

KINGDOM OF CAMBODIA
Nation Religion King

The Constitutional Council

CASE

N° 092/002/2005

Of February 16, 2005

Decision

N° 069/001/2005 CC.D

Of February 25, 2005

The Constitutional Council

- Seen the Constitution of the Kingdom of Cambodia of 1993;
- Seen the Additional Constitutional Law of 2004;
- 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° 183 NA of February 15, 2005 of Samdech Krom Preah **NORODOM RANARIDDH**, President of the National Assembly, requesting the Constitutional Council to examine the constitutionality of the amendment of the Articles 2, 3, 4, 5, 6, 7, 9, 10, 14, 15, 17, 22, 31N, 33, 40, 41, 48, 51, 55, 56, 58, 59, 60, and 83 of the Rules of Procedure of the National Assembly, letter received by the Secretariat General of the Constitutional Council on February 16, 2005.

Having heard the rapporteur,

Having deliberated in compliance with the law,

- Whereas the Article 140N of the Constitution 1993, paragraph 2, sentence 1 stipulates that “*The Rules of Procedure of the National Assembly, the Rules of Procedure of the Senate, and other Organic laws shall be submitted to the Constitutional Council for review before their promulgation,*” and the Article 16 of the law on the Organization and the Functioning of the Constitutional Council stipulates that “*The Organic laws, the Rules of Procedure of the National Assembly, and the amendment of Organic Laws and Rules of Procedure of the National Assembly, after being adopted by the National Assembly, shall be submitted to the Constitutional Council by the President of the National Assembly for review before their promulgation.*” Therefore, the request N° 183 NA of February 15, 2005 of Samdech Krom Preah **NORODOM RANARIDDH**, President of the National Assembly, which was received by the Secretariat General of the Constitutional Council on February 16, 2005, is constitutional.
- Whereas the Article 33N, paragraph 3 stipulates that, “This meeting does not require the quorum.” on this point could be taken into consideration, the Article 88, paragraph 3 of the Constitution which stipulates that, “The National Assembly meeting shall be considered as valid provided, there is a quorum of 7/10 of all members”. In the spirit of the Article 33N, the National

Assembly would question the Royal Government one day per week for information. There is no provision of the Constitution prohibiting such a meeting; therefore, the above addition of the wording is not contrary to the Constitution.

- Whereas the amendment of the Articles 2, 3, 4, 5, 6, 7, 9, 10, 14, 15, 17, 22, 31N, 33, 40, 41, 48, 51, 55, 56, 58, 59, 60, and 83 of the Rules of Procedure of the National Assembly of the Kingdom of Cambodia adopted on February 14, 2005 in its second session of the third legislature is in conformity with the Constitution and the Additional Constitutional Law.

Decides:

Article 1- The amendment of the Articles 2, 3, 4, 5, 6, 7, 9, 10, 14, 15, 17, 22, 31N, 33, 40, 41, 48, 51, 55, 56, 58, 59, 60, and 83 of the Rules of Procedure of the National Assembly of the Kingdom of Cambodia adopted on February 14, 2005 in its second session of the third legislature is declared in conformity with the Constitution and the Additional Constitutional Law.

Article 2- This decision made in the plenary session of the Constitutional Council in Phnom Penh on February 25, 2005 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 , February 24, 2005
For the Constitutional Council
The President
Signed and Sealed

BIN CHHIN