



Law
on
Common Military Statute of the Royal Cambodian
Armed Forces



CS/RKM/1197/05

Royal Kram

We,

Preahbath Samdech Preah Norodom Sihanouk

**Reach Harivong Uphato Suheat Visothipong Akamohaborasrat Nikarodom Thammik
Mohareacheathireach Boromaneat Boromabopit Preah Chau Krong Kampuchea Thipdey**



- Having seen the Constitution of the Kingdom of Cambodia
- Having seen the Royal Decree dated November 01, 1993 on the formation of the Royal Government of Cambodia
- Having seen the Law on Organization and Functioning of the Council of Ministers, promulgated by Kram 02/NS/94 dated July 20, 1994
- Having seen the Royal Decree NS/RKT/1094/90 dated October 31, 1994 regarding reshuffling of the Royal Government members of Cambodia
- Having seen the Royal Decree CS/RKT/0897/147 dated August 07, 1997 regarding reshuffling of the Royal Government members of Cambodia
- Having seen the Royal Kram NS/RKM/0196/07 dated January 24, 1996 on the establishment of the Ministry of Defense
- The proposition of His Excellency Prime Minister and Samdach Second Minister and the Co-ministers of the Ministry of Defense

Herby Promulgate

The Law on common military statute of the Royal Cambodian Armed Force, adopted by the National Assembly of Cambodia on September 15, 1997 during the 8th session of the first legislation, the text of which appears below:



Law
on
Common Military Statute of the Royal Cambodian
Armed Force

Chapter I

General Provision

Article 1:

Royal armed force bears duties to serve the country. Mission of the Royal armed force is to utilize the strength of the Royal armed force in protecting, building of and the highest benefits of the county.

In case of necessary circumstances, the Royal armed force shall participate in ensuring public security and assist to people where difficulties or disasters arise.

Military shall firmly respect their disciplines, loyalty and bravery to devote to the country under any situations.

Military shall perform their duties appropriately to the love and respect of the people.

This common statute ensures the rights and freedom of as well as defined the duties of a military including of:

- 1- Professional Military
- 2- Contractual Military

Article 2:

All military are abided by the regulations of this common statute.

Military Advisory Board is established to monitor all regulatory frameworks in relation to the military issues.

The organization and functioning of the military advisory board shall be determined by sub-decree.

General regulations for the Royal armed forces shall be determined by sub-decree.

Article 3:

The Royal Armed Forces shall have 3 different type of force:

- 1- Army
- 2- Air Force
- 3- Navy

Article 4:

Ranking of the Royal Armed Force is defined in 3 ranks:

- 1- Solider
- 2- Non-Commissioned Officer
- 3- General Officer

Article 5:

The hierarchy of military ranking is classified below:

1- Solider ranking consists of:

Army and Air Force

- Solider (Second class)
- Solider (First class)
- Corporal
- Chief Corporal

Navy

- Midshipmen
- Ensign
- Lieutenant, Junior Grade
- Lieutenant

2- Non-Commission Officer ranking consists of:

Army and Air Force

- Staff Sergeant
- First Sergeant
- Command Sergeant Major
- Warrant Officer
- Chief Warrant Officer

Navy

3- General officer ranking consist of:

3.1 Junior Officer ranking consists of:

Army and Air Force

- Officer Cadet
- Second Lieutenant

Navy

- First Lieutenant
- Captain

4- Senior Officer ranking consists of:

Army and Air Force

- Major
- Lieutenant Colonel
- Colonel

Navy

- Lieutenant Commander
- Commander
- Captain

5- General Officer ranking consists of:

Army and Air Force

- Brigadier General
- Major General
- Lieutenant General
- General
- General of the Army/Air Force

Navy

- Rear Admiral (lower half)
- Rear Admiral (upper half)
- Admiral
- Fleet Admiral

Article 6:

Military is classified into two bodies:

First body: gathering on military forces in army, air and naval for fighting operation

Second body: gathering of military forces in military administration service

The two bodies may have been categorized into type of force or specialist.

Article 7:

Changing type of force or specialist shall be determined by sub-decree or proclamation (Prakas) of the Ministry of National Defense.

Article 8:

Promotion shall be done on one-by-one step basis and there should be no honorary nomination.

Chapter II

Rights, duties and Responsibilities

Article 9:

Military bear the same rights and freedom of civilian. Application of some rights and freedom of military shall also be limited to the conditions stated in this law.

Military shall maintain neutrality in their position and activities and are prohibited in using their position and stated properties in serving any political activities.

Article 10:

Each military may have own idea or belief as philosophy or politic but shall not publicly reveal. This formality is not prohibited to the free practical of religious belief either in the military arena or on naval forces ship.

Any military is intended to publicly reveal in any means as of in written, conference or statement on political issue, military confidentiality or accusation on any foreigner or international organization shall be granted approval from Minister of the Ministry of National Defense.

Article 11:

Integration into the military compound or building as well as on naval ship of information/dissemination under any circumstances which might have affected to the mental or disciplines of the military shall be prohibited to the conditions stated in general disciplines of Cambodian Royal Armed Forces.

Article 12:

Military cannot establish professional group which seem to be a union or participate in any professional group which is not align to the general military principle.

Military can freely be a member of a group which is not stated in the first paragraph of this article, however, acceptance of a position in the group or association shall be granted approval in advance from competent military authority.

Minister of the Minister of National shall oblige to the personnel to abandon roles and responsibilities or completely quit from the group whenever necessary.

Anyone who is entitled to military obligation and previously a member of a political organization or union can resume his/her membership in the organization or union but all related political or union activities shall be suspended during the period of serving in the Cambodian royal armed forces.

Article 13:

Rights to labor strike or demonstration is prohibited in military membership.

Article 14:

Military shall implement their order anytime, any places and any circumstances. If the assignment might have created some difficulties, competent military authorities shall ensure necessary support of each type of the difficulties.

Article 15:

Military bear rights to paid leave. Duration and procedure is determined in general disciplines of the Cambodian Royal Armed Forces.

Whenever necessary military authority may immediately call in on leaving military back to duty.

Article 16:

Professional or contractual military can freely getting married unless his/her future spouse is not a Cambodian nationality, the request of approval shall be made to Minister of the Ministry of National Defense.

Article 17:

Military shall respect and implement order with highest responsibilities. Any order clearly contradicts to law and international treaty is prohibited.

Article 18:

Whenever there is complaint from a third party regarding to any mistake arise during servicing period which is not of direct mistake of the military, the state shall protect the military from civil penalty.

On duty military which is threatened or attacked by any means from a particular person which is not of own mistakes shall be protected by state, reimburse of damages and filing complaint to court.

Article 19:

Military in charge of fund management, equipments and food who has made damage of or any unauthorized military has caused damage of military equipments or equipped materials shall be responsible for reimbursement. If severe damage/destruction made law penalty is applied.

Article 20:

Military is obliged to confidentiality of information and events occurred during the mission in addition to the regulations of legal code concerning to violation of confidentiality obligation or professional confidentiality.

Conveying or providing of information, letter or relevant service documents which is contradicted to third party is prohibited.

In exception to clear stated regulation in force, military shall not be free from the confidentiality obligation or other prohibition as stated in above paragraph unless approved by the Minister of the Ministry of National Defense.

Chapter III

Salary and other Incentives

Article 21:

Military bear rights to salary based on raking, qualification, position and seniority.

Military may obtain special incentive provided through assigned duties or risks which might have occurred.

Article 22:

Military is entitled to pension and disablement pension defined in the law on pension and disablement pension for military of Royal Cambodian Armed Forces.

Article 23:

Military, ex-military and their family members bear right in receiving treatment in the hospital of Royal Cambodian Armed Force.

Chapter IV

Professional Military

Article 24:

Professional military is a major, an officer or any equal staff which has been included into professional military after officially nominate in a position in respective hierarchy.

Article 25:

Professional military is totally prohibited on:

- not allow to use office hours for any private professional activities
- not allow to violate, threaten other people rights or to take benefits of from others by using position power to influence and so on

- not allow to any other jobs which may have dishonored of and the dignity of the Royal Cambodian Armed Forces
- not allow to be a member of board of director or a manager of any private company

Article 26:

Professional military shall be scored once a year. Direct Commander shall score and grade each professional military with written explanation on the matter every year.

Article 27:

Each professional military shall possess of the following documents:

- related administrative documents
- related letters and documents regarding to the decision and Prakas comply with stated conditions or regulations
- score sheet

There shall be no recorded of personal concepts, belief in philosophy or political view of individual military.

Each document shall be sorted in numbering and register.

Article 28:

Professional military major shall be assigned to only anyone of the following competencies:

- Khmer nationality
- Police clearances certificate
- Competent physical to professional requirements

Article 29:

Selection of military officer shall be done through an examination by School of Active Military among students and military.

The conditions of this selection shall be determined by Prakas of the Ministry of National Defense.

Article 30

Promotion of professional military officers shall be taken into account of years of service. The name of those officers shall be listed down in the seniority list in respective ranking by taking into account of seniority.

Article 31:

Promotion by selection or seniority-based promotion shall not be done unless the officer has not serviced in a determined duration and positional responsibilities as describe below:

<i>Ranking</i>	Years of Service in a rank in order to promote to a level	
	<i>Military serve in combat</i>	<i>Military serve in administrative service</i>
Colonel		
Captain	3 years	4 years
Lieutenant Colonel		
Commander	5 years	5 years
Major		
Lieutenant Commander	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

The duration for promotion may be shorter than above defined in special circumstances determined by sub-decree.

Above regulation shall not apply to the promotion of general position, it could only be done to the needs of the Royal Cambodian Armed Forces.

To a dead military during the service, a promotion is done as posthumous.

Article 32:

Seniority-based promotion of professional military shall be done in respect to each level of seniority.

There shall be no promotion based on selection in case of there is no name in the list of promotion which is made once a year.

A committee shall be nominated by Minister of the Ministry of National Defense to report on score and grading provided by director commander of each military.

In case that a military has no name in the promotion list of this year, s/he is subject to the first row in respective hierarchy for the promotion of next year unless there is any contradict decision made by the committee with appropriate reasons raised by direct commander of such military.

Article 33:

Nomination and promotion shall be done:

- with Royal decree for the rank of general
- with sub-decree for the rank of colonel and captain
- with Prakas of the Ministry of National Defense for the rank of lieutenant colonel and commander and other lower level

Article 34:

Professional non-commissioned officer shall be assigned to only anyone of the following competencies:

- Khmer nationality
- Having fulfilled service contract
- Having served of at least 4 years in the Royal Cambodian Armed Forces with an existing rank of non-commissioned officer
- Competent physical to professional requirements

Being entitled to professional non-commissioned officer shall be decided by Prakas of the Ministry of National Defense.

Article 35:

Seniority of non-commissioned officer shall be considered from the date of entitled to service.

Article 36:

Promotion of non-commissioned officer shall be selected from seniority-based to the appropriate proportion. The conditions will be defined by Prakas of the Ministry of National

Defense. Seniority-based promotion shall be taken into account the seniority of respective non-commissioned officer in each type of military forces and specialization.

Promotion shall not be made if the following minimum duration has not been satisfied:

<i>Ranking</i>	Years of Service in a rank in order to promote to a level	
	<i>Military serve in combat</i>	<i>Military serve in administrative service</i>
Chief Warrant Officer	3 years	4 years
Warrant Officer	3 years	4 years
Command Sergeant Major	2 years	3 years
First Sergeant	2 years	3 years
Staff Sergeant	2 years	3 years

Selection-based promotion shall not be made if a military does not have his name listed in annual promotion list which is made by respective bodies of military type and specialization.

Promotion shall not be made if minimum duration for lower ranking defined by the Ministry of National Defense has not been satisfied unless significant achievement has been noticed.

A committee shall be nominated by Minister of the Ministry of National Defense or competent authority bears responsibilities in reporting/suggesting on scoring and grading which is evaluated by commanding body of respective military.

Wherever necessary, the promotion duration might be shorter than above mentioned.

To a dead military during the service, a promotion is done as posthumous.

In case that a military has no name in the promotion list of this year, s/he is subject to the first row in respective hierarchy for the promotion of next year unless there is any contradict decision made by the committee with appropriate reasons raised by direct commander of such military.

Nomination and promotion of a ranking shall be determined by Prakas of the Ministry of National Defense.

Article 37:

Other benefits for professional non-commissioned officers shall be determined by sub-decree.

Chapter V

General Situation of Professional Military

Article 38:

Every professional military is put into below situation:

- 1- Active situation is a situation in which a military has performed his/her duties in line with position/ranking.
- 2- Inactive situation is a situation in which a military can not perform his/her duties in line with position/ranking for a period of more than 6 months by any reason
- 3- Out-post situation is a situation in which a military has been suspended from the origin workplace in order to perform other public functions either in civil administrative body or private functioning which is a cause of public benefits.
- 4- Retirement is a situation in which the age of any professional military has reached age of retirement in accordance to the regulations of the law on retirement and retiring workforce of the Royal Cambodian Armed Forces.
- 5- Out-cadre situation is a situation in which a military has been reached the age of retirement as indicated in section 4 of this article but has been allowed to resume the duty in order to response to the needs or Royal Cambodian Armed Forces and the requests of the subject military.

Article 39:

Formality of rights and obligation regarding to the situation stated in 1, 2, 3, 4 and 5 of article 38 and particular regulations for general ranking shall be defined by sub-degree.

Article 40:

Military hood is lost in case that the military is resign from the position within approval of competent authority or in case that s/he has been employed in civil servant cadre or in case that s/he has been downgraded/omitted by a verdict.

A military who has finished his/her military hood as stated in 4 or article 38 shall be included in military reserved body and the existed ranking of the military shall be maintained.

To a court sued-military shall not be included in the military reserved body.

Chapter VI

Contractual Military

Article 41:

Contractual military is someone who voluntary to serve in the Royal Cambodian Armed Forces in a ranking of soldier and non-commissioned officer within a contract period for:

- a defined period
- a whole war time or a session

Numbers and conditions of recruitment shall be defined by sub-decree.

Article 42:

Contractual military is selected from anyone of:

- Khmer citizen
- age of 18
- competent physical to the job

Article 43:

A contractual military may extend his/her contract after the date of termination of contract.

Article 44:

Ranks, health-affected conditions, job competencies, professional training and other benefits for contractual military shall be defined by sub-decree.

Chapter VII

Punishment

Article 45:

A mistaken military shall be punished by military (nonjudicial) punishment aside of court procedures:

- 1- Disciplines punishment as defined in general disciplines for the Royal Cambodian Armed Forces

2- Punishment as stated in general statutes in article 48, 49, 50 and 51 of this law.

Article 46:

Prior to the application of general punishment, suggestion/approval from discipline board shall be made.

The organization and functioning of discipline board shall be determined by Prakas of the Ministry of National Defense.

Article 47:

After granting suggestion/approval from the discipline board, Minister of the Ministry of National Defense or competent authority can apply the punishment as stated in article 45 of this law.

Both of discipline punishment and general punishment can be applied at a time.

Article 48:

General disciplines to be applied on professional military consist of:

- Omitting from the promotion list
- Withdrawing of current position and deploy in inactive situation
- Omitting from the body
- Position suspension

Article 49:

Withdrawing of current position and deploying in inactive situation as stated in 2 or article 38 shall only be applied to any military which is not bear rights to instant retire. Withdrawal of position shall not be done of more than three (3) years.

After the termination of inactive situation, the military will be allocated in active situation.

The inactive duration of position withdrawal shall not be considered in regarding to the promotion and retirement duration. In this situation, the military shall not be listed in the seniority list and entitled to only forty-five (45) percent of the salary.

Article 50:

Omission name of professional military from the body can be done with no regards of serving duration.

Article 51:

In case of severe mistake was made by a professional military, s/he shall be instantly suspended by the competent authority and any disciplines procedures required.

Article 52:

In the above case, Minister of the Ministry of National Defense can determine a sum of penalty money to be deducted. This penalty money shall not be excess half of the total military salary.

A military suspension situation shall be completely tackled within four (4) months after the enforced date of such decision. Whereof no any decision is made after the said duration, the military is entitled to full renewed salary unless s/he is a subject to legal law suit.

Where the suspension is made with no any punishment by the general penalty or to the duration as stated in above paragraph, the military is entitled to request a full sum of penalty money which has been deducted from his/her salary back.

In case of legal law suit, rights to full salary shall only be terminated when the verdict of judge has been pronounced.

Chapter VIII

Final Provision

Article 52:

Any provision which is contradicted to this law shall be deem abrogated.

Promulgated in Phnom Penh on November 06, 1997

On behalf of His Majesty the King and by order of

the Interim Head of State

Chea Sim

Presented for the signature of His Majesty the King

The First Prime Minister and the Second Prime Minister

Eung Houth

Hun Sen

Unofficial Translation

by JICA-HRD

Presented for the signature of Samdech Krom First Prime Minister and Second Prime Minister by

Minister of the Ministry of National Defense

Tea Banh

Tea Chamrath