

KINGDOM OF CAMBODIA
Nation Religion King

The Constitutional Council

CASE

N° 102/002/2006

Of March 15, 2006

Decision

N° 074/001/2006 CC.D

Of March 17, 2006

The Constitutional Council

- Seen the Constitution of the Kingdom of Cambodia;
- Seen Preah Reach Kram N° CS/RKM/0498/06 of April 8, 1998 on the Organization and the Functioning of the Constitutional Council;
- Seen Preah Reach Kram N° NS/RKM/0306/006 of March 09, 2006 on the amendment of the Articles 82, 88N, 90N, 98, 106N, 111N(one) and 114N of the Constitution and the Article 6 of the Additional Constitutional Law to guarantee the regular functioning of the National Institutions;
- Seen the letter N° 20/2003 CC of September 22, 2003 of the Constitutional Council submitting its views to His Majesty the King on some legal points, especially on the person of the High representative of the King provided for in the Article 5 N (two) of the Rules of Procedure of the National Assembly of the Kingdom of Cambodia;
- Seen the letter N° 274 NA of March 15, 2006 of Samdech HENG SAMRIN, First Vice- President of the National Assembly, requesting the Constitutional Council to examine the constitutionality of the amendment of the Articles 2N, 5N, 10N, 35, 47N (two) and the Article 82 of the Rules of procedure of the National Assembly, letter received by the Secretariat General of the Constitutional Council on March 15, 2006 at 10:31A.M;

Having heard the rapporteur,

Having deliberated in compliance with the law,

- Whereas following the article 140N, paragraph 2, and sentence 1, of the Constitution which states that “*The Rules of Procedure of the National Assembly, the Rules of Procedure of the Senate, and the other Organic Laws shall be sent to the Constitutional Council for the review before their promulgation,*” and following the Article 16 of the Law on the Organization and the Functioning of the Constitutional Council which states that “*Once voted and before their promulgation, organic laws, rules of procedure of the National Assembly and the amendment to organic laws and rules of procedure of the National Assembly shall be compulsorily submitted by the President of the National Assembly to the Constitutional Council for control of their conformity to the Constitution.*” The letter N°274 NA of March 15, 2006 of

Samdech HENG SAMRIN, First Vice- President of the National Assembly, which was received by the Secretariat General of the Constitutional Council on March 15, 2006 at 10:31 A.M. is in conformity with the Constitution and with the Law on the Organization and the Functioning of the Constitutional Council and therefore admissible;

- Whereas the amendment of the Articles 2N, 5N, 10N, 35, 47N(two) and 82 of the Rules of Procedure of the National Assembly adopted on March 15, 2006 during the 4th session of its 3rd legislature is in conformity with the Constitution.

Decides:

Article 1: The amendment of the Articles 2N, 5N, 10N, 35, 47N (two) and 82 of the Rules of Procedure of the National Assembly adopted on March 15, 2006 during the 4th session of its 3rd legislature is declared constitutional.

Article 2: This decision made in the plenary session of the Constitutional Council in Phnom Penh on March 17, 2006 shall be final without recourse, shall have authority over all the instituted powers as stipulated in the Constitution, and shall be published in the “Journal Officiel.”

Phnom Penh, March 17, 2006
For the Constitutional Council
The President
Signed and Sealed

BIN CHHIN