

**Kingdom of Cambodia
Nation Religion King**

Constitutional Council

Case

No. 13 / 99

Date: 19 August 1999

Decision

No. 13

Date: 25 August 1999

Constitutional Council

- Having seen the Constitution of the Kingdom of Cambodia
- Having seen Royal Kram No. CS / RKM / 0498 / 06 dated 08 April 1998 promulgating the Law on the Organization and Functioning of the Constitutional Council
- Having seen the request dated on 18 August 1999 made by parliamentarians for the review of constitutionality of the Law on Temporary Detention Period received by the Secretariat of the Constitutional Council on 19 August 1999.
- **Having listened to reports from its members**
- **Having duly discussed**

- Considers that the complaint of the 17 parliamentarians complies with the legal form but is contrary to the law
- Considers that the Kingdom of Cambodia is a signatory to the Convention on the Prevention and Punishment of the Crime of Genocide, signed by Samdech Son San, Minister of Foreign Affairs, which took affect on 12 January 1951
- Considers that the Decree No.01 Dated on 15 July 1979 on the Establishment of the Revolutionary People's Tribunal in Phnom Penh for Trying the Crime of Genocide of Pol Pot-Ieng Sary, which stated the punishment for this crime in first line of Article 2
- Considers that although the temporary detention has exceed the period stipulated in the law and applied properly in accordance with the procedure of the temporary detention period shall be considered innocent until the court has judged finally on the case. It does not however contravene line 7 of Article 38 of the Constitution.

Hereby Decides

Article 1 : The Law on Temporary Detention Period adopted by the National Assembly on 12 August 1999 in its Extraordinary Session, Second Legislature and approved by the Senate on 17 August 1999 in its Extraordinary Session, First Legislator, shall be declared to conform with the Constitution.

Article 2 : This decision is made in Phnom Penh on 25 August 1999 in the plenary session of the Constitutional Council and is the final decision subject to no further appeal, and shall have be binding on all authorities mentioned in the Constitution.

Phnom Penh 25 August 1999

For Constitutional Council

President

(Signed and Sealed)

CHAN Sok