



ROYAL KRAM

NS/RKM/0714/015

WE

Preah Karuna Samdech Preah Bat Preah Borom Neath Norodom Sihamoni, faithful and devoted servant of the country, religion, nation and the Khmer people; protected by Buddha and Indra; unifier of all Khmer; defender of the independence, territorial integrity and peace of Kampuchea; and happiness, freedom and prosperity of the Khmer people, Preah Chau Krong Kampuchea Thipadei

- Having seen the Constitution of the Kingdom of Cambodia
- Having seen the Royal Decree NS/RKT/0913/903 dated 24th September 2013, on the nomination of the Royal Government of the Kingdom of Cambodia
- Having seen Royal Kram 02/NS/94/ dated 20th July 1994, which promulgated the Law on the Organization and Functioning of the Council of Ministers
- Having seen Royal Kram ChS/RKM/0498/06 dated 08th April 1998, which promulgated the Law on the Organization and Functioning of the Constitutional Council
- Having seen Royal Kram NS/RKM/0107/005 dated 31st January 2007, which promulgated the Law on the Amendment of the law on the Organization and Functions of the Constitutional Council
- Having seen Royal Kram NS/RKM/0196/05 dated 24th January 1996, which promulgated the Law on the Establishment of the Ministry of Justice
- Having seen the report of Samdech Akka Moha Sena Padei Techo Hun Sen, Prime Minister of the Kingdom of Cambodia

PROMULGATE

The Law on the Organization of the Courts, which was approved by the National Assembly on 22nd May 2014, during the second meeting of its fifth mandate, and which was completely reviewed by the Senate on its form and content on 12th June 2014, during the fifth meeting of its third mandate, as well as the decision of the Constitutional Council that it was consistent with the Constitution of the Kingdom of Cambodia, in decision N^o 149/003/2014 KBTH.Ch dated 2nd July, 2014 in which the whole content is as follows:

LAW
ON
THE ORGANIZATION
OF THE COURTS

CHAPTER 1

GENERAL PROVISIONS

Article 1.-

The purposes of this Law are to:

- Ensure the independence of the judiciary,
 - Ensure impartiality and protect the rights and freedoms of citizens,
 - Ensure the good functioning of court and prosecution offices,
 - Enhance the effectiveness and quick proceedings of public services,
- Ensure that justice is delivered in all cases to increase confidence from citizens and contribute to strengthening social safety.

Article 2.-

This law is aimed at:

- Determining the organization and the functioning of all categories and levels of courts, which are the adjudicating courts in Cambodia;
- Determining the organization and the functioning of prosecution offices attached to all levels of the courts in Cambodia;
- Determining the jurisdiction of all types and levels of courts based on specialization;
- Organizing management and administrative tasks and the functioning of courts.

Article 3.-

The courts in Cambodia include:

- Courts of First Instance,
- Courts of Appeal, and
- Supreme Court.

The Courts of First Instance are the lower courts. The Courts of Appeal and the Supreme Court are the higher courts.

According to actual necessity, the establishment of any other courts or extraordinary tribunals shall be made by law.

Article 4.-

All types and levels of courts have jurisdiction to exercise judicial power over all cases, including administrative cases.

Article 5.-

The lower court shall be divided into specialized courts. The establishment, dissolution, and change of specialized courts shall be determined by Royal Decree.

The President of a Court of First Instance has direct power over the specialized courts of first instance in their respective courts, according to the administrative hierarchy. The President of a specialized court has direct power over the members of

his/her specialized courts, in accordance with the administrative hierarchy. The President of a Court of First Instance cannot be President of a specialized court. The President of a specialized court can only be the president of one specialized court.

The higher courts shall be divided into the specialized chambers. The establishment, removal and change of the chambers shall be determined by Royal Decree.

Each President of a higher court has direct power over the President of the specialized chamber of that higher court, in accordance with the administrative hierarchy. The President of each specialized chamber has direct power over the members of his/her specialized chamber, according to the administrative hierarchy. The President of a higher court cannot be the President of a specialized chamber. The President of a specialized chamber can only be the president of one specialized chamber.

Article 6.-

Only a judge has the right to adjudicate cases. The judge shall perform this duty independently by obeying the law strictly, honestly and in good conscience.

Justice shall be delivered on behalf of the Cambodian people, in accordance with applicable procedure and laws.

Only courts have the right to adjudicate cases and issue decisions.

Article 7.-

Court hearings shall be conducted in public except in the case that a public hearing will jeopardize public order or cause a breach of customs/traditions or except as otherwise provided by special provisions of other laws.

In all cases, judgments shall be announced publicly.

Deliberations of judges shall remain confidential.

Unless otherwise provided in other law, announcements of judgments shall be made by the President of the Trial Chamber or one of the judges who is a member of the trial chamber.

All judgment shall have reasoning.

Unless otherwise provided in other law, judgments shall be signed by the President of the Trial Chamber and undersigned by a court clerk.

Article 8.-

The Prosecutor's Office at each Court of First Instance is called the Prosecution attached to the Court of First Instance.

The Prosecutor's Office at each Court of Appeals is called the Prosecution attached to the Court of Appeals.

The Prosecutor's Office at the Supreme Court is called the Prosecution attached to the Supreme Court.

A representative of the Prosecution shall be present at all criminal hearings and trials, and other cases as determined by law.

Article 9.-

All levels of courts and prosecution offices shall consist of court clerks and administrative officials, as well as legal experts as assistants, if necessary.

The court clerks assist judges and prosecutors in all court and prosecution proceedings.

The duties and functions of court clerks shall be defined in the Law on the Status of Court Clerks.

The procedure and qualifications of selecting legal experts shall be determined by sub-decree.

Article 10.-

All levels of courts shall have an administrative unit that is under the central administration of the Ministry of Justice to support the functioning of courts and prosecution.

The administrative unit at each Court of First Instance is called the Secretariat for Administration of the Court of First Instance and has a rank equal to a Department.

The administrative unit at each Court of Appeals is called the Secretariat for Administration of the Court of Appeals and has a rank equal to a General Department.

The administrative unit at the Supreme Court is called the Secretariat for Administration of the Supreme Court and has a rank equal to a General Department.

Article 11.-

The Ministry of Justice has the power to supervise and review the administrative works of all courts with General Department of Court Administration as a support unit. The Ministry may issue legal rules and guidelines to ensure decent administration at all levels of courts.

In necessary, the Minister of Justice may have any court or court official inspected and report to the Supreme Council of Magistracy for examination and decision.

The higher courts have authority to examine and review the decisions of the lower courts. This examination shall be carried out in a framework of appeal proceedings, according to provisions of applicable procedure.

CHAPTER 2
COURT OF FIRST INSTANCE AND PROSECUTION OFFICE ATTACHED
TO THE COURT OF FIRST INSTANCE

SECTION 1

COURT OF FIRST INSTANCE

Sub-Section 1

Organization and Functioning of the Court of First Instance

Article 12.-

A Court of First Instance is the first-level court, which is situated in Phnom Penh and all provinces of the Kingdom of Cambodia. The operations of all Courts of First Instance shall be made by Royal Decree.

The Court of First instance shall be divided into specialized courts. The Court of First Instance is a general court, which has jurisdiction to adjudicate all cases, except where a case is under the jurisdiction of a special court or extraordinary court, which is established by separate law.

Article 13.-

A component of a Court of First Instance includes:

- A President,
- Vice-presidents,
- Judges,
- Clerks,
- Administrative Officials, and other legal experts working at a Court of First Instance.

Article 14.-

Each Court of First Instance is divided in specialized courts as follows:

- A Civil Court,
- A Criminal Court,
- A Commercial Court, and
- A Labor Court.

When necessary, other Specialized Courts of First Instance may be created. Such creation and establishment shall be made by Royal Decree.

Each Specialized Court of First Instance can independently issue decisions in its jurisdiction in the name of the Court of First Instance to which it belongs.

Article 15.-

A component of a Specialized Court of First Instance includes:

- A President,
- Judges, and
- Clerks.

The President of each Specialized Court of First Instance, including judges and court clerks, shall be nominated by the President of the Court of First Instance. The operation of the Specialized Court of First Instance shall be defined by the President of the Court, in accordance with applicable legal instruments.

Article 16.-

Each Specialized Court of First Instance makes a decision by a single judge or a panel of judges pursuant to the Code of Civil Procedure or the Code of Criminal Procedure, or other applicable provisions and procedures. In the event any judge is busy or cannot perform his/her duties that judge may be replaced by another judge next ranked in the annual order by the President of the Court.

If any Specialized Court of First Instance cannot conduct a trial due to a lack of judges, the President of the Court shall nominate a judge from another specialized

court to fulfill the work. If requesting a judge or judges from another Court of First Instance, the President of the Court of First Instance shall make such request to the Minister of Justice.

Article 17.-

The president of a Court of First Instance shall take necessary supervision for the process of the court. If the President of the court cannot perform his/her work or if the position of the President of the court is vacant, the Minister of Justice shall designate a Vice-President of the court or, if there is no Vice-President choose another judge, to be Acting President to ensure regular operation of the court until the new president of the court has been officially nominated. The nomination of the President of the court shall be made as soon as possible and in no less than 30 days.

The President of the Court shall issue orders to:

- Nominate a Vice-President to perform the President's duties, if necessary.
- Nominate a Vice-President of the Court of First Instance to act as the President of each specialized court based upon relevant skills and work experience. In case of an insufficient number of Vice-Presidents, the President of a Court of First Instance may appoint a high-ranking judge or a judge with vast experience to be the President of the Specialized Court.
- Determine the replacement order of judges in each specialized court and in the panel of these specialized courts, during instances where any judge is absent or busy.
- Designate and rotate court clerks in each specialized court as necessary.

Article 18.-

If necessary, the Minister of Justice may authorize a Court of First Instance to conduct a trial outside its office, upon a request from the President of the Court of First Instance.

Sub-Section 2 Jurisdiction

Article 19.-

A Court of First Instance shall have competent jurisdiction to adjudicate all cases within its territorial jurisdiction unless jurisdiction over a case has been given to another court by law.

If it is deemed necessary to ensure public interest, social safety and security, and good functioning of justice, the Minister of Justice may transfer a case from one Court of First Instance to another court.

In a case where there is a conflict of jurisdiction between Specialized Courts of First Instance, the President of the Court of First Instance shall summon the Presidents

of the relevant specialized courts within his or her authority or upon the request of the President of any specialized court to decide the question of jurisdiction. The President of the Court of First instance decides the conflict of the jurisdiction with a court order. This order is not subject to any appeal.

Article 20.-

The Criminal Court of First Instance shall have competent jurisdiction to adjudicate all criminal cases within its territorial jurisdiction pursuant to the Code of Criminal Procedure, except as provided by other laws.

The Criminal Court of First Instance adjudicates criminal cases with a single judge or with a panel of judges, according to the provisions of the Code of Criminal Procedure.

An investigation section of a Court of First Instance is a part of a Criminal Court and has competent jurisdiction to investigate criminal cases, in accordance with the provisions of the Code of Criminal Procedure. The President of the Court of First Instance shall designate at least two (2) judges, by order, to perform the duties of an investigating judge at the investigation division of the Criminal Court of First Instance. This order also determines a classification for task performance. In a case where there is no investigating judge, the President of the court shall choose a judge from another specialized court to be the investigating judge.

If it is deemed necessary, the investigating judge may perform duties as a judge in another specialized court upon the designation by the President of the Court of First Instance.

Article 21.-

The Civil Court of First Instance shall have competent jurisdiction to adjudicate all civil cases within its territorial jurisdiction and any other case within its territorial jurisdiction in which there are no provisions stating that the jurisdiction shall be given to another specialized court, in accordance with the Code of Civil Procedure.

The Civil Court of First Instance adjudicates civil cases with a single judge or with a panel of judges, in accordance with the Code of Civil Procedure.

Article 22.-

The Commercial Court of First Instance shall have competent jurisdiction to adjudicate all commercial cases, including bankruptcy in commercial matters, within its territorial jurisdiction, in accordance with the Code of Commercial Procedure.

Article 23.-

The Commercial Court of First Instance, when hearing a case where more than 1, 000, 000, 000 Riels (1 billion Riels) is in dispute, shall be comprised of three (3) judges, assisted by two (2) advisors, who are business persons or commercial law experts.

The Commercial Court of First Instance, when hearing a case where between 100, 000, 000 Riels (a hundred million Riels) and 1, 000, 000, 000 Riels (1 billion Riels) is in dispute, shall be comprised of one (1) judge, assisted by two (2) advisors, who are business persons or commercial law experts.

The Commercial Court of First Instance, when hearing a case where less than 100, 000, 000 Riels (one hundred million Riels) is in dispute, shall be comprised of only one (1) judge without any commercial experts.

A judgment of the Commercial Court of First Instance shall be rendered by a judge or three judges, in accordance with paragraphs 1 and 2 above after consultation with the commercial advisors.

The commercial advisors shall not carry out their duties on a permanent basis in the Commercial Court of First Instance. Commercial advisors shall perform their duties at the Commercial Court of First Instance upon summons from the President of the Commercial Court of First Instance.

Article 24.-

The procedure for selecting and determining the duties of the commercial advisors, shall be determined by a Sub-Decree upon request from the Minister of Justice, after the consultation with the Minister of Commerce.

Article 25.-

The Labor Court of First Instance shall have jurisdiction to adjudicate all labor cases, within its territorial jurisdiction, in accordance with the provisions of labor procedure.

Article 26.-

The Labor Court of First Instance shall adjudicate cases with one (1) judge accompanied by two (2) labor advisors; one labor advisor must be an employee and one labor advisor must be an employer.

A judgment of the Labor Court of First Instance shall be decided by one judge after the consultation with the labor advisors.

The labor advisors shall not carry out their duties on a permanent basis in the Labor Court of First Instance. Labor advisors shall perform their duties at the Labor Court of First Instance upon summons from the President of the Labor Court of First Instance.

Article 27.-

The competent Labor Court is the Labor Court of First Instance where labor dispute occurs.

Although the competence of the Labor Court of First Instance is determined in the above paragraph, employee can file a complaint with a Court of First Instance as determined by following, unless otherwise provided:

- The place where he/she resides;

- The head office or a main business site of a company; or
- The place where a representative or a person responsible for a company resides, if the company has no head office or main business site.

Article 28.-

The procedure for selecting and determining the duties of the labor advisors shall be determined by a Sub-Decree upon request from the Minister of Justice, after the consultation with the Minister of Labor.

SECTION 2**PROSECUTION OFFICE ATTACHED TO THE COURT OF FIRST INSTANCE****Article 29.-**

The Prosecution Office attached to the Court of First Instance shall be comprised of the following:

- Prosecutor,
- Deputy prosecutors,
- Court clerks,
- Administrative officials, and legal experts who work at the prosecution attached to the Court of First Instance.

Article 30.-

The Prosecution Office is an indivisible body that is responsible for bringing criminal charges and law enforcement requests to the investigating and adjudicating jurisdictions, as well as performing other duties as determined by applicable law and provisions.

The Prosecutor and Deputy Prosecutors are representatives of the Prosecution Office attached to the Court of First Instance where they work. Deputy Prosecutors work under the direction and general responsibility of the Prosecutor attached to the Court of First Instance.

In the event the Prosecutor is busy, ill, or absent, the Prosecutor shall appoint a Deputy Prosecutor to replace him/her. If the Prosecutor is unable to perform his/her duties or if the position of Prosecutor is vacant, the Minister of Justice shall appoint a Deputy Prosecutor to be the Acting Prosecutor to ensure the regular operation of the Prosecution Office attached to the Court of First Instance until a new prosecutor has been officially appointed.

Article 31.-

The Prosecutor has the authority over all Deputy Prosecutors under his/her territorial jurisdiction. The Prosecutor designates and distributes work to all Deputy Prosecutors.

The Prosecutor has the right to issue an injunction ordering all Deputy Prosecutors to indict or make conclusions that he/she deems appropriate. The Deputy

Prosecutor's conclusions shall be submitted to the Prosecutor for review before a hearing or trial. If the Prosecutor does not agree with the Deputy Prosecutor's conclusion, the Prosecutor may designate other Deputy Prosecutors or nominate himself/herself to be the representative of the Prosecution during trial in the Court of First Instance.

However, during trial, Deputy Prosecutors may freely make verbal remarks that he/she considers appropriate, according to his/her conscience. No disciplinary sanctions may be taken due to his/her verbal remarks during trial that are different from written conclusions.

SECTION 3

ADMINISTRATIVE SECRETARIAT OF THE COURT OF FIRST INSTANCE

Article 32.-

The Administrative Secretariat at the Court of First Instance is a support unit of the Court and to the Prosecution Office attached to the Court of First Instance to assist on:

- Personnel, administrative, and financial affairs;
- Administrative court management and technical assistance to the Court of First Instance and the Prosecution Office attached to the court;
- Budget planning to submit to the President of the Court and the Prosecutor to review and decide;
- Regularly reporting on personnel, administrative and financial affairs to the President of the Court and the Prosecutor;
- Execution of planned budget as approved;
- Public relations;
- Regular delivery of the court's judgments to the Ministry of Justice;
- Preparation and delivery of reports on personnel, administrative and financial affairs monthly, quarterly, semi-annually, and annually to the Ministry of Justice;
- Other affairs as assigned by the President of the court and the Prosecutor;
- Carrying out other works as defined by legal regulations.

The Administrative Secretariat at a Court of First Instance shall be divided into bureaus, as necessary. A bureau is led by a chief and assisted by a number of deputy chiefs as needed.

The organization and function of the Administrative Secretariat at the Court of First Instance shall be determined by Sub-Decree, upon the request from the Minister of Justice.

Article 33.-

The Administrative Secretariat at the Court of First Instance is led by a Chief and assisted by a number of Deputy Chiefs as needed. The Chief of the secretariat shall be nominated by Sub-Decree upon the request of the Minister of Justice after the

consultation with the President of the court and the Prosecutor attached to the court. Officials under the Chief of the secretariat shall be nominated by Prakas of the Minister of Justice.

The Chief and Deputy Chiefs of the secretariat shall be selected from civil servants who have at least five (5) years' experience in legal, administrative or financial affairs. A Chief and a Deputy Chief of Bureau shall be selected from officials who have at least three (3) years' experience in legal, administrative or financial affairs.

Officials at the secretariat, including the Chief, shall have their civil servant status at the Ministry of Justice.

Article 34.-

A general assembly of the Court of First Instance is presided by the President of the Court and the Prosecutor attached to the Court to wrap up previous work and set out administrative works of the Court for the following year. A report on the general assembly of the Court shall be delivered to the Ministry of Justice.

CHAPTER 3

**COURTS OF APPEAL AND GENERAL PROSECUTION ATTACHED TO
THE COURTS OF APPEAL**

SECTION 1

COURTS OF APPEAL

Sub-Section 1

Organization and Functioning of the Courts of Appeal

Article 35.-

The Courts of Appeal are the courts of second degree.

The Courts of Appeal include the Phnom Penh Court of Appeals and regional Courts of Appeals. The functions of each regional Court of Appeals and determination of the territorial jurisdiction of the Courts of Appeals shall be made by the Royal Decree.

Article 36.-

A Court of Appeals shall be comprised of:

- President,
- Vice-President,
- Judges,
- Court Clerks,
- Administrative officials, and other legal experts who work at the Court of Appeals.

Article 37.-

The Court of Appeals shall be comprised of the following specialized chambers:

- Criminal Chamber,
- Civil Chamber,
- Investigating Chamber,
- Commercial Chamber, and
- Labor Chamber.

Additional specialized chambers in the Court of Appeals may be established as necessary by Royal Decree.

Each chamber independently renders its decisions within its competent jurisdiction on behalf of the Court of Appeals where it sits.

Article 38.-

Each Chamber shall be comprised of:

- The President of Chamber,
- Judges, and
- Court clerks.

The President of each chamber shall be designated by the President of the Court of Appeal.

The number of judges, court clerks and the functions of the chambers shall be determined by the President of the Court of Appeals.

Article 39.-

Each chamber of the Court of Appeals issues decisions by a panel of three (3) judges, one of whom is the President of the panel, in accordance with provisions of existing procedures.

The Court of Appeals shall adjudicate any case transferred back to it by the Supreme Court with a panel of five (5) judges, all of who were not involved in the previous hearing, according to provisions of existing procedures.

Article 40.-

The President of the Court of Appeals shall take all necessary measures to manage the functioning of the Court of Appeals. The President of the Court of Appeals shall issue orders to:

- Nominate any Vice-President of the Court of Appeals to perform the President's duties, if necessary;
- Nominate a Vice-President of the Court of Appeals to act as the President of each Chamber based on relevant professional and work experience. In case of an insufficient number of Vice-Presidents, the President of the Court of Appeals may appoint a high-ranking judge or a judge with vast experience to be the President of the Chamber;
- Determine the replacement order of judges in within the panel of each Chamber, during instances where any judge is absent or busy;
- Designate and rotate clerks in each Chamber as necessary.

Sub-Section 2 Competence

Article 41.-

The Court of Appeals shall have competent jurisdiction to adjudicate all cases within its territorial jurisdiction unless jurisdiction over a case has been given to another court by law.

Article 42.-

The Court of Appeals shall consider both facts and law when deciding cases within its competent jurisdiction, according to existing laws.

Article 43.-

The Criminal Chamber shall have competent jurisdiction to hear appeals against criminal judgments of a Court of First Instance and other cases within its jurisdiction, pursuant to the Code of Criminal Procedure.

Article 44.-

The Civil Chamber shall have competent jurisdiction to hear appeals against civil judgments and opposition motions against orders of a Court of First Instance relating to civil cases and other cases within its jurisdiction, pursuant to the Code of Civil Procedure. Decisions of the Civil Chamber shall be made by a panel of three (3) judges, one of who is the President of the panel.

Article 45.-

The Investigating Chamber shall have competent jurisdiction to hear appeals against cases relating to investigating affairs, orders of Investigating Judges and other cases within its jurisdiction, in accordance with the Code of Criminal Procedure. Decisions of the Investigating Chamber shall be made by panel of three (3) judges, one of who is the President of the panel.

Article 46.-

The Commercial Chamber shall have competent jurisdiction to hear appeals against judgments and opposition motions against orders of a Court of First Instance related to commercial cases or other cases within its jurisdiction, in accordance with the Code of Commercial Procedure. Appeals to the Commercial Chamber of the Court of Appeals shall be heard by a panel of three (3) judges, one of who is the President of the Chamber, and accompanied by two advisors who are businessmen or commercial law experts and were not commercial advisors in the same case tried by a Court of First Instance or the Court of Appeals. Judgments of the Commercial Chamber of the Court of Appeals shall be made by a panel of three (3) judges, one of who is the President of the panel, after the consultation with the commercial advisors.

The commercial advisors shall not carry out their duties on a permanent basis in the Commercial Chamber of the Court of Appeals. Commercial advisors shall perform their duties only when summoned by the President of Commercial Chamber of the Court of Appeals.

The procedure for selecting and determining the duties of the commercial advisors, shall be determined by a Sub-Decree upon request from the Minister of Justice, after the consultation with the Minister of Commerce.

Article 47.-

The Labor Chamber shall have competent jurisdiction to hear appeals against judgments and opposition motions against orders of a Court of First Instance related to labor cases or other cases within its jurisdiction, in accordance with provisions of labor procedures. Appeals to the Labor Chamber of the Court of Appeals shall be heard by a panel of three (3) judges, one of who is the President of the Chamber, and accompanied by two advisors, one of who must be an employee and one of who must be an employer, and who were not commercial advisors in the same case tried by a Court of First Instance or the Court of Appeals. Judgments of the Labor Chamber of the Court of Appeals shall be made by a panel of three (3) judges, one of who is the President of the panel, after the consultation with the labor advisors.

The labor advisors shall not carry out their duties on a permanent basis in the Labor Chamber of the Court of Appeals. Labor advisors shall perform their duties only when summoned by the President of Labor Chamber of the Court of Appeals.

The procedure for selecting and determining the duties of the labor advisors, shall be determined by a Sub-Decree upon request from the Minister of Justice, after the consultation with the Minister of Labor.

Article 48.-

A joint chamber can be established by a decision of the President of the Court of Appeals upon his/her own initiative or upon a request from the President of any Chamber if a case falls under the jurisdiction of different chambers or if that case has received contradictory resolutions from different Chambers of the Court of Appeals. The joint chamber shall be convened upon the summons of the President of the Court of Appeals.

A decision of the joint chamber related to the competence of different chambers and a conflict of law is binding and shall be followed by all Chambers of the Court of Appeals.

If a joint chamber has been established, that chamber shall have at least five (5) judges composed of an equal number of judges from the relevant chambers. The joint chamber is presided over by the President of the Court of Appeals.

The President of the Court of Appeals issues a decision, in accordance with a decision of the joint chamber.

A decision on a conflict of jurisdiction or a conflict of law is a not subject to appeal.

SECTION 2
GENERAL PROSECUTION OFFICE ATTACHED TO THE COURTS OF
APPEALS

Article 49.-

The General Prosecution Office attached to the Court of Appeals shall be comprised of the following:

- The Prosecutor General,
- Deputy Prosecutors General,
- Prosecutors,
- Court Clerks,
- Administrative officials, and other legal experts who work in the General Prosecution Office at the Court of Appeals.

Article 50.-

Duties of the General Prosecution Office attached to the Court of Appeals shall be given to the Prosecutor General attached to the Court of Appeals. Deputy Prosecutor Generals and the Prosecutors attached to the Court of Appeals fulfill these duties under the direction and supervision of the Prosecutor General attached to the Court of Appeals.

In the event the Prosecutor General is busy, ill or absent, the Prosecutor General attached to the appeal Court of Appeals shall assign a Deputy Prosecutor General, or may designate any prosecutor to replace her/him if there is no Deputy Prosecutor General.

If the Prosecutor General attached to the Court of Appeals is unable to fulfill her/his duty or if the position of Prosecutor General is vacant, the Minister of Justice shall appoint a Deputy Prosecutor General to be the Acting Prosecutor General to ensure the regular operation of the Prosecution Office attached to the Court of Appeals until a new Prosecutor General has been officially appointed.

Article 51.-

The Prosecutor General attached to the Court of Appeals has authority over all Deputy Prosecutor Generals and all Prosecutors attached to the Court of Appeals.

The Prosecutor General attached to the Court of Appeals designates and assigns the Deputy Prosecutors General and Prosecutors attached to the Court of Appeals to all work of the Prosecution Office, including court hearings.

Conclusions of the Deputy Prosecutor Generals and Prosecutors attached to the Court of Appeals shall be submitted to the Prosecutor General for review, prior to a court hearing. If the Prosecutor General attached to the Court of Appeals does not agree with that conclusion and the Deputy Prosecutor General or Prosecutor who made the initial conclusion does not follow the Prosecutor General's instruction, the Prosecutor General attached to the Court of Appeals may assign another Deputy Prosecutor General, Prosecutor or himself/herself to be the representative of the Prosecution Office during the hearing.

However, during hearings, the Deputy Prosecutor Generals or Prosecutors attached to the Court of Appeals may freely make verbal remarks that he/she considers appropriate according to his/her conscience. No disciplinary sanction may be taken against the representative in a hearing due to his/her verbal remarks that are different from written conclusions.

The General Prosecutor attached to the Court of Appeals has the right to issue an injunction ordering all the Prosecutors attached to Court of First Instance to prosecute cases, pursuant to provisions of the Code of Criminal Procedure.

SECTION 3

GENERAL ADMINISTRATIVE SECRETARIAT OF THE COURT OF APPEALS

Article 52.-

The General Administrative Secretariat of the Court of Appeals is a support unit of the Court of Appeals and the Prosecution Office attached to the Court of Appeals to assist on:

- Personnel, administrative and financial affairs;
- Administrative court management and technical assistance to the Court of Appeals and the Prosecution Office attached to the Appeal Court;
- Budget planning to submit to the President of the Court of Appeals and the Prosecutor General to review and decide;
- Execution of planned budget as approved;
- Regularly reporting on personnel, administrative and financial affairs to the President of the Court of Appeals and the Prosecutor General attached to the Court of Appeals;
- Public relations;
- Regular delivery of the Court's judgments to the Ministry of Justice;
- Preparation and delivery of reports on personnel, administrative and financial affairs monthly, quarterly, semi-annually, and annually to the Ministry of Justice;
- Other affairs as assigned by the President of the Court of Appeals and by the Prosecutor General attached to the Court of Appeals; and
- Carrying out other work as defined by legal regulations.

The General Administrative Secretariat of the Court of Appeals shall be divided into departments led by a director and deputy directors, as necessary.

The organization and functioning of the General Administrative Secretariat shall be determined by Sub-Decree, upon the request from the Minister of Justice.

Article 53.-

The General Administrative Secretariat of the Court of Appeals is headed by a Secretary General and assisted by a number of Deputy Secretary Generals, as necessary. The Secretary General shall be nominated by Royal Decree, upon the request from the Prime Minister. The Minister of Justice shall consult with the

President of the Court of Appeals and the Prosecutor General attached to the Court of Appeals to make such a request to the Prime Minister. The Secretary General shall be selected from civil servants who have at least seven (7) years of experience in law, administration, or finance.

The Deputy Secretary General and department directors shall be nominated by Sub-Decree upon a request from the Minister of Justice after consultation with the President of the Court of Appeals and with the Prosecutor General attached to the Court of Appeals. The Deputy Secretary Generals and the department directors shall be selected from civil servants who have at least five (5) years of experience in law, administration, or finance.

Officials at the General Secretariat having a rank lower than department director shall be appointed by a Prakas of the Minister of Justice. A deputy department director, as well as bureau chiefs and deputy bureau chiefs shall be chosen from civil servants who have at least three (3) years of experience in law, administration or finance

The officials working at General Secretariat, including the Secretary General shall have civil servant status at the Ministry of Justice.

Article 54.-

A general assembly of each Court of Appeals shall be presided over by the President of the Court of Appeals and the Prosecutor General attached to the Court of Appeals next year. A report on the general assembly of the Court of Appeals shall be delivered to the Ministry of Justice.

CHAPTER 4

THE SUPREME COURT AND THE GENERAL PROSECUTION OFFICE ATTACHED TO THE SUPREME COURT

SECTION 1

SUPREME COURT

Sub-Section 1

Organization and Functioning of the Supreme Court

Article 55.-

There is only one Supreme Court, which sits in Phnom Penh.

Article 56.-

The Supreme Court shall be comprised of:

- President,
- Vice-Presidents,
- Judges,
- Court Clerks,
- Administrative officials, and other legal experts who work at the Supreme Court.

Article 57.-

The Supreme Court shall be comprised of the following specialized chambers:

- Criminal Chamber,
- Civil Chamber,
- Commercial Chamber, and
- Labor Chamber.

If necessary, other specialized chambers of the Supreme Court may be established by Royal Decree.

Each Chamber independently renders its decisions within its competent jurisdiction on behalf of the Supreme Court.

Article 58.-

Each Chamber shall be comprised of:

- The President of the Chamber,
- Judges, and
- Court clerks.

The President of the Supreme Court shall designate the President of each chamber.

The number of judges, court clerks and the functions of the chambers shall be determined by the President of the Supreme Court.

Article 59.-

Each chamber of the Supreme Court issues decisions by a panel of five (5) judges, one of whom is the president, in accordance with provisions of existing procedures.

Article 60.-

The President of the Supreme Court shall take all necessary measures to manage the functioning of the Supreme Court and shall advise all Chambers of the Court to enforce the law. The President of the Supreme Court shall issue orders to:

- Nominate a Vice-President of the Supreme Court to perform the President's duties, if necessary;
- Designate a Vice-President of the Supreme Court to act as the President of each Chamber based on relevant professional and work experience. In case of an insufficient number of Vice-Presidents, the President of the Supreme Court may appoint any judge of the Supreme Court to be the President of the Chamber.

Sub-Section 2 Competence

Article 61.-

The Supreme Court shall have jurisdiction to hear cases under its territorial jurisdiction as defined by law.

Article 62.-

A Plenary Chamber shall be established by order of the President of the Supreme Court to adjudicate:

- The second appeal for cassation against judgments of the Court of Appeals pursuant to applicable procedures; and
- Motions for review of final judgments pursuant to applicable procedures.

The Plenary Chamber may also be convened to decide on motions for review of a case upon request from the King, who is the chairman of the Supreme Council of Magistracy through the Minister of Justice.

The Plenary Chamber shall be convened upon the summons of the President of the Supreme Court.

The Plenary Chamber of the Supreme Court is an adjudicating body that issues decisions on behalf of the Supreme Court.

When the Plenary Chamber has been convened, that Chamber shall be composed of at least nine (9) judges, including a judge from each Chamber of the Supreme Court.

The Plenary Chamber is presided over by the President of the Supreme Court.

Article 63.-

A joint chamber can be established by a decision of the President of the Supreme Court upon his/her own initiative or upon a request from the President of any Chamber if a case falls under the jurisdiction of different chambers or if that case has received contradictory resolutions from different Chambers of the Supreme Court. The joint chamber shall be convened upon the summons of the President of the Supreme Court.

A decision of the joint chamber related to the competence of different chambers and a conflict of law is binding and shall be followed by all Chambers of the Supreme Court and Lower Courts.

If a joint chamber is established, that chamber shall have at least nine (9) judges composed of an equal number of judges from the relevant chambers. The joint chamber is presided over by the President of the Supreme Court.

The President of the Supreme Court issues a decision, in accordance with a decision of the joint chamber.

A decision on a conflict of jurisdiction or a conflict of law is not subject to appeal.

Article 64.-

The Criminal Chamber of the Supreme Court has the jurisdiction to hear all motions for cassation against criminal judgments and decisions of the Court of Appeals, pursuant to the Code of Criminal Procedure.

Article 65.-

The Civil Chamber of the Supreme Court has the jurisdiction to hear all motions for cassation against judgments and decisions in civil cases of the Court of

Appeals, as well as all motions for cassation against civil judgments of the Courts of First Instance and other cases, pursuant to the Code of Civil Procedure.

Article 66.-

The Commercial Chamber of the Supreme Court has jurisdiction to hear all motions for cassation against judgments and decisions of commercial cases of the Court of Appeals, in accordance with provisions of commercial procedure.

Article 67.-

The Labor Chamber of the Supreme Court has jurisdiction to hear all motions for cassation against judgments and decision in labor cases of the Court of Appeals, in accordance with provisions of the labor law.

SECTION 2

GENERAL PROSECUTION OFFICE ATTACHED TO THE SUPREME COURT

Article 68.-

The General Prosecution Office attached to the Supreme Court shall be comprised of the following:

- The Prosecutor General,
- Deputy Prosecutors General,
- Prosecutors,
- Court Clerks,
- Administrative officials, and other legal experts who work at the Prosecution Office attached to the Supreme Court.

Article 69.-

Duties of the Prosecution Office attached to the Supreme Court shall be given to the Prosecutor General attached to the Supreme Court. Deputy Prosecutors General and the Prosecutors attached to the Supreme Court fulfill these duties under direction and supervision of the Prosecutor General attached to the Supreme Court.

In the event the Prosecutor General is busy, ill, or absent, the Prosecutor General attached to the Supreme Court shall assign a Deputy Prosecutor General or may designate another Prosecutor to replace her/him if there is no the Deputy Prosecutor General.

If the Prosecutor General attached to the Supreme Court can no longer fulfill her/his duty or if the position of Prosecutor General is vacant, the Minister of Justice shall appoint a Deputy Prosecutor General to be the Acting Prosecutor General to ensure the regular operation of the Prosecution Office attached to the Supreme Court until a new Prosecutor General has been officially appointed.

Article 70.-

The Prosecutor General attached to the Supreme Court has authority over all Deputy Prosecutors General and Prosecutors attached to the Supreme Court. The

Prosecutor General attached to the Supreme Court designate and assigns the Deputy Prosecutors General and Prosecutors attached to the Supreme Court to all work of the Prosecution Office, including court hearings.

Conclusions of the Deputy Prosecutors General and Prosecutors attached to the Supreme Court shall be submitted to the Prosecutor General attached to the Supreme Court for review, prior to a court hearing. If the Prosecutor General attached to the Supreme Court does not agree with that conclusion and the Deputy Prosecutor General or Prosecutor who made the initial conclusion does not follow the Prosecutor General's instruction, the Prosecutor General attached to the Supreme Court may assign another Deputy Prosecutor General, Prosecutor or himself/herself to be the representative of the Prosecution Office during the hearing.

However, the Deputy Prosecutors General or Prosecutors attached to the Supreme Court may freely make verbal remarks that he/she considers appropriate according to his/her conscience. No disciplinary sanction may be taken against the representative in a hearing due to his/her verbal remarks that are different from written conclusions.

SECTION 3

GENERAL ADMINISTRATIVE SECRETARIAT OF THE SUPREME COURT

Article 71.-

The General Administrative Secretariat of the Supreme Court is a support unit of the Supreme Court and the Prosecution Office attached to the Supreme Court to assist on:

- Personnel, administrative, and financial affairs;
- Administrative court management and technical assistance to the Supreme Court and Prosecution Office attached to the Supreme Court;
- Budget planning to submit to the President of the Supreme Court and the Prosecutor to general review and decide;
- Regularly reporting on personnel, administrative and financial affairs to the President of the Supreme Court and the Prosecutor General attached to the Supreme Court;
- Public relations;
- Regular delivery of the Supreme Court's judgments to the Ministry of Justice;
- Preparation and delivery of reports on personnel, administrative and financial affairs monthly, quarterly, semi-annually, and annually to the Ministry of Justice;
- Other affairs as assigned by the President of the Supreme Court and by the Prosecutor General attached to the Supreme Court;
- Carrying out other work as defined by legal regulations.

The General Administrative Secretariat of the Supreme Court shall be divided into departments led by a director and deputy directors, as necessary.

The organization and functioning of the General Administrative Secretariat of the Supreme Court shall be determined by Sub-Decree, upon the request from the Minister of Justice.

Article 72.-

The General Administrative Secretariat of the Supreme Court is headed by a Secretary General and assisted by a number of Deputy Secretary Generals as necessary.

The Secretary General shall be nominated by Royal Decree upon the request from the Prime Minister. The Minister of Justice shall consult with the President of the Supreme Court and the Prosecutor General attached to the Supreme Court to make such a request to the Prime Minister. The Secretary General shall be selected from civil servants who have at least seven (7) years of experience in law, administration, or finance.

The Deputy Secretary General and department directors shall be nominated by Sub-Decree upon a request from the Minister of Justice after the consultation with the President of the Supreme Court and with the Prosecutor General attached to the Supreme Court. The Deputy Secretary General and the department directors shall be selected from civil servants who have at least five (5) years of experience in law, administration, or finance.

Officials at the General Secretariat having rank lower than department director shall be appointed by Prakas of the Minister of Justice. A deputy department director, as well as bureau chiefs and deputy bureau chiefs shall be chosen from civil servants who have at least three (3) years of experience in law, administration, or finance.

The officials working at the General Secretariat, including the Secretary General shall have civil servant status at the Ministry of Justice.

Article 73.-

An assembly of the Supreme Court shall be presided over by the President of the Supreme Court and the Prosecutor General attached to the Supreme Court to wrap up the previous work and set out administrative targets of the Supreme Court for the following year. A report of the assembly of the Supreme Court shall be delivered to the Ministry of Justice.

CHAPTER 5 INCOMPATIBILITY

Article 74.-

The functions of prosecution, investigation, and adjudication shall be separate. A judge who acts as representative of the prosecution or is an investigating judge of a case cannot try or decide that case; otherwise that judgment shall be annulled.

Article 75.-

A judge cannot participate in a case with another judge or judges who is/are spouse(s), parental link up to fourth degree, or a relative by marriage up to the third degree, and cannot be a judge of behalf of the prosecution or a representative of the prosecution. This principle shall be also applicable to a judge at the Court of Appeals or Supreme Court whose spouse, parental link up to the fourth Decree or relative by marriage up to the third degree tries that same case at a lower court.

Article 76.-

A judge who has spouse, parental link up to fourth degree, or relative by marriage up to the third degree who acts as lawyer of a party or parties to a case cannot adjudicate that case.

Article 77.-

Judge cannot adjudicate any case if his/her spouse, parental link up to sixth degree, or relative by marriage up to the third degree is a party to the case.

Article 78.-

Notwithstanding other provisions, involved parties and individuals who have interest in a case, including being a representative of prosecution, may file a complaint requesting annulment of a judgment of a court due to an alleged violation of the principles of incompatibility as provided for in Articles 75, 76 and 77 of this Law.

The request for annulment may be made any time before the court within the appeal procedure, in accordance with applicable provisions on procedure. Even if a judgment is final, a request for annulment may still be made during a period of 60 days beginning from the day that information as provided for in above-mentioned Article 74, 75, 76, 77 is received, after that final judgment. In this case, the request for annulment shall be filed in a court the renders the judgment, however different judges shall review and decide on the request for annulment of the judgment and to execute ongoing procedures, in accordance with applicable provisions.

CHAPTER 6 BUDGET OF COURTS AND PROSECUTION OFFICES

Article 79.-

The Court of First Instance and prosecution offices attached to those courts, the Courts of Appeals and the General Prosecution Office attached to the Court of Appeals, and the Supreme Court and the General Prosecution Office attached to the Supreme Court shall have a separate budget for their operations, which are contained in the budget of the Ministry of Justice and allocated from that budget.

The Presidents of the courts of all levels shall be delegated by the Minister of Justice to receive the budget of their respective courts.

The management and execution of the budget of the courts and the prosecution offices as mentioned in Paragraph 1 above shall be defined by Sub-Decree.

CHAPTER 7

TRANSITIONAL PROVISION

Article 80.-

Courts of all levels and categories and the prosecution offices attached to those courts that were established before the entry into force of this law shall continue their functions, in accordance with provisions of this law.

Article 81.-

Previous provisions relating to the military court and prosecution office attached to that court, as well as provisions on competencies and procedures applicable for cases of military offences shall continue to apply after entry into force of this law until such time as new provisions or laws enter into force to replace those provisions.

Article 82.-

While waiting for the operation of other Courts of Appeals, the current Court of Appeals situated in Phnom Penh has a territorial jurisdiction over the Kingdom of Cambodia.

Article 83.-

Commencement of the operations of the specialized courts in the Courts of First Instance, as stated in Article 14 of this Law, shall be made by a Prakas of the Minister of Justice.

Article 84.-

In the event that a provincial court has not yet been established or cannot be established, the jurisdiction of that court shall be given to other court(s) via the Royal Decree.

Article 85.-

In the event that a Commercial Chamber or a Labor Chamber of a Court of Appeals or the Supreme Court cannot operate due to an insufficient number of judges, the Civil Chamber of a Court of Appeals or the Supreme Court shall jurisdiction over those cases. These cases shall be managed by the Presidents of the Court of Appeals or the Supreme Court where those specialized chambers sit.

If any specialized chamber above functions in accordance with this law, other specialized chambers shall transfer the cases which do not fall within its jurisdiction to the competent specialized chamber.

Article 86.-

In the event there are an insufficient number of judges, an investigating judge may be a trial judge, but cannot try a case which he/she has investigated.

Article 87.-

In the event there is no administrative court, the jurisdiction to hear administrative cases shall be given to the Civil Court of First Instance and Civil Chamber of a Court of Appeals or the Supreme Court.

Article 88.-

In the event there are no commercial or labor advisors, the composition of panels in commercial and labor litigations shall follow the provisions of the Code of Civil Procedure.

Article 89.-

In the event there are no commercial procedure laws, hearings and trials on commercial matters shall follow the provisions of Code of Civil Procedure and other applicable laws.

In the event there are no labor procedure laws, hearings and trials on labor matters shall follow the provisions of Code of Civil Procedure and other applicable laws.

In the event there are administrative procedure laws, hearings and trials for administrative matters shall follow the provisions of Code of Civil Procedure and other applicable laws.

Article 90.-

In the first five (5) years after the entry into force of this Law, the appointment of governing officers of the court administration of courts at all levels shall be based upon specific qualifications.

The Chief of court clerks in a Court of First Instance may be nominated as the Chief or a Deputy Chief of the Administrative Secretariat of the court where he/she works.

The Chief of clerks of the higher Courts may be nominated as the Secretary General or Deputy Secretary General of the General Secretariat of the Court Administration in courts where he/she works.

CHAPTER 8 FINAL PROVISION

Article 91.-

The Criminal Code and Code of Criminal Procedure in use in Cambodia during the transitional period dated 10 September 1992, and Law on the Organization and Activities of the Courts of the State of Cambodia, promulgated by Kret No. 06 Kr dated on February 08th, 1993, and any other provisions contrary to this law shall be abrogated and replaced by this law.

Done in the Royal Palace, July 16th, 2014

Signature and seal

Norodom Sihamoni