



ច្បាប់

Law

ស្តីពី

on

ការគ្រប់គ្រងអាវុធ

The Management of Weapons,

គ្រឿងផ្ទុះ និង គ្រាប់រំសេច

Explosives and Ammunition

PREAH REACH KRAM

NS/RKM/0605/016

I, PREAH KARONA PREAH BATH SAMDECH PREAH BOROMNEATH NORODOM SIHAMOUNY SAMAN PHUME CHEATE SASNA RAKHATEYA KHEMARA RATH REASTR PUTHINTHREA THAREA MOHA KHSATH KHEMRACHNA SAMOHORPHEAS KAMPUCHEA EKREACH RATH BORANAK SANTE SOPHEAK MONGKULEA SEREI VIBOLEAR KHEMARA SREI PIREASTR PREAH CHAO KRONG KAMPUCHEA THIBDEI

- Seen the constitution of the Kingdom of Cambodia;
- Seen the Royal Decree No. NS/RKT/0704/124 dated July 15, 2004 on the appointment of the Royal Government of Cambodia;
- Seen the Royal Kram No. NS/RKM/94 dated July 20, 1994 promulgated the Law on the Organization and Functioning of the Council of Ministers;
- Seen the Royal Kram No. NS/RKM/019/08 dated January 24, 1996 promulgated the Law on the Establishment of Ministry of Interior;
- Seen the elaboration of Samdech Prime Minister of the Royal Government of Cambodia and of Excellency, Deputy Prime Minister and Co-Minister of Interior;

HEREBY PROMULGATE

The Law on Weapons, Explosives and Ammunition Management adopted by the National Assembly on April 26, 2005 during its 2nd plenary session of the 3rd legislature, and which the Senate approved on the form and judiciary of the Law on May 12, 2005 during the 9th plenary session of 1st Legislature of the Senate the whole meaning of which shall be as follows:

Chapter 1

General Provisions

Article 1:

This law aims at determining the management of weapons, explosives and ammunition of any and all types in the Kingdom of Cambodia.

Article 2:

This law governs the equipping, possession, carrying, use, purchase, sale, trading, loan, transfer, distribution, hiring, production, fabrication, repair, transportation, transit, importation, exportation, and stockpiling of weapons, explosives and ammunition of any and all types.

Article 3:

The terms used in this law shall have the following meanings:

- a- Weapons: Refer to all kinds of firearms produced or fabricated which can be used for killing or injuring human beings or causing damage to properties;
- b- Explosives and Ammunition of any and all kinds: Refer to devices or equipment produced or fabricated which can be used to cause harm to life or cause injury or cause damage to property;
- c- Chemical Weapons: All types of biological weapons and any other ammunition which contain chemical and biological substances produced or fabricated which may damage health, cause harm to life or cause damage to property and environment.
- d- Uniformed Armed Services: Refer to National Police Forces and the Royal Cambodian Armed Forces.
- e- Officials: Refer to Government employee within the framework of public functions and Judicial Officials and Officials of the various top institutions.
- f- Civil Population: Refers to those who are not covered by the fourth and the fifth paragraph.

Chapter 2

Management, Supply and Transportation of Weapons, Explosives and Ammunition

Article 4:

Equipping, possession, carrying, use, purchase, sale, trading, loan, transfer, rental, production, fabrication, repair, transportation, transit, import, export and stockpiling of weapons, explosives and ammunition of all its aspects by the civilian population are prohibited in the Kingdom of Cambodia.

Article 5:

The Civilian population may be allowed gun and explosives not covered by paragraph a, b and c of article 3 in this law:

- Gun and ammunition used for signal;
- Gun and ammunition used for sport activities;
- Gun with blank cartridges or buckshot fireworks launcher or gun designed for art performance;
- Explosives subjected to serve public services and civil engineering or decoration when fired;

Conditions and procedures for the implementation of this article shall be defined by sub-decree upon proposition of the Ministry of Interior.

Article 6:

Only Ministry of National Defense and Ministry of Interior shall be allowed to have clubs and fields for target shooting exercises.

Article 7:

Equipping, possession, carrying, use, purchase, sale, trading, loan, transfer, hiring, production, fabrication, repair, transportation, transit, import, export and stockpiling of weapons, explosives and ammunition of all types by the Uniformed Armed Services and Officials shall be covered by the provision of this law.

Article 8:

No foreigner shall be entitled to possess or use weapons, explosives and ammunition of any and all types in the Kingdom of Cambodia.

The Royal Government may, upon official request, provide for exception to body guards of the leader of foreign state such as: King, Queen, President, Head of State, Prime Minister and High Dignitaries who are paying a visit to the Kingdom of Cambodia.

Article 9:

The registration to manage weapons, explosives and ammunition of any and all types in the Kingdom of Cambodia is within the competence of the Ministry of National Defense and the Ministry of Interior.

Article 10:

The Ministry of National Defense is responsible for supply, control, and management of weapons, explosives and ammunition of any and all types of the Royal Cambodian Armed Forces.

The Ministry of Interior is responsible for supply, control, and management of weapons, explosives and ammunition of any and all types of the National Police Forces, Public Institutions, Officials and the Civilian population.

Article 11:

It is within the competence of the Ministry of National Defense in issuing authorization for the use of weapons, explosives and ammunition of any and all types to the Royal Cambodian Armed Forces.

It is also within the competence of the Ministry of Interior in issuing authorization for the use of weapons, explosives and ammunition to the National Police Forces, Public Institution, Officials and the Civilian population.

The authorization for the use of weapon, explosives, and ammunition shall specify the types of weapons, explosives, and ammunitions and conditions to be respected.

The authorization for the use of weapons, explosives, and ammunition belonging to entity shall define the obligations requiring that the weapons, explosives, and ammunition be returned to the depot.

Procedures and conditions for the application of authorization to use the weapons, explosives, and ammunition shall be determined by sub decree.

Article 12:

The Ministry of National Defense shall be responsible for the safety and security in stockpiling weapons, explosives and ammunition of any and all types of the Royal Cambodian Armed Forces.

The Ministry of Interior shall be responsible for the safety and security in stockpiling weapons, explosives and ammunition of any and all types of the National Police Force, Officials and the Civilian population.

All weapons, explosives, and ammunition must be registered and all types of weapons, explosives, and ammunition shall be stocked in secure depots.

Article 13:

To ensure public safety and to prevent vital disasters or damages to property, the Minister of Interior or Minister of National Defense may issue orders to temporarily evacuate the people from residences or areas upon learning that danger may occur.

Procedures for the implementation of this article shall be defined by sub-decree.

Article 14:

Transportation of weapons, explosives and ammunition of any and all types inside the country shall be within the competence of the Ministry of National Defense where the purposes are for national defense or shall be within the competence of the Ministry of Interior where purposes are for internal security.

Transportation of weapons, explosives and ammunition of any and all types from outside through the Kingdom of Cambodia shall be carried out as long as there is an agreement from the Royal Government upon propositions of the Ministry of National Defense and Ministry of Interior.

Article 15:

Every loss of weapons, explosives and ammunition which have been possessed, and the loss occurring outside entity shall be reported to the Commune / Sangkat police or gendarmerie posts where the loss took place, not later than 24 hours after the loss is discovered. When reporting, there should be one or two witnesses accompanying. In case of no witness available, the competent authorities in the area shall examine on the spot and make minutes.

- In the case when the weapon, explosives, and ammunition stockpiled in storage facility or in unit is getting lost, store man and person in charge shall report to the commander or unit commander not later than 24 hours after the loss is discovered. The commander or unit commander shall take immediate action to investigate the loss.

The report on the loss of weapon, explosives, and ammunition shall be made in writing specifying the details on weapons, explosives, ammunition types and registration number along with the circumstances surrounding the loss.

Article 16:

In no case shall weapons, explosives and ammunition be destroyed or deleted from the list without permission from the Minister of Interior if those weapons, explosives and ammunition are under the jurisdiction of the Ministry of Interior or permission from the Minister of National Defense if those weapons, explosives and ammunition are under the jurisdiction of the Ministry of National Defense.

Article 17:

If deemed necessary, the Royal Government may establish a National Commission to control, direct, or to conduct reform on the management of weapon, explosives, and ammunition of any and all types in the Kingdom of Cambodia.

Chapter 3

Import, Export, Repair and Production of Weapons, Explosives and Ammunition

Article 18:

Import, export, repair, and production of weapons, explosives and ammunition are within the competency of the Royal Government.

The Ministry of National Defense and Ministry of Interior are entitled to have repair shops and location to test the quality of weapons, explosives and ammunition of any and all types.

Import, export, and production of weapons, explosives and ammunition of any and all types shall be in line with the concerned international rules and principles.

Chapter 4

Penalties

Article 19:

For those who act in contravention of articles 15 and 16 of this law shall be punished, without taking other criminal acts into account, from 3 (three) months to 1 (one) year imprisonment and a fine from 200.000 (two hundred thousand Riel) to 1 (one) million Riel.

Article 20:

For those who equip, carry, possess, use, sell, purchase, lend, transfer, distribute, hire, fabricate, improvise and repair weapons, explosives and ammunition of any and all types without authorization shall be liable to imprisonment from 6 (six) months to 2 (two) years and a fine from 500.000 Riel (five hundred thousand Riel) to 2.000.000 Riel (two million Riel), without taking other criminal acts into account.

Article 21:

For those who are careless by allowing other people to use weapon, explosives, and ammunition, which has been under his/her possession, shall be liable to imprisonment from 1 (one) year to 2 (two) years and a fine from 700,000 (seven hundred thousand Riel) to 2,000,000 (two million Riel).

Article 22:

The designated competent authorities by the Ministries, who issue improper authorisation for the use of weapons, explosives and ammunition of any and all types contrary to their jurisdiction, shall be liable to imprisonment from 2 (two) years to 5 (five) years and a fine from 3,000,000 Riel (three million Riel) to 6,000,000 Riel (six million Riel).

For those who, without competence under the law, issue authorization for the use of weapons, explosives and ammunition of any and all types in any form or with whatsoever reason shall be liable to *imprisonment from 5 (five) years to 8 (eight) years* and a fine from 4,000,000 Riel (four million Riel) to 10,000,000 Riel (ten million Riel).

For those who make false authorization for use of weapons, explosives and ammunition of any and all types shall be liable to imprisonment from 5 (five) years to 10 (ten) years.

For those who use a false authorization for the use of weapons, explosives and ammunition of any and all types shall be subjected to serve a prison term from 5 (five) years to 10 (ten) years.

Article 23:

For those who produce, trade, transit, export, import, or stockpile weapons, explosives and ammunition of any and all types without permission shall be liable to imprisonment from 5 (five) years to 10 (ten) years.

Article 24:

For those who, without taking any other criminal acts into account, act in contravention of article 8 and 14 of this law shall be liable to imprisonment from 5 (five) years to 10 (ten) years.

Chapter 5

Transitional Provisions

Article 25:

For those who are in possession of weapons, explosives and ammunition of any and all types without permission shall turn them over to the competent authorities within the longest period of 3 (three) months following the effective date of this law.

Chapter 6

Final Provision

Article 26:

Provisions contrary to this law shall be abrogated.

Article 27:

This law shall be declared as urgent.

Done in Royal Palace, Phnom Penh, 1st of June 2005

ពល. 0506.267

Informed the King and Requested for
King's Signature by
Prime Minister
Signature

Signature and Seal the King
Norodom Sihakmony

Hun Sen

Informed the Prime Minister by
Deputy Prime Ministers and Co-Ministers of Interiors
Signature Sar Kheng Norodom Sereivuth

N° 224 ៤.៧
For C.C
Phnom Penh, 9th of June 2005
General Secretary of the Royal
Government

Nadi Tan