

KINGDOM OF CAMBODIA
Nation Religion King

The Constitutional Council

CASE

N° 081/004/2004

Of August 02, 2004

Decision

N° 059/001/2004 CC.D

Of August 04, 2004

The Constitutional Council

- Seen the Constitution of the Kingdom of Cambodia of 1993;
- 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 letter N° 107 NA of August 02, 2004 of Samdech HENG SAMRIN, Acting President of the National Assembly requesting the Constitutional Council to examine the Constitutionality of the Rules of Procedure of the National Assembly, which was received by the Secretariat General of the Constitutional Council on August 02, 2004;

Having heard the rapporteur,

Having deliberated in compliance with the law,

- Whereas the request by the Acting President of the National Assembly for examining the constitutionality of the Rules of Procedure of the National Assembly is in conformity with the Constitution (sentence 1, paragraph 2 Article 140N of the Constitution);
- Whereas the decision on the constitutionality of the Rules of Procedure of the National Assembly is within the competence of the Constitutional Council (sentence 2, paragraph 2 of the Article 140N of the Constitution);
- Whereas in every chapter and article of the Rules of Procedure of the National Assembly, there is no provision contrary to the Constitution except the one of the Article 51 of the Rules of Procedure of the National Assembly on the election of a provisional chair to preside over the session. This provision is difficult to implement in a correct way and does not comply with the Article 87N of the Constitution.

Decides:

Article 1: The Rules of Procedure of the National Assembly of the Kingdom of Cambodia consisting of 17 chapters and 83 articles and adopted by the National Assembly on August 02, 2004, are declared constitutional, except the Article 51 which is not in conformity with the Article 87N of the Constitution.

Article 2: The decision made in the plenary session of the Constitutional Council in Phnom Penh on August 04, 2004 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, August 04,2004
For the Constitutional Council
The President

Signed and Sealed

BIN CHHIN