

KINGDOM OF CAMBODIA
Nation Religion King

The Constitutional Council
N° 01/2005 CC.I

Phnom Penh, February 02 , 2005

To His Royal Highness Samdech Krom Preah
NORODOM RANARIDDH
President of the National Assembly

Subject: Request for the interpretation of the Article 19 of the Law on the Organization and the Functioning of the Constitutional Council.

Reference: -The letter of transmission N° 005 NA of January 05, 2005 of Samdech Krom Preah **Norodom Ranariddh**, President of the National Assembly.

- Letter of Mr. **Pol Neang** dated October 19, 2004.

Pursuing to the transmission letter quoted in the above-mentioned subject and reference, I have the honor to inform you that: In its plenary session on February 02, 2005, The Constitutional Council has received the request for the review and has considered that:

1/ - The Article 19 of the Law on the Organization and the Functioning of the Constitutional Council is related to both the competence of the Constitutional Council and that of the courts:

a. The competences of the Constitutional Council as they are concerned here are mainly: the interpretation of the Constitution and of the laws, and the review of the constitutionality of the laws (The Articles 136N and 141N of the Constitution.)

b. The competence at all levels and attributions of the courts is to judge (paragraph 3 and 4 of the Article 128N of the Constitution.)

- The courts shall examine the complaint of the persons involved in the legal proceedings to see whether it is within the competence of the judicial power or that of the Constitutional Council, and whether or not it has adequate evidences. Should the complaint be within the competence of the Constitutional Council as above clarified, the courts concerned shall transmit the case to the Supreme Court within 10 days. The Supreme Court shall examine and forward the complaint to the Constitutional Council within 15 days unless the Supreme Court considers the complaint inadmissible.

- Conversely, should the lower courts find that the complaint does not come under the competence of the Constitutional Council or it does not have sufficient legal grounds, the courts shall continue the existing legal procedures and notify the complainant of their decision. The latter shall have the right to appeal in accordance with the existing procedure of the judicial power.

2/- The Constitutional Council cannot comment on what Mr. **Pol Neang** has raised in his examples.

Please accept, your Royal Highness, the above-mentioned notification and the assurances of my highness consideration.

**For the Constitutional Council
The President
Signed and Sealed**

BIN CHHIN