



ឯកសារបញ្ជាក់ថា គ្រឹះស្ថានសម្រាប់ដើម
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មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer / L'agent chargé du dossier: UCH ARUN

ព្រះរាជាណាចក្រកម្ពុជា
 ជាតិ សាសនា ព្រះមហាក្សត្រ
 Kingdom of Cambodia
 Nation Religion King
 Royaume du Cambodge
 Nation Religion Roi

Extraordinary Chambers in the Courts of Cambodia
 Chambres Extraordinaires au sein des Tribunaux Cambodgiens

ឯកសារទទួល
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មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer / L'agent chargé du dossier:

អង្គជំនុំជម្រះសាលាដំបូង
 Trial Chamber
 Chambre de Première instance
 No. 49

His Excellency SOK An,
Deputy Prime Minister, Minister in Charge of the Office of the Council of Ministers
and Chairman of the Khmer Rouge Tribunal Task Force

Through: His Excellency Acting Director of the Office of Administration of the
 Extraordinary Chambers in the Courts of Cambodia

Subject: Information about the 1956 Penal Code of Cambodia and request
 authentication of an authoritative Code.

Reference: Letter No. 35 of the Trial Chamber, dated 26 March 2009

With the above subject and reference, I would like to inform Your Excellency that the Trial Chamber, via the Office of Administration, wrote an official letter dated 26 March 2009, requesting Your Excellency to provide an authoritative 1956 Penal Code of Cambodia as the ECCC's Law has referred to some articles to be applied before ECCC.

So far, the Trial Chamber has not have an authoritative of the 1956 Penal Code and the Trial Chamber, through its request, has also not recieved any official response from the Office of the Council of Ministers.

Non existence of an authoritative legal text has caused the Trial Chamber facing a challenge wheather which one of the Cambodian 1956 Penal Codes in which the Agreement between the RGC and the UN as well as the ECCC's Law has referred to, so as the Trial Chamber can use as a basic for interpretation when it makes decision. According to a research conducted by the Trial Chamber, it found that there is a Penal Code of Cambodia in French which was published in the judicial collections of the Ministry of Justice (recueil judiciaire, Numéro special, année 1956), Special Number, 1956. This document is kept at the National Archives of Cambodia, but this Penal Code was not officially published in Khmer, in 1956. By contrast, the Penal Code in Khmer was prepared and compiled in the 1960s by a staff working at the Ministry of Justice during that time. The validity of this Code in Khmer is posing a legal challenge in which the Chamber is not entitled to determine which Code is applicble as a basic for

001.

Another issue to which the Chamber also pays attention is whether there was any amendment to any particular article of the 1956 Penal Code of Cambodia or relevant articles referred to by the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia. According to the examination on the Royal Gazette that published every year from 1956 to 1973, there was no any amendment to the provisions of the Code referred to by the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia.

Accordingly, as informed above, may Your Excellency authenticate one of the any 1956 Penal Code of Cambodia so as the Trial Chamber may have it authoratively. It would be much appreciated, if it could be done by the end of August.

Please, Your Excellency, accept my assurances of my utmost regards.

Phnom Penh, 17 August 2009

President of the Trial Chamber

[Signature and Seal]

NIL Nonn