

**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 taken into account the Constitution of the Kingdom of Cambodia
- Having taken into account Royal Kram No. CS / RKM / 0498 / 06 dated 08 April 1998 promulgating the Law on the Organization and Functioning of the Constitutional Council
- Having taken into account the request dated on 18 August 1999 made by parliamentarians for a review of the 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 according to legal procedure

- Considers that the complaint of the 17 parliamentarians complies with 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 Sann, Minister of Foreign Affairs on 19 August 1950, which came into effect on 12 January 1951;
- Considers that Decree Law No.01, dated 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, stated the punishment for this crime in the first paragraph of Article 2;
- Considers that the temporary detention as determined by law has been applied properly in accordance with the procedure on temporary detention. It does not indicate the guilt of the detainee because within this period the court is undertaking through investigation prior to trial, which will determine whether the detainee is guilty or not guilty. According it does not contravene paragraph 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 Legislature, shall be declared to conform with the Constitution.

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

Phnom Penh 25 August 1999

For Constitutional Council

President

(Signed and Sealed)

CHAN Sok