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គណៈកម្មាធិការជាតិប្រឆាំងតេររិស្តកម្ពុជា  
National Counter-Terrorism Committee



ព្រះរាជាណាចក្រកម្ពុជា  
Kingdom of Cambodia  
ជាតិ សាសនា ព្រះមហាក្សត្រ  
Nation - Religion - King

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Secretariat

ថ្ងៃពុធ ១២ តាច ខែសីហា ឆ្នាំសង្គ្រាមស៊ីវិល ព.ស ២៥៦៤  
រាជធានីភ្នំពេញ ថ្ងៃទី 03 ខែ July ឆ្នាំ ២០២៤

United Nations  
Mandate of the United Nations Special Rapporteur  
E-mail: [hrc-sr-ct@un.org](mailto:hrc-sr-ct@un.org)

Dear Sir,

The Secretariat of the National Counter-Terrorism Committee (SNCTC) of Cambodia presents its compliments to the United Nations Special Rapporteur on human rights and counter-terrorism and is writing in reference to the Call for Inputs-Protection of Human Rights by Regional Organizations.

I am pleased to convey the official report of the call for inputs from the Secretariat of the National Counter-Terrorism Committee (SNCTC), the Kingdom of Cambodia. In this regard, our report provides inputs on the relevant points that the SNCTC has so far implemented only, as in the attached file.

The Secretariat of National Counter-Terrorism Committee (SNCTC) of Cambodia avails itself of this opportunity to renew to the United Nations Special Rapporteur on human rights and counter-terrorism the assurances of its highest consideration.

*[Handwritten signature]*

Sincerely yours,

*[Handwritten signature]*  
Kitti Nitti Kosal Pandita  
Senior Minister OM YENTIENG  
and Vice President of SNCTC



## **The Secretariat of National Counter-Terrorism Committee (SNCTC)**

### **Inputs Report on the Protection of Human Rights by Regional Organizations when Countering Terrorism**

The Kingdom of Cambodia, a member state of the United Nations, remains committed to our joint efforts, both regionally and globally, to prevent, to protect and to combat terrorism from around the world. At the same time, the promotion of the protection of human rights and fundamental freedoms, while countering terrorism, is also a priority of the Royal Government of Cambodia in that the National Counter-Terrorism Committee (NCTC) acts as a direct commanding officer in fulfilling the tasks and duties in accordance with the policies of the Royal Government and the direction set out in the resolution of the UN Human Rights Council, to which Cambodia is a signatory.

Although Cambodia is considered by the international community to be not the target of a terrorist attack, the Royal Government of Cambodia under the wise leadership of **Samdech Akka Moha Sena Padei Techo Hun Sen**, Head of the Royal Government of Cambodia in the Sixth Legislature of the National Assembly and the Chairman of the National Counter-Terrorism Committee (NCTC) and **Samdech Maha Bovor Thipadei Hun Manet**, the Prime Minister of the Kingdom of Cambodia in the Seventh Legislature of the National Assembly, strictly adheres to Cambodia's commitment and participation in the prevention, protection and fight against terrorism, both regionally and globally, as well as the protection and the promotion of human rights and fundamental freedoms when countering terrorism in accordance with the resolutions of the UN Human Rights Council on Terrorism and Human Rights in Resolution A/HRC/RES/45/11 and the Special Rapporteur's mandate on the promotion of the protection of human rights and fundamental freedoms in conjunction with the fight against terrorism in Resolution A/HRC/RES/40/16.

Therefore, the SNCTC wishes to provide Inputs Report on the Protection of Human Rights by Regional Organizations when Countering Terrorism as follows:

#### **Domestic level**

- **Legal aspects:**

As a signatory to UN conventions and treaties, the Royal Government of Cambodia has enacted laws that have already entered into force, including the Constitution (1993); the Law on the Control of Weapons, Explosives and Ammunition (2005); the Law on Counter-Terrorism (2007); Penal Code (2007); Law on the Prohibition of Chemical, Nuclear, Biological, and

Radiological Weapons (2009); and the National Counter-Terrorism Planning Book (latest update 2021). In response to the global context and trends of counter-terrorism, Cambodia has enacted three new laws including the law on Anti-Money Laundering and Combating Financing of Terrorism (AML/CFT), the law on Proliferation Financing (PF), and the law on Mutual Legal Assistance (MLA) on Criminal Sector, which came into force on June 27, 2020. In addition, Cambodia is a member of the Global Initiative to Combat Nuclear Terrorism and is working to finalize the International Ship and Port Security (ISPS) Code. With this in mind, the SNCTC is also a member of the National Working Group on Chemistry, Biology, Radiation, Nuclear and Explosives (CBRNE), representing more than 10 ministries and institutions to develop national action plans to strengthen Cambodia's capacity to respond and prevent illegal trade in CBRNE raw materials. The SNCTC also joined the Cambodia Financial Intelligence Unit (CAFIU), which operates under the National Bank of Cambodia, to conduct mutual assessments of terrorist financing and proliferation financing, as well as participating in the Conference on the Proliferation Security Initiative (PSI).

- **Strengthening and building counter-terrorism forces:**

The SNCTC has established and permanently maintained its National Counter-Terrorism Task Force, equipped with all kinds of weapons. Having provided regular trainings as well as skills and strategies to the forces since 2010, the SNCTC also builds and equips the Marine Corps with two speedboats and two airships at a cost of one million US dollars each year which includes the training costs. In addition, a new three-story administrative building was constructed with a 500-seat auditorium as well as other small buildings, and the location and barracks for the accommodation and training were also built in the National Counter-Terrorism Special Forces Command compound. For capacity building, a Unit of Chemistry, Biology, Radiation, Nuclear and Explosives (CBRNE) has been created with a wide range of equipment installed under the umbrella of the National Counter-Terrorism Special Forces in the Special Department. In addition, the SNCTC has played a key role in coordinating the Large Port Initiative for the installation of the Radiation Portal Monitor (RPM) at the Sihanoukville Autonomous Port since 2009, as well as installing another RPM at the Phnom Penh Autonomous Port in 2016 and more installations in 2023. The installation of portable radioactive detectors were provided for the customs officers at 14 international border checkpoints, dry ports, Phnom Penh International Airport and Siem Reap International Airport. The SNCTC also provides a portable radiological detector for CBRNE initial response team under the National Counter-Terrorism Special Forces Command for national conferences and events as a means of ensuring the safety and security of public and VIP guests. The radioactive

detectors are sponsored by the US Department of Energy (US DoE), the Joint Research Center of the European Union (EU JRC), and the International Atomic Energy Agency (IAEA). In addition, the SNCTC has also coordinated the Strategic Trade Control and Export Control Program with the US Department of State (DoS) and the EU P2P Project. Finally, the SNCTC has raised the awareness among law enforcement officials from various ministries about the effects of World Mass Destruction (WMD) through trainings and workshops sponsored by the IAEA, US-DoE, the CBRN Center of Excellence and other international agencies.

- **Fighting extremism from foreign ideologies pervasive in the Khmer Muslim community and the terrorist group ISIS:**

There is no doubt that awareness should be raised on the issues related to foreign extremist ideology. The SNCTC is concerned about the spread of extremist ideologies that could inevitably lead to the emergence of ISIS and foreign terrorist groups in the Khmer Muslim community and in the region. To do this, awareness is provided to relevant institutions in Cambodia. The above-mentioned activities enable the majority of Muslims in the society to help strengthen and enhance the capacity of the Muslim community to fully understand all the fundamental aspects and embrace pluralism as opposed to extremism. Extremism is not pluralism. Gathering information and sharing intelligence with national and regional partners has played an important role in helping each other fight terrorism and help prevent the spread of extremist ideologies.

- **The Publication of the National Counter-Terrorism Planning Book:**

The SNCTC has launched a nationwide dissemination workshop on the National Counter-Terrorism Planning Book. This National Planning Book is a very important document for all relevant institutions and agencies in Cambodia to prepare for and prevent all forms of terrorist incidents. In addition, the National Planning Book is used as a guide to take immediate action to prevent and combat terrorism if it occurs unexpectedly in a fast-paced, non-stop approach in a timely manner. This book sets out the functions and responsibilities for all relevant institutions and agencies to work together effectively without overlap.

- **Training courses and military exercises:**

- **Training courses and workshops:**

From 2018 to 2023, the SNCTC, which is an administrative body of the NCTC, has facilitated 55 training courses, seminars, and field visits with the participation of 147 participants. These reported training courses correspond to the numbers organized from year to year, accompanied

by a list of attendees from various administrations and departments, including two courses in 2018, five in 2019, three in 2020, five in 2021, twenty in 2022, and nineteen in 2023. Participants were officially invited from various relevant ministries and institutions such as the Ministry of Interior, the General Commission of the National Police, the Ministry of National Defense, the National Gendarmerie, Brigade 70, Special Military Zone, General Department of Research and Intelligence, General Department of Customs and Excise of Cambodia, National Counter-Terrorism Special Forces Command, Association of Southeast Asian Nations, and Cambodia Financial Intelligence Unit, etc.

- **Military exercises:**

From 2012 to 2019, the SNCTC conducted 12 tabletop military exercises with a total of 148 participants. In particular, in 2020 and 2021, the preparation of the exercise was postponed due to the spread of Covid-19. In addition, Phnom Penh International Airport conducted its own exercises and cooperated with the SNCTC. To strengthen and increase their awareness of prevention, protection and rescue without delay in case of any unexpected accidents.

- **Cooperation and information sharing:**

The SNCTC, the Ministry of Interior, the General Commission of the National Police, the Ministry of National Defense, the National Gendarmerie, the Ministry of Foreign Affairs and International Cooperation, the Ministry of Industry, Science, Technology and Innovation, the Ministry of Mines and Energy, the Ministry of Health, and the National Bank of Cambodia have been conducting their own activities in awareness raising and cooperation with other relevant partners in the region and the international community. The activities include sharing intelligence and knowledge related to the prevention, protection and fight against illegal smuggling of CBRNE materials and against terrorist groups intending to use Weapons of Mass Destruction (WMD) for their own ambitions. It is our duty to fulfill all regional and international measures to eradicate terrorism.

From 2010 to 2023, we also had local counter-terrorism operations and cooperation. The SNCTC expanded its operations to prevent any activities that could lead to terrorism. Expansion of domestic operations also includes means of protecting Cambodia from becoming a safe haven and a breeding ground for extremist ideologies and criminal ambitions.

### **International level**

Counter-terrorism work requires the contribution from all relevant national, regional and international institutions, which requires the sharing of cooperation as closely as possible. Participating in counter-terrorism work requires all UN state members to adhere to national and international laws, in which

respect for human rights is a key issue to be considered and discussed at the national, regional and international levels, under the coordination of the United Nations, in line with recent developments in global counter-terrorism work. Respect for human rights law in this sense involves terrorist suspects as well as victims of any terrorist act in a global context, while terrorists often take advantage of legal loopholes or during the capacity building of a member state to serve and conduct their activities in the world. Cambodia is one of the member states of the United Nations and the Royal Government of Cambodia has always been committed to engaging with the region and the world in preventing, protecting and fighting against all forms of terrorism and extremist violence, and in fact, Cambodia has always engaged with the local and international community in strengthening human resource training, along with sharing information in the sense of preventing the fight against terrorism, which is a worldwide threat. In addition, Cambodia has joined a number of United Nations initiatives, treaties, and global declarations related to the prevention, protection, and fight against terrorism and respect for human rights. As a result, Cambodia has joined the cooperation with The United Nations, updated its report on counter-terrorism, and the promotion of human rights to the United Nations, as well as attending relevant conferences in the past. From 2018 to 2023, the SNCTC facilitated the leaderships and officials from relevant ministries and institutions to participate in training courses, seminars and technical trainings abroad with a total of 92 times and 201 participants, including 18 times in 2018, 25 times in 2019, and 07 times in 2020 (3 times online), 20 times in 2021 (17 times online), 13 times in 2022, and 9 times in 2023 (1 time online) held in the USA, China, Australia, Thailand, Germany, Austria, Italy, Republic of Korea, New Zealand, Indonesia, Malaysia, Singapore, Vietnam, the Philippines, Finland, India, the United Arab Emirates, Russia, Malta, Hungary, Canada, Sri Lanka, Argentina, Kenya, Belarus, Uzbekistan, Tajikistan, Turkey, Morocco and Nepal.

Overall, the Royal Government of Cambodia has an indispensable harmonization policy of ethnicities, religions and human rights in its counter-terrorism strategy. Religious harmonization in the country, that is, Cambodia's fight against terrorism, is carried out with the Khmer Muslim community at both the legislative, executive and judicial levels. Especially, the Khmer Muslim community also join the Counter-Terrorism Task Force.





## Call for Inputs

### Protection of Human Rights by Regional Organizations when Countering Terrorism

**Deadline for submission - 28 June 2024**

#### **Purpose**

The Special Rapporteur invites interested stakeholders to submit inputs for his forthcoming thematic report on the protection of human rights by regional organizations in counter-terrorism, to be presented at the United Nations General Assembly in October 2024.

#### **Background**

Dozens of regional and sub-regional organizations are involved in countering terrorism, including through standard setting; regional cooperation (in policing, border security, countering terrorist financing, sharing of information/intelligence/data, and mutual legal assistance and extradition); technical assistance and capacity building; the establishment of specialised counter-terrorism bodies; military activities; implementing international standards (including Security Council resolutions); and engagement with United Nations counter-terrorism bodies, other regional organizations, and third states.

Regional counter-terrorism regimes can have profound impacts on human rights, yet human rights law has often not been at their core. Regional regimes have historically had a law enforcement focus on repressing terrorism, rather than on holistically preventing it, addressing the conditions conducive to it or human rights issues or engaging civil society. The dominant political and legal cultures of some regions have also adversely influenced attitudes towards human rights. Weak national protection of human rights can be exacerbated by a lack of regional human rights mechanisms or ineffective ones.

More information about the role of regional organizations in countering terrorism can be found in the Special Rapporteur's report to the Human Rights Council [A/HRC/55/48](#) (paragraphs 38 to 45).

**The Special Rapporteur's report to the General Assembly in October 2024 aims to identify and share good practices on human rights protection in regional organizations as well as recommend areas for improvement.**

Inputs are invited on any regional or sub-regional organizations engaged in countering terrorism, but there will be a focus on the following organizations:

- **in Africa:** African Union, Economic Community of West African States, Southern African Development Community;
- **in the Americas:** Organization of American States;

- **in Asia:** Association of Southeast Asian Nations, South Asian Association for Regional Cooperation, Shanghai Cooperation Organization;
- **in Europe:** Council of Europe (CoE), European Union (EU), Organization for Security and Cooperation in Europe (OSCE), North Atlantic Treaty Organization;
- **other organizations:** League of Arab States, Organization of Islamic Cooperation, Commonwealth of Independent States, Financial Action Task Force (FATF)-Style Regional Bodies.

### Questions to guide inputs

- 1) To what extent are the counter-terrorism and preventing/countering violent extremism (P/CVE) norms of the regional organization consistent with international human rights law, international humanitarian law, and international refugee law?
  - a. Consider, for example, definitions of terrorism and extremism and exclusion clauses in definitions, terrorism offences, criteria for listing terrorist organizations, obligations to cooperate, duties of prevention, and P/CVE.
  - b. Do any counter-terrorism norms or instruments refer to human rights, either generally or in specific detail, or are human rights omitted?
  - c. Consider all relevant norms: treaties, internal laws, resolutions, standards, 'soft law', declarations, policies, strategies and plans.
  - d. Consider all of the actors in the regional organization, such as commissions, councils, parliaments, secretariats, regulatory authorities and executive bodies.
  - e. Include critiques by any United Nations and regional human rights bodies, national courts, experts, academics and NGOs.
- 2) Have **counter-terrorism sanctions** of the organization respected human rights?
- 3) To what extent has the regional organization acted consistently with international human rights law in its **operational activities and practices**, including legal and technical cooperation, sanctions, training, joint investigations, and joint exercises?
- 4) To what extent do the specialized **counter-terrorism bodies** of regional organizations (such as counter-terrorism committees, centres, units and working groups) have:
  - a. a mandate to consider human rights issues in their counter-terrorism work (e.g. in their constituent instruments or resolutions, terms of reference etc)?
  - b. human rights expertise, including dedicated human rights personnel or other personnel with training and knowledge in human rights?
  - c. sufficient resources, including necessary staff, to address human rights issues?
  - d. adequate coordination on human rights protection with other actors within the regional organization engaged in counter-terrorism?
- 5) Does the regional organization have a **human rights due diligence policy** that applies to its counter-terrorism activities (including in relations with third states) and does it use – and fully respect – it in practice?
  - a. Does the regional organization include human rights (a) **training** and (b) **monitoring and evaluation** in its counter-terrorism activities, whether for member states or third states?
- 6) Has the regional organization taken adequate **measures to prevent the conditions conducive to terrorism**, including 'prolonged unresolved conflicts, dehumanization of victims of terrorism in all its forms and manifestations, lack of the rule of law and



violations of human rights, ethnic, national and religious discrimination, political exclusion, socio-economic marginalization and lack of good governance'?

- 7) How has the regional organization addressed **gender equality and non-discrimination** in its counter-terrorism norms and activities?
- 8) How has the regional organization assisted and protected **victims of terrorism** and has this been consistent with human rights and best practice on victims?
- 9) To what extent have member states of the regional organization **implemented** regional counter-terrorism standards in national law?
  - a. Is national implementation consistent with international human rights law?
  - b. Does the regional organization actively monitor and assess national implementation of its counter-terrorism standards, including for consistency with human rights? Does the organization seek to remedy non-compliance?
- 10) Have any **particular member states, or groups of member states**, within a regional organization: (a) shown particular leadership on protecting human rights with the organization's counter-terrorism work, or (b) sought to undermine protection of human rights within the organization in relation to counter-terrorism?
- 11) How have the **national political and legal systems** of the member states of the regional organization shaped its attitude towards protecting human rights in counter-terrorism?

#### **Regional military operations**

- 12) Have **military operations** to counter-terrorism by regional organizations (such as NATO and the AU), and ad hoc regional arrangements (such as various missions in the Sahel) complied with human rights law and international humanitarian law?
  - a. To what extent has human rights and humanitarian law been included in the training, orders, and rules of engagement of such missions?
  - b. To what extent are the disciplinary and accountability processes and mechanisms of such missions consistent with international law?

#### **Civil Society Participation**

- 13) How has the regional organization **engaged with civil society** (including international, regional, national or local civil society organizations) on counter-terrorism and P/CVE issues?
  - a. Does the regional organization provide sufficient information to the public about its counter-terrorism activities?
  - b. Does the regional organization provide opportunities for effective and regular consultation with civil society on counter-terrorism issues, including input into standard setting as well as operational activities?

## Accountability

- 14) Does the regional organization have any **oversight and accountability mechanisms** (specific or general) in relation to its counter-terrorism norms, bodies and activities?
- 15) How has any **regional human rights mechanism** (such as a court, commission, agency, or commissioner) contributed to: (a) the protection of human rights in individual cases involving counter-terrorism; and (b) more general standard setting and development of jurisprudence on human rights in counter-terrorism?
  - a. To what extent have the regional human rights mechanisms been: (a) more, or (b) less progressive than *international* human rights jurisprudence (e.g. United Nations human rights bodies, International Court of Justice).
- 16) How has the regional organization assisted and protected **victims of counter-terrorism** and has this been consistent with human rights law and best practice?

## International Issues

- 17) Have regional organizations respected human rights and humanitarian law when **implementing United Nations Security Council counter-terrorism resolutions**?
- 18) To what extent has the engagement of **United Nations counter-terrorism bodies** with regional organizations enhanced or undermined regional human rights protection?
- 19) To what extent have **regional counter-terrorism standards or practices influenced** (a) international standards or practices and (b) the standards or practices of other regional organizations; and what have been the impacts on human rights?
- 20) How have regional organizations contributed to (a) **enhancing** or (b) **undermining the protection of human rights at the international level**, for example in their advocacy or voting in the United Nations or other multilateral bodies?
- 21) Where a state is a **member of multiple regional organizations** engaged in counter-terrorism (e.g. overlapping memberships of the EU, CoE and OSCE; or of the Arab League, OIC and AU), have any inconsistencies arisen in relation to the counter-terrorism obligations owed to the different organizations, including in national implementation, and particularly in relation to adverse impacts on human rights?

**About the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism**

Pursuant to the mandate established by Human Rights Council resolution 49/10, the Special Rapporteur promotes and ensures the protection of human rights and fundamental freedoms by recommending rights-compliant counter-terrorism legislation and policies; offers support, technical assistance, and expertise to States, UN entities, civil society and other relevant stakeholders; makes constructive and concrete recommendations in relation to areas where there may be room for improvement.

**Next Steps**

The Special Rapporteur invites all interested stakeholders to share by email concise input and/or existing material on the subject.

Input/comments may be sent by e-mail by **28 June 2024**.

**Email address:** [hrc-sr-ct@un.org](mailto:hrc-sr-ct@un.org)

**Email subject line:** Regional organizations and counter-terrorism

**Word limit:** 2,500 words, plus relevant attachments

**Accepted languages:** English, French and Spanish.

**File formats:** Word or PDF

**Confidentiality:** Submissions will be made public on the website of the Special Rapporteur, unless confidentiality is requested/specified at the time of the submission.