



**International Convention for  
the Protection of All Persons  
from Enforced Disappearance**

Distr.: General  
28 December 2023

Original: English  
English, French and Spanish only

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**Committee on Enforced Disappearances**

**Twenty-sixth session**

19 February–1 March 2024

Item 6 of the provisional agenda

**Consideration of reports of States  
parties to the Convention**

**Replies of Cambodia to the list of issues in relation  
to its report submitted under article 29 (1) of the  
Convention\***

[Date received: 23 December 2023]

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\* The present document is being issued without formal editing.



**Reply to paragraph 1 of the list of issues (CED/C/KHM/Q/1)**

1. The Kingdom of Cambodia has not made any declaration of recognizing the Committee's competence to receive and consider individual communications yet. Pursuant to article 31 of this Convention, the Committee does not yet have the competence to receive complaints from any individual claiming to be victim violated by the competent authorities of the Kingdom of Cambodia on the provisions of this Convention.
2. As regards the request for urgent action transmitted by the Committee to the Kingdom of Cambodia under article 30 of the Convention, the Kingdom of Cambodia does not have any specific formal mechanism for addressing this issue yet.
3. However, as a State party, the Kingdom of Cambodia will cooperate within the international framework and in accordance with the rules of national law to address this urgent issue through the following existing implementable mechanisms:
  - Institutional mechanism falls within [the scope of the duties of] the General Commissioner of the National Police or the Royal Gendarmerie of Cambodia, which can be tasked with searching for disappeared persons;
  - Legal mechanism falls within [the scope of the duties of] the competent authorities to search for disappeared persons and to take legal action such as inquiry and search measures as provided for in the Code of Criminal Procedure.

**Reply to paragraph 2 of the list of issues**

4. The Kingdom of Cambodia will consider an appropriate time and circumstances to prepare the procedures for making the declarations of the Committee's competence as defined in articles 31 and 32 of the Convention.

**Reply to paragraph 3 of the list of issues**

5. In the Kingdom of Cambodia, relevant institutions are assigned to take responsibility for preparing the reports related to the implementation of human rights treaties. The report on the implementation of the International Convention for the Protection of All Persons from Enforced Disappearance falls within the competence of the Cambodian Human Rights Committee (CHRC), staff of the Royal Government.
6. In order to ensure the accuracy and consistency of the data in the report, the Royal Government has established two national working groups to review and comment on the draft report in accordance with Decision No. 114 dated 18 December 2017 and amended by Decision No. 226 dated 6 December 2023:
  - Leadership level is composed of senior officials at the level of secretary of state of the ministries and institutions of the Royal Government as members;
  - Technical level is composed of senior technical officials serving as focal points in the ministries and institutions of the state as members.
7. In particular, within the CHRC, there are its working groups in charge of preparing each draft report.
8. Here is the process of preparing this report. The CHRC Working Groups collect information, data and statistics from relevant ministries and institutions in order to compile the first draft report. It is submitted for consultation with the technical working group composed of focal points from various ministries and institutions as representatives; the second draft report is made thereafter. Next, in principle, the CHRC submits it for consultation with relevant civil society representatives. The consultation is held with this civil society by the CHRC through the Office of the United Nations High Commissioner for Human Rights in Cambodia (OHCHR) to ensure honest participation. Through this process, the third draft report is made.

9. The third draft report is submitted for consultation with the working group composed of senior officials, at the level of secretary of state, representing all ministries and institutions for providing comments; afterwards it becomes the fourth draft report to be submitted to the head of the Royal Government for review and approval. The draft then becomes a national report that needs to be translated into English and finally submitted to the Ministry of Foreign Affairs and International Cooperation for its submission to the Secretary-General of the United Nations.

#### **Reply to paragraph 4 of the list of issues**

10. In view of article 31 of the Constitution of the Kingdom of Cambodia, the power of international conventions, to which the Kingdom of Cambodia is a State party, is granted to the competent authorities, including the courts, to exercise and implement it directly; as in Decision No. 092/003/2007 dated 10 July 2007, the Constitutional Council finds that, in principle, a judge holds a trial based on the law. The aforesaid law means that the national law includes the Constitution, which is the supreme law, all the laws that are still in force, and the international laws that the Kingdom of Cambodia has already recognised.

#### **Reply to paragraph 5 of the list of issues**

11. Paragraph 85 of the National Report of Cambodia states that, “The Kingdom of Cambodia does not currently have any official cases or statistical data in relation to enforced disappearance” emphasising the meaning of the term “enforced disappearance” in accordance with article 2 of the Convention, which is to say, the competent authorities of the Kingdom of Cambodia have not been charged with any form of enforced disappearance. The four requests the Committee has registered for urgent action so far are the ones for assistance in obtaining information on those presumed to be disappearing, without knowledge.

#### **Reply to paragraph 6 of the list of issues**

12. Article 38.3 of the Constitution of the Kingdom of Cambodia stipulates that the prosecution, arrest, police custody or detention of any person shall not be done, except in accordance with the law. This provision is the supreme law that shall not be violated. Therefore, the competent authorities may not use circumstances such as the situation of war, or the threat of war, internal political instability or public emergency as a justification to prosecute, arrest, hold or detain any person without properly complying with the provisions of the law.

13. The Kingdom of Cambodia is a State party to the International Covenant on Civil and Political Rights. Pursuant to article 31 of the Constitution, the Kingdom of Cambodia may comply with article 4 of this International Covenant; the Kingdom of Cambodia may take measures derogating from their obligations under the present Covenant to the extent required to prevent and combat enforced disappearance during the situation of war, or the threat of war, internal political instability or public emergency.

14. Article 22 of the Constitution of the Kingdom of Cambodia states that, “When the nation faces danger, the King shall make a public proclamation placing the country in a state of emergency, after unanimous agreement from the Prime Minister, the President of the National Assembly and the President of the Senate.” This provision suggests that any state of emergency may only be applied only when a public notification of placing the country in a state of emergency is given by the King.

15. Over the course of the outbreak and spread of the COVID-19 virus, the Kingdom of Cambodia took preventive measures, including vaccination, blockade of COVID-19 outbreak areas that were adversely affected, and bans on gatherings and travelling to some areas temporarily. To ensure the implementation of this Convention [for the Protection of All Persons] from Enforced Disappearance, the Royal Government of Cambodia has enacted Law on the Management of the Nation in a State of Emergency.

16. Article 5 of the Law on the Management of the Nation in a State of Emergency sets out certain measures, including banning or restricting the rights of gathering, assembly, people from leaving home or any stays, and measures of mobilisation [of citizens], and seizure, management and disposal of assets and services in necessary cases, in response to emergency. Meanwhile, this Law also requires the Royal Government to clearly define the procedures for mobilisation, seizure, management, disposal and compensation. It is the Royal Government's obligation to regularly report on measures submitted to the National Assembly and the Senate and to respond to other necessary inquiries for the two houses of parliament to review and assess them.

### **Reply to paragraph 7 of the list of issues**

17. In the Kingdom of Cambodia, there have not been any reports of cases of trafficking in persons [or] connected to migratory movements that may qualify as enforced disappearances in the terms of article 2 of the Convention (arts. 1–2, 12 and 24).

### **Reply to paragraph 8 of the list of issues**

18. According to Case Files 001 and 002 of the Extraordinary Chambers in the Courts of Cambodia (ECCC), the judges find that there were acts of enforced disappearance under two major events committed by the competent authorities of the Democratic Kampuchea regime, aka the Khmer Rouge regime, between 1975 and 1979.

19. More than 18,063 detainees at Tuol Sleng Prison were detained in the form of threats, torture, intimidation and murder. In this regard, Kaing Guek Eav alias Duch, Chairman of Tuol Sleng Prison (S-21), was sentenced to life imprisonment in Case File 001, which quantifies the number of dead victims to be 12,272.

20. The forced evacuation of about 2 million people from Phnom Penh, which began on 17 April 1975, has left a number of soldiers and civil servants of the previous regime missing. The forcible transfer of approximately 300,000 to 400,000 people from one location to another (from one community to another or from one security centre to another) took place between September 1975 and throughout 1977 made a large number of them disappear without notice. According to the two aforesaid facts, the ECCC found that the Khmer Rouge had intended to deprive the victims of their liberty by deliberately refusing to disclose information about their whereabouts and intending to inflict severe pain on those arrested and remaining.

21. The abovementioned enforced disappearance occurred through the arrest, detention or coercion of the victims, by placing them outside the protection of the law and refusing to provide information about their fate or whereabouts to other detainees or their family members and loved ones. In this case, Nuon Chea and Khieu Samphan were sentenced to life imprisonment for genocide, war crimes and crimes against humanity, which is also considered serious crimes in the form of enforced disappearance in Case Files 002/01 and 002/02.

22. Surviving victims, families or relatives of dead and missing victims are recognised by the ECCC as complainants and civil parties, through direct participation in providing testimony during the trial and in conciliation and fact-finding outside the courtroom. The complainants and civil parties were provided with moral and collective reparations, in which there are 26 projects (2 under Case File 001, 11 under Case File 002/01 and 13 under Case File 002/02).

### **Reply to paragraph 9 of the list of issues**

23. The Kingdom of Cambodia does not have or envisage any measures to incorporate enforced disappearance as an autonomous offence into domestic law in accordance with the definition contained in article 2 of the Convention, to ensure that the offence carries appropriate penalties that take into account its extreme seriousness, and to establish the

specific mitigating and aggravating circumstances. When appropriate, the Kingdom of Cambodia will consider these issues.

### **Reply to paragraph 10 of the list of issues**

24. The Kingdom of Cambodia will expressly incorporate into national law the criminal responsibility of superiors as set out in article 6(1)(b) of the Convention when enforced disappearance is incorporated as autonomous offences into domestic law as aforementioned (para. 25 [23]).

### **Reply to paragraph 11 of the list of issues**

25. For cases of enforced disappearance that do not amount to crimes against humanity, the limitation for criminal proceedings is limited to the nature of offences as defined in article 10 of the Code of Criminal Procedure of the Kingdom of Cambodia:

- 15 (fifteen) years for a felony;
- 5 (five) years for misdemeanour; and
- 1 (one) year for a petty offence.

### **Reply to paragraph 12 of the list of issues**

26. The Kingdom of Cambodia does not have any legal provisions establishing the competent authorities' jurisdiction when an alleged perpetrator of enforced disappearance committed abroad is present in its territory, when the alleged perpetrator is not extradited or surrendered to another State or to an international criminal tribunal, and when neither the alleged perpetrator nor the victims are Cambodian nationals.

27. Particularly, article 17 of the Criminal Code of the Kingdom of Cambodia states that in criminal matters, Cambodian law is applicable to any person who, in the territory of the Kingdom of Cambodia, instigates or is an accomplice to a felony or misdemeanour committed abroad, if the following two conditions are met:

- The offence is punishable under both the Cambodian law and the foreign law; and
- The fact that the offence was committed is established by final judgement of a foreign court.

### **Reply to paragraph 13 of the list of issues**

28. Various measures taken to guarantee the impartiality of the judiciary and its full independence and to address cases of corruption and lack of transparency within the judiciary, including as relates to cases of alleged enforced disappearance include:

- Strengthening the effective implementation of the provisions of the criminal procedure; and
- Strengthening disciplinary action based on complaints of parties to cases.

29. In the Kingdom of Cambodia, the military authorities of the Royal Gendarmerie in the performance of their duties as judicial police are competent to investigate as provided for in article 81 of the Code of Criminal Procedure that, "Within the context of the competence of judicial police, the national police and the military police shall have the competences as stated in article 56 (Missions of Judicial Police) of this Code."

**Reply to paragraph 14 of the list of issues**

30. As stated in paragraph 35 of the Initial National Report of the Kingdom of Cambodia, which states that [...] any persons involved in the investigation into offences of enforced disappearance are protected by law against any malice or intimidation caused by lawsuits or by provision of evidence. In this sense, [it] is also a measure taken to ensure that human rights defenders assisting victims of enforced disappearance and persons participating in investigations into cases of enforced disappearance are protected from intimidation and ill-treatment, except they act against the law with different intentions.

**Reply to paragraph 15 of the list of issues**

31. In the Kingdom of Cambodia, the judicial police alone may not decide to conduct a preliminary investigation into alleged enforced disappearance, as stated in article 75.1 of the Code of Criminal Procedure that in any case, the judicial police officer cannot keep a case from being acted upon neither if the victim revokes the complaint nor if there has been a negotiated settlement between the offender and the victim or the withdrawal of the complaint.

32. In the event that the judicial police decides not to investigate the alleged enforced disappearance, it is an offence punishable under the criminal law, as stated in article 75.2 of the Code of Criminal Procedure that a judicial police officer who intentionally holds back a written record or evidence or conceals the existence of such record or evidence from the judicial authority commits an offence punishable pursuant to the provisions of the Criminal Code, as foreseen in the chapter relating to search for evidence. In this respect, the victim of enforced disappearance or a legal representative may lodge a complaint to the Prosecutor's Office.

33. With respect to places where there are reasonable grounds to believe that a disappeared person may be present, a search may be conducted at any time in the event that the offence is a flagrant felony, or there is a call for help from inside a place, or a search is conducted at a place that is open to the public, as defined in article 91.3 of the Code of Criminal Procedure.

**Reply to paragraph 16 of the list of issues**

34. Measures taken to ensure that persons suspected of having committed enforced disappearance are not in a position to influence the progress of an investigation include:

- Articles 51 and 52 of the Law on Common Statute of Civil Servants of the Kingdom of Cambodia stipulate that in case of a flagrant felony, the court may order immediate detention without the need for permission to prosecute, but shall immediately notify the head of the relevant institution. If necessary, the civil servant brought before the court may be relieved of his/her duties during the judicial proceedings;
- To ensure that law enforcement or security forces do not participate in the investigation into enforced disappearance when one or more of their officials are suspected of having been involved in committing the offence, there are no specific legal provisions. However, in practice, the prosecution may delegate this investigative function to other law enforcement forces to take charge; for example, in the case of the police force suspected of being involved in the crime, the Royal Gendarmerie performing the (judicial) police function may be assigned to investigate, and vice versa.

**Reply to paragraph 17 of the list of issues**

35. To guarantee the measure of cooperation received from other States parties under articles 15 and 25(3) of the Convention, the Kingdom of Cambodia has its own national legal measures on Mutual Legal Assistance in Criminal Matters. This Law stipulates the

procedures for providing mutual, legal, judicial assistance, or mutual cooperation between the Kingdom of Cambodia and other States parties.

36. In conjunction with the aforesaid legal rules, in mutual, judicial cooperation and assistance in criminal matters, the Kingdom of Cambodia is a State party to the United Nations Convention against Transnational Organised Crime, as well as Optional Protocol against the Smuggling of Migrants by Land, Sea and Air, and Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

37. In the region, the Kingdom of Cambodia is a State party to Treaty on Mutual Legal Assistance in Criminal Matters of the Association of Southeast Asian Nations, which is also a means for mutual, judicial cooperation and assistance in criminal matters in relation to offences of enforced disappearance. More specifically, the Kingdom of Cambodia has Bilateral Treaty on Mutual Legal Assistance in Criminal Matters with the Socialist Republic of Vietnam, the Republic of Korea and the Russian Federation.

### **Reply to paragraph 18 of the list of issues**

38. The Kingdom of Cambodia does not have any provision of domestic law explicitly prohibiting the expulsion, return, surrender or extradition of a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to enforced disappearance:

(a) As aforementioned, without specifically-defined legal provisions, in the Kingdom of Cambodia, there are no specific mechanisms and criteria applied in the context of procedures of expulsion, return, surrender or extradition to evaluate and verify the risk that a person may be subjected to enforced disappearance. In this case, the Kingdom of Cambodia complies with the conditions set out in the law, for example:

- Article 36 of the Law on Immigration states that the Minister of Interior shall have the power to order the expulsion from the Kingdom of Cambodia of any alien:
  1. Whose behaviour or activity is dangerous to the national security of the Kingdom of Cambodia;
  2. Proven to be a dissident to the national security of the Kingdom of Cambodia, after the competent ministries have collected all specific evidences; or
  3. Working in the Kingdom of Cambodia without a labour/working card;
- Article 37 of this Law states that the Minister of Interior shall expel from the Kingdom of Cambodia, every alien who entered illegally in the Kingdom of Cambodia;
- Article 566 of the Code of Criminal Procedure states that the Kingdom of Cambodia may agree to extradite to a foreign State a foreign citizen who is currently present in the Kingdom of Cambodia and who is:
  - Subject to criminal proceedings in that State; or
  - Has been convicted to imprisonment by a court of that State;

(b) In the abovementioned case, the person concerned has the right to appeal a decision authorising an expulsion, return, surrender or extradition, as stated in the law, for example:

- Article 38 of the Law on Immigration states that decision for the expulsion must be carried out immediately from the date of signature of the Minister of Interior. The concerned person shall have rights to file complaint to the court within a period of two (2) months;
- Article 590 of the Code of Criminal Procedure states that:
  - The Investigation Chamber of the Phnom Penh Court of Appeal is the only body competent to examine the regularity of any extradition to the Cambodian government;

- The extradited person shall have fifteen days from the date on which he arrived in the Kingdom of Cambodia to raise the invalidity of such extradition;
- The motion shall be made in writing;

(c) The Kingdom of Cambodia has not yet recognised the Committee's competence in accordance with articles 31 and 32 of the Convention. Therefore, the Kingdom of Cambodia may not accept diplomatic assurances when there is a risk that the person concerned may be subjected to enforced disappearance.

### **Reply to paragraph 19 of the list of issues**

39. In the Kingdom of Cambodia, in accordance with the law in force, persons deprived of liberty have access to a lawyer, can inform their family or any other person of their choice of the deprivation of liberty, and, in the case of foreign nationals, can communicate with their consular authorities.

### **Reply to paragraph 20 of the list of issues**

40. In the Kingdom of Cambodia, all places where persons deprived of liberty are held such as prisons, detention centres, correctional centres, juvenile rehabilitation centres, drug addiction treatment and rehabilitation centres, mental disorder care and rehabilitation centres, Phnom Penh Prey Speu Social Affairs Centre (Prey Speu Centre) have the registers containing information on persons deprived of liberty, [and they] are maintained for the competent authorities to inspect, as stated in para. 54 of the previous National Report of Cambodia. All these records include a minimum of the elements listed in article 17(3) of the Convention.

### **Reply to paragraph 21 of the list of issues**

41. Measures taken to guarantee, in practice, prompt and easy access to the information for any person with a legitimate interest [include] article 98 of the Code of Criminal Procedure stipulating that after a period of twenty four hours from the beginning of the police custody has expired, the detainee may request to speak with a lawyer or any other person who is selected by the detainee, provided that the selected person is not involved in the same offence. The selected person shall be informed of the request immediately and by all means available. The selected person may enter into the custodial site and talk with the detained person for 30 minutes under conditions guaranteeing the confidentiality of the discussion. Following the discussion, the selected person may make a written note to be placed on the case file.

42. Any person, who is a foreign national, with a legitimate interest, living abroad, may get this information by requesting directly to the competent authorities of Cambodia or through his/her embassy or consulate located in the Kingdom of Cambodia. In this respect, in practice, the competent authorities must report on the deprivation of liberty to the Ministry of Foreign Affairs and International Cooperation of the Kingdom of Cambodia that needs to further report to his/her embassy or consulate located in the Kingdom of Cambodia.

### **Reply to paragraph 22 of the list of issues**

43. The CHRC, Human Rights staff of the Royal Government, has been supporting the OHCHR that has requested to reinstate the inclusion of training on international human rights law in the curriculum to judicial students and prosecutors, which has been suspended for some time. In this regard, the CHRC will incorporate specific treaties such as the International Convention for the Protection of All Persons from Enforced Disappearance into the curriculum to provide training to judges and prosecutors.

44. In addition, the CHRC will request the cooperation of the OHCHR to separately organise specific workshops on the International Convention for the Protection of All Persons



from Enforced Disappearance for other competent authorities such as administrative authorities of detention centres, medical staff, police, military police ... .

### **Reply to paragraph 23 of the list of issues**

45. As aforementioned in paragraph 25, the Kingdom of Cambodia does not yet have a legal provision defining enforced disappearance as an autonomous offence. When enforced disappearance is regarded as an autonomous offence, the Kingdom of Cambodia will provide a definition of victim in accordance with that contained in article 24 (1) of the Convention. Thus, the rights of victims of enforced disappearance accord with the common provisions of criminal offences contained in the Criminal Code of the Kingdom of Cambodia.

### **Reply to paragraph 24 of the list of issues**

46. To guarantee that the search for an alleged victim of enforced disappearance is launched ex officio and as soon as the competent authorities are notified of the disappearance, in the Kingdom of Cambodia, the person aware of this case may inform the competent authorities about the enforced disappearance – the enforcement mechanism is that the judicial police has a duty to administer this case in order that the search continues until the fate of the disappeared person has been clarified.

### **Reply to paragraph 25 of the list of issues**

47. In the Kingdom of Cambodia, there are legal provisions that ensure that compensation or reparations include restitution, rehabilitation, honour and dignity restoration; for example, article 14 of the Code of Criminal Procedure states that an injury can be compensated by paying damages, by giving back to the victim the property that has been lost or by restoring damaged or destroyed property to its original state.

48. As regards those responsible for providing compensation and reparation, article 21 of the Code of Criminal Procedure stipulates that a civil action can be made against all persons who are liable to compensate for injury resulting from the offence:

- Perpetrators and co-perpetrators in an offence;
- Accessories and accomplices to an offence;
- Any other individuals who are liable to compensation.

49. Access to compensation and reparation in the legal system of the Kingdom of Cambodia is contingent on a criminal conviction; for example, article 22 of the Code of Criminal Procedure states that a civil action can be brought in conjunction with a criminal action that is before a criminal court. A civil action can also be brought before the civil court. In this case, the civil action shall be suspended until the final decision on the criminal action has been made. Article 23 of the Code of Criminal Procedure stipulates that a criminal court can compensate for injury only after it has examined and confirmed the elements characterising the criminal offence and declared the accused a convicted person.

50. Victims of the offence may have access to compensation according to the court's decision. Once it is final, they may file a petition for implementing it to seek compensation from those liable as defined in article 21 of the Code of Criminal Procedure.

### **Reply to paragraph 26 of the list of issues**

51. In case of disappeared persons whose fate and relatives have not been clarified or unknown, article 41 of the Civil Code of the Kingdom of Cambodia states that if it is unknown for five years whether an absentee is alive or dead, the court may, upon the petition of his spouse, heir, legatee, a designated insurance beneficiary, a parental power holder, guardian, father, mother or any other person who has an important legal interest in the declaration of disappearance, make a judicial declaration of disappearance. The rule

described shall apply where the fate of a person located in a war zone or aboard a foundered vessel, or who encountered any other peril that might have been the cause of death, has been unknown for one year after the cessation of the war, the foundering of the vessel or the termination of the peril.

52. Based on the situation of disappeared persons whose fate and relatives have not been clarified or unknown, within the applicable legal framework, article 37 of the Civil Code stipulates that where a person has left his permanent residence or place of abode and there is no expectation of his return, if he did not appoint an administrator for his property, the court may, upon the petition of any interested person, the chief of commune where the person's residence is located or a public prosecutor, order the appointment of an administrator or take any other measure necessary for the management of such property.

### **Reply to paragraph 27 of the list of issues**

53. In the Kingdom of Cambodia, with regard to the acts described in article 25(1) of the Convention, there are not any specific legal provisions taken as criminal offences; however, certain legal provisions may define as follows:

- Article 327 of the Criminal Code states that taking away a minor from the person who has legal custody shall be punishable by imprisonment from one month to one year and a fine from 100,000 (one hundred thousand) to 2,000,000 (two million) Riels. The offence shall be punishable by imprisonment from 1 (one) year to 3 (three) years and a fine from 2,000,000 (two million) to 6,000,000 (six million) Riels if the minor is kept outside the territory of the Kingdom of Cambodia;
- Article 9 of the Law on Suppression of Human Trafficking and Sexual Exploitation states that a person who unlawfully removes a minor or a person under general custody or curatorship or legal custody shall be punishable by imprisonment from 2 (two) to 5 (five) years;
- Article 333 of the Criminal Code states that substitution, false representation or concealment of the existence of a child which infringes his or her civil status shall be punishable by imprisonment from 1 (one) month to 1 (one) year and a fine from 100,000 (one hundred thousand) to 2,000,000 (two million) Riels.

54. As aforementioned in response to recommendation 9, paragraph 25, when enforced disappearance is incorporated as autonomous offences into domestic law, the Kingdom of Cambodia will, at the same time, submit the acts stated in article 25(1) of the Convention as criminal offences defined in the provisions of domestic law.

55. Since the entry into force of the Convention, in the Kingdom of Cambodia, there have been no complaints concerning the wrongful removal of children in the terms of article 25(1)(a) of the Convention.

### **Reply to paragraph 28 of the list of issues**

56. As abovementioned, in the Kingdom of Cambodia, there are no specific legal provisions concerning enforced disappearance; however, there are legal provisions applicable to all acts related to this offence.

57. The Kingdom of Cambodia considers adoption resulting from the wrongful removal of a minor to be a criminal offence. Article 10 of the Law on Suppression of Human Trafficking and Sexual Exploitation states that a person who unlawfully removes another for the purpose of profit making, sexual aggression, production of pornography, marriage against will of the victim, adoption or any form of exploitation shall be punishable by imprisonment from 7 (seven) years to 15 (fifteen) years. The offence stipulated in this article shall be punishable by imprisonment from 15 (fifteen) to 20 (twenty) years when:

- The victim is a minor;

- The offence is committed by a public official who abuses his/her authority over the victim;
- The offence is committed by an organised group.

58. In this case, the court may announce the annulment of the adoption.

59. Pursuant to article 1048 of the Civil Code, [as regards] the custody or guardianship [of children], [when] the parental power holder abuses his/her rights/authority or neglects his/her obligations, the court may order the suspension or divestment of his/her authority.

## **Annex**

### **References**

Constitution of the Kingdom of Cambodia  
Criminal Code of the Kingdom of Cambodia  
Code of Criminal Procedure of the Kingdom of Cambodia  
Civil Code of the Kingdom of Cambodia  
Law on the Management of the Nation in a State of Emergency  
Law on Common Statute of Civil Servants  
Law on Mutual Legal Assistance in Criminal Matters  
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Law on Suppression of Human Trafficking and Sexual Exploitation  
Constitutional Council, Decision No. 092/003/2007, dated 10 July 2007  
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