

Chapter 6
Physical Protection of Nuclear Material and Suppression of Acts of Nuclear Terrorism

Part 1
Preliminary

Article 35
Definitions

Terminology in this Chapter:

- (1) international nuclear transport means the carriage of a consignment of nuclear material:
- (a) by any means of transport intended to go beyond the territory of the State where the shipment originates; and
 - (b) beginning with the departure from a facility of the shipper in that State and ending with the arrival at a facility within the State that is the ultimate destination.
- (2) nuclear device means;
- (a) any nuclear explosive device; and
 - (b) a device for the dispersal of radioactive material or a device that emits radiation that may, because of its radiological properties, cause death, serious bodily injury or substantial damage to property or to the environment
- (3) nuclear facility means:
- (a) any nuclear reactor, including a nuclear reactor installed in a vessel, vehicle, aircraft or space object for use as an energy source for the purpose of propulsion or any other purpose; and
 - (b) any plant or conveyance in use for the production, storage, processing or transport of radioactive material.
- (4) nuclear material means any of the following:
- (a) plutonium, except that with isotopic concentration exceeding 80% in plutonium-238;
 - (b) uranium-233;
 - (c) uranium enriched in the isotope 235 or 233 being uranium containing the isotope 235 or 233, or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature;
 - (d) uranium containing the mixture of isotopes occurring in nature, except in the form of ore or ore residue;
 - (e) any material containing material mentioned in one or more of this paragraph 4, subparagraphs (a) to (d).
- (5) radioactive material means:
- (a) nuclear material; and
 - (b) any other radioactive substance containing nuclides that:
 - (i) undergo spontaneous disintegration (a process accompanied by emissions of one or more types of ionising radiation, such as alpha-, beta-) or neutron particles and gamma rays; and
 - (ii) may, because of the radiological or fissile properties of that material or substance, cause death, serious bodily injury or substantial damage to property or to the environment.

Article 36
Application of Parts 2 and 3 of this Chapter

Parts 2 and 3 of this Chapter apply to nuclear material used for peaceful purposes:

- (a) while in international nuclear transport; and
- (b) while in domestic use, storage and transport.

Part 2
Physical protection required for nuclear material

Article 37
Categorisation of nuclear material

Nuclear material in this Chapter is categorised in accordance with the table in Annex 2 of this Law.

Article 38
Levels of physical protection to be applied in international transport of nuclear material

- (1) The levels of physical protection for nuclear material during storage incidental to international nuclear transport include the following measures:
- (a) for Category III material storage within an area to which access is controlled;
 - (b) for Category II material either storage within:
 - (i) an area that:
 - (A) is under constant surveillance by guards or electronic devices; and
 - (B) is surrounded by a physical barrier; and
 - (C) has a limited number of points of entry under appropriate control; or
 - (ii) an area with an equivalent level of physical protection;
 - (c) for Category I material storage within a protected area as defined for Category II above:
 - (i) to which access is restricted to persons whose trustworthiness has been determined; and
 - (ii) which is under surveillance by guards who are in close communication with appropriate response forces.
- (2) The agency responsible for storage of the material must also take specific measures to detect and prevent any assault, unauthorized access or unauthorized removal of material.
- (3) The levels of physical protection for nuclear material during international transport include the following measures:
- (a) for Category II and III materials, transportation must take place under special precautions including:
 - (i) prior arrangement among sender, receiver, and carrier; and
 - (ii) prior agreement between natural or legal persons subject to the jurisdiction and regulation of exporting and importing States, specifying time, place and procedures for transferring transport responsibility;
 - (b) for Category I materials transportation must take place:
 - (i) under special precautions identified above for transportation of Category II and III materials; and
 - (ii) under constant surveillance by escorts; and
 - (iii) under conditions which assure close communication with appropriate response forces;
 - (c) for natural uranium (other than in the form of ore or ore-residue) transportation protection for quantities exceeding 500 kilograms U must include advance notification of shipment specifying:
 - (i) mode of transport; and
 - (ii) expected time of arrival; and
 - (iii) confirmation of receipt of shipment.

Part 3
Offences relating to the physical protection of nuclear material

Article 39
Protection of nuclear material during international nuclear transport

A person who commits an offence under Article 38 above with respect to transport of nuclear material within the Kingdom of Cambodia, or imports nuclear material into the Kingdom of Cambodia, or exports nuclear material from the Kingdom of Cambodia shall be punished to imprisonment for a period between 5 years and 10 years.

Article 40
Receipt, possession, use, transfer, etc of nuclear material

A person who intentionally receives, possesses, uses, transfers, alters, disposes of or disperses nuclear material, which causes or is likely to cause death or serious injury to a person or substantial damage to property shall be punished to imprisonment for a period between 20 years and 30 years, or life imprisonment.

Article 41
Theft of nuclear material

- (1) A person who steals nuclear material shall be punished to imprisonment for a period between 5 years and 10 years.
- (2) A penalty of imprisonment for a period between 10 years and 20 years shall be applied on any of the following cases:
 - (a) the theft is committed by use of force or after use of force; or
 - (b) the theft is committed directly by several persons or by breaking and entering.

Article 42
Fraudulently obtaining nuclear material

A person who intentionally embezzles or fraudulently appropriates nuclear material shall be punished to imprisonment for a period between 5 years and 10 years.

Article 43
Demanding nuclear material by threat

- (1) Demanding means use of force, threat to use force, forcing, or other form of intimidation in order to obtain nuclear material:
- (2) Demanding shall be punished to imprisonment for a period between 10 years and 20 years.

Article 44
Threats to use nuclear material

- (1) A person who intentionally threatens to use nuclear material to cause death or serious injury to a person, or substantial damage to property or to the environment shall be punished to imprisonment for a period between 10 years and 20 years.
- (2) A penalty of imprisonment for a period between 20 years and 30 years shall be applied on a person who threatens to commit the offence under Article 41 (theft of nuclear material) above in order to force:
 - (a) a legislative, executive or judicial institution in the Kingdom of Cambodia; or

- (b) an international intergovernmental organisation; or
 - (c) any other person or group of persons;
- to do or to refrain from doing any act.

Part 4
Control of nuclear, chemical and biological weapons

Article 45
Manufacture, use, etc of nuclear, chemical and biological weapons

- (1) A person who intentionally manufactures, sell, possesses, develops, transports, transfers or uses a nuclear, chemical or biological weapon, or the means of delivery of such a weapon shall be punished to imprisonment for a period between 20 years and 30 years, or life imprisonment.
- (2) Means of delivery of the weapons under Paragraph (1) above means missiles, rockets and other unmanned systems that are capable of delivering nuclear, chemical or biological weapons to a target and are specially designed for that use.

Part 5
Suppression of acts of nuclear terrorism

Article 46
Possession etc. of nuclear materials

A person who intentionally possesses radioactive material or makes or possesses a nuclear device with the intent to cause death or serious bodily injury, or with the intent to cause substantial damage to property or to the environment shall be punished to imprisonment for a period between 20 years and 30 years, or life imprisonment.

Article 47
Acts involving radioactive material, nuclear devices and nuclear facilities

A penalty of imprisonment for a period between 20 years and 30 years, or life imprisonment shall be applied to a person who:

- (a) intentionally, in any way, uses radioactive material or a nuclear device, or uses or damages a nuclear facility in a manner that releases, or risks the release of, radioactive material; and
 - (b) has the intent to cause death or serious bodily injury, or substantial damage to property or to the environment; or
 - (c) has the intent to compel:
 - (i) a legislative, executive or judicial institution in the Kingdom of Cambodia or in a foreign State; or
 - (ii) an international intergovernmental organisation; or
 - (iii) any other person or group of persons;
- to do or to refrain from doing any act.

Article 48
Threats and demands

A penalty of imprisonment for a period between 10 years and 20 years shall be applied to a person who:

- (a) threatens, in circumstances that indicate that the threat is credible, to commit an offence under Article 47 above; or

(b) demands radioactive material, a nuclear device or a nuclear facility by threat, in circumstances that indicate that the threat is credible, or by force.

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Chapter 9

Marking of Plastic Explosives for the Purpose of Detection

Part 1

Interpretation

Article 69

Definitions

In this Chapter:

- (1) detection agent means a substance, as described in article 71, which is introduced into an explosive to make it detectable.
- (2) duly authorised military devices are tools manufactured exclusively for military or police purposes according to the law of the State in which they are manufactured, which are not restricted only to, shells, bombs, projectiles, mines, missiles, rockets, shaped charges, grenades and perforators.
- (3) explosives means explosive products, commonly known as □plastic explosives□ including explosives in flexible or elastic sheet form as described in article 70.
- (4) manufacture means any process including reprocessing that produces explosives.
- (5) marking means introducing a detection agent into an explosive in accordance with Article 70 of this Law.
- (6) producer State means a State in whose territory a manufacturer manufactures explosives.
- (7) unmarked explosives means explosives that are not marked with a detection agent in accordance with article 71.

Article 70

Description of explosives

- (1) This Chapter applies to explosives that:
 - (a) are formulated with 1 or more high explosives that, in their pure form, have a vapour pressure less than 10^{-4} Pa at a temperature of 25°C; and
 - (b) are formulated with a binder material; and
 - (c) are, as a mixture, malleable or flexible at normal room temperature.
- (2) For the purposes of this Chapter, the following explosives are not considered to be explosives for as long as they continue to be held or used for the purposes specified, or incorporated as specified:
 - (a) explosives that are manufactured or held in limited quantities solely for use in duly authorised research, development or testing of new or modified explosives;
 - (b) explosives that are manufactured or held in limited quantities solely for use in duly authorised training in explosives detection and/or development or testing of explosives detection equipment;
 - (c) explosives that are manufactured or held in limited quantities solely for duly authorised forensic science purposes;
 - (d) explosives that are destined to be, and are, incorporated as an integral part of duly authorised military devices in the territory of the producer State, within 3 years after the Convention on the Marking of Plastic Explosives for the Purpose of Detection signed at Montreal on 1 March 1991 came into force in respect of that State.
- (3) In this article:

duly authorised means permitted according to the Laws and regulations of the relevant State.
high explosives include the explosives that are specified in Annex 4, or any other high explosives.

Article 71

Detection agents

- (1) The substance specified in the table in Annex 3 of this Law is a detection agent and is intended to be used to make explosives more able to be detected by means of vapour detection.
- (2) A detection agent must be introduced into an explosive:
- (a) in a manner that achieves a homogeneous distribution in the finished product; and
 - (b) at the minimum concentration set out in the relevant item of the table in Annex 3 in the finished product at the time of manufacture.

Part 2

Offences

Article 72

Manufacture of unmarked explosives

A person who manufactures unmarked explosives in the Kingdom of Cambodia shall be punished to imprisonment for a period between 7 years and 15 years.

Article 73

Possession, transportation, importation or exportation of unmarked explosives

- (1) A penalty of imprisonment for a period between 7 years and 15 years shall be applied to a person who possesses or transports unmarked explosives, or imports unmarked explosives into the Kingdom of Cambodia, or exports unmarked explosives from the Kingdom of Cambodia.
- (2) Paragraph (1) above does not apply to the unmarked explosives that are possessed, transported, imported or exported by the Royal Government of the Kingdom of Cambodia for the purpose of performing a military or police function, and for the purpose consistent with the objectives of the Convention on the Marking of Plastic Explosives for the Purpose of Detection done at Montreal in 1991.

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Chapter 10

Terrorist Bombing

Article 74

Definition

Terminology in this Chapter:

- (1) explosive or other lethal device means:
- (a) an explosive or incendiary weapon or device that is designed, or has the capability, to cause death, or, serious bodily injury, or substantial material damage; or
 - (b) a weapon or device that is designed, or has the capability, to cause death, or, serious bodily injury, or substantial material damage through the release, dissemination or impact of:
 - (i) toxic chemicals; or
 - (ii) biological agents; or

(iii) toxins or similar substances; or

(iv) radiation; or

(v) radioactive material.

(2) infrastructure facility means any publicly or privately owned facility providing or distributing services, such as water, sewage, energy, fuel or communications, for the benefit of the public.

(3) public place means:

(a) a part of any building, land, street, waterway or other location; and

(b) a commercial, business, cultural, historical, educational, religious, governmental, entertainment, recreational or similar place;

that is accessible or open to members of the public, whether continually, periodically or occasionally.

(4) public transportation system means all facilities, conveyances and instrumentalities, whether publicly or privately owned, that are used in or for publicly available services for the transportation of persons or cargo.

Article 75

Delivering, placing discharging or detonating an explosive or lethal device in a public place etc

A penalty of imprisonment for a period between 20 years and 30 years, or life imprisonment shall be applied to a person who intentionally delivers, places, discharges or detonates an explosive or other lethal device in, into or against a public place, or a State or government facility, or a public transportation system, or an infrastructure facility with the intent to cause:

(a) death or serious bodily injury; or

(b) extensive destruction of the place, facility or system, if such destruction results in, or is likely to result in, serious economic loss.