

KINGDOM OF CAMBODIA
Nation Religion King

The Constitutional Council

CASE

N°:130/002/2007

Of January 02, 2007

Decision

N°: 090/001/2007 CC.D

Of January 05, 2007

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/0902/017 of September 17, 2002 on the Amendment of the Law on the Elections of the Members of the National Assembly;
- Seen the letter N° 002 NA dated December 29, 2006 from H.E. NGUON NHEL, Acting President of the National Assembly, requesting the Constitutional Council to review the constitutionality of the Law on the Amendment of the Law on the Organization and the Functioning of the Constitutional Council adopted by the National Assembly in the 5th session of its 3rd legislature on November 27, 2006, and entirely approved by the Senate in the 2nd plenary session of its 2nd legislature on December 25, 2006, letter received by the Secretariat General of the Constitutional Council on January 02, 2007 at 15.30;

Having heard the rapporteur,

Having deliberated in compliance with the law,

- Whereas the National Assembly and the Senate have correctly implemented the procedures stipulated in the Article 113N for examining and adopting the Law on the Amendment of the Law on the Organization and the Functioning of the Constitutional Council;
- Whereas the request of H.E. NGUON NHEL, Acting President of the National Assembly, is in accordance with the Article 140 (N), paragraph 2 of the Constitution and the Article 16 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 form of the elaboration of the Law on the Amendment of the Law on the Organization and the Functioning of the Constitutional Council has nothing contrary to the Constitution;

- Whereas all provisions in only one article of the Law on the Amendment of the Law on the Organization and the Functioning of the Constitutional Council contain no point considered as unconstitutional;

Decides:

Article 1 : The Law on the Amendment of the Law on the Organization and the Functioning of the Constitutional Council adopted by the National Assembly in the 5th session of its 3rd legislature on December 27, 2006 and entirely approved by the Senate in the 2nd plenary session of its 2nd legislature on December 25, 2006 is declared constitutional.

Article 2 : This decision made in the plenary session of the Constitutional Council in Phnom Penh on January 05, 2007 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, January 05, 2007
For the Constitutional Council
The President

Signed and Sealed

BIN CHHIN