

KINGDOM OF CAMBODIA
Nation Religion King

The Constitutional Council

CASE

N° 083/006/2004

Of August 11, 2004

Decision

N°061/003/2004 CC.D

Of September 07, 2004

The Constitutional Council

- Seen the Constitution of the Kingdom of Cambodia;
- 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 of August 10, 2004 of the 16 MPs requesting the Constitutional Council to interpret the Article 7 of the Constitution in the case of the King's abdication;
- Seen the documents of the National Assembly concerning the deliberation of the Constituent Assembly on the Article 7 of the Constitution;

Having heard the rapporteur,

Having deliberated in compliance with the law,

- Whereas the 16 MPs, more than 1/10 (13 MPs) of the Members of the National Assembly, by their August 10, 2004 letter requested the Constitutional Council to interpret the Article 7 of the Constitution, letter received by the Secretariat General on August 11, 2004 at 14:23 the number of 16 MPs satisfies the provision of the Article 141 N of the Constitution; therefore, the Constitutional Council can examine this request in accordance with the Article 136N of the Constitution and Article 15 and 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 8, 1998;
- Whereas the letter of the MPs requesting to interpret the Article 7 of the Constitution raising the question concerning the case of the King's abdication "*after having often times messages from the King on his intention to abdicate, after different interpretations by the Prime Minister and a group of jurists on his abdication*", deals with the paragraph 2 of the Article 7 of the Constitution providing that "*the King shall be head of state for life*" which means the King shall reign and be Head of State for life. The role of His Majesty as King and Head of State for life is inseparable; therefore, the King shall reign and shall be Head of

State for life. His reign shall be determined from the date of his coronation until his demise;

- Whereas the Articles 12 and 13 of the Constitution of the Kingdom of Cambodia, adopted by the Constituent Assembly, provides the selection of the new King only after the demise of the reigning King;
- Whereas the abdication is not provided in the Constitution.

Decides:

Article 1 : The Article 7 of the Constitution shall be interpreted in compliance with the above-mentioned motives.

Article 2: This decision made in the plenary session of the Constitutional Council in Phnom Penh on September 07, 2004 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, September 07, 2004

For the Constitutional Council

The President

Signed and Sealed

BIN CHHIN