

**Kingdom of Cambodia
Nation Religion King**

The Constitutional Council

CASE

N°: 360/002/2020

Of April 20, 2020

Decision

N° 202/002/2020 CC.D

Of April 27, 2020

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/0318/005 of March 10, 2018 promulgating the Law on the Amendment on Article 26, Article 27 (New), Article 28, Article 31, and Article 32 of the Law on the Organization and the Functioning of the Constitutional Council;
- Seen the letter N° 107 N.A April 20, 2020 of Samdech Akka Moha Ponhea Chakrei **HENG Samrin**, President of the National Assembly, requesting the Constitutional Council to examine the Constitutionality of the Law on the Management of the Nation in State of Emergency, adopted by the National Assembly on April 10, 2020 in the 4th session of its 6 legislature and reviewed and entirely approved by the Senate on the legal form and substance and considered as urgent in the extraordinary session of its 4th legislature of April 17, 2020, letter received by the Secretariat General of the Constitutional Council on April 20, 2020 at 9:00 am;

Having heard the clarification of the representatives of the Royal Government;

Having heard the rapporteur;

Having deliberated in compliance with the law;

- Whereas the National Assembly and Senate have duly implemented the procedure stipulated in Article 113 (New) of the Constitution for reviewing and adopting the Law on the Management of the Nation in State of Emergency;
- Whereas the request of Samdech Akka Moha Ponhea Chakrei **HENG Samrin**, President of the National Assembly, made in accordance with Article 140 (New) of the Constitution and Article 17 (New) of the Law on the Amendment of the Law on the Organization and the Functioning of the Constitutional Council, is therefore admissible;
- Whereas the form in drafting and adopting the Law on the Management of the Nation in State of Emergency is in conformity with the Constitution;
- Whereas the clarification of Minister of Justice and his colleagues on matters concerning the Law on the Management of the Nation in State of Emergency in the session of the Constitutional Council on April 24, 2020, following the invitation of the Constitutional Council, was conducted in accordance with Article 21 of the Law on the Organization and the Functioning of the Constitutional Council;
- Whereas the Chapter 1 on the General Provisions, consists of 2 Articles – Article 1 and Article 2 – stipulating the purpose and the scope of the Law on the Management of the Nation in State of Emergency. All provisions in both Articles of Chapter 1 are in conformity with Article 22 (New), Article 31, Article 32, Article 44, Article 52, Article 58, Article 59, and Article 72 of the Constitution;
- Whereas Chapter 2 on the Procedures and the Conditions for the declaration of a State of Emergency, consists of 2 Articles – Article 3 and Article 4 – stipulating the procedures and the conditions of the State of Emergency. All provisions in both Articles of Chapter 2 are in conformity with Article 22 (New), Article 52, Article 72, Article 86, and Article 102 (New) of the Constitution;
- Whereas Chapter 3 on the Management of the Nation in State of Emergency, consists of 2 Articles – Article 5 and Article 6 – stipulating the Measures to be adopted when the Nation is in a State of Emergency and the requirements for reporting about measures adopted during a State of Emergency to the National Assembly and the Senate. All provisions in both Articles of Chapter 3 are in conformity with Article 22 (New), Article 31, Article 40,

Article 41, Article 44, Article 49 (New), Article 52, Article 58, Article 60, Article 72, and Article 96 of the Constitution;

- Whereas Chapter 4 on Criminal Provisions, consists of 4 Articles – Article 7 to Article 10 – about the obstruction of execution when the Nation is in a State of Emergency, the failure to comply with measures when the Nation is in a State of Emergency, and the criminal responsibilities of legal entities. All provisions of Chapter 4 are in conformity with the Constitution;
- Whereas Chapter 5 on the Final provision, consists of 2 Articles – Article 11 and Article 12 – stipulating that any provision contrary to this Law shall be abrogated and that this Law is declared to be urgent. All provisions in both Articles of Chapter 5 are in conformity with Article 93 (New) of the Constitution;
- Whereas the essences of the 5 Chapters, 12 Articles of the Law on the Management of the Nation in State of Emergency are in conformity with the Constitution;

Decides:

Article 1: The Law on the Management of the Nation in State of Emergency, adopted by the National Assembly on April 10, 2020 in the 4th session of its 6th legislature and reviewed and entirely approved by the Senate on the legal form and substance, and declared to be urgent in the Extraordinary Session of its 4th legislature on April 17, 2020 is declared to be in conformity with the Constitution.

Article 2: The decision made in the Plenary Session of the Constitutional Council in Phnom Penh on April 27, 2020 shall be final, without recourse, shall have authority over instituted powers as stipulated in the Constitution, and shall be published in the Royal Gazette.

Phnom Penh, April 27, 2020

**On Behalf of the Constitutional Council,
The President,**

Signed and Sealed: **Kittinitekorsalbandit IM Chhun Lim**