

STATE OF CAMBODIA  
INDEPENDENCE- PEACE -FREEDOM  
-----

L A W

ON

ORGANIZATION AND ACTIVITIES  
OF THE ADJUDICATE COURTS OF THE  
STATE CAMBODIA

\*\*\*\*\*

CHAPTER ONE

General provision

Article 1 : Adjudicate courts of the State of Cambodia are :  
- Provincial and municipal courts,  
- Military court,  
- Appeal court,  
- Supreme court.

Article 2 : - Provincial, municipal courts and military courts are lower adjudicate courts.

- Provincial and municipal courts which shall be located in the provinces and municipalities, shall respectively have their jurisdictional competences which are extended on the territory of each of those provinces.

- Military court which shall be located in the municipality Phnom Penh, shall have its jurisdictional competences on the whole territory of the State of Cambodia.

Article 3 : - Appeal court and Supreme court which are higher courts, they shall be located in the Municipality Phnom Penh.

Appeal court and Supreme court, shall have their jurisdictional competences on the whole territory of the State of Cambodia.

Article 4 : Adjudicate courts of all levels shall proceed trials

basing on the laws in vigour, and laws and provisions adopted by the Supreme National Council (SNC).

In civil cases, when the law did not state explicitly or when there is a gap which the law did not stipulate provisions concerning any case, the adjudicate courts shall then proceed hearings by basing on customs, traditions, conscience and equity.

Article 5 : Beside each lower adjudicate court, there shall be a prosecutor, and a general prosecutor to each higher adjudicate court.

In criminal cases, prosecutors are owners of the criminal actions, and who are to make assumption of terms of punishment which may due, by always considering themselves as " complainant party ".

In criminal cases and in other lawsuits, prosecutors are " subordinate party" of the lawsuit, who will be only for sharing advice, if deemed appropriate. But in some cases which related to public order, prosecutors shall consider themselves as " complainant party ".

## CHAPTER TWO

### PROVINCIAL AND MUNICIPAL COURTS

Article 6 : Provincial and municipal courts, shall have competences to proceed trials and to open access for appeals in all the criminal, civil, commercial cases, and litigations of administrative or labour cases.

Provincial and municipal courts when proceed hearings, shall be headed by a judge, complemented by a prosecutor or a deputy prosecutor and a court clerk.

Article 7 : Court's Judgement is contradictory ( made in the presence of the parties), may open access for an appeal within a period of two (2) months, from the date of decision. Judgement by default (made in the absence of the parties/party), may open way for an opposition (refusal complaint) within a period of 15 days, from the date of notification thereof. If upon the period permitted for opposition is expired, an appeal may then be made against the judgement within a period of 2 months, from the expiry of the date permitted for opposition.

Article 8 : The appeal complaint may have power to cease/suspense for temporary the implementation of the court judgement. Appeal complaints which are relating to decisions of the courts, judges or prosecutors, shall not have power to cease/suspense for

temporary those decisions, except only when those appeal complaints are made by the prosecutors in the cases of detaining or releasing for temporary out of detention.

Appeal complaint shall be made in the adjudicate courts which have issued the judgement.

Person whom shall be entitled to make an appeal or opposition/refusal complaint, are the prosecutor or whoever whom has interests in the lawsuit, who will include the party, plaintiff of the civil lawsuit, person responsible in civil case, convicted person, lawyer or defender.

Apart from criminal cases, the prosecutor may not make appeal complaint, unless he/she determined himself/herself to be a plaintiff.

### CHAPTER THREE

#### MILITARY COURT

Article 9 : The military court shall have competence to adjudicate and shall be subjected to appeals for those cases of military offenses.

Military offenses are those committed by military members in the army and which concerned with military discipline or effected properties of military armed forces.

In case when a military member committed normal criminal offence, he/she shall be prosecuted by the provincial/municipal court.

The procedure of the military court shall be the same as what of the provincial and municipal court.

### CHAPTER FOUR

#### APPEAL COURT

Article 10 : The Appeal court shall have competence to proceed hearings of appeal complaints against judgements of the provincial and municipal courts and military court, by opening access for grievance complaints.

Article 11 : The appeal court shall consist of 3 magistrates, where one of them is president. The composition of this adjudicate court shall be completed by a general prosecutor or a deputy general prosecutor or a prosecutor from the General Prosecutors' office, and a court clerk.

In case of a hearing for revision of a decision, 3 magistrates shall sit, in which one of them shall be president, and all of these magistrates should be those who did not participate in the previous hearing (of this same case)

Article 12 : The Judgement by default of the Appeal court , may be subjected to an appeal by a grievance complaint against it within a period of 2 months from the day of judgement.

The Judgement by default ( made in absence of a party/parties) of the appeal court, may be subjected to an opposition /refusal complaint within a period of 15 days. If this period permitted for opposition is expired, may then be subjected to a grievance complaint within 2 months from the date of expiry of the delay permitted for filing opposition/refusal complaint.

Article 13 : The grievance complaint shall have power to cease/suspense for temporary of the implementation of the Appeal court's judgement.

But the grievance complaint which concerned with temporary detaining, temporary released out of detention ( pending trial ), suspension of file case without further proceeding and acquitted from charges,.....may not have power to cease/suspense for temporary the implementation of judgement of the Appeal court. A grievance complaint shall be made in the adjudicate court which has issued such judgement.

Person who shall have rights to file a grievance or an opposition/refusal complaint, is the general prosecutor to the Appeal court or whoever has interest in the lawsuits, who will include : the parties/party, plaintiff in the civil cases, the responsible in the civil cases, convicted person, lawyer or defender.

## CHAPTER FIVE

### SUPREME COURT

Article 14 : The Supreme court shall have competence to proceed hearings on grievance complaints against judgements of the Appeal court by considering only on erroneous of law but not of facts.

But in the lawsuits where there is a n grievance complaint submitted, such court shall proceed a hearing in joint groups, by considering at the same time on both the erroneous of law as well as of facts.

Article 15 : Revision complaints may be made against judgements (of the lower courts ) or final judgements of the appeal court and which have already had absolute power.

Revision complaint may be permitted for the cases of misdemeanour and crime and in other cases which have been provided for by the law.

Revision complaint may not be made against judgement of the lower court or appeal court which was made to acquit from charges.

Persons who shall be entitled to make revision complaints are:

- Minister of Justice,
- convicted person or legitimate representative of the convicted person if such person has no capability.
- spouse, parents(mother or father), children of the convicted, ...or generally speaking, those persons whom will be receiving material or spiritual/moral interest if the convicted is deceased or disappeared.

Article 16 : Composition when in the hearing of the Supreme court, shall consist of 5 magistrates, one of whom is president. In case when proceeding a hearing in joint groups the composition of this court shall consist of 9 judges, in which one of them shall be president. This above court's composition shall be complemented a general prosecutor or deputy general prosecutor or a prosecutor and a court clerk.

## CHAPTER SIX

### APPOINTMENT

Article 17 : Provincial and municipal courts shall consist of a chief judge/president, deputy chief judge/deputy president and judges, who shall be appointed to fulfil function, transferred, promoted or demoted by a Decree, following the request of the Minister of Justice.

Article 18 : The Chief judge/President of the Court and prosecutor to the provincial or municipal court shall be equal in rank with the Deputy President of the People's Committee of the province or municipality.

Deputy chief judge/Deputy president of the court and deputy prosecutor to the provincial or municipal court, shall be equal in rank with the Permanent member of the People's Committee of the province or municipality.

Judges of the provincial and municipal court shall be equal in rank with the chief of cabinet of the province and municipality.

Article 19 : The Appeal court shall have a Chief judge/ President of the Court, a Deputy chief judge/deputy president and judges, who

shall be appointed to perform function, transferred , promoted or demoted by a Decree, following a request from the Minister of Justice.

The general prosecutors to the Appeal court, shall consist of a General prosecutor, a deputy general prosecutor and prosecutors, who shall be appointed to perform function, transferred , promoted or demoted by a Decree, following the request of the Minister of Justice.

Article 20 : The chief/President of appeal court and general prosecutor to the appeal court, shall be equal in rank with the minister.

The deputy chief/Deputy president of the appeal court and the Deputy prosecutor to the Appeal court, shall be equal in rank with what of the deputy minister.

The judges of the Appeal court and prosecutors to the appeal court, shall be equal in rank with the chiefs judge/ presidents of the courts of the provinces and municipalities.

Article 21 : The supreme court shall consist of a Chief judge/President of the Court, deputy chief judge/Deputy president and judges.

The general prosecutors to the appeal court, shall consist of a general prosecutor, a deputy general prosecutor to the supreme court and prosecutors.

Deputy chief judge/deputy president and judges of the Supreme court, deputy general prosecutor and prosecutors to the Supreme court, shall be appointed to perform functions, transferred, promoted or demoted by a Decree, following request of the Minister of Justice upon there is approval from the chief judge of the supreme court and the general prosecutor.

The chief judge/president of the Supreme court and general prosecutor to the supreme court shall be appointed, transferred, promoted and demoted by a decree, following a vote by the Parliament for electing among 3 judges who have been elected by their colleague judges.

Article 22 : The chief judge/President of the Supreme court and the general prosecutor to the supreme court shall be equal in rank with the Deputy President of the Council of Ministers.

The Deputy chief judge /Deputy president of the Supreme court and deputy prosecutor to the supreme court, shall be equal in rank with the ministers.

The judges of the Supreme court and prosecutors to the Supreme court, shall be equal in rank with what of the judges of the appeal court and the prosecutors to the appeal court.

Article 23 : The court clerks of the adjudicate courts of the State of Cambodia, shall, be appointed, transferred, promoted and demoted by the Minister of Justice, and shall be equal in rank with what of the office chiefs.

## CHAPTER SEVEN

### INTER PROVISION

Article 24 : The transitional Criminal Law, especially the appeal procedure, shall be implemented 45 days after adopted by the Supreme National Council (SNC), subsequently all the dossiers of even criminal or civil or military cases which are pending before the Supreme court, even though that they are for the 1st or 2nd examination, shall be forwarded to the appeal court for decision.

All the dossiers rejected by the Supreme court and which have been transferred by this court to the provincial and municipal court or to military court for re-examination, but these courts still have not proceed the hearings thereof, shall also be forwarded to the Appeal court for decision.

All decisions made by the provincial and municipal courts and by military court or by the chamber judges of the supreme court and such decision is contested by the parties, defender or prosecutor during the period which is in compliance with the Articles 4 and 75 of the Transitional Criminal code, shall also be forwarded to the Appeal for decision.

All dossiers of criminal, civil and military cases which have been received and registered by the supreme court but the council of judges (in plenary meeting) has not examined them yet, or has it examined them already but the chamber of judges of the supreme court has not proceed the hearing of them, shall all be transferred to the provincial and municipal courts or military court for decision.

## CHAPTER EIGHT

### FINAL PROVISION

Article 25 : All other provisions which are contrary to this law, shall be repealed.

Article 26 : This law is hereby declared as urgent.

\*\*

\*\*

\*\*

THIS LAW HAS BEEN ADOPTED BY THE  
NATIONAL ASSEMBLY ON THE 25th JANUARY 1993,  
DURING ITS 24TH SESSION, OF ITS 1ST  
LEGISLATURE.

Made in Phnom Penh, on the 25th January 1993.

FOR, THE NATIONAL ASSEMBLY,  
CHAIRMAN.  
Signature and seal of CHEA SIM.

Certified true copy,  
Made in Phnom Penh, on the 8th Feb. 1993  
For the Council of State,  
CHAN VEN