

KINGDOM OF CAMBODIA  
Nation Religion King

**The Constitutional Council**

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**CASE**

N° 075/019/2003

Of September 22, 2003

**Decision**

N° 058/009/2003 CC.D

Of October 16, 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 Preah Reach Kram N° NS/RKM/1297/06 of December 26, 1997 on the Elections of the Members of the National Assembly;
- Seen 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;
- Seen the decision of the Constitutional Council N° 046/001/2002 CC.D of August 5, 2002;
- Seen the letter N° 427 AN of September 20, 2003 of Samdech Krom Preah NORODOM RANARIDDH, President of the National Assembly, transmitting the request N° 287/COMFREL of September 8, 2003 of Mr. KUL PANHA, Executive Director of COMFREL, petitioning the Constitutional Council to interpret paragraph 1 of article 124 N of the law on the Amendment of the law on the Elections of the Members of the National Assembly, and received by the Secretariat General of the Constitutional Council on September 22, 2003;

**Having heard the reporting member,**

**Having deliberated in compliance with the law,**

- Whereas according to the article 141 N of the Constitution and the article 18 of Preah Reach Kram N° CS/RKM/0498/06 of April 8, 1998 on the Organization and the Functioning of the Constitutional Council, the request of Samdech Krom Preah, President of the National Assembly, is admissible;
- Whereas the paragraph 5 of the article 76 of the Constitution stipulates that the

Electoral Law shall determine “The organization, the modalities, and the electoral proceedings”;

- Whereas following the precisions of the Ministry of Interior, the drafter of the bill on the Elections of the Members of the National Assembly, the idea is to empower the National Electoral Committee (NEC) to impose fine;
- Whereas that following the minutes of the debates at the National Assembly in 2002 and 1997, there were no proposal to modify the initial idea concerning the draft articles 124 N and 124 old on this issue;
- Whereas the paragraph 1 of the article 124 N of the law on the Amendment of the law on the Elections of the Members of the National Assembly states: “Shall be subject to the removal of the name from the electoral list, the candidacy of interested person or of the party at the elections by the National Electoral Committee or/and to the fine of riel five millions (R 5.000.000) to twenty five millions (R 25.000.000), regardless of penal sanction...”. Following the above argument, the pronouncement of the fine is also the competence of the National Electoral Committee;

### **Decides**

**Article 1:** The paragraph 1 of the article 124 N of the law on the Amendment of the law on Elections of the Members of the National Assembly shall be interpreted in compliance with the above-mentioned motives.

**Article 2:** This decision made in the plenary session of the Constitutional Council in Phnom Penh on October 16, 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, October 16, 2003  
**For the Constitutional Council**  
**The President**  
**Signed and Sealed**

**BIN CHHIN**

( Non-official translation )