

KINGDOM OF CAMBODIA
Nation Religion King



The Constitutional Council

CASE

N° 172/003/2010

Of February 24, 2010

Decision

N° 109/002/2010 CC.D

Of March 12, 2010

The Constitutional Council

- Seen the Constitution of the Kingdom of Cambodia;
- Seen Preah Reach Kram N° CS/RKM/0498/06 of April 08, 1998 promulgating the Law on the Organization and the Functioning of the Constitutional Council;
- Seen Preah Reach Kram N° NS/RKM/0107/005 of January 31, 2007 promulgating the Law on the Amendment of the Law on the Organization and the Functioning of the Constitutional Council;
- Seen Preah Reach Kram N° NS/RKM/0801/14 of August 30, 2001 promulgating the Land Law
- Seen Preah Reach Kret NS/RKT/0806/339 of August 03, 2006 on the principle and on the transitional provision of the public property secularization of the State and public artificial person;
- Seen the February 23, 2010 Letter N° 002/10 NA.SRP of their **Excellencies, Lokchumteavs 15 parliamentarians** to the President of the Constitutional Council, requesting the Constitutional Council to interpret the Article 16, paragraph 4 of the Land Law, letter received by the Secretariat General of the Constitutional Council on February 24, 2010 at 10:30 am.

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

- Whereas the request of their Excellencies, Lokchumteavs 15 parliamentarians requesting the Constitutional Council to interpret the article 16 paragraph 4 of the Land Law, made in accordance with the article 136(New), article 141(New) of the Constitution and the article 15(New),article 18(New) of the Law on the Amendment of the Law on the Organization and the Functioning of the Constitutional Council, is therefore admissible;

Whereas paragraph 4 of Article 16 of the Land Law provided that “**when State public properties lose their public interest use, they can be listed as private properties of State by Law on transferring of State public property to State private property.**” the provision of this paragraph means that when any state public property is not used as public interest, the state public property is considered as state private property by the Law on transferring of state public property to state private property. The terms “the Law on transferring of state public property to state private property” means that under this law the transfer of the State public property into the State private property is authorized;

Decides:

Article 1: The provision of the paragraph 4 of Article 16 of the Land Law, promulgating by Preah Reach Kram N° NS/RKM/0801/14 of August 30, 2001, shall be interpreted as in the above-mentioned motives.

Article 2: This decision made in the plenary session of the Constitutional Council in Phnom Penh on March 12, 2010 shall be final, without recourse, shall have authority over all the instituted powers as stipulated in the Constitution, and shall be published in the Royal Gazette.

2010 Phnom Penh, March 12,

On behalf of the Constitutional Council

The President,

Signed and Sealed: EK SAM OL