

Plotting consists of a resolution agreed upon by two or more persons to commit an attack where the resolution was put into effect by one or more material actions.

Plotting shall be punishable by imprisonment from five to ten years.

The imprisonment penalty is increased from ten to twenty years where the offence was committed by a person holding public authority.

Article 454: Exemption from penalty

Any person who has participated in the plotting is exempted from penalty where, before being prosecuted, he or she has informed the competent authorities of the existence of the plotting and the identification of other participants.

Article 455: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the felonies defined in this Section:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) local exclusion for a period not exceeding ten years;
- (4) prohibition from leaving the territory of the Kingdom of Cambodia for a period not exceeding five years;
- (5) prohibition of a convicted alien from entering and remaining in the territory of the Kingdom of Cambodia, either permanently or for a period not exceeding five years;
- (6) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;
- (7) confiscation of one or more vehicles belonging to the convicted person;

- (8) prohibition from possessing or carrying any weapon, explosive or ammunition of any kind, either permanently or for a period not exceeding five years;
- (9) publication of sentencing decision for a period not exceeding two months;
- (10) publication of sentencing decision in the print media;
- (11) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

SECTION 3

INSURRECTIONARY MOVEMENT

Article 456: Definition of insurrectionary movement

An insurrectionary movement consists of any collective violence liable to endanger the institutions of the Kingdom of Cambodia or violate the integrity of the national territory.

Article 457: Applicable penalty

Participating, in an insurrectionary movement:

- (1) by building barricades, fortifications or by any construction whose objective is to prevent or obstruct the action of the public forces;
- (2) by occupying with force or by deceit any building or installation;
- (3) by destroying any building or installation;
- (4) by assuring the transport or logistics supplies of the insurgents;
- (5) by directly inciting the insurgents to gather;
- (6) by personally holding or carrying a weapon, explosive or ammunition;
- (7) by usurping a lawful authority;

shall be punishable by imprisonment from seven to fifteen years.

Article 458: Aggravating circumstances (insurrectionary movement)

Participating in an insurrectional movement:

- (1) by securing weapons, ammunitions, explosive or dangerous substances liable to endanger persons;
- (2) by providing the insurgents with weapons, ammunitions, or explosive or dangerous substances liable to endanger persons;

shall be punishable by imprisonment from ten to twenty years.

Article 459: Leading insurrectional movement

Leading an insurrectional movement shall be punishable by imprisonment from twenty to thirty years.

Article 460: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;

(2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;

(3) local exclusion for a period not exceeding ten years;

(4) prohibition from leaving the territory of the Kingdom of Cambodia for a period not exceeding five years;

(5) prohibition of a convicted alien from entering and remaining in the territory of the Kingdom of Cambodia, either permanently or for a period not exceeding five years;

(6) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;

(7) confiscation of one or more vehicles belonging to the convicted person;

(8) prohibition from possessing or carrying any weapon, explosive or ammunition, either permanently or for a period not exceeding five years;

(9) publication of sentencing decision for a period not exceeding two months;

(10) publication of sentencing decision in the print media;

(11) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

SECTION 4

USORPTION OF COMMAND AND RAISING ARMED FORCES

Article 461: Usurpation of military command

The unlawful or unauthorised assumption of any military command against orders by the lawful authorities shall be punishable by imprisonment from fifteen to thirty years.

Article 462: Unlawful holding of military command

The holding of any military command against orders by the lawful authorities shall be punishable by imprisonment from fifteen to thirty years.

Article 463: Unlawful raising of armed forces

The raising of armed forces without the order or authorisation of the lawful authorities shall be punishable by imprisonment from fifteen to thirty years.

Article 464: Inciting people to arms against state authority

The direct incitement of people to arms against the authority of the State shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Where the incitement was effective, the penalty is imprisonment from fifteen to thirty years.

Article 465: Inciting people to arms against part of population

The direct incitement of people to arms against a part of the population shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Where the incitement was effective, the penalty is imprisonment from fifteen to thirty years.

Article 466: Attempt

An attempt to commit the misdemeanours defined in this Section shall be punishable by the same penalties.

Article 467: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) local exclusion for a period not exceeding ten years for a felony and not exceeding five years for a misdemeanour;
- (4) prohibition from leaving the territory of the Kingdom of Cambodia for a period not exceeding five years;
- (5) prohibition of a convicted alien from entering and remaining in the territory of the Kingdom of Cambodia, either permanently or for a period not exceeding five years;
- (6) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;
- (7) confiscation of one or more vehicles belonging to the convicted person;
- (8) prohibition from possessing or carrying any weapon, explosive or ammunition, either permanently or for a period not exceeding five years;
- (9) publication of sentencing decision for a period not exceeding two months;
- (10) publication of sentencing decision in the print media;
- (11) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

SECTION 5

OFFENCES AGAINST THE SECURITY OF ARMED FORCES

Article 468: Inciting soldiers to serve foreign power

The direct incitement of soldiers belonging to the Cambodian armed forces to enter the service of a foreign power or its agents, designed to harm national defence, shall be punishable by imprisonment from five to ten years.

Article 469: Obstructing normal operation of military equipment

Obstructing the normal operation of military equipment, designed to harm national defence, shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Article 470: Obstructing the movement of military personnel or equipment

Obstructing the movement of military personnel or equipment, designed to harm national defence, shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Article 471: Inciting military personnel to disobedience

The direct incitement to disobedience of soldiers, designed to harm national defence, shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Article 472: Demoralization of the army

Participating in an operation to demoralise the army, designed to harm national defence, shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Article 473: fraudulently gaining access to military bases

Fraudulently gaining access, without the authorisation of the competent authority, to any land or building, or any facility assigned to the military authority or placed under its control shall be punishable by imprisonment from six months to one year and a fine from one million to two million Riels.

Article 474: Obstructing services to national defence

Any obstruction to the normal operation of the establishments or enterprises, public or private services of importance to the national defence, designed to harm national defence, shall be punishable by imprisonment from one to three years and a fine from two million to six million Riels.

Article 475: Attempt

An attempt to commit the misdemeanours defined in this Section shall be punishable by the same penalties.

Article 476: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) local exclusion for a period not exceeding ten years for a felony and not exceeding five years for a misdemeanour;
- (4) prohibition from leaving the territory of the Kingdom of Cambodia for a period not exceeding five years;
- (5) prohibition of a convicted alien from entering and remaining in the territory of the Kingdom of Cambodia, either permanently or for a period not exceeding five years;

- (6) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;
- (7) confiscation of one or more vehicles belonging to the convicted person;
- (8) prohibition from possessing or carrying any weapon, explosive or ammunition, either permanently or for a period not exceeding five years;
- (9) publication of sentencing decision for a period not exceeding two months;
- (10) publication of sentencing decision in the print media;
- (11) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

SECTION 6

VIOLATION OF NATIONAL DEFENCE SECRETS

Article 477: Principle of protection of national defence secrets

Information, processes, objects, documents, and computerised data or files the disclosure of which is liable to prejudice national defence are subject to protective orders intended to restrict their circulation.

The Royal Government shall provide the procedure for these protective measures.

Article 478: Definition of national defence secrets

The quality of national defence secrets attaches to information, processes, objects, documents, and computerised data or files the circulation of which is restricted.

Article 479: Intentional or unintentional revealing of national defence secrets

A penalty of imprisonment from two to five years and a fine from four million to ten million Riels shall be applicable to any person holding such a confidential information due to his or her position, occupation or mission, who communicates to an unauthorized person any information, process, object, document, or computerised data or file which is a national defence secret.

It shall be punishable by imprisonment from six months to two years and a fine from one million to four million Riels where the violation of a national defence secret occurred due to recklessness, carelessness, negligence or disobedience.

Article 480: Unauthorised possession of national defence secrets

Intentionally acquiring possession of any information, process, object, document, computerised data or file which is a national defence secret by an unauthorized person shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Article 481: Destruction or duplication of national defence secrets

Destruction or duplication of any information, process, object, document, computerised data or file which is a national defence secret shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Article 482: Attempt

An attempt to commit the misdemeanours defined in this Section shall be punishable by the same penalties.

Article 483: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) publication of sentencing decision for a period not exceeding two months;
- (4) publication of sentencing decision in the print media;
- (5) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

CHAPTER 3

VIOLATION OF PUBLIC SECURITY

SECTION 1

COMBAT GROUPS

Article 484: Definition of combat group

A combat group is any group of persons having access to weapons, which has an organised hierarchy and is liable to disturb public order.

Article 485: Participation in combat group

Participating in a combat group shall be punishable by imprisonment from one to three years and a fine from two million to six million Riels.

Article 486: Organising combat group

Organising a combat group shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Article 487: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the misdemeanours defined in this Section:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) local exclusion for a period not exceeding five years;
- (4) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;
- (5) prohibition from possessing or carrying any weapon, explosive or ammunition, either permanently or for a period not exceeding five years;
- (6) publication of sentencing decision for a period not exceeding two months;
- (7) publication of sentencing decision in the print media;
- (8) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

SECTION 2

OFFENCES RELATING TO WEAPONS, EXPLOSIVES AND AMMUNITIONS

Article 488: Production or trafficking of weapons, explosives and ammunitions

The production, import or export and stocking of weapons, explosives and ammunitions of any kind without the authorization of the competent authorities shall be punishable by imprisonment from five to ten years.

Weapon refers to any gun that is produced or modified which can be used to kill or injure persons or damage property.

Ammunition and explosive refer to any equipment or material that is produced or modified which can be used to kill or injure persons or damage property.

Chemical weapon, biological weapon or other ammunitions containing chemical or biological substance refer to any substance that is produced or modified which can be used to endanger health, life or property and environment.

Article 489: Production or trafficking of other assault weapons

The production, import or export and stocking of other assault weapons such as bayonets, swords, brass knuckles for killing or injuring persons, without the authorization of the competent authorities shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Article 490: Unauthorized holding or transporting weapons

Any person, outside of his or her residence, carries or transports, without the authorization of the competent authorities, a weapon, an explosive or ammunition shall be punishable by imprisonment from six months to three years and a fine from one million to six million Riels.

The same penalty shall be applicable to any person who, outside of his or her residence, carries or transports a weapon defined in Article 489 (Production or trafficking of other assault weapons).

Article 491: Abandonment of weapon in public place

The abandonment in a public place or a place accessible to the public of a weapon or any other object that can endanger persons shall be punishable by imprisonment from six months to three years and a fine from one million to six million Riels.

Article 492: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) local exclusion for a period not exceeding ten years for a felony and not exceeding five years for a misdemeanour;
- (4) prohibition from leaving the territory of the Kingdom of Cambodia for a period not exceeding five years;
- (5) prohibition of a convicted alien from entering and remaining in the territory of the Kingdom of Cambodia, either permanently or for a period not exceeding five years;
- (6) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;
- (7) confiscation of one or more vehicles belonging to the convicted person;
- (8) prohibition from possessing or carrying any weapon, explosive or ammunition, either permanently or for a period not exceeding five years;
- (9) publication of sentencing decision for a period not exceeding two months;
- (10) publication of sentencing decision in the print media;
- (11) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

Article 493: Confiscation of weapon abandoned in public place

For the offences defined in Article 491(Abandonment of weapon in public place) of this Code, a court may order confiscation of such weapon or object that can endanger persons.

SECTION 3

INCITEMENT TO COMMIT OFFENCES

Article 494: Existence of incitement

For the enforcement of this Section, the incitement is punishable when it is committed:

- (1) by speech of any kind, made in a public place or meeting;
- (2) by writing or picture of any kind, either displayed or distributed to the public;
- (3) by any audio-visual communication to the public.

Article 495: Incitement to commit felony

The direct incitement to commit a felony or to disturb social security by employing one of the means defined in Article 494 (Existence of incitement) of this Code shall be punishable by imprisonment from six months to two years and a fine from one million to four million Riels, where the incitement was ineffective.

Article 496: Incitement to discriminate

The direct incitement, by one of the means defined in Article 494 (Existence of incitement) of this Code, to discriminate, to be malicious or violent against a person or a group of persons because of their membership or nonmembership of a particular ethnicity, nationality, race or religion, shall be punishable by imprisonment from one to three years and a fine from two million to six million Riels, where the incitement was ineffective.

Article 497: Incitement through the print media

The offences defined in this Section when committed through the print media are subject to the provisions of the Press Law.

Article 498: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from possessing or carrying any weapon, explosive or ammunition, either permanently or for a period not exceeding five years;
- (3) publication of sentencing decision for a period not exceeding two months;
- (4) publication of sentencing decision in the print media;
- (5) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

SECTION 4**CRIMINAL ASSOCIATION****Article 499: Participation in criminal association**

The participation in a group or a conspiracy which is formed:

- (1) to commit one or more felonies against the persons defined from Chapter 1 (Homicide) to Chapter 6 (Violations of personal liberty) in Title 2 (Offences against the person) of Book 2 (Crime against persons) of this Code;
- (2) to commit one or more, felonies against property defined in Book 3 of this Code:

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

Article 500: Exemption from penalty

Any person who has participated in the group or conspiracy is exempted from penalty if, before any prosecution is initiated, he or she discloses the existence of the group or conspiracy to the competent authorities and enables the other participants to be identified.

Article 501: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the misdemeanours defined in this Section:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) local exclusion for a period not exceeding five years;
- (4) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;
- (5) prohibition from possessing or carrying any weapon, explosive or ammunition, either permanently or for a period not exceeding five years;
- (6) publication of sentencing decision for a period not exceeding two months;
- (7) publication of sentencing decision in the print media;
- (8) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

CHAPTER 4

OFFENCES AGAINST STATE AUTHORITIES

SINGLE SECTION

INSULT AND OBSTRUCTION OF PUBLIC OFFICIALS

Article 502: Insult

Insult consists of words, gestures, written documents, pictures or objects liable to undermine the dignity of a person.

An insult addressed to a public official or a holder of public elected office, acting in the discharge or on the occasion of his or her office shall be punishable by imprisonment from one day to six days and a fine from one thousand to one hundred thousand Riels.

Article 503: Obstruction of public official

Obstruction consists of violent resistance against a public official acting in the discharge of his or her office for the enforcement of laws, orders from a public authority or judicial decisions.

Obstruction of public officials shall be punishable by imprisonment from one month to three months and a fine from one hundred thousand to five hundred thousand Riels.

Article 504: Aggravating circumstances (obstruction of public official)

Obstruction of public officials shall be punishable by imprisonment from six months to one year and a fine from one million to two million Riels where it was committed:

- (1) by several perpetrators, co-perpetrators, instigators or accomplices;
- (2) by armed perpetrator.

Article 505: Incitement to obstruct a public official

Direct incitement to obstruction of public officials shall be punishable by imprisonment from one day to one month and a fine from one thousand to one hundred thousand Riels.

Article 506: Obstruction of public works

Obstructing, by acts of violence, the execution of public works or works of public utility shall be punishable by imprisonment from one month to three months and a fine from one hundred thousand to five hundred thousand Riels.

Article 507: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

- (1) prohibition from possessing or carrying any weapon, explosive or ammunition for a period not exceeding five years;
- (2) publication of sentencing decision for a period not exceeding two months;
- (3) publication of sentencing decision in the print media;
- (4) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

CHAPTERS

OFFENCES AGAINST STATE RELIGION

SECTION 1

OFFENCES AGAINST BUDDHISM

Article 508: Unauthorized wearing of Buddhist robes

The unauthorized wearing of Buddhist monks' robes in public shall be punishable by imprisonment from six days to three months and a fine from one hundred thousand to five hundred thousand Riels.

Article 509: Theft of Buddhist sacred object

Without prejudice to the most severe penalties stipulated in this Code, the theft of a Buddhist sacred object committed in a religious premise shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Article 510: Damaging Buddhist religious premises or sacred objects

Without prejudice to the most severe penalties stipulated in this Code, the intentional destruction, defacement or damage of a religious premise dedicated to Buddhism or a sacred

object of this religion shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Article 511: Attempt

An attempt to commit the misdemeanours defined in this Section shall be punishable by the same penalties.

Article 512: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the misdemeanours defined in this Section:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) prohibition from possessing or carrying any weapon, explosive or ammunition, either permanently or for a period not exceeding five years;
- (4) publication of sentencing decision for a period not exceeding two months;
- (5) publication of sentencing decision in the print media;
- (6) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

SECTION 2

OFFENCES AGAINST BUDDHIST MONKS, NUNS AND LAYMEN

SUB-SECTION 1

VIOLENCE

Article 513: Intentional violence

Intentional violence against Buddhist monks, nuns or laymen shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Article 514: Aggravating circumstances (mutilation or disability)

Intentional violence against Buddhist monks, nuns or laymen shall be punishable by imprisonment from seven to fifteen years where it causes mutilation or permanent disability.

Article 515: Aggravating circumstances (death of the victim)

Intentional violence against Buddhist monks, nuns or laymen shall be punishable by imprisonment from ten to twenty years when it unintentionally causes the death of a victim.

SUB-SECTION 2

INSULT

Article 516: Insult of Buddhist monks, nuns and laymen

When insult as defined in Paragraph 1 of Article 502 (Insult) of this Code is committed against a Buddhist monk, nun or layman in the exercise or on the occasion of the exercise of the functions, it shall be punishable by imprisonment from one day to six days and a fine from one thousand to one hundred thousand Riels.

TITLE 2

INFRINGEMENT OF JUSTICE

CHAPTER 1

OFFENCES AGAINST JUDICIAL INSTITUTION

SECTION 1

CORRUPTION OF JUDGES

Article 517: Bribery by judges

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

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

shall be punishable by imprisonment from seven to fifteen years.

Article 518: Bribery of judges

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

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

shall be punishable by imprisonment from five to ten years.

Article 519: Criminal responsibility of legal entities

Legal entities may be found criminally responsible under Article 42 (Criminal responsibility of legal entities) of this Code for the offences defined in Article 518 (Bribery of judges) of this Code.

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

- (1) dissolution pursuant to Article 170 (Dissolution and liquidation of legal entities) of this Code;
- (2) placement under judicial supervision pursuant to Article 171 (Placement under judicial supervision) of this Code;
- (3) prohibition from exercising one or more activities pursuant to Article 172 (Prohibition from carrying on activities) of this Code;

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

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

(6) confiscation of the items or funds which were the subject of the offence pursuant to Article 178 (Ownership, sale and destruction of items confiscated) and Article 179 (Confiscation and rights of third parties) of this Code;

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

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

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

SECTION 2

INFRINGEMENT OF JUDICIAL DECISIONS

Article 520: Refusal to enforce judicial decisions

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

Article 521: Issuing unlawful order to detain or release

Unlawful issuance, in any form, of an order to detain or release a detainee by a public official or a holder of public elected office shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Article 522: Publication of commentaries intended to unlawfully coerce judicial authorities

The publication, prior to the pronouncement of a final judicial decision, of commentaries intending to put pressure on the court seised of the complaint, in order to influence its judicial decision shall be punishable by imprisonment from one month to six months, and a fine from one hundred thousand to one million Riels.

Article 523: Discrediting judicial decision

Criticizing a judicial letter or decision aiming at disturbing public order or endangering an institution of the Kingdom of Cambodia shall be punishable by imprisonment from one month to six months and a fine from one hundred thousand to one million Riels.

Failure to enforce a judicial decision shall be punishable by the same penalties defined in Paragraph 523(1) above.

Article 524: False denunciation to judicial authorities

False denunciation made to a judicial or administrative authority of a fact constituting an offence, where such denunciation leads to a frivolous investigation shall be punishable by imprisonment from one month to six months, and a fine from one hundred thousand to one million Riels.

Article 525: Attempt

An attempt to commit the misdemeanours defined from Article 520 (Refusal to enforce judicial decisions) to Article 524 (False denunciation to judicial authorities) of this Code shall be punishable by the same penalties.

Article 526: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the misdemeanours defined in this Section:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;
- (4) prohibition from possessing or carrying any weapon, explosive or ammunition, either permanently or for a period not exceeding five years;
- (5) publication of sentencing decision for a period not exceeding two months;
- (6) publication of sentencing decision in the print media;
- (7) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

CHAPTER 2

OFFENCES AGAINST JUDICIAL PROCESSES

SECTION 1

FILING OF COMPLAINTS BEFORE COURTS

Article 527: Intimidation in order to prevent filing of complaint

Any threat or intimidation made against a victim with a view to persuading him or her not to file a complaint or to withdraw it shall be punishable by imprisonment from one to three years, and a fine from two million to six million Riels.

It shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels if the act was effective.

Article 528: Omission to file complaint against a felony or misdemeanour by public official

Any public official or holder of public elected office who, having knowledge of a felony or a misdemeanour through the exercise or on the occasion of his or her function, omits to inform

the judicial authority or other competent authorities, shall be punishable by imprisonment from one to three years and a fine from two million to six million Riels.

Article 529: Omission to file complaint against a felony and exceptions

Any person who, having knowledge of a felony the consequences of which is still possible to prevent or limit, omits to inform the judicial authority or other competent authorities, shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels.

However, the following persons are exempted from penalty:

- (1) the ascendant and descendant, and the brothers and sisters of the perpetrator, co-perpetrator, instigator or accomplice to the felony;
- (2) the spouse of the perpetrator, coperpetrator, instigator or accomplice to the felony;
- (3) persons bound by a legal obligation of professional secrecy.

Article 530: Omission to file complaint against mistreatment of minor

Any person who, having knowledge of maltreatment or sexual assaults inflicted upon a minor under fifteen years of age, omits to inform the judicial authority or other competent authorities shall be punishable by imprisonment from one to three years and a fine from two million to six million Riels.

SECTION 2

GATHERING OF EVIDENCE

Article 531: Concealment of corpse

The concealment or hiding of the corpse of a victim of a homicide or of a person who has died as a result of acts of violence shall be punishable by imprisonment from six months to two years and a fine from one million to four million Riels.

Article 532: Concealment of evidence

Modifying the scene of a felony or a misdemeanour either by the alteration, concealment or destruction of clues or marks where it is done in order to obstruct the discovery of the truth, shall be punishable by imprisonment from one to three years and a fine from two million to six million Riels.

Article 533: Destruction of exhibit

Destroying, displacing or removing any given object from the scene of a felony or a misdemeanour, where it is done in order to obstruct the discovery of the truth, shall be punishable by imprisonment from one to three years and a fine from two million to six million Riels.

Article 534: Destruction of document

Intentionally destroying, purloining, or altering a document or an object liable to facilitate the discovery of a felony or a misdemeanour, the identification of perpetrator or his or her arrest shall be punishable by imprisonment from one to three years and a fine from two million to six million Riels.

Article 535: Breaking of seal

The breaking of seal affixed by the competent authority shall be punishable by imprisonment from six months to two years and a fine from one million to four million Riels.

Article 536: Destruction or misappropriation of object placed under seal

The destruction or misappropriation of an object placed under seal affixed by the competent authority shall be punishable by imprisonment from six months to two years and a fine from one million to four million Riels.

Article 537: Refusal to respond to questions

A person who, having publicly declared that he or she knows the perpetrator, copерpetrator, instigator or accomplice of a felony or a misdemeanour, refuses to respond to questions put to him or her in this respect by a judge shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels.

Article 538: Refusal to appear

Any person, summonsed to be heard as a witness before a prosecuting authority, an investigating judge or a criminal court, refuses to appear without proper justification shall be punishable by imprisonment from one month to six months and a fine from one hundred thousand to one million Riels.

Article 539: Failure to provide exculpatory evidence and exceptions

Any person who, having evidence that a charged person, an accused or a convicted person is innocent, abstains from presenting the evidence before the judicial authority or other competent authorities shall be punishable by imprisonment from one to three years and a fine from two million to six million Riels.

However, the following persons are exempted from penalty:

- (1) the perpetrator, co-perpetrator, instigator or accomplice to the offence that led to the prosecution;
- (2) the ascendant and descendant, and the brothers and sisters of the perpetrator, co-perpetrator, instigator or accomplice;
- (3) the spouse of the perpetrator, copерpetrators, instigator or accomplice;
- (4) persons bound by an obligation of professional secrecy.

Article 540: Using identity of another person

Assuming the name of another person in circumstances that lead or could have led to the initiation of a criminal prosecution against such a person shall be punishable by imprisonment from one to three years and a fine from two million to six million Riels.

Article 541: Refusal to follow official orders

The driver of a vehicle who refuses to follow the order to stop issued by a police officer or a military police officer who, wearing a clearly visible police or military police uniform or emblem, is in search for evidence shall be punishable by imprisonment from six days to three months and a fine from ten thousand to five hundred thousand Riels.

Article 542: Refusal by driver to be examined

The driver of a vehicle who refuses to have himself or herself or his or her vehicle examined by a police officer or a military police officer who, wearing a clearly visible police or military police uniform or emblem, is in search for evidence shall be punishable by imprisonment from six days to three months and a fine from ten thousand to five hundred thousand Riels.

Article 543: Evasion

The driver of a terrestrial vehicle, or a maritime craft who, knowing that he or she has just caused an accident or damage, fails to stop and thereby attempts to evade any civil or criminal liability, shall be punishable by imprisonment from six months to two years and a fine from one million to four million Riels.

Article 544: Providing assistance to perpetrator and exceptions

Providing the perpetrator, co-perpetrator, instigator or accomplice to a felony with:

- (1) accommodation;
- (2) a hiding-place;
- (3) the means of existence; or
- (4) any other means of evading a search or an arrest;

shall be punishable by imprisonment from one to three years and a fine from two million to six million Riels.

However, the following persons are exempted from penalty:

- (1) the ascendant and descendant, and the brothers and sisters of the perpetrator, co-perpetrator, instigator or accomplice to the felony;
- (2) the spouse of the perpetrator co- perpetrator, instigator or accomplice to the felony.

Article 545: Providing raise testimony and exceptions

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

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

Article 546: Intimidating witness

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

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

Article 547: Bribery by witness to provide raise testimony

The direct or indirect request or acceptance of a gift, offer, promise or interest by a witness in order:

- (1) not to testify;
- (2) to provide a false testimony; shall be punishable by imprisonment from five to ten years.

Article 548: Bribery of witness

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

- (1) not to testify;
- (2) to provide a false testimony;

shall be punishable by imprisonment from five to ten years.

Article 549: Coerced publication intended to influence witness

The coerced publication, prior to the pronouncement of the final judicial decision, of commentaries intended to influence the statement of a witness shall be punishable by imprisonment from six days to one month and a fine from ten thousand to one hundred thousand Riels.

SECTION 3

INTERPRETATION/TRANSLATION AND EXPERT REPORTS

Article 550: Misrepresentation by Interpreter/translator

The intentional misrepresentation of the substance of the translated words or documents committed by an interpreter/translator shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Article 551: Falsification by expert

The falsification of any data or findings by an expert in his or her written report or oral presentation shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Article 552: Intimidating expert or interpreter/translator

Intimidating an expert or an interpreter/translator in order to influence his or her conduct in exercising his or her function shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

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

Article 553: Bribery by interpreter/translator

The direct or indirect request or acceptance of a gift, offer, promise or interest by an interpreter/translator in order to misrepresent the substance of the translated words or documents shall be punishable by imprisonment from five to ten years.

Article 554: Bribery of interpreter/translator

The direct or indirect giving of a gift, offer, promise or interest by a person to an interpreter/translator in order to misrepresent the substance of the translated words or documents shall be punishable by imprisonment from five to ten years.

Article 555: Bribery by expert

The direct or indirect request or acceptance of a gift, offer, promise or interest by an expert in order to falsify any data or findings in his or her written report or oral presentation shall be punishable by imprisonment from five to ten years.

Article 556: Bribery of expert

The direct or indirect giving of a gift, offer, promise or interest by a person to an expert in order to falsify any data or findings in his or her written report or oral presentation shall be punishable by imprisonment from five to ten years.

SECTION 4

ATTEMPT AND ADDITIONAL PENALTIES

Article 557: Attempt

An attempt to commit the misdemeanours defined in Article 527 (Intimidation in order to prevent filing of complaint), Article 531 (Concealment of corpse), Article 536 (Destruction or misappropriation of object placed under seal), Article 540 (Using identity of another person) and Article 544 (Providing assistance to perpetrator and exceptions) of this Code shall be punishable by the same penalties.

Article 558: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Chapter:

(1) forfeiture of certain rights, either permanently or for a period not exceeding five years;

(2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;

(3) local exclusion for a period not exceeding ten years for a felony and not exceeding five years for a misdemeanour;

(4) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;

(5) confiscation of the objects or funds which is the subject of the offence;

(6) confiscation of the proceeds or property arising out of the offence;

(7) confiscation of one or more vehicles belonging to the convicted person;

(8) prohibition from possessing or carrying any weapon, explosive or ammunition, either permanently or for a period not exceeding five years;

(9) publication of sentencing decision for a period not exceeding two months;

(10) publication of sentencing decision in the print media;

(11) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

Article 559: Criminal responsibility of legal entities

Legal entities may be found criminally responsible under Article 42 (Criminal responsibility of legal entities) for offences defined in Article 548 (Bribery of witness), Article 554 (Bribery of interpreter/translator) and Article 556 (Bribery of expert) of this Code.

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

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

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

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

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

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

(6) confiscation of the items or funds which were the subject of the offence pursuant to Article 178 (Ownership, sale and destruction of items confiscated) and Article 179 (Confiscation and rights of third parties) of this Code;

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

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

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

CHAPTER 3

OFFENCES RELATED TO DETENTION

SECTION 1

ESCAPE

Article 560: Definition of escape

Escape occurs when a detainee absconds from custody by any means.

It also constitutes an escape when the above means is committed by a third party.

A person is considered a detainee when he or she:

- (1) is in custody;
- (2) is about to be or is being brought before a judicial authority at the end of the custody or pursuant to an order to bring or an arrest warrant;
- (3) has been served a detention order or an arrest warrant;
- (4) is serving a prison sentence or who has been arrested to serve that sentence;
- (5) is placed in custody pending extradition;
- (6) is placed on day release under Article 127 (Availability of day release) of this Code;

Article 561: Applicable penalty

Escape shall be punishable by imprisonment from one to three years and a fine from two million to six million Riels.

Article 562: Acts amounting to escape

The following are deemed to be an escape and shall be punishable by the same penalties:

- (1) A detainee placed in a hospital or health institution, or other places such as a court, police or military police office, absconds from supervision;
- (2) A convicted person fails to return to the penitentiary at the end of a period of day release, suspended sentence or instalment arrangement, or permission to leave the penitentiary.

SECTION 2

AGGRAVATING CIRCUMSTANCES IN CONNECTION WITH ESCAPE AND FACILITATION OF ESCAPE

Article 563: Intimidation by weapon or by concerted activity

Escape shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels, if it is committed under any of the following circumstances:

- (1) with the threat to use a weapon or an explosive; or
- (2) by several detainees in a concerted activity.

Article 564: Use of weapon

Escape shall be punishable by imprisonment from five to ten years where a weapon or an explosive was used.

Article 565: Procuring means of escape

Any person who facilitates or procures a detainee with any means of absconding from custody shall be punishable by imprisonment from one to three years and a fine from two million to six million Riels.

Article 566: Aggravating circumstances (procuring means of escape)

Supplying a detainee with a weapon, an explosive, incendiary substance, toxic substance or acid to be used as means of escape or to facilitate an escape shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Article 567: Facilitation of escape by supervisor

Any person exercising the supervision of a detainee who facilitates or plans his or her escape, even by deliberate omission, shall be punishable by imprisonment from five to ten years.

Article 568: Aggravating circumstances (facilitation of escape by supervisor)

Any person exercising the supervision of a detainee who supplies him or her with a weapon, an explosive, incendiary substance, toxic substance or acid to be used as means of escape or to facilitate an escape shall be punishable by imprisonment from seven to fifteen years.

Article 569: Facilitation of escape (persons authorized to enter prison)

Any person authorized by his or her position to enter a prison who facilitates or plans a detainee to escape, even by deliberate omission, shall be punishable by imprisonment from five to ten years.

Article 570: Aggravating circumstances (facilitation of escape by persons authorized to enter prison)

Any person authorized by his or her position to enter a prison who supplies a detainee with a weapon, an explosive, incendiary substance, toxic substance or acid to be used as means of escape or to facilitate an escape shall be punishable by imprisonment from seven to fifteen years.

SECTION 3**UNLAWFUL DELIVERY OF MONEY AND ITEMS TO DETAINEES****Article 571: Unlawful delivery and aggravating circumstances**

Any person who delivers or sends to a detainee any money, correspondence, item or substance other than those permitted by the regulations shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels.

The offences above shall be punishable by imprisonment from one to two years and a fine from two million to four million Riels if they are committed:

- (1) by a person exercising the supervision of a detainee;

(2) by a person authorized by his or her position to enter a prison.

Article 572: Unlawful receiving and aggravating circumstances

Any person who receives from a detainee any money, correspondence, item or substance other than those permitted by the regulations shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels.

The offences above shall be punishable by imprisonment from one to two years and a fine from two million to four million Riels if they are committed:

- (1) by a person exercising the supervision of a detainee;
- (2) by a person authorized by his or her position to enter a prison.

SECTION 4

ATTEMPT AND PENALTIES

Article 573: Attempt

An attempt to commit the misdemeanours defined in this Chapter shall be punishable by the same penalties.

Article 574: Exemption from penalty

Any person who has attempted to commit, either as perpetrator, co-perpetrator, instigator or accomplice, any of the offences defined in Article 561 (Applicable penalty) and from Article 563 (Intimidation by weapon or by concerted activity) to Article 570 (Aggravating circumstances (facilitation of escape by persons authorized to enter prison)) of this Code shall be exempted from penalty if, after informing the judicial or administrative authorities, the escape was prevented.

Article 575: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Chapter:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) local exclusion for a period not exceeding ten years for a felony and not exceeding five years for a misdemeanour;
- (4) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;
- (5) confiscation of the objects or funds which is the subject of the offence;
- (6) confiscation of the proceeds or property arising out of the offence;
- (7) confiscation of one or more vehicles belonging to the convicted person;
- (8) prohibition from possessing or carrying any weapon, explosive or ammunition, either permanently or for a period not exceeding five years;
- (9) publication of sentencing decision for a period not exceeding two months;

- (10) publication of sentencing decision in the print media;
- (11) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

CHAPTER 4

BREACH Of CERTAIN JUDICIAL DECISIONS

Article 576: Breach of local exclusion

The appearance in a prohibited place prescribed by a judicial authority by any person subject to local exclusion shall be punishable by imprisonment from one to two years and a fine from two million to four million Riels.

Article 577: Failure to respect supervision measures

Any person subject to local exclusion who evades any supervision measure prescribed by a judicial authority shall be punishable by imprisonment from one to two years and a fine from two million to four million Riels.

Article 578: Violation of publication of sentencing decision

Where a judgement has ordered as a penalty the publication of sentencing decision, the destruction, concealing or tearing of such publication shall be punishable by imprisonment from one month to six months and a fine from one hundred thousand to one million Riels.

Article 579: Violation of prohibition to practice profession

Where a prohibition to practice a profession has been ordered as a penalty by a judicial authority, any violation of the prohibition shall be punishable by imprisonment from one to two years and a fine from two million to four million Riels.

Article 580: Violation of penalty to forfeit certain rights

Any breach by the convicted person of any obligations or prohibitions arising from suspension of a driving license, the prohibition to possess or to carry a weapon, explosive or ammunition, the prohibition to issue cheques, the closure of premises or the disqualification from public tenders shall be punishable by imprisonment from one to two years and a fine from two million to four million Riels.

Article 581: Failure to adhere to confiscation orders

The destruction, concealment or misappropriation of confiscated items shall be punishable by imprisonment from one to two years and a fine from two million to four million Riels.

Article 582: Refusal to surrender driving license

Refusal to surrender to the competent authorities a suspended driving license or a confiscated item by failing to comply with a judicial decision in force shall be punishable by imprisonment from one to two years and a fine from two million to four million Riels.

Article 583: Breach of community service obligation

Breach by the convicted person of the obligations derived from community service imposed shall be punishable by imprisonment from one to two years and a fine from two million to four million Riels.

Article 584: Breach of obligations imposed upon legal entity

Where obligations or prohibitions have been imposed upon a legal person, breach by a natural person of such obligations or prohibitions shall be punishable by imprisonment from one to two years and a fine from two million to four million Riels.

Article 585: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the misdemeanours defined in this Chapter:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) publication of sentencing decision for a period not exceeding two months;
- (3) publication of sentencing decision in the print media;
- (4) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

TITLE 3

INFRINGEMENT OF THE FUNCTIONING OF PUBLIC ADMINISTRATION

CHAPTER 1

INFRINGEMENT OF PUBLIC

ADMINISTRATION BY REPRESENTATIVE OF PUBLIC AUTHORITIES

SECTION 1

DERELICTION OF DUTIES

SUB-SECTION 1

ABUSE OF POWER

Article 586: Measures to obstruct law enforcement and aggravating circumstances

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

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

Article 587: Unlawful continuation of functions

The continued exercise of an office by a public official or a holder of public elected office, after having been officially informed of the decision terminating his or her functions, shall be punishable by imprisonment from six months to two years and a fine from one million to four million Riels.

SUB-SECTION 2

ABUSE OF POWER AGAINST INDIVIDUALS

Article 588: Infringement of personal freedom

The arbitrary act of violation of personal freedom committed by a public official or a holder of public elected office, acting in the exercise or on the occasion of his or her function, shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Article 589: Refusal to release unlawfully detained person

The unlawful deprivation of liberty, the wilful failure either to put an end to such deprivation when he or she has the power, or the wilful failure to bring about the intervention of a competent authority, by a public official or a holder of public elected office who has knowledge of such deprivation in the course of or on the occasion of his or her function, shall be punishable by imprisonment from one to three years and a fine from two million to six million Riels.

Article 590: Unlawful detention or release

The reception or retention of a person by an agent of the prison administration, without a warrant, a judgement, a detention order or a release order drafted in conformity with the law shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Article 591: Prolongation of unlawful detention

The unlawful prolongation of detention of a person by an agent of the prison administration shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

SECTION 2

CORRUPTION AND RELATED OFFENCES

SUB-SECTION 1

MISAPPROPRIATION OF PUBLIC FUNDS

Article 592: Definition of misappropriation of public funds

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

(1) to demand or receive as entitlements, duties or taxes of any sum known not to be due, or known to exceed the due amount;

(2) to grant, in any form and for any reason, any exoneration or exemption from duties or taxes in breach of law.

Article 593: Applicable penalty

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

SUB-SECTION 2

ACCEPTANCE BRIBERY

Article 594: Acceptance of bribery

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

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

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

SUB-SECTION 3

PASSIVE TRADING IN INFLUENCE

Article 595: Definition of passive trading in influence

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

Article 596: Applicable penalty

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

SUB-SECTION 4

UNLAWFUL EXPLOITATION

Article 597: Definition of unlawful exploitation

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

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

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

Article 598: Applicable penalty

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

SUB-SECTION 5**FAVOURITISM****Article 599: Definition of favouritism**

Favouritism is the act committed by a public official or a holder of public elected office to obtain for others an unlawful advantage in respect of public tenders.

Article 600: Applicable penalty

Favouritism shall be punishable by imprisonment from six months to two years and a fine from one million to four million Riels.

SECTION 3**DESTRUCTION AND EMBEZZLEMENT****Article 601: Intentional destruction and embezzlement**

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

Article 602: Unintentional destruction or loss

The unintentional destruction or loss of a document or security, of private or public funds, or of any other item entrusted to him or her, committed by a public official or a holder of public elected office shall be punishable by imprisonment from one month to six months and a fine from one hundred thousand to one million Riels.

SECTION 4**ATTEMPT AND PENALTIES****Article 603: Attempt**

An attempt to commit the misdemeanours defined in this Chapter shall be punishable by the same penalties, except for the misdemeanours defined in Article 589 (Refusal to release unlawfully detained person) and Article 602 (Unintentional destruction or loss) of this Code.

Article 604: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Chapter:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;
- (4) confiscation of the objects or funds which is the subject of the offence;
- (5) confiscation of the proceeds or property arising out of the offence;
- (6) confiscation of one or more vehicles belonging to the convicted personal;
- (7) prohibition from possessing or carrying any weapon, explosive or ammunition, either permanently or for a period not exceeding five years;
- (8) publication of sentencing decision for a period not exceeding two months;
- (9) publication of sentencing decision in the print media;
- (10) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

CHAPTER 2

OFFENCES AGAINST PUBLIC ADMINISTRATION BY INDIVIDUALS

SECTION 1

CORRUPTION AND RELATED OFFENCES

SUB-SECTION 1

PROFFERING OF BRIBES

Article 605: Proffering of bribes

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

- (1) to perform an act pertaining to or facilitated by his or her function;
 - (2) to refrain from performing an act pertaining to or facilitated by his or her function;
- shall be punishable by imprisonment from five to ten years.

SUB-SECTION 2

ACTIVE TRADING IN INFLUENCE

Article 606: Active trading in influence

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

SUB-SECTION 3

INTIMIDATION

Article 607: Intimidation

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

- (1) to perform an act pertaining to his or her function;
- (2) to refrain from performing an act pertaining to his or her function;
- (3) to use his or her real or supposed influence with a view to obtaining public tenders, emblem or any other favourable decision;

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

SECTION 2

DESTRUCTION AND EMBEZZLEMENT

Article 608: Destruction and embezzlement

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

SECTION 3

INTERFERENCE IN PUBLIC FUNCTIONS AND OFFICIAL POSITIONS

Article 609: Unlawful interference in the discharge of public functions

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

Article 610: Activities causing misapprehension with the discharge of public functions

Any person who conducts an activity in conditions liable to cause in the mind of the public a misapprehension with the discharge of a public function shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels.

Article 611: Use of letter or document causing misapprehension

Any person who uses letters or written documents presenting a similarity to judicial documents or to administrative documents, liable to cause misapprehension in the mind of the public shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels.

Article 612: Unlawful use of costume designated for public authority

Any person who, without authorization, wears in public a costume, uniform or decoration designated for a public authority shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels.

Article 613: Unlawful use of certificate of profession

Any person who, without authorization, publicly uses a document certifying a profession regulated by the public authority shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels.

Article 614: Unauthorized use of emblem regulated by public authority

Any person who, without authorization, publicly uses an emblem regulated by the public authority shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels.

Article 615: Unauthorized use of vehicle with emblem used by police or military

Any person who, without authorization, uses a vehicle displaying an outwardly visible emblem used by the police or the military shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels.

Article 616: Use of uniform similar to police or military uniform

Any person who, without authorization, wears in public a costume, uniform, identity card, badge or vehicle which bears a resemblance to the costumes, uniforms, identity cards, badges or vehicles reserved for the police or the military, thus liable to cause misapprehension in the mind of the public shall be punishable by imprisonment from one month to six months and a fine from one hundred thousand to one million Riels.

Article 617: Aggravating circumstances (planning of felony or misdemeanour)

The offences defined in Article 611 (Use of letter or document causing misapprehension) to Article 616 (Use of uniform similar to police or military uniform) shall be punishable by imprisonment from one to three years and a fine from two million to six million Riels where their intent is to plan or facilitate the commission of a felony or a misdemeanour.

Article 618: Unauthorized use of official certificate of profession regulated by public authority

The unauthorized use of an official certificate of a profession regulated by the public authority shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels.

Article 619: Unauthorized use of diploma

The unauthorized use of a diploma or qualification of which the conditions of attribution are fixed by the public authority shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels.

Article 620: Irregular of title

A penalty of imprisonment from one month to one year and a fine from one hundred thousand to two million Riels shall be imposed on the manager of an enterprise, who makes available or maintains in an enterprise's public advertisement in the interest of that enterprise, the name and title of a member or a former member of the Royal Government, the Assembly, the Senate, or of a judge or a former judge.

Article 621: Use of identity different from official identity in public affairs

The use of an identity other than the official identity in a public document or in a document to be submitted to the public authority shall be punishable by imprisonment from one month to six months and a fine from one hundred thousand to one million Riels.

SECTION 4**SHIFTING BOUNDARY POSTS****Article 622: Shifting boundary post**

Removing or shifting a boundary post erected by the public authority shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels.

SECTION 5**ATTEMPT AND PENALTIES****Article 623: Attempt**

An attempt to commit the misdemeanours defined in this Chapter shall be punishable by the same penalties.

Article 624: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Chapter:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;
- (4) confiscation of the objects or funds which is the subject of the offence;
- (5) confiscation of the proceeds or property arising out of the offence;
- (6) confiscation of one or more vehicles belonging to the convicted person;
- (7) prohibition from possessing or carrying any weapon, explosive or ammunition, either permanently or for a period not exceeding five years;
- (8) publication of sentencing decision for a period not exceeding two months;

- (9) publication of sentencing decision in the print media;
- (10) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

Article 625: Criminal responsibility of legal entities

Legal entities may be found criminally responsible under Article 42 (Criminal responsibility of legal entities) of this Code for the offences defined in Article 605 (Proffering of bribes), Article 606 (Active trading in influence) and Article 607 (Intimidation) of this Code.

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

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

TITLE 4

INFRINGEMENT OF PUBLIC CONFIDENCE

CHAPTER 1

FORGERY

SECTION 1

FORGERY OF DOCUMENTS

Article 626: Definition of forgery

Forgery consists of any fraudulent alteration of the truth, liable to cause harm and made by any means in a document or other medium of expression when all the following conditions are satisfied:

- (1) where the forgery is intended or its effect is to provide evidence of a right or of an act carrying legal consequences;
- (2) where the harm may cause damage.

Article 627: Applicable penalty

Forgery shall be punishable by imprisonment from one to three years and a fine from two million to six million Riels.

Article 628: Use of forged document

The use of forged documents shall be punishable by imprisonment from one to three years and a fine from two million to six million Riels.

Article 629: Forgery of public document

Forgery committed in an authenticated document or a document issued by a public body for the purpose of establishing a right, an identity or a capacity, or to grant an authorisation shall be punishable by imprisonment from five to ten years.

Article 630: Use of forged public document

The use of a forgery defined in Article 629 (Forgery of public document) of this Code shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Article 631: Fraudulent delivery of document

Fraudulently procuring for another person a document issued by a public body for the purpose of establishing a right, an identity or a capacity, or the grant of an authorisation shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Article 632: Fraudulent request for document

Fraudulently obtaining from a public body any document intended to establish a right, an identity or a capacity, or to grant an authorisation shall be punishable by imprisonment from six months to two years and a fine from one million to four million Riels.

Article 633: False declaration

Providing a false declaration to a public body for the purpose of obtaining an allowance, a payment or any unlawful advantage shall be punishable by imprisonment from six months to two years and a fine from one million to four million Riels.

Article 634: Delivery of forged document

Except for the provisions defined in this Section, making an attestation or a certificate stating facts that are materially inaccurate shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels.

Article 635: Forging attestation

Forging an attestation or a certificate shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels.

Article 636: Use of falsified or forged attestation

The use of a falsified or forged attestation or certificate shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels.

Article 637: Bribery by authorized person to issue falsified attestation

Any person who, acting in the exercise of his or her profession, requests or accepts offers, gifts, promises or interests of any kind to produce an attestation or a certificate stating facts that are materially inaccurate shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Article 638: Bribery of authorized person to issue falsified attestation

Any person who makes offers, gifts, promises or interests of any kind to another person to produce an attestation or a certificate stating facts that are materially inaccurate shall be punishable by imprisonment from one to three years and a fine from two million to six million Riels.

Article 639: Bribery by member of board of medical practitioners to issue falsified attestation

Any medical practitioner or member of the board of medical practitioners who requests or accepts offers, gifts, promises or interests of any kind to produce an attestation or a certificate stating facts that are materially inaccurate shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Article 640: Bribery of member of board of medical practitioners to issue falsified attestation

Any person who makes offers, gifts, promises or interests of any kind to a medical practitioner or member of the board of medical practitioners to produce an attestation or a certificate stating facts that are materially inaccurate shall be punishable by imprisonment from one to three years and a fine from two million to six million Riels.

Article 641: Application of misdemeanour in Article 639 and Article 640 for all medical professions

The provisions of Article 639 (Bribery by member of board of medical practitioners to issue falsified attestation) and Article 640 (Bribery of member of board of medical practitioners to issue falsified attestation) of this Code are applicable to all medical practitioners.

Article 642: Attempt

An attempt to commit the misdemeanours defined in Article 632 (Fraudulent request for document), Article 638 (Bribery of authorized person to issue falsified attestation) and Article 640 (Bribery of member of board of medical practitioners to issue falsified attestation) of this Code shall be punishable by the same penalties.

Article 643: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) local exclusion for a period not exceeding ten years for a felony and not exceeding five years for a misdemeanour;
- (4) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;
- (5) confiscation of the objects or funds which is the subject of the offence;
- (6) confiscation of the proceeds or property arising out of the offence;
- (7) confiscation of one or more vehicles belonging to the convicted person;
- (8) publication of sentencing decision for a period not exceeding two months;
- (9) publication of sentencing decision in the print media;
- (10) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

Article 644: Criminal responsibility of legal entities

Legal entities may be found criminally responsible under Article 42 (Criminal responsibility of legal entities) for the offences defined in Article 638 (Bribery of authorized person to issue falsified attestation) and Article 640 (Bribery of member of board of medical practitioners to issue falsified attestation) of this Code.

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

- (1) dissolution pursuant to Article 110 (Dissolution and liquidation of legal entities) of this Code;
- (2) placement under judicial supervision pursuant to Article 171 (Placement under judicial supervision) of this Code;
- (3) prohibition from exercising one or more activities pursuant to Article 172 (Prohibition from carrying on activities) of this Code;
- (4) disqualification from public tenders pursuant to Article 173 (Disqualification from public tenders) of this Code;
- (5) prohibition from making a public offering pursuant to Article 174 (Prohibition from making a public offering) of this Code;
- (6) confiscation of the items or funds which were the subject of the offence pursuant to Article 178 (Ownership, sale and destruction of items confiscated) and Article 179 (Confiscation and rights of third parties) of this Code;

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

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

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

SECTION 2

COUNTERFEIT CURRENCY AND BANKNOTES

Article 645: Counterfeiting currency being legal tender

The counterfeiting of banknotes or coins being legal tender in the Kingdom of Cambodia shall be punishable by imprisonment from fifteen to thirty years or by life imprisonment.

Article 646: Counterfeiting banknotes being legal tender

The counterfeiting of banknotes being legal tender issued by authorized international or foreign institutions shall be punishable by imprisonment from ten to twenty years.

Article 647: Circulating counterfeit currency and banknotes

Circulation of counterfeit currency or banknotes as defined in Article 645 (Counterfeiting currency being legal tender) and Article 646 (Counterfeiting banknotes being legal tender) shall be punishable by imprisonment from five to ten years.

Where the offence was committed by an organised criminal enterprise, it shall be punishable by imprisonment from ten to twenty years.

Article 648: Stockpiling counterfeit currency and banknotes

Transporting or stockpiling with a view to putting into circulation any counterfeit currency or banknotes defined in Article 645 (Counterfeiting currency being legal tender) and Article 646 (Counterfeiting banknotes being legal tender) of this Code shall be punishable by imprisonment from five to ten years.

Where the offence was committed by an organised criminal enterprise, it shall be punishable by imprisonment from ten to twenty years.

Article 649: Counterfeiting currency and banknotes no longer being legal tender

The counterfeiting of currency or banknotes which are no longer legal tender shall be punishable by imprisonment from one to three years and a fine from two million to six million Riels.

Article 650: Unlawful possession of equipment for manufacturing currency and banknotes

The unauthorised possession of equipment or any other object specially designed for the manufacture of currency or banknotes shall be punishable by imprisonment from five to ten years.

Article 651: Recirculation of counterfeit currency and banknotes

Any person who receives counterfeit currency or banknotes defined in Article 645 (Counterfeiting currency being legal tender) and Article 646 (Counterfeiting banknotes being legal tender) of this Code and thinks they are authentic, puts them into circulation again knowing the same to be counterfeit shall be punishable by imprisonment from one day to six days and a fine from one hundred thousand to ten million Riels.

Article 652: Exception from penalty

Any person who has attempted to commit one of the offences defined this Section is exempted from penalty if, having informed the judicial or administrative authorities, he or she has made it possible to prevent the offence and to identify the other offenders.

Article 653: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) local exclusion for a period not exceeding ten years for a felony and not exceeding five years for a misdemeanour;
- (4) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;
- (5) confiscation of the objects or funds which is the subject of the offence;
- (6) confiscation of the proceeds or property arising out of the offence;
- (7) confiscation of one or more vehicles belonging to the convicted person;
- (8) prohibition from possessing or carrying any weapon, explosive or ammunition, either permanently or for a period not exceeding five years;
- (9) publication of sentencing decision for a period not exceeding two months;
- (10) publication of sentencing decision in the print media;
- (11) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

CHAPTER 2

FORGING DOCUMENTS OF PUBLIC AUTHORITIES

SECTION 1

FORGING BONDS AND POSTAL STAMPS

Article 654: Forging bonds of the Kingdom of Cambodia

The forgery of bonds issued by the Kingdom of Cambodia shall be punishable by imprisonment from ten to twenty years.

Article 655: Forging foreign bonds

The forgery of bonds issued by foreign states shall be punishable by imprisonment from five to ten years.

Article 656: Use of forged bonds

The use of forged bonds shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Article 657: Forging postal stamps

The forgery of postal stamps or other postal fiduciary products issued by the Kingdom of Cambodia shall be punishable by imprisonment from one to five years and a fine from five million to twenty million Riels.

Article 658: Use of forged postal stamps

The use of forged postal stamps or other postal fiduciary products shall be punishable by imprisonment from one month to one year and a fine from one million to five million Riels.

Article 659: Attempt

An attempt to commit the misdemeanours defined in this Section shall be punishable by the same penalties.

Article 660: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) local exclusion for a period not exceeding five years;
- (4) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;
- (5) confiscation of the objects or funds which is the subject of the offence;
- (6) confiscation of the proceeds or property arising out of the offence;
- (7) confiscation of one or more vehicles belonging to the convicted person;
- (8) prohibition from possessing or carrying any weapon, explosive or ammunition, either permanently or for a period not exceeding five years;
- (9) publication of sentencing decision for a period not exceeding two months;
- (10) publication of sentencing decision in the print media;
- (11) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

SECTION 2

FORGING EMBLEMS OF AUTHORITIES

Article 661: Forging official seal of the Kingdom of Cambodia

The forgery of the official seal of the Kingdom of Cambodia shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Article 662: Use of forged seal

The use of forged seal of the Kingdom of Cambodia shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Article 603: Forging official letterhead

The forgery of official letterhead used by the public authorities shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels.

Article 664: Use of forged official letterhead

The use of forged official letterhead used by public authorities shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels.

Article 665: Manufacture of printed paper causing misapprehension

The manufacture, sale, distribution or use of printed papers which so closely resemble papers carrying a heading used by the public authorities, liable to cause misapprehension in the mind of the public shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels.

Article 666: Attempt

An attempt to commit the misdemeanours defined in this Section shall be punishable by the same penalties.

Article 667: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

- (1) forfeiture of certain rights, either permanently or for a period not exceeding five years;
- (2) prohibition from practising a profession in the practice of or in connection with which the offence was committed, either permanently or for a period not exceeding five years;
- (3) local exclusion for a period not exceeding ten years for a felony and not exceeding five years for a misdemeanour;

- (4) confiscation of any instruments, materials or items which were used or intended to be used to commit the offence;
- (5) confiscation of the objects or funds which is the subject of the offence;
- (6) confiscation of the proceeds or property arising out of the offence;
- (7) confiscation of one or more vehicles belonging to the convicted person;
- (8) prohibition from possessing or carrying any weapon, explosive or ammunition, either pennanctly or for a period not exceeding five years;
- (9) publication of sentencing decision for a period not exceeding two months;
- (10) publication of sentencing decision in the print media;
- (11) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

BOOK 5
TRANSITIONAL PROVISIONS
SINGLE CHAPTER
TRANSITIONAL PROVISIONS

Article 668: Application of other criminal legislation

Other criminal legislation and criminal provisions in force shall be applicable to the offences defined and punished under such legislation and provisions.

In the event of conflict between other criminal legislation and criminal provisions and the provisions of this Code, the provisions of Book 1 (General Provisions) of this Code shall prevail.

The provision of paragraph 668(2) above shall not be applicable to special criminal legislation.

Article 669: Time limit for statute of limitations of sentence

The statute of limitations of a sentence for offences pronounced after the entry into force of the Code of Criminal Procedure shall be governed by the provisions of this Code.

Article 670: Extension of application of Book 1 (General Provisions) of this Code

All criminal provisions shall be governed by the provisions of Book 1 (General Provisions) of this Code, except where otherwise provided for by other provisions.

BOOK 6
FINAL PROVISION
SINGLE CHAPTER
FINAL PROVISION

Article 671: Abrogation and effect of previous criminal provisions

The following criminal law and provisions shall have no effect from the date of the application of this Code:

- (1) all criminal provisions before 1992;
- (2) criminal provisions of the provisions concerning judicial system, criminal law and criminal procedure applicable in the Kingdom of Cambodia during the transitional period adopted on 10 September 1992;
- (3) the law on aggravating circumstances of felonies promulgated by *Krom* No.0102/004 dated 7 January 2002.

During the application of this Code, only the incompatible parts of the provisions of other laws in force shall have no effect from the dated of the application of this Code.

However, the previous criminal provisions as defined in Paragraphs 671(1) and 671(2) above shall continue to have effect on offences committed before the application of this Code except for the provision in paragraph 668(2) (Application of other criminal legislation) of this Code.

Article 672: Application of this Code

Except for the general provisions of Book 1 (General Provisions) of this Code which shall immediately be applicable after the entry into force of this Code, other provisions shall be applicable one year after its entry into force.

Royal Palace, Phnom Penh 30 November 2009

Royal Signature and Seal
Norodom Sihamoni

No. 0911.1128

Respectfully submitted to the King for signature

Prime Minister

Signature

Samdaeb Akkak Moba Sena Padey Dekjo Hun Sen

Respectfully submitted to Samdach Akkak Moha Sena
Padey Dekjo Hun Sen

Prime Minister of the Kingdom of Cambodia

Justice Minister

Signature

Ang Vong Vathana

No. 1029 Ch.L

For Distribution

Phnom Penh, 02 December 2009

Under Secretary-General of the Government

Khun Chin Ken