

Chapter 1

General provisions

Article 3

Definitions

Terminology in this Law:

1. competent authority, in relation to a function, means a person or body that can lawfully perform that function in the State.
2. corresponding offence under the law of a foreign State, in relation to an offence under this Law, means an offence under the law of a foreign State that is constituted by acts or omissions some or all of which, if committed in the Kingdom of Cambodia, would constitute an offence under this Law.
3. person includes a natural person and a legal entity that is not the State.
4. property means:
 - (a) assets and economic resources of every kind, whether tangible or intangible, movable or immovable, however acquired; and
 - (b) legal documents and instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets, including bank credits, travellers cheques, money orders, shares, securities, bonds, drafts and letters of credit.
5. ship means a vessel of any type not permanently attached to the sea bed and includes:
 - (a) dynamically supported craft; and
 - (b) a submersible craft; and
 - (c) any other floating craft.
6. state or government facility includes any permanent or temporary facility or conveyance that is used or occupied for their official duties by:
 - (a) representatives of a State; or
 - (b) members of the Government, the legislature or the judiciary; or
 - (c) officials or employees of the Government, or any other public authority or entity; or
 - (d) employees or officials of an international intergovernmental organisation.
7. tainted property means property that:
 - (a) has been or is being used, or is intended for use, in the commission of an offence under this Law; or a corresponding offence under a law of a foreign State;
 - (b) is the subject of such an offence; or
 - (c) is derived from or obtained, directly or indirectly, through the commission of such an offence.

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Chapter 11
Financing of, and Material Assistance for, Terrorism

Part 2
Freezing, seizure and forfeiture of terrorist property

Article 79
Freezing of property of certain persons

(1) The Minister of Justice may order the General Prosecutor of the court of appeals or the Prosecutor of the first-instance court to freeze of property of a person if:

(a) the name of the person is included in the list of natural persons and entities belonging to or associated with the Taliban and Al-Qaida organisation maintained by the committee established under Resolution 1267 of the United Nations Security Council; or

(b) the person is:

(i) a person who has committed an offence under this Law or a corresponding offence under the law of a foreign State; or

(ii) an entity owned or controlled, directly or indirectly, by such a person; or

(iii) a person or entity acting or behalf of, or at the direction of, such a person.

(2) The reference in paragraph (1) to property of a person includes funds derived or generated from property owned or controlled, directly or indirectly, by the person or entity mentioned above.

(3) If any property of a person has been frozen under paragraph (1) above, the person may request the Minister for Justice through the General Prosecutor of the court of appeals or the Prosecutor of the first-instance court to seek the unfreezing of that property on the ground either that:

(a) the name of that person was included in error in the list referred to in subparagraph

(1) (a) above; or

(b) while the name of that person is the same as a name in that list, the person is not the person to whom the list refers; or

(c) the person is not a person of the kind referred to in subparagraph (1) (b) above; or

(d) the name of the person has been removed from the list.

Article 80
Freezing of tainted property

(1) A court may order the freezing of property if the court is satisfied that there are reasonable grounds to suspect that the property is tainted property.

(2) The court shall revoke an order made under paragraph (1) if the court is satisfied the property is not tainted property.

Article 81
Seizure of property

The law enforcement authorities, upon becoming aware of the existence of any tainted property, must seize that property without delay and, as soon as practicable, seek an order in relation to that property under article 80.

Article 82
Forfeiture of property

A court may order the forfeiture to the State of property frozen under article 79 or 80 if the court is satisfied that it is more probable than not that the property is tainted property.

Article 83
Charge or conviction not necessary

A decision to freeze property under article 79, article 80, or a seizure under article 81, or forfeiture under article 82 may be made even if:

- (a) no person has been charged with, or convicted of an offence under this Law, or a corresponding offence under the law of a foreign State; or
- (b) a person has been so charged and has been acquitted under this Law or a corresponding offence under the law of a foreign State.

Article 84
Mingled property

Where property that is, or is reasonably suspected of being, tainted property is mingled with other property that is not tainted property, the value of the property to which an order under article 80 or 82 applies must not exceed the value of the property that is, or is reasonably suspected of being, tainted property.

Article 85
Onus on person opposing order

A person opposing the making of an order under articles 80 or 82 above, seeking to exclude property from such an order or seeking to overturn such an order must satisfy the court the property is not tainted property.

Article 86
Setting aside of all acts that attempt to create obstacles to forfeiture, etc.

- (1) The court can set aside or render void any dealing or act, either charged or free that was intended to divert the property from the freezing or forfeiture.
- (2) If the court sets aside or renders void a dealing as mentioned in paragraph (1) above, the court may order the repayment by the original owner to the buyer of the purchase price if the recipient is innocent and the payment has been made.

Article 87
Dealing by State with forfeited property

- (1) The Ministry of Economy and Finance must sell any forfeited property that is not in the form of money in accordance with the procedure for the sale of State property.
- (2) The proceeds of any sale under paragraph (1), together with all other forfeited property in the form of money, must be paid into a national trust fund to be used:
 - (a) to pay all lawful debts and expenses arising out of the forfeiture of tainted property, including expenses of seizure, transport, storage and preservation; and
 - (b) to compensate victims of terrorist acts; and
 - (c) to finance action taken to combat terrorism.
- (3) The administration of the trust fund shall be in accordance with rules made by a sub-decree.

Article 88

Surveillance

(1) The prosecutor or investigating judge appointed to investigate an alleged offence under this Law may authorise an investigator to:

- (a) examine and put under surveillance of bank accounts or any other accounts that are regarded as bank accounts; and
- (b) require the provision for inspection of legal documents and other papers, and all banking, financial and commercial documents;
- (c) monitor telephone lines; and
- (d) access computer systems

If there are reasonable grounds to suspect that those accounts, telephone lines or computer systems are being, or may be, used by persons under suspicion of committing, or planning the commission of, an offence under this Law, or those documents or papers are, or may be, connected to the commission or planned commission of an offence under this Law.

(2) The measures mentioned above shall not be taken to be in violation of any professional confidentiality.

(3) The monitoring of a telephone line must not be for more than 2 months. The continuation of the measure and duration shall be authorised only by the investigative judge who investigates this matter.

(4) A penalty for a period between 1 year to 5 years shall be applied to a person who:

(a) by reason of his or her profession, has knowledge of the carrying out of any of the actions mentioned in paragraph (1), and voluntarily informs a person under suspicion of the taking of those actions; or

(b) provides a document or a paper which he or she knows to be false or incomplete, or mistaken document, but does not inform the authorities of these facts.

Article 89

Bank secrecy

Bank secrecy is not justification for refusing to provide evidence in relation to an offence against this Law.

Article 90

Suppressing barriers to frozen or seized property

A penalty of imprisonment for a period between 5 years and 10 years shall be applied to a person who is a party to, or intentionally facilitates, any dealing with property that is frozen or seized in accordance with this Part unless that dealing was for the purpose of giving effect to the requirements of this Part or authorised by a court.