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**Kingdom of Cambodia
Nation Religion King**

No. 0102/004

Royal Proclamation

We, Preah Bat Samdech Preah **Norodom Sihanouk**,
the King of the Kingdom of Cambodia

- Having understood the Constitution of the Kingdom of Cambodia
- Having understood the Royal Decree No. 1198/72 dated November 30, 1998 on the appointment of the Royal Government of the Kingdom of Cambodia
- Having understood the Royal Proclamation No. 02/94 dated July 20, 1994 promulgated the law on the preparation and functioning of the Council of Ministers
- Having understood the Royal Proclamation No. 0196/08 dated January 24, 1996 promulgated the law on the creation of the Ministry of Interior
- Having understood the letters submitted by Samdech Prime Minister of the Royal Government and Co-Ministers of Interior

Promulgated

The Law on Aggravating Circumstances of Crimes was adopted by the National Assembly on December 19, 2001 at the 7th plenary session, 2nd term and was decided not to consider by the Senate on December 06, 2001 at the 6th plenary session, 1st term because the law is not appropriate with the legal proceedings. But according to the first and second sentences of the new Article 113 of the Constitution, the National Assembly's permanent commission sees that the text of the Law on Aggravating Circumstances of Crimes which has already been examined by the National Assembly and has been refused to give an idea on the Contents of the Law by the Senate shall be considered as valid with the whole contents as follows:

Article 1.- Purpose

This law is in the purpose to define the aggravating circumstances of the crimes in order to strengthen the public security sector in the Kingdom of Cambodia.

Article 2.- Means to Prove Evidence

- 1- All witnesses with their names in the case including the justice police officers shall be allowed to speak to the court. The witnesses can be questioned by the civil party or advisers, the accused, or advisers and by the prosecutor.

- 2- During the hearing session, all evidence including the records from the justice police officers shall be taken to debate and those justice police officers' records cannot be considered as the evidence that cannot be rejected.
- 3- The confessions from the accused that are not matched with the original base of the evidence, despite they are in whatever cases, cannot be considered as the foundation for punishment. The confessions that are produced from coercions in any form shall be considered as null and void. The adviser of the accused shall make a request for the nullification to the judge before the trial.
- 4- The defender of the accused can bring in his/her witnesses to the court and can submit his/her evidence to the court.
- 5- All witnesses, both from the plaintiff and the defendant, can be subjected to being forced to appear in the court through a court warrant, in the case of refusing to follow the court's summon, he/she shall be punished with a fine from 50,000 (fifty thousand) Riel to 500,000 (five hundred thousand) Riel.

Article 3.- Premeditated Murders

- 1- Anyone who kills or attempts to kill another person after having carefully planned about his/her crime/s or having prepared an ambush or having killed or attempted to kill another person during the time he/she commits theft or rape shall be guilty of the premeditated murder crime and shall be liable to a punishment of imprisonment by requiring to work from 15 years to 20 years or life sentence.
- 2- Premeditation is a planned act, the act to assault on any individual physically. An ambush is the act of being on the lookout for any individual during any period of time to commit an act of violence against the individual.

Article 4.- Intentional Manslaughter

Anyone who intentionally kills people or attempts to intentionally kill another person without any of the aggravating circumstances as stated in Article 3, whether or not a weapon is used, shall be guilty of the intentional manslaughter crime and shall be liable to a punishment of imprisonment by requiring to work from 10 years to 15 years.

Anyone who intentionally and cruelly kills people in the same circumstance and place, resulting in the death of a person or many persons shall be guilty of the intentional manslaughter crime and shall be liable to a punishment of imprisonment by requiring to work from 15 years to 20 years or life sentence.

Article 5.- Rape

- 1- Anyone who rapes or attempts to rape another person of either sex shall be guilty of the rape crime and shall be liable to a punishment of imprisonment from 10 years to 15 years.
- 2- Rape is an act in all forms of penetration of the genital organ or other means carried out through cruelty, coercion, or surprise.

If the rape is carried out by threats with a weapon on pregnant women, ill persons, or mental perversion persons, physically disabled persons, or minors under 14 years old; by one or more perpetrators, or accomplices, or if it is

committed by someone who is powerful over the victim/s, the punishment shall be a term of imprisonment by requiring to work from 15 years to 20 years.

Article 6.- Robbery

Robbery is the acts of fraud and extortion to take other people's assets in all forms, either directly or indirectly, in the purpose to take the assets as one's own property.

Anyone who steals or attempts to steal from another person with the aggravating circumstances as follows:

- The theft is carried out by violence with a weapon or without a weapon, causing or not causing injuries.
- Or the theft is carried out by many persons, or by breaking in and destructing shall be guilty of the robbery crime and shall be liable to a term of imprisonment from 5 years to 10 years.
- The theft is carried out either by violence with a weapon or without a weapon, causing the death of the assets' owners, his/her family members, or protectors, keepers shall be guilty of the premeditated robbery crime and shall be liable to a term of imprisonment by requiring to work from 15 years to 20 years, or life sentence.

Article 7.- Kidnapping and Illegal Confinement of People

- 1- Anyone who, without an order from the court, arrests or detains, or confines any person shall be liable to a term of:
 - Imprisonment from 3 years to 5 years, if the confinement lasts less than 1 month.
 - Imprisonment from 5 years to 10 years, if the confinement or the detention lasts over 1 month.
- 2- Anyone who threatens in all forms, through any mean, to require that cash or assets be given in the purpose as he/she wishes shall be guilty of the kidnapping crime and shall be liable to a term of imprisonment from 5 years to 10 years.
- 3- Anyone who intentionally arrests one or many persons to detain or to confine them, or to threaten to torture them in all forms causing the death of anyone or not causing any death and to threaten the minor, or the victim to provide cash or assets or any other things in exchange for the purpose as he/she wishes shall be guilty of the crime of the kidnapping and illegal confinement of people and shall be liable to a term of imprisonment by requiring to work from 15 years to 20 years or life sentence.

Article 8.- Probation

Regarding the crimes and the crimes with the requirement to work, the judge shall not consider about the extenuating circumstances or the reduction of under minimum penalty, or the probation. For the misdemeanor, which is not severely affected the public order, can be wholly or partly reprieved. In this case, the person who has performed the crime shall not serve the sentence completely if he/she does not commit

any of the crimes as stated in the previous Articles during the period of 5 years after his/her conviction.

Article 9.-

Any provisions that are contrary to this law shall be considered as null and void.

Article 10.-

This law shall be declared as urgent.

Phnom Penh, January 07, 2002
On behalf of the King and the Royal Order

Acting Head of State
Signature
Chea Sim

Having submitted and requested for the King's Signature
Prime Minister
Signature
Hun Sen

Having Informed Samdech Prime Minister
Co-Ministers of Interior
Signatures
Sar Kheng You Hockry

No. 07
For copying to distribute
Phnom Penh, January 10, 2002
General Secretary of the Royal Government
Signature
Stamp
Nady Tan