

KINGDOM OF CAMBODIA
Nation Religion King

The Constitutional Council

CASE

N° 059/003/2003

Of February 4, 2003

Decision

N° 051/002/2003 CC.D

Of February 11, 2003

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 the articles 50 N, 54 N and 62 N of Preah Reach Kram N° NS/RKM/0902/017 of September 17, 2002 on the Amendment of the law on the Elections of the Members of the National Assembly;

Having heard the reporting member,

Having deliberated in compliance with the law,

- Whereas the complaint of Mr. LY RY, representative of Ms. POEU SOPHOAN, complied with the legal procedures;
- Whereas the Constitutional Council has received the complaint within the legal time limit;
- Whereas the Hearing Council (formation of judgment of the Constitutional Council) has interrogated the two parties and witnesses;
- Whereas the witnesses KONG THAN and EK RATANA, know Ms. POEU SOPHOAN very well;
- Whereas Ms. POEU SOPHOAN does not possess any document proving her Khmer nationality required by the articles 50 N and 54 N of the law on the Amendment of the law on the Elections of the Members of the National Assembly; and that, during the public session of the Hearing Council on February 11, 2003, Ms. POEU SOPHOAN repeated that she possesses 1998 and 2002 election cards;
- Whereas the deadline for voter registration is not expired yet;

Decides
In the presence of the parties

Article 1: Is admissible the complaint of February 4, 2003 of Mr. LY RY, representative of Ms. POEU SOPHOAN.

Article 2: Is rejected the decision of the National Electoral Committee (NEC) of February 30, 2003 on the questions of witnesses but is confirmed the same NEC decision in its part dealing with the documents on Khmer nationality. Should Ms. POEU SOPHOAN be able to show the electoral card to the Boeung Salang Commune Council before the registration deadline for the voters on the 2003 Elections of the Members of the National Assembly, Ms. POEU SOPHOAN shall be registered.

Article 3: This decision pronounced in public hearing in Phnom Penh on February 11, 2003 shall be final without recourse, shall have authority over all instituted powers stipulated in the Constitution and shall be published in the "Journal Officiel".

Phnom Penh, February 11, 2003
For the Constitutional Council
The President

Signed and Sealed

BIN CHHIN

(Non-official translation)