

## **Law on the Outlawing of the "Democratic Kampuchea" Group**

*The National Assembly of the Kingdom of Cambodia*

- Understanding that the Agreements on a Comprehensive Political Settlement of the Cambodian Conflict of 23 October 1991, which the "Democratic Kampuchea" Group signed together with the three other Khmer signatories, required the "Democratic Kampuchea" group like the other signatories to implement all the provisions of the agreement to bring peace and national reconciliation.
- Seeing that the "Democratic Kampuchea" Group clearly did not agree to implement the most important provisions of the agreement, in particular violating the articles which called for respect of a ceasefire, the permission to officials and staff of the UN to enter the zones it controlled, for assembly to cantonment, disarmament and demobilization of armed forces, and for respect for the human rights of the Cambodian population.
- Seeing that, in addition to not respecting the most important provisions of the agreement which it had signed, the "Democratic Kampuchea" group made armed attacks on the officials and staff of the UN Transitional Administration, on the officials of the Royal Cambodian Government, and indiscriminately on the lives of the Cambodian people.
- Seeing that the "Democratic Kampuchea" group did not register as a political party to participate in the elections in line with the Electoral Law of the UN for Cambodia dated 12 August 1992 and did not agree to take part in anything prescribed by this Law which would transform this group into a proper and legal political party.
- Seeing that throughout the period since the election in 1993 to the present the "Democratic Kampuchea" group has continually committed criminal, terrorist and genocidal acts which has been a characteristic of the group since it captured power in April 1975 - forcible movement, abduction, killing and subsequently also robbery and banditry, laying mines indiscriminately throughout the plains and forests, destroying public and private property, leading the killing of civilians, forcibly taking and illegally occupying national territory, and selling natural resources by violating the sovereignty of the Kingdom of Cambodia.
- Seeing that "Democratic Kampuchea" group has violated the Constitution of the Kingdom of Cambodia, in particular the

following:

Article 3 which states "the Kingdom of Cambodia is an indivisible state".

Article 49 which states "all Khmer citizens shall respect the Constitution and the law", "all Khmer citizens shall have the duty to take part in the national reconstruction and shall defend the homeland."

Article 50 which states "all Khmer citizens of both sexes shall respect the principles of national sovereignty and liberal multi-party democracy", "all Khmer citizens of both sexes shall respect public and legally acquired property".

Article 52 which states that the Royal Government of Cambodia shall protect the independence, sovereignty and territorial integrity of the Kingdom of Cambodia, shall carry out a policy of national reconciliation in order to protect national unity, shall protect the law and ensure public order and security.

- Seeing that the "Democratic Kampuchea" group has not agreed to listen to the successive appeals to participate in the process of national reconciliation made by UNTAC, by the leadership of the other factions, and subsequently by His Royal Majesty the King and the Royal Government, which emerged from the elections held to solve the Cambodian problem.
- Realizing that the leadership of the "Democratic Kampuchea" group can not take the Paris Peace Agreement as a legal shield to conceal and escape from their responsibility of committing criminal, terrorist and genocidal acts since the time that the Pol Pot regime took power in 1975-78. The crime of genocide has no statute of limitations.

*The National Assembly of the Kingdom of Cambodia hereby approves the following law:*

Article 1: To declare the "Democratic Kampuchea" group and its armed forces as outlaws.

Article 2: From the time this Law comes into effect, all people who are members of the political organization or military forces of the "Democratic Kampuchea" group shall be considered as offenders against the Constitution and offenders against the laws of the Kingdom of Cambodia.

Members of the political organization or military forces of the “Democratic Kampuchea” group include those who give orders for, conspire to or engage directly in armed conflict for the purpose of serving the policy of the “Democratic Kampuchea” group. The above-mentioned persons do not include the family or those living with the “Democratic Kampuchea” group under duress.

Article 3: Members of the political organization or the military forces of the “Democratic Kampuchea” group or any persons who commit crimes of murder, rape, robbery of people's property, the destruction of public and private property, etc. shall be sentenced according to existing criminal law.

Article 4: Members of the political organization or the military forces of the “Democratic Kampuchea” group or any persons who commit

- secession,
- destruction against the Royal Government,
- destruction against organs of public authority, or
- incitement or forcing the taking up of arms against public authority

shall be charged as criminals against the internal security of the country and sentenced to jail for 20 to 30 years or for life.

Article 5: This Law shall grant a stay of six months after coming into effect to permit people who are members of the political organization or military forces of the "Democratic Kampuchea" group to return to live under the control of the Royal Government in the Kingdom of Cambodia without facing punishment for crimes which they have committed.

Article 6: For leaders of the "Democratic Kampuchea" group the stay described above does not apply.

Article 7: The King shall have the right to give partial or complete amnesty or pardon as stated in Article 27 in the Constitution.

Article 8: From the time this law comes into effect all property which is under the control of the “Democratic Kampuchea” group

or other offenders and which derives from the illegal division of the territory of the Kingdom of Cambodia, from the violation of law or from exploitation of the people's natural resources shall be confiscated as state property, whether they are in the Kingdom of Cambodia or any other country.

Article 9: Any persons who use this law to violate the rights of the people by incorrectly threatening, charging, arresting, detaining, jailing, torturing or violating their homes shall be punished and be jailed from two to five years.

Any persons who give false information, false witness, or false evidence in order to serve his or her interests by using this law to violate the rights of people shall be punished and jailed from two to five years.

Victims of injustice have the right to appeal for damages arising from the above mentioned violations.

Article 10: This law is considered urgent.

*This law was approved by the National Assembly of the Kingdom of Cambodia in Phnom Penh on 7 July 1994, and promulgated by Reachkram No. 01.NS.94 on 15 July 1994.*

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