

**Kingdom of Cambodia
Nation Religion King**

PREAH REACH KRAM

CS/RKM/1197/005

We,

*Preahbath Samdech Preah Norodom Sihanouk Varman Reach Harivong Uphato Suheat
Visothipong Akamohaborasrat Nikarodom Thammik Mohareacheathireach
Boromaneat Boromabopit Preah Chau Krong Kampuchea Thipdey;*

- Referring to the 1993 Constitution of the Kingdom of Cambodia;
- Referring to Reach Kret of November 1, 1993, on the Formation of the Royal Government of Cambodia;
- Referring to Kram 02/NS/94 of July 20, 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Referring to Reach Kret No. NS/RKT/1094/90 of October 31, 1994 on the Reorganization of the Composition of the Royal Government of Cambodia;
- Referring to Reach Kret No. CS/RKT/0897/14 7 of August 7, 1997 on the Reorganization of the Composition of the Royal Government of Cambodia;
- Referring to Reach Kram No. NS/KRM/0196/07 of January 24, 1996 on the Establishment of the Ministry of Defense;
- On the proposal of the two Prime Ministers and the Co-Ministers of Defense,

HEREBY PROMULGATE

the Law on the General Statute of Military Personnel of the Royal Cambodian Armed Forces as ratified by the National Assembly at the eighth session of the first legislature on September 15, 1997, and which complete text is as follows:

**Chapter I
General Provisions**

Article 1: The Royal Cambodian Armed Forces shall have the duty to serve the country. Their mission shall be to manage troops in order to protect and build up the homeland as well as to serve the higher interests of the nation.

In cases of necessity, the Royal Cambodian Armed Forces may take part in ensuring public safety and bringing assistance to citizens having difficulties or at the time of catastrophes.

Military personnel shall at all times strictly respect discipline, be faithful, and accept with courage all sacrifices for their homeland.

Military personnel shall strictly fulfill their duties so as to deserve respect and appreciation from their fellow citizens.

The present general statute guarantees rights and liberties and enumerates obligations of all military personnel, irrespective of whether they are career military personnel or under contract military personnel.

Article 2: All military personnel shall be ruled by the provisions of the present general statute. A Council of Armed Forces shall be created to examine all legislation and regulations concerning military problems. The organization and the functioning of this Council shall be prescribed by Anukret. Rules concerning the discipline of the Royal Cambodian Armed Forces shall be established by Anukret.

Article 3: The Royal Cambodian Armed Forces shall include three branches:

- the Army
- the Air Force
- the Navy

Article 4: The hierarchy of military personnel shall comprise three classes:

- soldiers
- non-commissioned officers
- officers

Article 5: Military ranks shall include:

1. for soldiers:

<u>Army and Air Force</u>	<u>Navy</u>
Soldier - Second Class	Neavek To
Soldier - First Class	Neavek Ek
Corporal	Chakrabal Rong To
Chief Corporal	Chakrabal Rong Ek

2. for non-commissioned officers:

<u>Army and Air Force</u>	<u>Navy</u>
Staff Sergeant	Chakrabal Trey
First Sergeant/Tech. Sergeant	Chakrabal To
Com. Ser. Maj./Chief Mast. Ser.	Chakrabal Ek
Warrant Officer	Neay Chakrabal To
Chief Warrant Officer	Neay Chakrabal Ek

3. for officers:

3.1 for the junior officers

<u>Army and Air Force</u>	<u>Navy</u>
Officer Cadet	Neay Navy Chamnant
Second Lieutenant	Anuk Navy Trey
First Lieutenant	Anuk Navy To
Captain	Anuk Navy Ek

3.2 for senior officers:

<u>Army and Air Force</u>	<u>Navy</u>
Major	Lieutenant Commander
Lieutenant Colonel	Commander
Colonel	Captain

3.3 for general officers:

<u>Army and Air Force</u>	<u>Navy</u>
Brigadier General	Oudom Navy Trey
Major General	Oudom Navy To
Lieutenant General	Oudom Navy Ek
General	Neay Oudom Navy
General of Army/Air Force	---

Article 6: Military personnel shall be divided into two large bodies:

- the first body shall contain military personnel of the Army, Air Force, and Navy that are assigned to war operations;
- the second body shall contain military personnel that undertake their duties in administrative services of the Army.

These two large bodies may be divided into two categories: forces and special services.

Article 7: Conditions of passage from one service or category to another service or category shall be prescribed by Anukret or Prakas of the Minister of Defense.

Article 8: Promotion shall be undertaken on a rank by rank basis. There may not be any nomination for an honorary title.

Chapter 2

Rights, Obligations, Duties and Responsibilities of Military Personnel

Article 9: Military personnel shall be entitled to the same rights and liberties as other citizens. However, the exercise of some rights and liberties shall be limited in accordance with this law.

Military personnel shall be neutral in the exercise of their functions and may not use either their title or the State apparatus for profit or for political action.

Article 10: All military personnel shall enjoy freedom of philosophical and religious belief as well as political conviction; but they shall not express publicly their ideas. This restriction shall not forbid the free practice of religion within the military premises and the vessels of the Navy.

Military personnel that desire to express themselves publicly, in writing or by conferences, concerning political issues or facts classified as military secrets, or that want to make declarations involving foreign persons or international organizations shall be previously authorized by the Minister of National Defense.

Article 11: The introduction of publications, irrespective of the form, capable of undermining the morale or the discipline of military personnel, within a military confine or settlement, or on a Navy vessel, shall be forbidden as provided in the general discipline regulations of the Royal Cambodian Armed Forces.

Article 12: Military personnel may not assemble in order to create trade unions or professional groups or to participate as a member of a professional group that would not be in accordance with military discipline.

Military personnel may be members of entities not having the qualities described in the first paragraph of this Article. However, acceptance concerning any responsibility within such an entity shall be submitted for the preliminary approval of the competent military authority.

Whatever the circumstances, the Minister of Defense may require a person concerned to abandon his/her responsibilities, or even to discontinue membership within a professional group, if necessary.

Civilians mobilized in order to defend the country, and who were previously members of a political party or of a trade union, may continue their membership, but shall have to cease any trade union or political party activity during the period of their service with the Army.

Article 13: Military policy shall forbid the exercise of the right to strike or demonstrate.

Article 14: Military personnel shall obey orders that are given to them in all circumstances, at any given time, and in all places. If they are appointed to positions having special constraints, the relevant senior authority shall provide them with assistance in proportion to the constraints that they face.

Article 15: Military personnel shall have the right to request leave with pay. The duration and procedures for obtaining such leave shall be determined by the general regulation regarding discipline of the Royal Cambodian Armed Forces. If necessary, a military authority may immediately recall military personnel on leave.

Article 16: Career military personnel or military personnel under contract may freely become married. However, a preliminary authorization of the Minister of Defense shall be required if the prospective spouse is not of Khmer nationality.

Article 17: Military personnel shall respect and execute the orders they are given in a responsible manner. Any order that is manifestly in conflict with the law or international conventions shall be forbidden. In such case, the entity that gives the order and the entity that executes it shall be responsible before the law.

Article 18: Where a complaint is brought by a third party against a member of the military for a transgression committed by the latter in the exercise of his/her responsibilities which does not constitute a personal transgression, the State shall ensure that he/she receives a legal defense and shall protect him/her from civil condemnation.

Article 19: Military personnel in charge of the management of funds, equipment, or supplies, and who cause damage to or the loss of such goods shall be financially liable. This shall also be the case for those who, although not being in charge of Army equipment, cause the destruction, loss, or the deterioration of the same. If the damage is serious, they shall incur legal sanctions.

Article 20: Military personnel shall be subject to the obligation of keeping secret facts and information acquired while exercising their mission without prejudice to penal code provisions concerning violations of obligations of defense secrets or professional secrets.

It shall be forbidden to have any diversion or communication of information or service notes for the benefit of a third party.

Except for cases expressly provided in disciplinary regulations, military personnel may not be discharged of these obligations of secrecy or prohibitions provided in the paragraphs above, except under prior authorization of the Minister of Defense.

Chapter 3 Salary and Allowances

Article 21: Military personnel shall have the right to a salary. The amount shall be determined in accordance with grade, levels, knowledge, roles, service, and seniority.

They may receive special supplementary allowances according to the nature of the task completed or to the risk to which they are exposed.

Article 22: Military personnel shall have the right to retirement pensions and disabilities pensions provided by the law on retirement pensions and disabilities pensions of the Royal Cambodian Armed Forces.

Article 23: Military personnel and former career military personnel as well as their families shall have the right to be treated in hospitals of the Royal Cambodian Armed Forces.

Chapter 4 Career Military Personnel

Article 24: Career military personnel shall be officers, non-commissioned officers, or assimilated personnel that have been integrated after having made the request and having been appointed to a grade in the hierarchy.

Article 25: It shall be forbidden for career military personnel:

- to undertake a private professional activity during hours of service;
- to use the influence or power inherent in their positions to gain any interest or to violate the rights of citizens with threats;
- to undertake an activity breaching the honor and integrity of the Royal Cambodian Armed Forces;
- to be a member of a board of directors or to ensure the management of a private company.

Article 26: Career military personnel shall be subject to an annual evaluation. The grade and comments that accompany it shall be given by their immediate supervisor.

The person concerned shall be advised each year.

Article 27: Each military member shall have a personnel file that shall include:

- documents concerning the administrative status;
- documents and administrative acts relating to the status of the concerned person's evaluation reports;
- the file may not mention religious, philosophical, or political beliefs or opinions of the person concerned.

Each document in the file shall be numbered and recorded.

Article 28: To be appointed as a career officer, it shall be necessary to possess:

- Khmer nationality
- a clean criminal record
- the aptitude to undertake the position

Article 29: The recruitment of career officers shall be ensured by competitive entry examinations in the school of officers. The competitive examination shall be open to students and to serving military personnel.

Criteria for recruitment shall be prescribed by Prakas of the Minister of Defense.

Article 30: Promotion of a career officer's rank shall be established according to seniority of service. Each career officer shall be registered on a seniority list by his/her rank in the body to which he/she belongs.

Article 31: Promotion by selection or seniority of any officer may not be effected if he/she has not completed his/her service and ensured that his/her responsibilities are in conformance with the table below:

Duration of Services Required for Possible Rank Promotion		
Rank	Military Operations	Military Administration
Colonel	3 years	4 years
Lieutenant	5 years	5 years
Major	4 years	5 years
Captain	6 years	6 years
First Lieutenant	4 years	5 years
Second Lieutenant	2 years	2 years
Officer Cadet	1 year	1 year

In some situations specified by Anukret, the duration required for grade promotion may be less than that indicated above.

For general officers, promotion shall be linked to the needs of the Royal Cambodian Armed Forces without taking into consideration the guidelines provided above.

A promotion of a posthumous title may be granted to military personnel who dies in combat or while in command.

Article 32: The promotion by seniority of career officers shall be undertaken within each body pursuant to a seniority list. No officer may be promoted by selection if he/she is not registered on the annual promotion list.

A commission designated by the Minister of Defense shall establish a report to the Minister regarding comments and evaluations undertaken by various heads of military personnel.

If an officer has not been registered on the annual promotion list, he/she must be given priority registration the following year unless the commission decides otherwise on the basis of a motivation report from his/her superior.

Article 33: Each nomination and promotion shall be undertaken:

- by Royal Kret for generals and admirals
- by Anukret for colonels and captains
- by Prakas of the Minister of Defense for commanders and lower ranks.

Article 34: To be appointed as a career non-commissioned officer, it shall be necessary:

- to be of Khmer nationality
- to have been hired by contract
- to have served at least four years with the Royal Cambodian Armed Forces with the rank of non-commissioned officer
- to possess the aptitude required for the position
- to be pronounced by Prakas for the nomination of career non-commissioned officers

Article 35: Seniority of career non-commissioned officers shall be calculated from the date of their entry in their position.

Article 36: The promotion of career non-commissioned officers shall be undertaken through selection or through seniority and following procedures prescribed by Prakas of the Minister of Defense.

Promotion through seniority career non-commissioned officers shall be undertaken according to the interested person's seniority within his/her body, arm, category, and specialty.

Promotion may not be granted if the minimum duration of completed service is not in conformance with the following timetable:

Duration of Services Required for Possible Rank Promotion		
Rank	Military Operations	Military Administration
Chief Warrant Officer	3 years	4 years
Warrant Officer	3 years	4 years
Com. Sergeant Major/Chief Master Sergeant	2 years	3 years
First Sergeant/Technical Sergeant	2 years	3 years
Staff Sergeant	2 years	2 years

Promotion through selection may not be granted if the person concerned is not registered on the annual promotion list of his/her body, arm, and specialty.

Except in cases involving an extraordinary military record, promotion through selection may not be granted if the minimum service duration in a lower grade, as prescribed by Prakas of the Minister of Defense, has not been completed.

A commission designated by the Minister of Defense or by a delegated authority shall submit a motivation report of his/her superior on evaluation grades and comments of a candidate. If necessary, the duration required in a lower rank may be less than that indicated above.

If necessary, career non-commissioned officers who die in combat or in command may receive a posthumous promotion.

A career non-commissioned officer who has not been registered on the promotion list for a given year shall be given priority registration by order the following year unless the Promotion Commission does not decide otherwise on the basis of a motivation report from his/her superior.

Article 37: Rights and benefits of career non-commissioned officers shall be established by Anukret.

Chapter 5 Positions of Career Military Personnel

Article 38: All career military personnel shall be placed in one of the following positions:

1. Active position. It shall be the position in which a career military personnel holds a position corresponding to his/her grade.
2. Inactive position. It shall be a temporary position during which, for any reason, a career military member cannot occupy a position corresponding to his/her grade for a period of 6 months.
3. Detachment position. It shall be the position of a member of the military that is placed for a certain time outside of his/her original unit to undertake either a civil service position in the civil administration or a private position of public interest.
4. Retirement position. It shall be the position of career military personnel who reach retirement age prescribed by the law on retirement and work disabilities pensions for military personnel of the Royal Cambodian Armed Forces.
5. "Hors cadres" position. It shall be the position of career military personnel who shall have reached the retirement age mentioned in point 4 of this Article, but who shall be authorized to continue to serve the Royal Cambodian Armed Forces upon his/her request, and if the needs of the Royal Cambodian Armed Forces justify the continuation.

Article 39: The application procedures for general officers with respect to the provisions of Article 38 shall be prescribed by Anukret.

Article 40: The career of a military member shall end if the military member resigns his/her position with the consent of competent authorities, or if the military member shall have been integrated into a civil service body, or if he/she has been demoted by a judicial authority.

Military personnel that have ended their career pursuant to the conditions provided in point 4 of Article 38 shall be placed in the body of reserve military personnel where they shall maintain their grade.

Those that have been subject to penal sanctions may not acquire reserve status.

Chapter 6 Military Personnel Under Contract

Article 41: A member of the military under contract shall be a person who is engaged voluntarily in the Army as a trooper or as a non-commissioned officer in the Royal Cambodian Armed Forces:

- for a predetermined duration
- for an entire war period or a limited part of a war period
- where the total number and criteria for recruitment shall be prescribed by anukret.

Article 42: Military personnel under contract shall be recruited among personnel:

- that have Khmer nationality, except in war time;
- that are more than 18 years of age;
- that display the aptitude required for the needs of the service

Article 43: A member of the military under contract may request the renewal of his/her contract commencing from the expiration date of his/her first contract.

Article 44: The granting of ranks, health conditions, work disability, professional training, and required criteria for military personnel under contract shall be prescribed by Anukret.

Chapter 7 Sanctions

Article 45: A soldier who has committed a breach recognized as a military offense shall be subject to judicial condemnation.

- shall be a disciplinary sanction provided pursuant to the general regulations on discipline of the Royal Cambodian Armed Forces
- a sanction provided under Articles 48, 49, 50, or 51 of this statute.

Article 46: The imposition of a sanction pursuant to this statute shall be preceded by the advice of the disciplinary council. The organization and the functioning of this disciplinary council shall be prescribed by a prakas of the Minister of Defense.

Article 47: After receiving the advice of the disciplinary council, the Minister of Defense or any other qualified authority may determine the sanctions to impose on the offending military member in accordance with Article 45 of this law.

A sanction imposed under this general statute and a disciplinary sanction may be applied cumulatively.

Article 48: Sanctions provided under this general statute against career military personnel shall be the following:

- elimination from the promotion list
- position retirement by placement on inactive position status
- elimination from bodies
- suspension of position.

Article 49: Position retirement by placement on inactive position status pursuant to point 2 of Article 38 of this statute may be applied only to military personnel that are not entitled to an immediate retirement pension. Placement in an inactive status cannot exceed a period of three years.

At the end of an inactive status term, the sanctioned soldier shall be replaced in an active position.

Seniority acquired in the inactive status shall not be taken into consideration for promotion or retirement. In this case, the concerned military member shall no longer be registered in the ??????????

Article 51: In case of a serious crime committed by a career military member, the member may be immediately suspended of his/her position by competent disciplinary authorities.

In the case above, the Minister of Defense shall have the right to establish a deduction that shall not exceed half the salary due to a military member of such grade.

Suspension shall be a temporary status that shall be settled definitively within 4 months following the decision imposing it. If, at the end of this period, no decision has been reached concerning the suspension, the military member concerned shall have the right to again receive his/her entire wages unless he/she is subject to a judicial complaint.

If a suspended member of the military is not subject to any sanction imposed by this general statute within the time limits given above, then he/she may request the payment of the deduction in his/her salary.

In the case where the military member in question is subject to a judicial complaint, he/she shall lose his/her right to wages only when a judicial sentence in his/her case is final.

Chapter 8 Final Provision

Article 52: All provisions contrary to this law are hereby repealed.

Made in Phnom Penh, November 16, 1997
In the name of His Majesty the King and by order of

Chea Sim

Presented for the signature of the King
The First Prime Minister and the Second Prime Minister

Ung Huot

Hun Sen

Presented for the signature of Samdech First Prime Minister and Second Prime Minister
The Co-Ministers of Defense

Tea Banh Tea Chamrath

No. 256 CC

Phnom Penh, November 18, 1997
The Secretary General of the Royal Government of Cambodia
Nady Tan