

**Kingdom of Cambodia
Nation Religion King**

Ministry of Defense
No. 019/99/PRK/MND
October 4, 1999

**PRAKAS
on
The Organization and Functioning of the Disciplinary Council
The Co-Ministers of Defense**

- Referring to the 1993 Constitution of the Kingdom of Cambodia;
- Referring to Reach Kret NS/RKT/1198/72 of November 30, 1998, on the formation of the Royal Government of Cambodia;
- Referring to Reach Kram 02/NS/94 of July 20, 1994, promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Referring to Reach Kram NS/RKM/0196/07 of 24 January, 1997, promulgating the Law on the Establishment of the Ministry of Defense;
- Referring to Reach Kram CS/RKM/197/05 of November 6, 1997, promulgating the Law on the General Military Statutes of the Royal Cambodian Armed Forces.

HEREBY DECLARE

Article 1: Shall be considered as disciplinary offenses any wrongdoing committed by every military officer either intentionally, involuntary, failure, omission, negligence, recklessness, and any violation of Chapter 7, Articles 45, 46, and 47 of the General Statutes of the Cambodian Royal Armed Forces (RCAF) as promulgated by Preah Reach Kram No. CS/RKM/1197/05 and ratified by the National Assembly on September 15, 1997 at the 8th session of the first legislature. The disciplinary offenses under to the General Statutes of the RCAF, civil and criminal fault are independent from each other. Civil penalties and criminal penalties are also independent from each other.

Article 2: Any sanction imposed under the General Statutes of the RCAF shall be previously approved by the Disciplinary Council.

The appointment of the disciplinary council shall be determined by:

- Preah Reach Kret (royal decree) for the rank of general or admiral;
- Anukret (sub-decree) for the rank of colonel or commander of navy;
- a Prakas of the Ministry of Defense;
- a decision of the Commander-in-Chief of the RCAF.

The Disciplinary Council shall be established for each particular case where there is a matter of sanction under the General Statutes of the RCAF.

Article 3: The Disciplinary Council shall have seven members:

- Three military officers appointed by the Ministry of Defense/Commander-in-Chief, one of whom shall serve as a chairman, another as vice chairman, and the last one as reporter.
- Four military officers who are in the same unit or services related to the accused military officer and who are higher ranking or have more seniority (in case of equivalent ranks).

If there is no military officer as stated above, the Minister of Defense/Commander-in-Chief may propose the appointment of a Disciplinary Council from officers who are higher ranking from a different unit of the Cambodian Royal Armed Forces.

A military officer who is a criminal plaintiff or relatives through the third line of blood relationship of the accused officer may not be appointed for the Disciplinary Council.

Article 4: After the creation of a Disciplinary Council, the Ministry of Defense/Commander-in-Chief of the Royal Armed Force and assigned military authorities shall submit all files associated with the accused military officer to the Disciplinary Council and to the reporter.

Article 5: The reporting member shall allow the accused officer to have access to his/her files and provide witnesses and the name of his defense representative.

Then the reporting member shall investigate/interrogate this case by:

- Asking for evidence and necessary arguments;
- preparing the minutes and other witness response if any; and
- Receiving the complaint of the accused military person.

The reporting member shall properly prepare a written report of investigation results without any personal comment. The report shall be sent to the Disciplinary Council no later than fifteen (15) days.

Article 6: The Disciplinary Council shall convene its members no later than fifteen (15) days after the receipt of the report. If there are no adequate files the Disciplinary Council shall order the reporting members to seek further information, postpone the case, and take any necessary actions to discover the truth.

The above investigation period may not exceed forty-five (45) days.

In case of difficulty in gathering the information, the chairman of the Disciplinary Council may postpone the meeting for only forty-five (45) days.

Article 7: Meetings governed by the chairman of the Disciplinary Council shall be attended by all members.

The accused officer must appear at the request of the Disciplinary Council and bring with him witnesses and may be represented by him/herself or a defense representative either in an oral or written statement.

Article 8: After the completion of discussion and interrogation, the Disciplinary Council may take time to consider the evidence and make a secret conclusion. Then the Disciplinary Council shall arrange a subsequent secret vote starting from the higher degree of penalty to the lower one. All ballots shall be opened at the same time for the vote for each degree of penalty. A vote for such degree of penalty shall be re-arranged if ballots are equal.

Article 9: The minutes of the meetings, the proceedings and secret votes shall be promptly sent by the Chairman to the competent hierarchial authorities for the determination of the penalty. The competent authority may refuse to follow the Disciplinary Council's recommendation by written notice and decide to impose a penalty that is less severe than the Disciplinary Council's proposal.

Article 10: The final sanction shall be determined by a royal decree, sub-decree, and decision.

Article 11: During the enforcement of the sanction, if the accused military officer disappears for fifteen (15) consecutive days after the second summons, his/her salary shall be withheld. If, after the second summons, forty-five (45) days elapse and the accused person is still missing, his/her name shall be automatically cancelled from the cadre.

Article 12: The Cabinet of the Ministry of Defense, Cabinet of the Chief of General Staff, all units under the Cambodian Royal Armed Forces shall be responsible for the enforcement of this Prakas from the date of its signature.

Phnom Penh, October 04, 1999

Co-Ministers of Defense

TEA Banh
Four-stars General

Sisovath Sereyath