

KINGDOM OF CAMBODIA
Nation Religion King

The Constitutional Council

CASE

N°:111/011/2006

Of November 01, 2006

Decision

N°: 082/009/2006 CC.D

Of November 10, 2006

The Constitutional Council

- Seen the Constitution of the Kingdom of Cambodia;
- Seen Preah Reach Kram N° CS/RKM/0498/06 of April 08, 1998 on the Organization and the Functioning of the Constitutional Council;
- Seen Preah Reach Kram N° NS/RKM/1006/025 of October 21, 2006 promulgating the Law on the Status of the Parliamentarians;
- Seen the letter N° ៣ រ.ក រ ម. 30/06 dated November 01, 2006 from the 16 Members of the National Assembly requesting the Constitutional Council to examine the constitutionality of the Article 5 of the Law on the Status of the Parliamentarians, letter received by the Secretariat General of the Constitutional Council on November 01, 2006 at 09.30 A.M;

Having heard the rapporteur,

Having deliberated in compliance with the law,

- Whereas the request from the 16 Members of the National Assembly is in compliance with the article 141(N) of the Constitution and the Article 18 of the law on the Organization and the Functioning of the Constitutional Council promulgated by Preah Reach Kram N° CS/RKM/0498/06 of April 08, 1998, and therefore admissible;
- Whereas the Parliamentary Immunity is granted to the National Assembly;
- Whereas the Members of the National Assembly enjoy the Parliamentary Immunity preserving them from the fears initiated by the abuses of the executive or judicial powers; this immunity however has its limits;
- Whereas the Article 5 of the Law on the Status of the Parliamentarians has as substance to draw the attention of the Members of the National Assembly, but does not make them loose their Parliamentary Immunity;

Decides:

Article 1: Pursuant to the above-mentioned motives, the Article 5 of the Law on the Status of the Parliamentarians promulgated by Preah Reach Kram NS/RKM/1006/025 of October 21, 2006 is not inconsistent with the Constitution.

Article 2: This decision made in the plenary session of the Constitutional Council in Phnom Penh on November 10, 2006 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, November 10, 2006

**For the Constitutional Council
The President**

Signed and Sealed

BIN CHHIN