

KINGDOM OF CAMBODIA
NATION-RELIGION- KING

NATIONAL ASSEMBLY

LAW

ON

GENERAL STATUTES FOR THE
MILITARY PERSONNEL OF THE
ROYAL CAMBODIAN ARMED FORCES

*****This Law was adopted by the
National Assembly, on 15 September 1997
during the 8th Session, 1st Legislature.

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*GENERAL STATUTES FOR THE
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ROYAL CAMBODIAN ARMED FORCES*

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CHAPTER I

GENERAL PROVISIONS

Article 1:

The Royal Cambodian Armed Forces (R.C.A.F) has duty to serve the country. The mission of the Royal Cambodian Armed Forces is to organize and manage the use of forces of the R.C.A.F. for the reconstruction and defence of the motherland and the supreme interests of the nation.

In necessary circumstances, the Royal Cambodian Armed Forces may involve in the defence of public security and shall be as assistants to citizens who are encountering difficulties or disasters.

Military personnel shall strictly observe the disciplines and be devoted and courageous who dare to sacrifice in all circumstances for the motherland.

Military personnel, shall accomplish necessary duties to deserve the respect and loving from citizens.

This present General Statutes guarantees the rights and freedom and states of obligations of all the military personnel, including:

- 1- The regular service military personnel,
- 2- The military personnel engaged in the army under contracts.

Article 2:

Military personnel shall be regulated by provisions under this present Statutes.

A Military Council, shall be established to examine the legislative norms relating to the military matters.

The organization and functioning of this Military Council, shall be determined by a Royal-decree.

A general disciplinary rule for the Royal Cambodian Armed Forces, shall be determined by a Sub-decree.

Article 3:

The Royal Cambodian Armed Forces (R.C.A.F) has 3 types of Forces :

- 1- Infantry Forces.
- 2- Air Forces.
- 3- Navy Forces.

Article 4:

There are 3 classes of hierarchy in the Royal Cambodian Armed Forces :

- 1- rank and files,
- 2- non-commissioned officers,
- 3- officers.

Articles 5:

The hierarchical order of ranks of the military personnel in general, have:

1- Ranks of the ranks and files, consist of:

<u>INFANTRY AND AIR FORCES</u>	<u>NAVY FORCES</u>
- Private	-
- Private 1st Class	-
- Corporal	-
- Chief-corporal	-

2- Ranks of the non-commissioned officers, consist of:

<u>INFANTRY AND AIR FORCES</u>	<u>NAVY FORCES</u>
- Sergeant	-
- Staff sergeant	-
- Chief-sergeant	-
- Warrant officer	-
- Chief- warrant officer	-

3- Ranks of the officers, consist of:

3.1- Subaltern officers:

<u>INFANTRY AND AIR FORCES</u>	<u>NAVY FORCES</u>
- Cadet officer	-
- Second Lieutenant	-
- First Lieutenant	-
- Captain	-

3.2- Superior officers:

<u>INFANTRY AND AIR FORCES</u>	<u>NAVY FORCES</u>
- Major	-
- Lieutenant Colonel	-
- Colonel	-

3.3- Officers of ranks of Generals:

INFANTRY AND AIR FORCES

- Brigadier General
- Major-General
- Lieutenant General
- General
- General of the Army

NAVY FORCES

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-
-
-

Article 6:

Military personnel are 2 main corps:

- 1st corps: which regroups those military personnel of the Infantry, Navy and Air Forces, which are strengths to be used for the military operations.

- 2nd corps: which regroups those military personnel who are serving in the administrative services of the army.

These 2 main corps, may be split up into categories, the army or specialists.

Article 7:

The transfer of categories of army or specialists of the military personnel, shall be determined by Sub-decree or by the Proclamation (Prakas) of the Ministry of National Defence.

Article 8:

Promotion of ranks, shall be proceeded following the hierarchical order of one rank at a time, and there is no appointment of honorary title.

CHAPTER II

RIGHTS, OBLIGATION AND RESPONSIBILITIES

Article 9:

Military personnel may enjoy the same rights and freedom as other citizens. However, the exercise a certain rights and freedom shall be limited according to conditions as stated in this laws.

Military personnel shall be neutral in their functions and work activities, and the use of functions/titles and State's materials for serving any political activities, shall be prohibited.

Article 10:

A military personnel may express personal opinion or belief of philosophical or political character, however the expression of such opinion or belief cannot be performed in public. This rule does not prevent a military personnel from free practice of his/her religious beliefs in a military premises and on board of a ship of the Navy Forces.

Any military personnel who wishes to interpret publicly such

as through writing, holding of a conference or release of statement on political issues, military secrecy or accusation of any foreigner or international organization, shall have authorization from the Minister of National Defence.

Article 11:

Introduction inside a military premises or establishment or on board of a ship of the Navy Forces of publicity of whatever form, which may cause affects to moral or discipline, shall be prohibited in accordance with the conditions as set forth by the General Disciplinary Rules of the Royal Cambodian Armed Forces.

Article 12:

Military personnel may not join together to form a professional group which has a character of a trade union or as membership of any professional group which is not in conformity with the military discipline.

Military personnel may freely join as membership in those assembling groups which are not stated in the paragraph 1 of this article. However, the assumption of any position in those groups or associations, shall be required to have authorization in advance from the competent military authority.

The Minister of National Defence may order the concerned persons to renounce those above positions and responsibilities, and in necessary cases may order them to abandon those groups.

Particularly, for those who had formerly been members of political organizations or trade unions who are to fulfil the compulsory military services for the defence the motherland in term as military personnel, they may still remain as members of those organizations or trade unions as before, but shall cease all activities with those political parties or trade unions during the period of serving in the Royal Cambodian Armed Forces (R.C.A.F.).

Article 13:

The exercise of the rights to demonstration or the rights to strike, shall be prohibited for military personnel.

Article 14:

Military personnel shall receive the orders to carry out works at all times, in all circumstances and places. If such assignment causes them difficulties for which assistance are needed; the relevant military competent authority shall take responsibility to provide assistance to them following the types of these difficulties.

Article 15:

Military personnel shall be entitled to paid leaves. Duration and procedures for applying for paid leave permission, shall be determined in the General Disciplinary Rules of the Royal Cambodian Armed Forces.

When necessary, the military authority may immediately call them back.

Article 16:

A regular service or under contract service military personnel may freely get married. However, he/she shall request for authorization in advance from the Minister of National Defence, if his/her future spouse has no khmer nationality.

Article 17:

Military personnel shall observe all orders with (self) responsibility. Any order which obviously contradicts the laws or international conventions, shall be prohibited. In this case, both the person who gave order and who executes such order, shall be personally responsible respectively before the law.

Article 18:

In case if there is a complaint against a military personnel from third person(s), for any fault he/she committed during the performance of services which is not individual's fault of such concerned military personnel, the State shall protect such military personnel from civil prosecution.

A military personnel, who during the performance of his/her duties, is threatened or attacked in any case, from any person, for a fault which is not of personal fault, shall be protected by the State which will undertake to pay damages and to file suits at court.

Article 19:

A military personnel who is managing funds, materials, equipments or foodstuffs and who causes damages or loss, or any military personnel who has no duty and who causes destruction or loss or damages to military equipments or materials or individual stuffs which are equipped to him, shall be liable for damages.

In serious cases, shall be subject to punishment according to the law.

Article 20:

Military personnel, in addition to provisions of the Criminal Law which are related to abuses of obligations of keeping the military secrecy or confidentiality of the profession, shall have obligation to keep the confidentiality of the facts/events which they had known of during the course

of performance of their duties.

Any diversion or provision of information, papers or documents of the services to the third person in violation of the regulations, shall be prohibited.

Apart from those cases which have been provided for precisely in the regulations in vigour, a military personnel may not be exempted from the obligations of keeping confidentiality or prohibitions as stated in the above paragraph; except only when after he/she got authorization from the Minister of National Defence.

CHAPTER III

SALARY AND REMUNERATIONS

Article 21:

Military personnel are entitled to receive salary, which amounts shall be determined according to their ranks, grades qualification, titles, positions and seniority.

Military personnel may receive special allowances given according to the type of function which they fulfil and the risks which may occurred.

Article 22:

Military personnel shall receive a retirement pension and pension for the loss of work ability which are specified in the Law on retirement pension and loss of work ability for military personnel of the R.C.A.F.

Article 23:

Regular service military personnel, old veterans and their families are entitled to receive medical treatment in the hospitals of the Royal Cambodian Armed Forces.

CHAPTER IV

MILITARY PERSONNEL OF REGULAR SERVICES

Article 24:

Regular service military personnel are those officers , non-commissioned officers or assimilated staff members who were accepted to join as regular service military personnel, after they had filed applications and been appointed the ranks following hierarchical order.

Article 25:

Regular service military personnel are strictly prohibited to:

- use administrative working hours to conduct businesses

for private interests.

- use influence and power of their own functions to exploit any advantage or for intimidating, threatening and abusing the rights of the citizens.

- conduct any business which may harm the honour and dignity of the Royal Cambodian Armed Forces.

- join as members of the Boards of Directors or to manage companies privately.

Article 26:

Regular service military personnel shall be given scores once a year. The Commanders who are direct supervisors, shall give scores and evaluations which shall be informed to each regular service military personnel every year for their knowledge.

Article 27:

Each regular service military personnel shall have personal files which consists of:

- papers relating to administrative status,
- papers and documents relating to decisions and proclamations which are in conformity with the Statutes or disciplinary rules,
- score bulletins,

In these paper documents, there shall be no document which stated of an opinion or belief which is related to politics and philosophy of the concerned person.

Each document shall be numbering on each page and registered.

Article 28:

May be appointed as regular military service personnel, only for any person who:

- has khmer nationality,
- has a certification of the past criminal records stating that never been convicted before.
- has sufficient ability as required for the performance of function.

Article 29:

The recruitment of the regular service military officers will be proceeded through the joining of military officer/cadet schools, for which candidates will be selected through exams amongst the students and amongst the military personnel for attending the training courses as cadet trainees.

Conditions of such selection, shall be determined by a Prakas (Proclamation) of the Ministry of National Defence.

Article 30:

The promotion of ranks of regular service military officers shall be considered on account of the length of time

(seniority) they had been in service so far. Those regular service military officers shall have their names registered in the seniority lists which are established according to the hierarchical order of their ranks and corps, following the seniority of these military officers.

Article 31:

The promotion of ranks through selecting process or according to seniority, may not be proceeded, if the (concerned) military personnel had not been serving the complete period of due term and not been holding the function or taking responsibility in a commanding position as specified bellows:

RANKS	PERIOD REQUIRED TO WORK IN SERVICE IN ONE RANK, IN ORDER TO BE PROMOTED TO ANOTHER RANK	
	Military personnel as forces for use in the fighting operations	Military personnel serving in Administrative service
- Colonel - Colonel of the Navy	3 year	4 year
- Lieutenant Colonel - Lt. Col. of the Navy	5 year	5 year
- Major - Major of the Navy	4 years	5 years
- Captain - Captain of the Navy	6 years	6 years
- 1st Lieutenant - 1st-Lt. of the Navy	4 years	5 years
- 2nd Lieutenant - 2nd-Lt. of the Navy	2 years	2 years
- Cadet officer - Cadet officer of the Navy	1 year	1 year

The period for promotion of ranks may be shorter than above specified due terms in necessary circumstances as are specified by the Sub-decree.

For officers of ranks of Generals, the promotion of their ranks cannot comply with this above provisions, but can be done only in accordance with the necessity of the Royal Cambodian Armed Forces.

For those military personnel who sacrificed their lives or deceased during their missions, shall be promoted the ranks as posthumous decoration.

Article 32:

The promotion of ranks for the regular service military personnel according to seniority, shall be proceeded within each respective corp following numerical orders as classified in the seniority list.

The promotion of rank through selecting process cannot be done, if the name had not been mentioned in the rank promotional chart which will be established at least once a year.

A Commission shall be appointed by the Minister of National Defence, which has duty to report to him/her (the Minister) of necessary evaluations and scores given by commanders of the concerned military personnel, following their hierarchical order.

In case if the name of a concerned military personnel cannot be included in the annual rank promotional chart for the present year, such name must be entitled to be inscribed in the first row following a numerical order, in the rank promotional chart of the following year, except only when the Commission has decided otherwise contrary to this, and upon there are reports with reasonable grounds from commanders of such concerned military personnel.

Article 33:

Appointments and promotion of ranks, shall be decided by:

- a Royal-decree for those officers of ranks of Generals and Admirals,
- a Sub-decree for those military officers of ranks of Colonels and Colonels of the Navy,
- a Proclamation of the Minister of the National Defence for those military officers of ranks from Lieutenant Colonels and Lieutenant-Colonels of the Navy and bellows.

Article 34:

May be appointed as a regular service military non-commissioned officer, for any person who:

- has khmer nationality,
- has joined in services under contract,
- has been servicing for at least 4 years in the Royal Khmer Armed Forces and whose rank is already a non-commissioned officer.
- has sufficient ability as required for the performance of function.

The engagement as regular service military non-commissioned officers, shall be decided by the Proclamation (Prakas) of the Minister of National Defence.

Article 35:

Seniority of the regular service military non-commissioned officers, shall be determined from the period of having been in services in the Army so far.

article 36:

The Promotion of ranks of regular military service non-commissioned officers shall be proceeded following the selecting process, seniority and according to the proportionality. This condition shall be determined by the Proclamation of the Minister of National Defence.

The promotion of ranks according to seniority of the regular service of military non-commissioned officers, shall be considered according to the seniority of the concerned military personnel inside each corp and following the type of army or specialist.

May not be promoted of ranks, if the period of working in the services have not completed the full minimum due terms as indicated in the Chart as hereunder: .

RANKS	PERIOD REQUIRED TO WORK IN SERVICES IN ONE RANK, IN ORDER TO BE PROMOTED ANOTHER RANK	
	Military personnel as forces for use in fighting operations	Military personnel serving in admin. services
- Chief Warrant Officer - Chief Warrant Officer of the Navy	3 years	4 years
- Warrant officer - Warrant officer of the Navy	3 years	4 years
- Chief Sergeant - Chief Sergeant of the Navy	2 years	3 years
- Staff Sergeant - Staff sergeant of the Navy	2 years	3 years
- Sergeant - Sergeant of the Navy	2 years	3 years

Cannot be a subject for the promotion of rank according to

selecting process, if the concerned military personnel has no name in the rank promotional chart which is prepared at least once a year according to each corp and sometimes according to the type of army or specialist.

Cannot be promoted of rank, if having not been serving fully the minimum period in the lower rank which was determined by the proclamation of the Minister of National Defence, except for those who had special works.

A Commission shall be appointed by the Minister of National Defence or by an authority to which power was delegated by the Minister, has duty to report to the Minister of the evaluation and scores of candidates which were given as necessary by their commanders according to hierarchical order.

Moreover, if necessary, the period for the promotion of ranks may be shorter than due term as specified above.

For those regular service military non-commissioned officers who are deceased during their missions, shall be promoted of ranks in terms as posthumous decorations.

In case if the name cannot be included in the annual rank promotional chart, the concerned person shall have rights to be inscribed in the first row according to numerical order, in the rank promotional chart of the following year, except only when the Commission has decided otherwise contrary to this, after there is a report with reasonable grounds from the commander who directly supervises the concerned person.

The appointment and promotion of ranks, shall be decided by the Proclamation (Prakas) of the Minister of National Defence.

Article 37:

The merits of the regular service military non-commissioned officers, shall be determined by a Sub-decree.

CHAPTER V STATUS OF REGULAR SERVICE MILITARY PERSONNEL

Article 38:

Every regular service military personnel, shall be placed under any of the status as hereunder:

1- Active status, is a status in which a regular military personnel is holding function according to his/her own rank.

2- Inactive status, is a temporary status of a regular service military personnel during which he/she cannot hold position according to his/her rank for a period of over 6 months, for various reasons.

3- Placement out of function status, is a status of a regular military personnel who is placed outside his/her own original unit for a period for fulfilling any other public

function in the civil administration or any other function in private sector which is of public interest.

4- Retirement status, is a status of a regular military personnel who has his/her age to be retired in accordance with provisions of the law on retirement pension and pension for the loss of work ability for military personnel of the Royal Cambodian Armed Forces.

5- Outside of cadre status, is a status of the regular military personnel who may reach the due retirement age, pursuant to the point 4 of this article, however may be allowed to continue work in the service, in response to the necessity of the Royal Cambodian Armed Forces and to the proposal of the concerned military personnel.

Article 39:

Procedure for the entitlement of the rights and obligations relating to the status as in the points 1, 2, 3, 4 and 5 of the article 38 as well as particular provisions for military officers of ranks of Generals shall be determined by a Sub-decree.

Article 40:

The military membership will be lost in case when upon a military personnel requested for resignation from the Army and after there is an approval from the competent authority or when upon a military personnel engaged in the cadre of the civil servant or when upon a military personnel lost his/her rank following the court order.

A military personnel who has terminated his/her military membership as stated in the point 4, article 38, shall be included into the reserve military cadre and with retention of actual rank of the concerned personnel, same as before.

For those military personnel who have been sentenced by the court, shall not be included inside the reserve military cadre.

CHAPTER VI

CONTRACTUAL SERVICE MILITARY PERSONNEL

Article 41:

Contractual service military personnel are those who voluntarily join in the services under contracts with ranks as rank and files and non-commissioned officers in the Royal Khmer Armed Forces for:

- a specified period,
- part or whole period during wartime.

Number and conditions of their recruitment, shall be

determined by Sub-decree.

Article 42:

May be recruited in services in term as contractual military personnel, those who:

- have khmer nationality, except only in wartime,
- turn fully to 18 years old,
- have sufficient ability to fulfil the function as required.

Article 43:

For a military personnel who is being under contract may, at the expiry of his/her former contract, request to extend it.

Article 44:

Ranks, status of loss of health, work ability, professional training as well as qualification for the contractual military personnel, shall be determined by Sub-decree.

CHAPTER VII

PUNISHMENTS

Article 45:

In case when committing faults, a military personnel shall be subject to military punishment, without taking into account of the punishment according to court process:

- 1- Disciplinary sanction which will be determined by the General Disciplinary Rules of the Royal Cambodian Armed Forces,
- 2- Punishment in accordance with the Statutes which are stated in the articles 48, 49, 50, and 51 of this Law.

Article 46:

Before imposing a punishment according to the General Statutes, shall request for opinion in advance from the Disciplinary Council.

The organization and functioning of the Disciplinary Council, shall be determined by a Proclamation (Prakas) of the Ministry of National Defence.

Article 47:

After receiving opinion from the Disciplinary Council, the Minister of National Defence or competent authority in this matter may decide to impose punishment as stated in the

article 45 of this law.

The imposition of disciplinary sanction and punishments in accordance with the General Statutes, may be decided to impose both at the same time.

Article 48:

Punishments in accordance with General Statutes applicable for regular military personnel, are:

- elimination from the rank promotional chart.
- removal from function and be placed under inactive status.
- eliminate from the cadre.
- suspension from function.

Article 49:

The removal from function and be placing under inactive status according to provisions of the sub-para. 2 of the article 38, shall be applicable only for those military personnel who are not entitled to be retired immediately. The removal from function may not exceeds a period of 3 years.

At the expiry of the period of placing under inactive status, military personnel shall be put back under active status.

The inactive period under the removal from function, shall not be taking into consideration for calculation of period for the promotion of rank and for the retirement. Under this status, a military personnel does not have his/her name in the list of seniority any more and may be entitled to receive only 45% (forty five percent) of salary of the rank.

Article 50:

The elimination (of a name) of a regular service military personnel from the cadre, may be applicable, regardless of the period which they had been in services.

Article 51:

In case of serious fault committed by a regular service military personnel, such concerned military personnel's function may be immediately suspended upon a disciplinary sanction is made by the competent authority.

In this above case, the Minister of National Defence may have right to determine the amount of saving to be deducted. Such saving amount shall not exceed half of the amount of salary of the concerned person's corresponding rank.

The status of suspended from function of a military personnel, shall be definitively resolved within a period of 4 months, from the day a decision for suspension from function takes into effect. If no decision is made at the termination of this period, the concerned military personnel shall be given back the salary in full amount, except only when such military personnel is being subject to a public action.

In case if a military personnel who is suspended from function, is not subject to any punishment in accordance with the General Statutes or if at the termination of the period as stated in above paragraph and if no decision is made with regard to such concerned military personnel, this latter may have rights to claim for the reimbursement of the savings which had been deducted so far from his/her salary.

In case of public action, the right of receiving salary, shall be ceased only after the judgement from an adjudicate court is considered as final.

CHAPTER VIII

FINAL PROVISION

Article 52:

Any provisions which is contrary to this law, shall be hereby repealed ./.

THIS LAW WAS ADOPTED BY THE NATIONAL
ASSEMBLY OF THE KINGDOM OF CAMBODIA,
ON 15 SEPTEMBER 1997, DURING THE 8th
SESSION OF ITS 1st EGISLATURE.

PHNOM PENH, ON SEPTEMBER 1997.
THE PRESIDENT OF THE NATIONAL ASSEMBLY;

Signature and seal of: CHEA SIM.