

Kingdom of Cambodia

Nation Religion King

Royal Government of Cambodia No. 38 Sub-decree

Sub-decree

on

**Administering and inspecting the import, production,
selling, distribution and handling all types of weapons**

Royal Government of Cambodia having:

- *Seen* Kingdom of Cambodia Constitution
- *Seen* Royal Decree No.1193/72 dated on November 30, 1998 concerning the appointment of Royal Government component of Kingdom of Cambodia
- *Seen* the Royal Order dated on July 20, 1994 which was promulgated the law on organization and functioning of Council Ministers
- *Seen* the Royal Order No. 0196-08 dated on January 24, 1996 which promulgated the law on Establishing the Ministry of Defence
- *Seen* Sub-Decree No. 16 dated on December 20, 1993 on Organization and functioning of the Ministry of Interior
- *Seen* Sub-Decree No. 37 dated on February 16, 1999 on Reforming the Structure of Ministry of Defence
- *Seen* Decree No. 11 Dated on February 07, 1992 which promulgated the law on punishment of illegal handling of weapons and wearing of uniforms
- *Seen* the Transitional Criminal Procedure
- *Receiving* agreement by Ministers' Council in plenary on April 30, 1999

Now decides:

Chapter 1

General Regulation

Article 1:

This sub-decree aims to protect and to depress in order to administer and inspect on supervision, stock, import, production, exchanges, distribution and handling all types of weapons without authorization from the competent institution.

Article 2:

Weapons are considered to include:

- all types of firearms and pistols
- firearms which emit substances which cause watery eyes gas, faint or poisonous
- all types of automatic or semi automatic firearms
- soundless firearms or soundless equipment
- all types of rockets
- all types of chemical weapons
- all types of biological weapons
- all types of electricity shock's stick
- all types of grenades and mines
- all types of explosive substance
- all types of bullets

Article 3:

All types of explosives and weapons mentioned above are not subjected to the individual property.

Any person at present, wherever they keep explosives or weapons shall take it to the competent authority through the determination of declaration of the inter-ministerial of Interior's Ministry and Defence's Ministry.

Article 4:

It is absolutely forbidden to sell, exchange, donate, stock at home, or other locations, those kinds of explosives and weapons as stated in Article 2 of this Sub-Decree within the territory of the Kingdom of Cambodia.

Article 5:

The import and production of all types of explosives and weapons is the jurisdiction of the Royal Government of Cambodia:

Through the request of the Minister of Defence, if those weapons are to serve in the interests of national defence.

Through the request of Minister of Interior, if those weapons are to serve in the interests of national security.

All types of internal weapons transportation is the responsibility of the Ministry of Defence, if the weapons are to serve in the interests of national defence or it is the responsibility of the Ministry of Interior if the weapons are to serve in the interests of national security.

Chapter 2

Administering and Inspecting all types of Explosives and Weapons

Article 6:

The Ministry of Defence has the duty to administer and inspect the utilization of all types of explosives and weapons inside the Royal Cambodian Armed Forces and Gendarmerie including all type of explosives and weapons which are kept inside its storehouses.

Article 7:

The Ministry of Interior has the duty to administer and inspect the utilization of all types of explosives and weapons inside the National Police, civil servants, militia and security guards of the Cambodian National Bank, including all types of explosives and weapons which are kept inside its storehouses.

Article 8:

The import, utilizing, transportation and stocking of all types of explosives or explosive substances to serve the product or public service, shall be approved by the Ministry of Interior.

Chapter 3

The jurisdiction of issuing the authorization papers to handle all types of explosives and weapons

Article 9:

Ministry of Defence is entitled to issue the authorization paper on handling all type of explosive and weapon to the Royal Cambodia Armed Force and Gendarmerie.

Article 10:

The Ministry of Interior is entitled to issue the authorization papers on handling all types of explosives and weapons to the National Police, Civil Servants, Militia and Security Guards of the Cambodian National Bank.

Article 11:

Procedures and conditions of requests for the authorization papers on handling explosives and weapons for the Royal Cambodian Armed Forces, Gendarmerie, National Police, Civil Servants, Militia and Security Guards of Cambodia National Bank, shall be determined by the declaration of the inter-Ministerial of Interior's Ministry and Defence's Ministry.

Chapter 4
Rights to handle a
pistol as private property

Article 12:

Civil servants authorized to handle a pistol per person as their own property is determined by levels of seniority as following:

Legislative Institutions: Senators, Parliamentarians, Constitutional Council Members and Magistracy Supreme Council Members.

Justice: Chief of Supreme Court and Prosecutor General of Supreme Court.

Ministry and Institutions: From the director general to the top.

Provinces and Municipalities: Phnom Penh Capital: from the deputy governor to the top.
District and Khan level: District and Khan governor

Article 13:

The Royal Cambodian Armed Forces, Gendarmerie and National Police are authorized to handle a pistol per person as their own property- from the rank of General upwards.

Article 14:

Regarding the Royal Cambodian Armed Forces, Gendarmerie, National Police, besides the determination in Article 13 of this Sub-Decree, can handle weapons during their operations with the following provisions:

- During a given operation, they shall have the attached mission and authorization papers of the collective weapon utilization.
- Regarding the mission orders of the Royal Cambodian Armed Forces, they shall not be signed by either the Cabinet of the Ministry of Defence nor Royal Cambodian Armed Forces Headquarters Cabinet nor Land Commander, Water Commander, Air Commander, Gendarmerie Commander, Division Commander nor sub-military Division Commander.
- The competent authority who signs the mission orders of the Royal Cambodian Armed Forces who is not stated in the above article shall be determined by the Commander General of the Royal Cambodian Armed Forces.
- The mission orders of the National Police and security guards of the Cambodian National Bank shall be signed by the General Director of National Police or by the provincial municipal Police Commissioner.
- All weapons with authorization papers are to be stored at the relevant unit after ending the operation.
- The limitation of the necessary operation shall be determined by the inter-ministerial of Interior's Ministry and Defence's Ministry on utilizing all types of weapons.

Article 15:

The alien is not entitled to handle all type of weapon. Article 16: It is not authorized to handle the firearm as private property

Article 17:

All types of weapons and explosives are forbidden to be brought into the capital Phnom Penh, except when there is an authorization from the Ministry of Interior or the Ministry of Defence.

The form and condition to request the authorization to bring the weapon into Phnom Penh is the responsible of the Ministry of Interior and the Ministry of Defence.

Chapter 5 Penalty

Article 18:

Any individual who has acted in violation of the law on illegal handling of weapons and wearing of uniforms or the law on transitional criminal procedures shall be imprisoned for the following violations:

- Acting in violation of Articles 3, 4, 8, 12, 13, 14, 15 and 16 of this sub-decree
- Importing, selling, exchanging or keeping weapons or explosive substances without authorization papers
- Providing, lending or renting weapons to other individuals
- Pointing a weapon at another individual or threatening to shoot another individual or shooting in the air during rain or storms or shooting for the purposes of testing away from the testing area determined by the Ministry of Interior or Ministry of Defence

Article 19:

Weapons and authorization papers shall be shall be deprived from any individual who has lost the relevant authorization papers or bullets or is over the quantity of weapons or explosives specifically stated within the relevant authorization papers.

Article 20:

Evidence linked to any crime related to this sub-decree shall be confiscated to keep as the State's property and shall be sent to the National Police Department General to administer, except heavy weapons which shall be sent to the Royal Cambodian Armed Forces.

Article 21:

Weapons and authorization papers shall be permanently deprived to any individual who uses them to commit any offence.

Article 22:

Any competent authority that issues the authorization papers for handling weapons against the limitations which are stated in Articles 12, 13 and 14 of this Sub-Decree shall be punished by the effective law.

Chapter 6 Inter Regulation

Article 23:

After this sub-decree comes into effect, the Ministry of Interior and Ministry of Defence shall discuss on transferring the militia from Ministry of Defence to Ministry of Interior.

Article 24:

Individuals entitled to handle a pistol as their private property as stated in Articles 12 and 13 of this Sub-Decree shall submit a request to Ministry of Interior. All relevant individuals within the National Police, Civil Service, Ministry of Defence, the Royal Cambodian Armed Forces and the Gendarmerie shall submit the aforementioned request within two months of this Sub-Decree coming into effect.

In cases where the above determinations are disrespected, the concerned individual shall be responsible before the law and the weapon shall be confiscated to keep as the property of State.

Article 25:

Upon this Sub-Decree coming into effect, every shooting club and sport entertainment club shall be closed.

All type of weapons at the above clubs shall be taken to the National Police Department General to be kept as the property of the State.

Chapter 7 Conclusion

Article 26:

Sub-Decree No. 62 dated on July 31, 1995 and every regulation which is contradictory to this Sub-Decree shall be abrogated.

Article 27:

Minister in charge of Council of Ministers, Co-Ministers of Interior, co-Ministers of Defence, Ministers, Secretaries of State of all related Institutions and Ministries, Provincial and Municipal Governors shall implement this Sub-Decree with immediate effectiveness from the date of signing.

Made at Phnom Penh Capital April 30, 1999

Informed to:

Samdech Prime Minister Hun Sen

Co-Ministers of Interior: Sar Kheng You Hockry

Co-Ministers of Defence: Tea Banh Prince Sisowat Serey Roath

CC:

-Cabinet of the King

-Secretary General of Senate

-Secretary General of Parliament

-Cabinet of Prime Minister

-As the Article 27

-Chrono File