



Annex

3

A) International Provisions

Convention Against Torture (CAT)

Article 2 II:

2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Article 14 II:

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

- (a) To participate in the elaboration and implementation of development planning at all levels;
- (b) To have access to adequate health care facilities, including information, counselling and services in family planning;
- (c) To benefit directly from social security programmes;
- (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
- (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;
- (f) To participate in all community activities;
- (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
- (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

Convention on the Rights of the Child (CRC)

Article 15 I:

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.



International Convention on the Elimination of All Forms of Racial Discrimination (CERD)

Article 4 (b):

States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, inter alia:

..... (b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

.....

Universal Declaration of Human Rights (UDHR)

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly,

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and



education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1:

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2:

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3:

Everyone has the right to life, liberty and security of person.

Article 23:

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

2. Everyone, without any discrimination, has the right to equal pay for equal work.

3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 29:

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.

2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

International Covenant on Civil and Political Rights (ICCPR)

Article 17 I:

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. ...



Article 18:

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. 4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 19:

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

- (a) For respect of the rights or reputations of others;
- (b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 20:

1. Any propaganda for war shall be prohibited by law.

2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 21:

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 26:

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.



International Convention on Economic, Social and Cultural Rights (ICESCR)

Article 6 I:

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

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Declaration on the Rights of Disabled Persons (DRDP)

Article 7 Sentence 2:

Disabled persons have the right to economic and social security and to a decent level of living. They have the right, according to their capabilities, to secure and retain employment or to engage in a useful, productive and remunerative occupation and to join trade unions.

B) National Provisions

1) Law

Labour Law

Article 390:

The provisions of this law are lawfully applicable to current individual labour contracts. However, workers are entitled to continue enjoying benefits granted them by their present contract when these benefits are more favourable than those they would have under this law.

The provisions of this law cannot be a reason for terminating a contract.

Article 392:

In a transitional period and until a date that shall be set by a Prakas of the Ministry in charge of Labour, all workers' unions can nominate candidates to the first round of shop steward elections without needing to prove their representativeness.

During the above period, the professional organizations of workers and employers claiming to be representative in their professional and geographic area can sign collective agreements covering the same jurisdiction. However, the validity of these agreements will end, at the latest, within one year after the date that the Prakas referred to in the first paragraph is published. Any renewal of the agreement or any new agreement can be made only within the framework of Article 96.

While waiting for professional organizations to be recognized as representative at the national level, the Minister in charge of Labour shall select prominent figures credited with special merits in the domain of social affairs or in the area of occupation and employment to occupy the seats reserved for representatives of workers and employers.



Article 395:

All provisions contrary to this law shall be abrogated.

Law on Commune Administration

Article 43:

Regarding the role of local affairs, the commune administration has duties to:

- maintain security and public order;
- manage the public services as necessary and be responsible for the good process of those services;
- encourage the creation of contentment and welfare of the citizens;
- promote economic and social development, and upgrade the living standard of the citizens;
- protect and conserve the environment, natural resources, cultural and the national patrimony;
- coordinate the citizens' views in order to promote tolerance and mutual understanding.
- perform general affairs in response to the needs of citizens.

Article 47:

The roles, functions and powers of commune administration as stated in articles 42, 43, 44 and 45 of this law may be determined more precisely in detail by Sub-decree following the proposal of the Minister of Interior.

Law on the Election of the National Assembly

Article 9:

The new number of seats shall be computed according to the following formula, disregarding the remainders:

$$\frac{PP}{NP} = Q \quad \frac{Pa}{Q} = NA$$

where:

PP represents the number of Cambodian citizens in the last election of the National Assembly;

NP represents the current number of seats in the National Assembly.

Q represents the quotient in whole numbers (disregarding the remainder);

Pa represents the current number of Cambodian citizens;

NA represents remainder; the new number of seats, disregarding



The number of seats allocated to each province/municipality shall be computed according to the following formula:

$$\frac{P}{Q} = N$$

where:

P represents the number of Cambodian citizens in the province/municipality.

Q represents the quotient obtained from above;

N represents the new number of seats for the province/ municipality, disregarding the remainder.

Article 118:

A- After having resolved all complaints and received all results of the election, including result of re-election, if any, the National Election Committee shall make public the official results of the election and determine and allocate seats for each constituency to political party base on the number of valid ballot papers.

Allocation of seats shall be made in accordance with the highest average formula depends on the number of seats and the result of the election through the following steps:

Step 1: determine number of seats (Quota) that required a political party to win a seat, by taking the total valid votes in the province/municipality to divide with the total number of seats in the province/municipality through the following formula; and shall be applied separately for each individual province/municipality:

$$Q = \frac{V}{S}$$

Where:

Q = Quotient; ignoring any remaining fraction represents the quota;

V = Represents the total number of valid votes cast for all candidate lists participating in the election;

S = Represents the total number of seats in each provincial/municipal constituency.

Step 2: determine the preliminary numbers of seat to which each political party is received in the province/municipality.

The following formula shall be applied separately for each individual political party participating in the election in the province/municipality:



$$Ns = \frac{Vv}{Q}$$

Where:

- Ns = Proportion; ignoring any remaining fraction, represents the number of seats to which each political party is entitled prior to any necessary calculation as in Step 3.
- Vv = Represents the number of valid votes cast for any political party;
- Q = Represents the quota as determined in Step 1.

Once the seats are allocated and found no remaining, and, after all political parties participating in the election are calculated in Step 2, therefore, the number of seats is considered as final.

In the case of remainders, seats shall be allocated after the calculation for all political parties participating in the election. These remaining seats shall be determined in the manner that set out in Step 3.

Step 3: the remaining seats shall be allocated to each legitimated political party in the province/municipality by determining the highest average. The following formula shall be applied separately for each individual party participating in the election in the province/ municipality:

$$Ha = \frac{Vv}{Ns + 1}$$

Where:

- Ha = Represents the highest average;
- Vv = Represents the number of valid votes cast for a political party;
- Ns = Represents the number of seats allocated to a political party.

If there remains a seat to be allocated after making the calculation in accordance with the formula in Step 3 for all qualified political parties, this seat shall be allocated to any political party that attained the highest average.

If more than one seat remained to be allocated, the formula in Step 3 shall be applied and one seat shall be allocated to any political party that attained a highest average. Then, this formula shall be reapplied by increasing the value of Ns by one (Ns + 1) for a political party that received one seat during a division made at the first application of the this formula. Thus, one seat will be allocated to a political party which attained the highest average resulted from the second application of the formula. In the case that further seats are still remaining for allocation, the calculation shall be repeated with the same procedure until all the remainders have been taken up.

B – Declaration of elected members for the National Assembly shall be made in line with the list of candidates stand for the election in descending order as stipulated in article 38 of this law.



C– If, on the list of the candidates, an elected member for the National Assembly deceased, resigned or get lose of membership for the National Assembly, the next candidate whose name laid down on the same list shall be declared elected for the said party concerned.

D – In the case that the list of candidates of a political party had a problem as mentioned in Section C of this article, the National Election Committee shall make a request in writing to the concerned party to add more names of candidate within fourteen (14) days after the reception of the request.

The review and approval on the list of the added candidates shall be based on the provisions stipulated in article 33, 34 (), 35, 36 , 38 , 41 , 42 and 43 of the law on the election of members of the National Assembly.

In the case a political party fails to respect a time frame mentioned above or fails to fulfill the requirement that the party shall complete the vacancy(ies), thus, the vacant seat will consider abandoning by the political party concerned.

E – In the case a political party had received one seat or more in the National Assembly but this party declared abandoning their seats or deleting the name of a candidate from the list of the party in accordance with the law on the political parties, the list of candidates and a candidate of this political party which had declared elected is not validated nor qualified for overtime.

In such a case, the National Election Committee shall allocate this/these vacant seat(s) within given time of seven (7) days to other political parties that ran on the election in the same province/municipality, regardless of the one abandoned their seats, through the following step:

Step 1: determination on the quota requires for a political party that received one seat, the following formula shall be applied:

$$Q' = \frac{V'}{S'}$$

Where:

Q' = Quotient; ignoring any remaining fraction represents the quota;

V' = Represents the total number of valid votes cast for all political parties participating in the election by subtracting valid votes cast for a political party which has abandoned their seats;

S' = Represents the abandoned seat (s).

Step 2: determine the preliminary numbers of seat to which each political party is received as the following formula:

$$Ns' = \frac{Vv'}{Q'}$$



Where:

Ns' = Represents the number of seats to which a political party is entitled prior to any necessary calculation as in Step 3.

Vv' = Represents the total number of valid votes cast for any political party;

Q' = Represents the quota as determined in Step 1.

After the calculation as in Step 2 is made, all political parties attained seats in the province/municipality, except a political party which abandoned their seats, and in the case of no further seats to be allocated, number of seats shall be finalized and taken up.

In the case after the calculation as in Step 2 is done but seats are still remaining for further allocation, the remained seats shall be allocated and calculated in accordance with the Step 3.

Step 3: The remaining seats shall be allocated base on their highest average as the following formula:

$$Ha' = \frac{Vv'}{Ns' + 1}$$

Where:

Ha' = Represents the highest average;

Vv' = Represents the total number of valid votes cast for a political party;

Ns' = Represents a number of seats allocated for to a political party;

The methods as stipulated in paragraph 9 and paragraph 10 section A of the article 118 shall be applied upon a calculation as in Step 3 and a further consecutive calculation.

F - In case the calculation is implemented in accordance with the formula above, and if two or more political parties had received equaled result which could not determine for division of the remaining seats to any one of the political parties, that seat shall be allocated to a political party which received the highest of the total number of valid votes. If the total numbers of valid votes are still equaled to each other, the remained seats shall be divided base on a lucky draw, which determined by regulation and procedure of the National Election Committee.

G - In the event of a political party attained one or more additional seats, whereas the list of candidates had less candidates than the seats attained, therefore, a procedure as stated in section D of this article shall be implemented.

H - Based on the result of election as stated in section A of this article, the National Election Committee may announce consecutively the result of election for each constituency.

I - Prior to the announcement of the official result of the election, the National Election Committee shall report to all parties' representatives participated in the election the number of printed ballot papers, used ballot papers and the remainders.



Law on Press

Article 3:

To maintain independence of the Press, pre-publication censorship shall be prohibited.

Article 4 I:

Publication of official information such as statements, meetings, meeting minutes or reports etc. may not be penalized if such publication is fully true or an accurate summary of the truth.

Article 12 I:

The press shall not publish or reproduce any information that may cause harm to the National Security and Political Stability.

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Law on the Organization and Functioning of the Constitutional Council

Article 10 III:

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Any member of the Constitutional Council who has been sentenced by the court for misdemeanour or felony, shall automatically be removed from position.

Law on Land Traffic

Article 29 I and VI:

I- Drivers of cars/trucks of all types, tractors, three-wheeled motorcycles which have cylinder capacity or from 100 cc. and over, shall be required to have driving licenses issued by the Ministry of Posts, Tele-communication and Transports.

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VI- Those who are applying for a driving license, shall have their physical aptitude examined by the Health Ministry or Services or office, in advance.

Law on Demonstration

Article 2 III:

Marching demonstrations on public roads to express views on any issue may be held under the following conditions:

- (1) ...
- (2) ...
- (3) Authorities in each commune and ward through which a group of demonstrators will march shall be informed at least three days beforehand in writing, which will



indicate the surnames, name, addresses and signatures of three of the demonstrator's organizers; objectives; locations; dates; streets; and the number of the people participating in the demonstration.

If demonstrations are to be held in provincial towns or city, they should be reported in writing to the authorities there.

Article 3 I:

Authorities, after receiving a notice, should issue a receipt for it. However, if the authorities concerned think that demonstrations have characteristics conducive to causing turmoil; they can ban the demonstration by issuing a decision within 48 hours and communicate the decision to the demonstrator's organizers.

Article 4 I:

If any demonstration takes place without local authorities being informed beforehand or without authorization from local authorities, the latter can take measures to forbid the demonstrators on the site.

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Law on the Criminal Procedure

Article 35:

The judiciary police searches crimes, misdemeanors and minor offenses, gathers evidence and hands over perpetrators to the jurisdiction in charge of punishment. But the offenders can be arrested and handed over to the court by the judiciary police only in the case where they commit obvious crimes or misdemeanors caught red-handed in the act or when there is an order to appear or a warrant of arrest.

Article 36:

The judiciary police or those who can perform the duty of judiciary police are:

- 1- prosecutors and magistrates in charge of investigation "on duty only",
- 2- directors and deputy directors of the departments of the judiciary and economic police,
- 3- directors and deputy directors of the department of counter terrorism,
- 4- commissioners and inspectors of municipal and provincial police,
- 5- chairman of the criminal and economic police,
- 6- chairman of the office of counter terrorism,
- 7- chairman of the office of security police,
- 8- district, provincial and Khan political inspectors,
- 9- chairman of administrative police station "in regards to criminal offence",
- 10- commissioners of traffic police or traffic violation section "for traffic violation",
- 11- chairman and officers of military police or "for military offence",
- 12- border police officers,
- 13- customs inspectors "for customs violation"
- 14- officers of the forestry and fishing,



All operation of the judiciary police is under direct guidance of the prosecutors and under supervision of the prosecutor general of the Appeals Court.

Article 37:

The officers of the judiciary police component to perform are as the following:

- the judiciary police officers at places where criminal offenses occur,
- the judiciary police at the residence of the offenders,
- or the judiciary police officers at the place where the offenders are found.

Article 38:

The officers of the judiciary police:

- receive denunciations complaints as well as judiciary police reports relating to crimes, misdemeanors and minor offenses.
- gather evidences
- can request the assistance of the public force.
- make reports.
- may accept rogatory commission.
- may decide the detention for a maximum of 48 hours.

In cases of crimes or misdemeanors caught red-handed in the acts, the judiciary police may interrogate witnesses, search and confiscate the object produced in evidence, assign experts, decide to detain offenders for 48 hours.

Article 39:

The officers of the judiciary police shall write down their findings and the result of their searches in the document called "report".

In principle, the police reports are not necessary the base for prosecution. They simply provide elements of appraisal for prosecutors and judges.

Article 40:

The reports shall indicate first and last name and function of the reporter who shall sign and date the report that shall be made without delay. The erasures and writing over the existing text must be approved.

Article 41:

In principle, the reports worth only as information. In other terms, the police reports possess the value of simple reports and do not obligate the jurisdiction or judges to believe.

Article 42:

Nevertheless, the reports of the judiciary police shall be considered as authentic evidence to the contrary when they are drawn up by the officers of the judiciary police. In this



case, judges shall consider the essence of the report truthful and accurate as long as contradictory evidences are not brought up. These contradictory evidences may be freely brought to the judge by all legal means.

Article 43:

For minor offenses, the report of the judiciary police shall always be considered as authentic until the showing of contradictory evidences. There is only one condition: police officers who make the reports shall have the quality to conduct the inquiry on minor offenses.

Article 44:

The officers of the judiciary police shall, in the shortest period of time, submit his reports, with object produced in evidence, to the prosecutor of the competent jurisdiction.

Article 45:

The officers of the judiciary police have the rights to directly conduct official inquiries on all penal offenses, except some offenses for which the law requires the complaints from the injured party prior to the inquiries.

Article 46:

The officers of the judiciary police also have the right to collect evidence and the right to also conduct searches, but this right of house-search may only be conducted when crimes or misdemeanors are flagrant delicto.

Article 47:

The officers of the judiciary police have the right to offenders only in cases of crimes or misdemeanors caught red-handed in the act. They shall bring the alleged offenders to the competent jurisdiction within 48 hours without counting necessary transportation time by the quickest transportation means possible.

In case of non-compliance with this strict rule, the offices shall be punished in accordance with articles 22 and 57 of the interim penal code.

Article 48:

In any case, the officers of the judiciary police have no rights to file without continuation the penal case that they have received, even though already coming to terms. They shall always forward their reports to the competent prosecutor.

2) Draft Law

Daft Law on NGOs and Association

Article 12:

Each of the governing body of the association shall consist of at least: a President, a Board of Director, a Treasurer and a General Assembly. Mandate, duties and procedures



for election, removal and rights, decision on any matter, shall be determined in the by-law.

Article 14:

The Ministry of Interior examines on the legality of the by-law of the Associations, which are applying for the registration. The by-law shall be written in Khmer and shall consist of at least the following important points:

- 1- **Identity of the association includes name, logo (if any), address, head office, goal and propensity.**
- 2- Important governing bodies of the association consists of: the President, Board of Directors, a Treasure and General Assembly.
- 3- Regime of annual meetings of the association consists of: number of the annual meetings of various bodies, a quorum for making a decision, rules of election and a majority of voices to be accepted in general case or in a special case.
- 4- Rules and procedures of management of the resources.
- 5- Rules of modification of the by-law, dissolution, alliances, and transfer of assets, after the association is dissolved.
- 6- The by-law of the association shall be signed by a representative of the founding members or by the President.

Article 16 II:

The dissolution of the association may be done through the following cases:

- by a self dissolution decision;
- by an administrative dissolution decision;
- by a court's dissolution decision.

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2- An administrative dissolution is a cease of activity of the association which is made by a Prakas of the Ministry of Interior, if thee association has committed any activity in violation of a law, which caused harm to public order or national security or good Khmer tradition, or which has abused the by-laws and internal rules of the association. The Ministry of Interior shall send dossiers, evidence of the offending acts of the association to a court. By means of the administrative dissolution, the association may have the right to file an objection with the court within a period of fifteen (15) days from the date of the Ministry of Interior's Prakas. If exceeding this specified period, the Prakas of the Ministry of Interior shall take its effects and sets fro application.

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Article 29:

All provisions contrary to this law shall be herby repealed.

Draft Law on Weapon management

Article 3 VI:

The following term used in this law shall be defined:



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- Uniformed armed services refer to the National Police and Royal Cambodian Armed Forces, including Royal Gendarmerie
- Officials refer to the civil servants under the cadre of public function, court officials and the officials and the officials of the supreme institutions
- Civil refers to any individuals who are not included in the fourth and fifth paragraph

Article 4:

Carrying, possession, bring in hand , utilization, purchase, sale, business, loan, transfer, rent, manufacture, fabrication, repair, transport, pass, import, export and stock of all kinds of arms, explosives and munitions are prohibited to civil in the Kingdom of Cambodia.

Article 5:

It can be permitted to civil:

- Guns and bullets for signal shooting or guns and bullets for sport activity
- Guns shot without bullet or buckshot, such as firework projectile or sound projecting gun used for art performance
- Explosives used fro public service and civil engineering or for decorative explosion.

Conditions and procedures for the implementation of this provision shall be defined by Anukret following the proposal of the Ministry of Interior.

Article 8 II:

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Up on the official request, the government can make an exception for foreign leader's bodyguards such as King or Queen, President, Head of State, the Prime Minister and Supreme Dignitaries who pay a visit in the Kingdom of Cambodia.

Article 9:

The Registry of management of all kinds of arms, explosives and munitions in the kingdom of Cambodia is under the competence of the Ministry of National Defense and Ministry of Interior.

Article 11 sentence 4:

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The arm card of units shall additional clarify the duty required for returning arms to armories.

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Article 13:

To ensure public safety and to prevent the harm of life or wealth, the Minister of Interior or the Minister of National Defense may command temporary evacuation of people from their houses in case of learning about the explosion of arms, explosives and munitions armory zone.

The modalities for the application shall be defined by Anu-kret.

Article 20:

Any person, who violates article 8 and article 14 of this law, shall be liable to five (5) years to ten (10) years imprisonment, excluding other crimes.

Draft Law on Fishery

Article 4:

Fishery domains shall include:

- 1- Inland fishery domains: rivers, tributaries, lakes, canals, affluents, creeks, reservoirs, inundated forest areas, canals, ponds, or deep water holes getting water from rivers, tributaries, lakes or affluents.
- 2- Marine fishery domains: the fishing areas that extend from the coastline at the higher high tide to the outer limits of the maritime boundaries declared by the Kingdom of Cambodia, and inundated-forest areas.

Fishery domains shall be owned by the State.

Article 5:

Inland fishery domains are divided into:

A. Categorized fishing domains:

1. Fishing areas which are defined as fishing lots and reserved for only industrial fishing exploitation purpose.
2. Preserved fishing areas which are habitats of aquatic animals and plants.
3. Inundated forest areas are:
 - Forest areas that are covered with floodwater during flooding season and important feeding, spawning and breeding habitats for aquatic animals.
 - Protected inundated forest areas.
4. Family-scale fishing area is the fishing area reserved for family-scale fisheries.

B. Protected fishing domains: fishing areas which are not stated in “A” of this Article.

Article 15:

Family-scale fishing, for subsistence purposes only, shall be conducted at anytime in protected fishing boundaries and family fishing areas, and during the closed reason in inland fishing lots or marine fishing domains by using small-scale family fishing gears.



Article 93:

A. The Fishery Administration shall have the rights to decide on a fine for a fishery offence and determine the compensation in order to acquit from the prosecution of the court of competent jurisdictions. The fine shall be paid within the period of not more than 30 days from the date of issuance of the decision on fines.

B. The standard forms on the payment of fines shall be determined by the Proclamation (Prakas) of the Ministry of Agriculture, Forestry and Fisheries.

3) Other Regulations

Internal Rules of the Bar Association

Article 2: Organization of the Assemblies of the Association

The General Assembly brings together all attorneys entered into the Role and on the List of the Stage.

It [the General Assembly] is informative or consultative. It can issue votes or motions on which the Council of the Association is required to comment within 3 months.

Only those attorneys having the right to vote participate in the deliberations.

Other than in regard to elections, the General Assembly is convened at least one time per year by decision of the Council of the Association which determines the agenda. Except for an emergency, this is brought to the attention of the members by all appropriate means at least 1 month in advance.

All attorneys may initiate the entry of a question onto the agenda, by request addressed to the Council of the Association at least fifteen days in advance by registered letter with receipt or placed at the secretariat against a receipt.

The General Assembly is presided over by the President.

When a vote takes place, it is done by raised hands. A vote by secret ballot may be ordered by the President or upon the request of at least one quarter of those present.

Article 3: Organization of Elections

Elections of members of the Council of the Association take place every 3 years. The election of the President takes place every 2 years.

The elections are organized on the 16th of October of each year during a public session and their modalities are determined by the Council of the Association. The elector attorneys are convened by appropriate means (circular letter or public notice and posting at the Association) 1 month in advance.

Candidacies are established by written request to the President at least 1 month prior to the balloting; [failure to meet this deadline] may result in inadmissibility. The names of the candidates are sent out by all appropriate means and appear at the polling station.



Elections cannot proceed unless over half of the members are present or represented. The polling stations are presided over by the eldest lawyer present.

The President, or his or her delegate, resolves problems that may arise in the course of the proceedings or ballot counting.

The lawyer proves his or her qualification as a voter by presenting his or her professional card at the entrance to the offices.

Voting by proxy is permitted. No lawyer may hold more than one power [of attorney]. Any vote received by an ineligible person is considered void. Blank or null votes are set aside and are not taken into account in the calculation of the majority.

The results are announced by the President at the end of the proceedings and are notified to the Prosecutor General of the Court of Appeals. The Council of the Association takes note of them during its next meeting.

Internal Rules of the National Assembly

Principle 4:

The rank and privilege of Members of Parliament (MPs) are as equal as the highest ranking officers of exceptional class of the Kingdom of Cambodia.

Principle 6:

Under the auspices of the President of the National Assembly, the National Assembly can hold elections of the Commissions of the National Assembly.

The Commissions of the National Assembly consist of:

- 1- Commission of Human Rights and Complaints;
- 2- Commission of Finance and Bank;
- 3- Commission of Economics, Planning, Investment, Agriculture, Rural Development and Environment;
- 4- Commission of Interior, National Defense, Investigation and Wiping out;
- 5- Commission of Foreign Affairs, International Co-operation, Propaganda and Information;
- 6- Commission of Legislation;
- 7- Commission of Education, Religions Affairs, Culture and Tourism;
- 8- Commission of Health Care, Social Affairs, Work and Women's Affairs; and
- 9- Commission of Public Work, Transportation, Telecommunication, Post, Industry, Energy and Commerce.

Principle 9:

The two Vice-Presidents help work for the President. When the President is absent or fails to come to work, the Vice-Presidents work instead of the President.



Principle 21:

Drafting Law of the Royal Government has to be submitted to the Permanent Committee of the National Assembly. The Drafting Law must be a written text and accompanied by "Statement of Cause", distributed to all MPs.

The Permanent Committee of the National Assembly sends that drafting to a specific Commission expertising on that drafting to check. After already examining it, the President of the Commission has to convey the opinions of the Commission to the National Assembly.

Principle 22:

Proposing Law, made by the MPs, must be written and divided into articles and attached with the above "Statement of Cause".

Principle 24:

The Commission can assume that:

- Requesting the National Assembly not to consider;
- Requesting the National Assembly to express first opinions whether it should consider or not and
- Requesting the National Assembly to consider and regard as an emergency.

Principle 27:

The National Assembly makes a decision whether it agrees or disagrees to accept that Application for a discussion.

Principle 28:

The National Assembly does not adopt the amendment on the day it gets the Application unless it is urgent.

Principle 29:

The discussion on a Draft Law or Proposed Law is conducted as following:

- 1- Session of the National Assembly discusses and adopts on a whole context and will decide to take into consideration or not.
- 2- Session of the National Assembly discusses and adopts on article by article or chapter by chapter.
Session of the National Assembly can discuss with a brief proceeding by debating only on any article or chapter which are proposed in writing to be amended as stated in the abovementioned principles.
If any abovementioned proceeding will be used permanent committee has to inform in priority to deputies.
- 3- Session of the National Assembly adopts on a whole Draft Law or Proposed Law.



Principle 32:

All MPs have the rights to raise questions to the Royal Government. These questions must be written and submitted through the President of the National Assembly.

The answers could be responded by one minister or several ministers according to the questions related to the responsibility of one or several ministers. If the questions are concerned with the general politics of the Royal Government, the Prime Minister(s) have to answer by themselves.

The answers of the Prime Ministers or ministers can be either verbal or written.

The above answers must be responded during 7 days after receiving the questions.

For the verbal answers, the President of the National Assembly can or can not allow any debate. If there is no permission of debate, the answers of the Prime Ministers or ministers will end the questions.

Principle 33:

MPs, who raised the questions to any ministers, can withdraw their questions.

Other MPs can get that withdraw-questions' sheet and then resubmit it to the National Assembly if understanding that it is necessary.

If there is permission of debate, the owners of the questions' other speakers, Prime Ministers or ministers involved can debate for not more than the period of one meeting.

The National Assembly fixes one day a week for answering the questions. Nevertheless, the meeting for answering the above questions has no possibilities of holding any kind of voting.

Principle 34:

All commissions of the National Assembly can invite any ministers or figure to light any matter related to specific domains under their responsibilities.

Principle 35:

The National Assembly can dismiss any minister or the Royal Government from office by adopting "Blaming Notification" based on 2/3 majority.

The Blaming Notification on the Royal Government must be raised to the National Assembly by at least 30 MPs so that the National Assembly can discuss it.

Principle 37:

For the expression of opinion by raising hand, the President and secretaries are the counters of members who raise their hands. If the President and Secretaries see that the expression of opinions has no clear result, the latter must be re-done and re-counted.



Principle 38:

If the expression of opinions by raising hand has been done for two times, but still there is no clear result, open voting must be used.

The mechanic of how to conduct the open voting is as follows:

The Parliamentarian Emissary holds a ballot box and collects ballot papers from MPs. The MPs must write their names on those ballot papers. The ballot papers have three types: Blue ballot paper means disagreement, White ballot paper means agreement and White ballot paper with blue stripe means abstention.

After voting, the Secretaries count the ballot papers. After counting them, the President of the National Assembly has to announce the result to the National Assembly.

Principle 39:

The open voting on the stage goes as follows:

Each member of the National Assembly brings a ballot paper and cast it into a ballot box placed on the stage.

Such way will be used unless there are at least 10 MPs proposing to do so.

Principle 40:

The secret voting must be used for the Appointment, Expression of Confidence and Adoption of Blaming Notification.

The adoption of law for the amendment of the Constitution can be conducted through the secret voting, too.

Principle 59:

Any MP who registers to speak, can do so for only 20 minutes, the longest. Any MP who just asks to respond can speak for only 5 minutes.

If the President of the National Assembly thinks that it is necessary or useful for the debate. He can allow 10 minutes for the speaking time. This addition can only be allowed to continue for three times for the same subject.

Principle 62:

It is forbidden for interruption others, humiliating individuals and expressing any action that leads to disorderliness.

Principle 64:

The maintenance of safety for the National Assembly must be conducted by the President on behalf of the National Assembly. In principle, the President can allow the public to enter the meeting hall according to the available seats. If any one makes by all



means any disruption to the discussion of the National Assembly, the President can give an order to dismiss him/her.

Principle 68:

The President can allow MPs to make the longest leave of 15 days during each session. Taking a leave of more than 15 days must be asked to the National Assembly to adopt for agreement.

Principle 69:

Any MP who has been absent, owing to illness, for five successive days must have medical prescription as a proof.

Principle 70:

Any MP fails to attend the meeting for more than three days without permission, his/her National Assembly's indemnities must be cut according to the days when he/she is absent.

Principle 71:

Any MP who has already got the permission to take a leave of particular days, but is absent for more than the days allowed, his/her incentives must be cut according to the number of days without permission.

Principle 72:

If there is an invitation according to the Principle 47, but any MP still fails to attend the meeting without reasonable cause, that MP has to get the Discipline sanction as follows:

- a. Absent for two days, will get warning.
- b. If receiving the warning at his/her house, but he/she still fails to attend the meeting, his/her incentives must be cut according to the number of the days of absence. The Discipline sanction must be delivered to him/her at his/her house.
- c. If receiving this final information but still he/she does not attend the meeting or does not give any excuse with reasonable cause, he/she will get the third discipline sanction, his/her incentives are cut according to the number of the days of absence and he/she is dismissed from the meeting for 15 days.

When receiving the three kinds of the Discipline sanction and one month after, that MP still conducts wrongly, he/she will get a serious discipline sanction. His/Her incentives are cut according to the number of the days of absence, he/she is dismissed from the meeting for one month and there is announcement to the people in his/her constituency.