

Law on the Status of Judges and Prosecutors of the Kingdom of Cambodia

Chapter One Joint Provisions

Article 1

This law determines the status of judges and prosecutors and other principles related to judges and prosecutor, aiming at ensuring the independence of the judiciary in accordance with the Constitution of the Kingdom of Cambodia. and the Basic Principles on the Independence of the Judiciary adopted by the United Nations.

Article 2

This law applies to all judges and prosecutors in the Kingdom of Cambodia except otherwise described in other specific laws.

Article 3

Technical terms in this law are defined as following:

- Judges refer to the sitting judges including trial judges and investigating judges
- Prosecutors refer to deputy prosecutors, prosecutors, deputy prosecutor general and prosecutor general
- Judiciary refers to judges and prosecutors.

Article 4

All persons recruited to serve their career as judges and prosecutors shall be competent, and honest with good morals.

Article 5

During their career, judges may be appointed as prosecutors, and prosecutors may be appointed as judges.

Article 6

The security of judges and prosecutors and their families shall be guaranteed in case of necessity at the request of the concerned person.

Judges and prosecutors shall not be subjected to criminal or civil charges for their decisions made in their competent framework and duties as judges or prosecutors. This principle shall not apply when judges or prosecutors use their decision to severely and with bad intention to abuse their power and duties provided by law.

Article 7

All judges and prosecutors shall be in the central administrative framework of the Ministry of Justice and can be appointed to function at the Ministry of Justice. When performing their duties at the Ministry of Justice, judges shall request authorization from the Supreme Council of Magistracy.

When performing their functions at the Ministry of Justice, judges and prosecutors shall be under the status of prosecutor and shall receive their salary and duty allowances in the same way as prosecutors who are in duty at the prosecution of the adjudicate court. In case the salary and duty allowances are different, the concerned person has the right to choose the higher salary or duty allowances.

Chapter Two Judges Part 1 General Provisions

Article 8

All judges shall make decisions impartially, based upon legal principles, without pressure, threat or intimidation, or order whether direct or indirect, from any party to the case or any other person.

Article 9

Judges shall be appointed to perform their duties at any particular court for a term of four years.

No judge on duty as specified in paragraph 1 of this Article may be transferred to any other place without their prior consent, even though that place offers a higher position than the one currently held. However, the Supreme Council of Magistracy may transfer a judge to any other places to perform his/her duties when he or she is subjected to a 2nd degree disciplinary sanction as stated in Article 55 of this Law or as needed for justice benefit.

Part Two Ranks and Grades

Article 10

The cadre of judges is composed of three ranks:

- Senior Judge
- Junior Judge
- Subordinate Judge

Article 11

The rank of senior judges, junior judges, and subordinate judges shall be determined by a Royal Degree.

Part Three Uniform

Article 12

The uniform of judges at all levels consists of two types:

- Uniform for hearings and uniform when on duty
- Official uniform for national ceremonies

These uniforms shall be determined by a Royal Decree at the request of the Supreme Council of Magistracy.

Article 13

The uniform for judges at hearings is a gown.

The uniform for judges when on duty otherwise than at hearing is clothes or other identifiers. The use of clothes or other identifiers shall be determined by the Supreme Council of Magistracy.

The uniform that all judges are required to wear during the parade or other national ceremonies, if officially required, shall be the formal clothing.

Part Four Salaries, Allowances, Bonus, and Annual Leave

Article 14

Judges are eligible to receive salaries calculated in accordance with their ranks and grades, the duty allowances, other allowances and the bonus as provided by law.

Article 15

Salaries, duty allowances and other allowances such as mission allowance, renting (residential) allowance, livelihood allowance, allowance for working in far remote areas or hazardous places, traveling and accommodation allowances, stop-over allowances, medical and hospital allowances, and allowances for long-term treatment of chronic illness shall be determined by Sub-Decree.

Article 16

Judges are entitled to 30 days of annual leave in addition to the vacation determined by the government. The period within which any judge may apply for annual leave shall be counted from 01 January of the year.

Annual leave may be applied for whether as a single leave or as many instances of leave during the year. This annual leave may be valid till the end of February of next year.

Annual leave shall be requested to the president of the court for at least three months prior to the leave.

Women judges are entitled to ninety days maternity leave.

During the above leave period, judges shall enjoy the salaries, duty allowances and other allowances.

Article 17

Any judges who have performed their duty for two years without any interruption, or with a few interruptions, but the performance is still managed to complete a 2-year term, he/she is eligible for sick leave of six months without salary deduction.

If the sick leave is extended from six months to one year, a half of the salary shall be deducted. If the sick leave is extended to more than one year, (the judge shall receive his/her retirement pension by seniority or by proportional or by a full withdrawal as specified by the Article 45 of this law) the judges shall be request for blank salary as specified by the Article 45 of this law. If he/she is not eligible for the above rights, he/she shall be considered as disability as specified by the Article 66 of this law.

Any judges who fall sick and request the Ministry of Justice for sick leave are required to provide medical certification. However, the Ministry of Justice may appoint an expert physician to examine at any time if it deems necessary.

Article 18

Any judge who did not use their annual leave may transfer this annual leave to their sick leave without deduction of their salary.

Part Five Selection as Judge Students

Article 19

It is permissible for any candidate who meets all of the following conditions to take the examination for the selection of judge students:

1. Must have Khmer nationality
2. Must be not more than 35 years of age for student candidates and must not be more than 40 years of age for candidates from civil servant as of the date of the examination
3. Must hold at least a Bachelor in Law
4. Must not have been convicted of a misdemeanor or a felony
5. Must have sufficient fitness to fulfill the duty

Article 20

The determination of the amount of judge students to be selected shall be made by the Prakas of the Minister of Justice following the consultation with the Supreme Council of Magistracy.

Article 21

Candidates who take the entrance examination for judge student shall receive professional training organized by the Ministry of Justice.

The organization and functioning of the professional training shall be determined by the Prakas of the Minister of Justice.

Article 22

The form, process, date and venue of entrance examination for judge students shall be determined by the Prakas of the Minister of Justice.

Article 23

The examination for selection into the cadre of judges may also be conducted through an internal examination from among the government officers and clerks who hold a Bachelor in Law, have at least 5 years of working experience in legal and judicial filed and whose age is not older than 45 years old as of the date of the examination. Lawyers who hold a Bachelor in Law, have at least 5 years of working experience in legal and judicial filed can also register for the examination as stated in paragraph 1 above if their age is not older than 45 years old as of the date of the examination.

Candidates who pass the examination for selection into the cadre of judge as provided in paragraph 1 and 2 above shall receive the professional training organized by the Ministry of Justice.

The form and process of the internal examination for selection into the cadre of judges and the organization and functioning of the professional training shall be determined by the Prakas of the Minister of Justice following the consultation with all members of the Supreme Council of Magistracy.

Part Six Apprenticeship and Full Appointment to the Cadre

Article 24

The judge students who have been selected based on Article 19 and Article 23 of this law and who have successfully finished the professional training shall be appointed by Royal Decree as a name of deputy judge of first instant court that have a period for one year. The duration of internship shall be counted from the date of appointment as an intern judge.

The procedure of internship and competence of the intern judge shall be determined by Prakas of Minister of Justice after consultant with the member of Supreme Council of Magistracy.

The appointment of intern judge enables to organize the salary and seniority of intern judge.

Article 25

After completing the internship, the intern-judge shall be appointed into the cadre of judges as a full subordinate judge of the first grade.

The Supreme Council of Magistracy may decide to extend the period of internship for another one year for any intern judge who was not successful in undertaking their internship or if they were absence from their internship for a period of more than thirty days in total.

In the event that the intern judge is absent for over thirty days without authorization or when the intern judge was not successful again during/after the extended period, he or she shall be

removed from the list of the cadre of judges following the decision by the Supreme Council of Magistracy.

Article 26

Any intern who is unfit or who has insufficient health to perform their functions according to the conditions set by law, or who has misconduct in the performance of their duties may be removed from the list of the cadre of judges at any time following a decision made by the Supreme Council of Magistracy.

The removal or full appointment into the cadre of judges shall be decided within a period not exceeding three months after the completion of the internship. The full appointment into the cadre of judges shall be effective for both the preparation of salary and the seniority, which is counted from the date of completion of the internship.

Part Seven Promotion in Grade and in Rank

Article 27

The promotion in grade and in rank shall be carried out either on the basis of the turn of selection and the turn of seniority in accordance with the list drawn up for each grade and each rank.

The conditions for promotion in grade or in rank through the turn of selection and the turn of seniority shall be determined by a Royal Decree.

Article 28

The promotion of the judges in grade and in rank shall be based on:

- Correctly complying with working discipline;
- Good achievements (performance);
- Good conduct/behavior and good morals which do not harm the honour of magistracy;
- Receiving trainings from the Royal Academy for Judicial Professions or having finished study at the tertiary educational institutions;
- Working in any remote areas, health-affected areas or dangerous areas.

During the duty performance, the judges trying to get an additional study and receiving a post-graduate degree shall be encouraged with one grade promotion.

Article 29

For each grade and rank of the hierarchy, the number of judges planned to be promoted in grade or in rank for each year shall be determined in accordance with the requirement of work and the national budget plan.

Article 30

Any judge who is in the same rank may be promoted only one grade higher each time.

If necessary, judges can be promoted in rank through examination.

Article 31

In the first week of January every year, each judge shall receive a sheet of personal record in which the judge must complete a series of questionnaires.

The personal record shall be rated with the scores on this sheet by giving clear comments or reasons.

The scores shall be rated as following:

1. Vice-Presidents and judges of Court of First Instance shall be scored by the Presidents of the courts.
2. Judges and Vice-President of the Court of Appeal shall be scored by the President of the Court of Appeal.
3. Presidents of the Court of First Instance, President of the Court of Appeal, judges of the Supreme Court, and the Vice-President of the Supreme Court shall be scored by the President of the Supreme Court.
4. Any judge who is transferred to work in other institution shall be scored by the head of the concerned institution.

Article 32

Only a judge who has worked in his or her grade or rank for at least two years as of every April 13 each year can be registered in the list of promotion.

Article 33

The composition of the Commission of promotion in rank and grade comprises of:

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| • Secretary of State of the MoJ | Chairman |
| • Vice President of the Supreme Court | Vice Chairman |
| • Deputy Prosecutor-General of the Supreme Court | Vice Chairman |
| • President of the Court of Appeal | Member |
| • Prosecutor-General of the Court of Appeal | Member |
| • President of the Municipal Court | Member |
| • Prosecutor of the Municipal Court | Member |
| • The Secretary General of the SCM | Secretary |

The Minister of Justice may appoint any other compositions if necessary to assist this Commission.

Article 34

The list of proposed judges for promotion in grade for each rank shall be prepared based on seniority of service in accordance with the list concerning each grade.

This list shall be posted at all adjudicated courts for notification to all the concerned persons.

Article 35

If any judge, whose seniority of service is due for proposed promotion in grade or in rank but whose name is not registered in the above list of the promotion, he/she may make a complaint to the Minister of Justice not later than 30 days from the date of receiving notification on the list of proposed promotion in grade and in rank. If this period is expired, such complaint shall be considered null and void.

Article 36

The sheet of personal record of all registered judges for promotion in each grade and the sheet of personal record of those judges who failed to get promotion and who brought a complaint shall be sent to the Commission of promotion in rank and in grade as specified by Article 33 of this law not later than the second week of February every year.

Article 37

The Chairman of the Promotion Commission shall convene its members for a meeting.

The Commission shall hold its meeting before the traditional Khmer New Year.

Article 38

After considering the sheet of personal record of each judge and making decision over the complaints and after listening to a full explanation of the Chairman, each member of the Commission shall give mark from zero to twenty to each proposed judge. The registration of the proposed judges into the list shall be made based on the quality level of the result of the total scores. If two proposed judges obtain equal scores, the one who is older shall be registered first on the list.

Article 39

The Commission in charge of grade and rank promotion shall prepare the list in accordance with the cohort (intake) of judges who are eligible for promotion and in accordance with the order of precedence in the list and submit it to the Supreme Council of Magistracy for examining and making decision. The general secretariat of the SCM shall prepare the list of judges who are put forward for promotion by the Supreme Council of Magistracy to the Minister of Justice in order to prepare a Royal Decree to submit it to the King.

Article 40

Any judge who is under disciplinary investigation or under criminal charge shall not be registered in the list of grade and rank promotion during the period of disciplinary investigation or criminal charge.

Article 41

In case the proposed judge is not promoted whether in grade or in rank, he/she has a priority to be registered first in the list of promotion for next year.

Article 42

The promotion either in grade or in rank, the augmentation of salary, and the seniority of service shall be counted from April 13 of each year.

Part Eight Appointment, Transfer, Discharge, Putting outside cadre, Temporary suspension from duty, and Resignation

Article 43

The Supreme Council of Magistracy shall decide and propose to the King about the appointment, transfer, discharge, putting outside cadre, temporary suspension from duty, and resignation of all judges.

Article 44

A judge is allowed to be discharged from his/her duties or be placed outside of the judicial cadre upon a request from the concerned person or other institution with the consent of the concerned person and the Supreme Council of Magistracy.

(In the case that judges are required to temporarily perform duty in public functions or public services that are eligible for receiving pension, the judges can request discharge from duty. The permission for discharge shall be made at the request of the concerned person or other institution with the consent of the concerned person. During the period of discharge from duty, the judge shall continue to receive his/her salary, as well as the right of promotion in grade and rank and the right of retirement but shall not enjoy with other allowances and rewards of their initial function.)

(In the case that judges are required to temporarily perform duty in public functions or public service such as lawmaker, senate member, governor, deputy secretariat, mandate function by election, or all level of consultant, they can discharge their duty. The permission for discharge shall be made at the request of the concerned person or other institution with the consent of the concerned person. During the period of discharge from duty, the judge shall continue to receive his/her salary, as well as the right of promotion in grade and rank and the right of retirement but shall not enjoy with other allowances and rewards of their initial function.)

In the case that judges are required to temporarily perform duty in administration, public enterprises that are not eligible for receiving pension, or in an international organization, the judges can request for putting outside cadre. The permission for putting outside cadre shall be made at the request of the concerned person or other institution with the consent of the concerned person. During the period of discharge from duty, the judge shall not enjoy the right to receive his/her salary, allowances of their initial function and other allowances as specified in Article 15 of this law.

In the case that judges are required to temporarily perform duty in administration or in an international organization, they can request for putting outside cadre. The permission for putting outside cadre shall be made at the request of the concerned person or other institution with the consent of the concerned person. During the period of discharge from duty, the judge

shall not enjoy the right to receive his/her salary, allowances of their initial function and other allowances as specified in Article 15 of this law.

A judge may be dismissed from the cadre of judges in case the concerned judge abandoned the duty, was absent for over 30 days pursuant to Article 52 of this law or requested for resignation.

The resignation of a judge shall be submitted in writing by the concerned judge. The request shall be submitted to the Supreme Council of Magistracy for examination and decision.

Article 45

In case of personal reason, family reason or conflict of interest, a judge may request a leave of absence without pay for a certain period of time based on the request of the concerned judge. The permission for leave of absence without pay shall be made for one or two years at a time. The permission for leave of absence without pay shall be made only two times and the total duration of the leave of absence without pay shall not exceed four years.

To qualify for a leave of absence without pay may the judge must have fulfilled the duty in the initial cadre for at least 4 years regardless of the judge who were punished with 2nd degree disciplinary action as stipulated in point B of Article 55 of this law.

The request shall be submitted to the Supreme Council of Magistracy for examination and decision.

Article 46

Any judges who is on a leave of absence for the first time, if he/she wishes to continue, he/she shall submit his/her request for an extension or he/she requests for resuming their duty. In this regard, the request shall be submitted 2 months prior to the expiry date of the leave of absence without pay; any judge who failed to submit the request for an extension of the leave of absence without pay, or who did not resume their duty for 30 days at the latest, counting from the expiration date of the leave of absence without pay, that is to say, he/she has quit their job, shall be dismissed from the cadre as of that date onward.

Article 47

Any judge who is assigned to undertake apprenticeship in order to get the qualification in profession shall be considered as a judge in duty.

Article 48

In case of removal of a judge's names from the cadre of judges, as specified in provisions of this law, the concerned person shall enjoy the right to all pension benefits deducted from his/her salaries under this law or under any other regulations regarding retirement pension funds.

Article 49

The President of the Supreme Court ranks as senior judge with the highest grade. The Vice-President of the Supreme Court and all judges of the Supreme Court rank as senior judges and shall not exceed 25 people including the President of the Supreme Court. However, the amount of judges at Supreme Court may exceed the number stated in the paragraph above by the Royal Decree at the request of Minister of Justice.

The President of the Court of Appeal ranks as senior judge. The Vice-President of the Court of Appeal and all judges of the Court of Appeal rank as senior judges or junior judges.

The Presidents of the Court of First Instance rank as junior judges. The Vice-Presidents of the Court of First Instance and all judges rank as junior judges or subordinate judges.

Part Nine Duties of Judges

Article 50

The judges shall be responsible for the duties entrusted to them and shall strictly abide by their Code of Ethics.

For their own livelihood, the judges shall not commit any act, which harms their own honour and dignity, and the prestige of the magistracy.

In political activities, judges shall absolutely adhere to a neutral attitude.

Article 51

No judge shall not leave his/her work unaccomplished or be absent without prior and proper authorization from his/her immediate supervisor.

Article 52

Any judge who leaves his/her work unaccomplished or who is absent for more than 15 days without reason shall be subjected to forfeiture of pay calculated from the date he/she leaves the work unaccomplished or from the date of the absence without authorization. If he or she continues failing to perform his/her duty or being absent without any reason for over 30 days, and during which period though he/she was twice properly notified about such conduct from the chief of entity, yet he/she does not return to work, then he/she shall be dismissed from the cadre of judges.

Article 53

Judges who are on duty at any adjudicate court shall get authorization in advance from the Supreme Council of Magistracy, if they want to publish, or request to broadcast by all means of any text or written note as well as other comments in relation to their works.

Any violation of the provisions of this article shall be subjected to disciplinary punishment, regardless of criminal charges, if any.

This provision shall not apply to general information related to the judicial proceeding at the adjudicate courts that is not a breach to the principle of confidentiality of the profession under the law. Such information shall be provided by the administrative unit of the adjudicate court.

Part Ten Disciplinary Sanction

Article 54

The gaps of judges in fulfilling their profession, the harmfulness to honor, good morals and dignity of judges and prosecutors shall be regarded as disciplinary mistakes. Such mistakes shall be punished disciplinarily under the provisions of this law. However, the use of discretion of judges and prosecutors in implementing the law shall not be regarded as disciplinary mistakes.

Disciplinary sanction is not a barrier to the criminal complaint if any crimes happened.

Judge may be dismissed from service temporarily by the president of Disciplinary Council of the Supreme Council of Magistracy in the event that the judge is subjected to the sanction proceeding of the Disciplinary Council.

Article 55

There shall be two levels of disciplinary punishment:

1. First degree disciplinary punishment:
 - A. Verbal reprimands,
 - B. Reprimands followed by a record in the personal file,
 - C. Suspension from being registered in the list of promotion in grade or rank for a duration of no longer than two years, or removal from the list of promotion if he/she has already been registered in the list of promotion in grade or in rank,
2. Second degree disciplinary punishment:
 - A. Compulsory transfer for further training;
 - B. Suspension from service without salary for a period of no longer than one year;
 - C. Reduction of one or more grades or ranks;
 - D. Compulsory retirement prior to the retirement's age;
 - E. Compulsory termination from functions;
 - F. Dismissal from cadre of judges.

The second degree disciplinary punishment shall be made by a Royal Degree following a decision made by the Supreme Council of Magistracy.

Article 56

In the case of compulsory termination from function or dismissal from cadre of judges as stipulated in provisions of this law, the concerned judge is eligible to receive all pension benefits deducted from his/her salaries under this law or under any other regulations regarding retirement pension funds.

Part Eleven

Judicial Charges

Article 57

Any judge who commits any criminal offense shall be subjected to prosecution.

The Minister of Justice shall arraign the accused judge before a court, which is not the court where the accused judge is working.

In the case of a judge committing a criminal offence and he/she is charged by the prosecutors, the prosecutors shall inform to the Minister of Justice about the charges within 72 hours the latest.

In the case of the arrest or detention of a judge, the competent authorities shall inform to the Minister of Justice about such arrest or detention.

The Minister of Justice shall immediately inform the above information to the Supreme Council of Magistracy.

Article 58

The accused judge who is charged with a felony or a misdemeanor shall be automatically suspended temporarily from duty until a court decision is made. He/she may enjoy his/her salary as usual until the final decision of the court finding him/her guilty. The salary of the judge shall be suspended temporarily by the request of Minister of Justice from the date the court verdict found him/her guilty, even if he/she makes an appeal against this verdict.

Article 59

In the event that the accused judge receives a non-suit order or an acquittal or a suspended sentence, the judge shall immediately resume his/her duty at a level of seniority that accounts for the time accrued during the time of prosecution, and he/she shall be paid retroactive.

This provision also applies in the event that the accused judge's name was not dismissed from the cadre of judges as provided under Article 61 of this law.

Article 60

Notwithstanding a court decision to drop the charge or to acquit or to suspend the sentence, if the accused judge has conducted himself/herself contrary to the code of ethics for judges and prosecutors, he/she is may be subjected to punishment disciplinarily by the Supreme Council of Magistracy.

Article 61

Any judge who is finally convicted for a misdemeanor or felony without a suspended sentence shall be dismissed from the cadre of judges, effective from the day the verdict enters into force.

Part Twelve

Retirement

Article 62

In General judges of both sexes shall go into retirement at the age of 60.

A judge of the Supreme Court whose age is 60 or over shall retire at the request of the concerned judge. However, when the age is 65 is reached, the Supreme Council of Magistracy shall decide on the extension of the judge of the Supreme Court upon the request of the concerned judge.

The Minister of Justice shall prepare a draft Royal Decree regarding this case and submit it to the King.

Article 63

Any judge who has been in service for 30 years may apply for an early retirement prior to the age of 60.

Any judge who has been in service for more than 30 years is eligible to receive the retirement pension by seniority equal to 100% of his/her last salary.

Any judge who has been in service for at least 25 years but below 30 years is eligible to receive the retirement pension by proportional equal to 80% of his/her last salary.

Any judge who has been in service for at least 20 years but below 25 years is eligible to receive the retirement pension by proportional equal to 70% of his/her last salary.

Any judge who has been in service for less than 20 years is eligible to receive only the retirement pension deducted from their salary and other allowances as determined by the state the same as the other civil servants in administrative cadre. (Not relate)

The duration in service of judges above shall also include the duration that they served the functions as government officers prior to the appointment of the function as judges.

Judge's pension shall be received at secretariat of the Supreme Council of Magistracy.

There have only one place for received the judge's pension.

The processing of pension shall be determined by Sub-Decree.

Article 64

When reaching the age of retirement, any judge whose seniority of service is 30 years, the deductions of salary for retirement pensions shall not be made. However, if the seniority of service is under 30 years, the deductions of salary for retirement pensions shall be made until he/she reaches the seniority of service of 30 years in order to be eligible to receive the retirement pension by seniority.

Article 65

Seniority of service of judges shall be counted from the date he/she is employed by the state regardless of the political regime.

Article 66

Any judge who can no longer carry out his/her duty for the reasons of mental disability or physical disability shall be put under retirement. The decision on mental disability or the physical disability shall be made by the Supreme Council of Magistracy based on the medical report issued by the Ministry of Health.

Where the disability is obviously a result of the performance of duty or resulted from his/her conscience of hard work over the work of public interests, that judge has special rights to enjoy his/her pension of disability which is equal to the pension of seniority regardless of the duration of employment. The judge may be eligible to receive such pension only if the illness or the disability directly and clearly causes to the inability to perform his/her duty.

The cause(s), the source(s), the categories and the physical effects of or illness shall be certified by an administrative certificate issued by a competent authority, and a medical report issued by the Ministry of Health.

If any judge passes away due to hard work, his/her spouse and minor children are eligible to receive allowances equal to the net salary of 12 months of the deceased.

Moreover, the state shall take care of the minor children and the spouse in the same way as other retired civil servants except when the spouse becomes engaged to re-marry.

Article 67

In case of conscience disability or physical disability as specified in Article 66 above, the Minister of Justice shall report to the Supreme Council of Magistracy for examination and decision on the retirement.

The Minister of Justice shall prepare a draft Royal Decree regarding this case and submit it to the King following the decision of the Supreme Council of Magistracy.

Part Thirteen Honorary Title

Article 68

Whenever reaching retirement, a judge shall be promoted one rank higher than the current rank whilst on duty, provided that the judge has served at least one year in the last rank before retirement except judges who are force to retirement. This title shall be honored by a Royal Decree.

The Supreme Council of Magistracy shall prepare a draft Royal Decree regarding this case and submit it to the King.

Article 69

The retired judge shall have a full right to preserve his/her honorary title.

This honorary title may be withheld by the Supreme Council of Magistracy at the request of the Minister of Justice, if there is any probable cause harms to the honor or dignity of the judiciary.

Part Fourteen Oath Taking

Article 70

Before taking office, judges shall take an oath at the Royal Palace.
The content of oath is attached in the annex to this law.

Article 71

The above oath taking shall be recorded by the competent official(s) of the Royal Palace and shall be forwarded to the general secretariat of the Supreme Council of Magistracy in order to record in the personal file of each judge.

Article 72

Any judge who eschews and refuses to take the oath is not eligible to function as a judge and shall be dismissed from the cadre of judges.

Judges, who contempt or insult the oath they took, shall be subjected to disciplinary punishment.

Article 73

In the case judge is a witness, he/she shall be oath as the traditional of religious and court processing.

Chapter Three Prosecutors Part One General Provisions

Article 74

Prosecution in the Supreme Court shall be led by one prosecutor general, one deputy prosecutor general, and some prosecutors as necessary. The prosecutor general, deputy prosecutor general, and prosecutors of the Supreme Court are the representatives of the Prosecution attached to the Supreme Court.

Prosecution in the Court of Appeal shall be led by one prosecutor general, one deputy prosecutor general, and some prosecutors as necessary. The prosecutor general, deputy prosecutor general, and prosecutors of the Court of Appeal are the representatives of the Prosecution attached to the Court of Appeal.

Prosecution in the Court of First Instance shall be led by one prosecutor and some deputy prosecutors as necessary. The prosecutor and deputy prosecutors of the Court of First Instance are the representatives of the Prosecution attached to the Court of First Instance.

Only the prosecution department is entitled to bring public actions. Prosecutors are in charge of seeking the criminal offences and prosecuting the perpetrators to the court before the investigating judges and trial judges.

In civil case and other cases, prosecuting judges (The representative of prosecution) shall pay attention to monitor the compliance with relevant laws and regulations that harm to the public order, the public interests, or interests of incompetent and shall ensure the enforcement of court decisions. (Not Relate)

Article 75

Prosecutors shall comply with the following key principles:

1. The unity of the prosecution department means that all prosecutors shall be under the guidance and the control of the chief by hierarchy. The Minister of Justice is the chief of the prosecution and has the right to issue an injunction (order) to the prosecutions of all level of courts. The General Departments of Prosecutor and Criminal Affairs of the Ministry of Justice is the staff to the Minister of Justice on this issue. The prosecutor general of the Supreme Court is the chief of the prosecution attached to the Supreme Court. The prosecutors and deputy prosecutor general of the prosecution attached to the Supreme Court shall work under the instruction and responsibilities of the prosecutor general who is the chief. The general prosecutor of the Court of Appeal is the chief of the prosecution attached to the Court of Appeal. The prosecutors and deputy prosecutor general of the prosecution attached to the Court of Appeal shall work under the instruction and responsibilities of the prosecutor general who is the chief. All the deputy prosecutors shall work under the instruction and responsibilities of the prosecutor who is the chief.
2. The principle of indivisibility shall be respected; this means that the prosecutors attached to any particular court shall have the joint obligations within the same function to mutually replace one another. In accordance with this principle, many members of the prosecution department can replace each other during the trial of a case as appointed by the chief.
3. The prosecution is independent and prosecutors shall not be under the power of the court where he or she works. The court has no power to examine the work of the prosecuting judge. The court has no power to examine the work of the prosecuting judge. Even in the case where the prosecutor makes a wrong charge, the court shall not record any censor of the prosecutor in his/her decision. This prohibition shall also apply to criminal case and other cases. However, the court may raise such misconduct of the prosecutor to the superior level of the prosecutor.

Article 76

Every year:

- Prosecutors of the Court of First Instance shall make a report on their activities and on offences to the Minister of Justice and copy to the Prosecutor General of the Court of Appeal that has territorial jurisdiction.
- The Prosecutor General of the Court of Appeal shall make a report on his/her activities and on offences as well as the report on the activities of the prosecutions of

the Court of First Instance under its jurisdiction to the Minister of Justice and copy to the Prosecutor General of the Supreme Court.

- The Prosecutor General of the Supreme Court shall make a report on the activities of the Prosecutors of the Supreme Court and on offences to the Minister of Justice.

Article 77

All prosecutors shall perform their functions and duties based upon legal principles, without pressure, threat or intimidation, or order whether direct or indirect, from any party to the case or any other person except under Article 75 of this law.

Part Two Ranks and Grades

Article 78

The cadre of prosecutors is composed of three ranks:

- Senior Prosecutor
- Junior Prosecutor
- Subordinate Prosecutor

Article 79

The rank of senior prosecutors, junior prosecutors, and subordinate prosecutors shall be determined by a Royal Degree.

Part Three Uniform

Article 80

The provisions of Chapter Two (Judges) Part Three (Uniform) of this law that apply to judges shall also apply to prosecutors.

Part Four Salaries, Allowances, Bonus, and Annual Leave

Article 81

The provisions of Chapter Two (Judges) Part Four (Salaries, Allowances, Bonus, and Annual Leave) of this law that apply to judges shall also apply to prosecutors.

Part Five Selection as Prosecutor Students

Article 82

The selection and training of prosecutor students shall be jointly implement with the training for judge students as provided under the provisions of Chapter Two (Judges) Part Five (Selection of Judge Students) of this law.

Part Six Apprenticeship and Full Appointment to the Cadre

Article 83

The prosecutor students who have successfully finished the professional training shall undertake an internship by the Royal Decree in name of first level of deputy prosecutor for a period of one year. The duration of internship shall be counted from the date of appointment as an intern prosecutor.

Processing of prosecutors intern shall be determined by the Prakas of Ministry of Justice after follow consultant with the member of Supreme Council of Magistracy.

The appointment of the prosecutors intern enable to their salary and seniority.

Article 84

After completing the internship, the intern prosecutors shall be appointed into the cadre of prosecutors as a full subordinate prosecutor of the first grade. The Supreme Council of Magistracy shall propose to the King about the full appointment to the cadre of prosecutors upon the request by the Minister of Justice.

The Minister of Justice may decide to extend the period of internship for another one year for any intern prosecutors who were not successful in undertaking their internship or if they were absence from their internship for a period of more than thirty days in total.

In the case when the intern prosecutor was absent for over thirty days without authorization or when the intern prosecutor was not successful again during/after the extended period, they shall be removed from the list of the cadre of prosecutors as stipulated in Article 89 of this law.

Article 85

Any intern prosecutor who is unfit or who has insufficient health to perform his/her functions according to the conditions set by law, or who has misconduct in the performance of his/her duties may be removed from the list of the cadre of prosecutors at any time as provided under Article 89 of this law.

The removal or full appointment into the cadre of prosecutors shall be decided within a period not exceeding three months after the completion of the internship. The full appointment into the cadre of prosecutors shall be effective for both the preparation of salary and the seniority, which is counted from the date of completion of the internship. (Not relate)

Part Seven Promotion in Grade and in Rank

Article 86

The provisions from Article 27 to Article 30, from Article 32 to Article 38, and from Article 40 to Article 42 of Chapter Two (Judges) Part Seven (Promotion in Grade and in Rank) of this law that apply to judges shall also apply to prosecutors.

Article 87

In the first week of January every year, each prosecutor shall receive a sheet of personal record in which each prosecutor must complete a series of questionnaires.

The personal record shall be rate with the scores on this sheet by giving clear comments or reasons.

The scores shall be rated as following:

1. Deputy Prosecutor of the Court of First Instance shall be scored by the Prosecutor of the Court of First Instance.
2. Deputy Prosecutor General and prosecutor of the Court of Appeal shall be scored by the Prosecutor General of the Court of Appeal.
3. Prosecutor of the Court of First Instance, Prosecutor General of the Court of Appeal, Prosecutors and Deputy Prosecutor General of the Supreme Court shall be scored by the Prosecutor General of the Supreme Court.
4. Any prosecutor who is transferred to work in other institution shall be scored by the head of the concerned institution.

Article 88

The Commission in charge of grade and rank promotion shall prepare the list in accordance with the cohort (intake) of prosecutors who are eligible for promotion and in accordance with the order of precedence in the list and submit it to the Supreme Council of Magistracy for examining and making decision. The general secretariat of the Supreme Council of Magistracy shall prepare the list of prosecutors who are decided for promotion to the Minister of Justice in order to prepare a Royal Decree and submit it to the King.

Part Eight

Appointment, Transfer, Discharge, Putting outside cadre, Temporary suspension from duty, and Resignation of Prosecutors

Article 89

The Supreme Council of Magistracy shall propose to the King about the appointment, transfer, discharge, removed from the cadre of prosecutors, temporary suspension from duty, and resignation of all prosecutors throughout the Kingdom of Cambodia upon the request of the Minister of Justice. The Supreme Council of Magistracy shall consult about this request.

The Minister of Justice shall prepare a draft Royal Decree regarding this case and submit it to the King.

Article 90

When necessary, the Minister of Justice may integrate the officers whose works related to the prosecution, criminal and judicial administrative affairs, who hold a Bachelor in Law, and who have at least 10 years of working experience in legal or judicial fields, into the cadre of prosecutors.

The prosecutors who were integrated into the cadre of prosecutors in accordance with paragraph 1 above may be appointed to perform their duties as judges at the adjudicate court or prosecutors at the prosecution attached to the adjudicate court following their at least 10 years of work at the Ministry of Justice.

The Committee in charge of checking the qualification of the integration above shall be established. This Committee shall be established by a Prakas of the Minister of Justice.

The Supreme Council of Magistracy shall consult on the request regarding the integration into the cadre of prosecutors of all prosecutors in the Kingdom of Cambodia upon the request of the Minister of Justice. The form and procedure of appointment into cadre of prosecutors shall be implemented in accordance with Article 89 of this law.

Article 90

A prosecutor is allowed to be discharged from his/her duty or be removed from the cadre of prosecutors of the judicial cadre upon a request from the concerned person or other institution with the consent of the concerned person.

In the case that prosecutors are required to temporary perform duty in public functions or public services that are eligible for receiving pension, the prosecutors can request for discharge. The permission for discharge shall be made at the request of the concerned person or other institution with the consent of the concerned person. During the period of discharge from duty, the prosecutors shall continue to receive their salary, as well as the right of promotion in grade and rank and the right of retirement but shall not enjoy with other allowances and rewards of their initial function.

In the case that prosecutors are required to temporary perform duty in administration, public enterprises that are not eligible for receiving pension, or international organization, the prosecutors can request for removed from the cadre of prosecutors. The permission for removed from the cadre of prosecutors shall be made at the request of the concerned person or other institution with the consent of the concerned person. During the period of discharge from duty, the prosecutors shall not enjoy the right to receive their salary, allowances of their initial function and other allowances as specified in Article 81 of this law.

A prosecutor may be discharge his/her duty in temporarily by the Minster of Justice in case he/she under proceedings of the Disciplinary Council of the Supreme Council of Magistracy.

A prosecutor may be dismissed from the cadre of prosecutors in case the concerned prosecutor was punished with 2nd degree disciplinary action, abandoned his/her duty, was absent for over 30 days pursuant to Article 52 of this law or requested resignation.

The resignation of a prosecutor shall be submitted in writing by the concerned prosecutor. The request shall be submitted to the Minister of Justice for examination and determination in accordance with the legal proceeding.

Article 91

In case of personal reason, family reason or a conflict of interest, prosecutor may request a leave of absence without pay for a certain period of time based on the request of the concerned prosecutor. The permission for leave of absence without pay shall be made for one or two years at a time. The permission for leave of absence without pay shall be made only two times and the total duration of the leave of absence without pay shall not exceed four years. To qualify for a leave of absence without pay the prosecutor must have fulfilled the

duty in the initial cadre for at least 4 years regardless of the prosecutor who was punished with 2nd degree disciplinary.

The request shall be submitted in writing by the concerned prosecutor. The request shall be submitted to the Minister of Justice for examination and determination in accordance with the legal proceeding.

Article 92

Any prosecutor who is on a leave of absence for the first time, if he/she wishes to continue, he/she shall submit his/her request for an extension or he/she requests for resuming their duty. In this regard, the request shall be submitted two months prior to the expiry date of the leave of absence without pay; any prosecutor who failed to submit the request for an extension of the leave of absence without pay, or who did not resume their duty for 30 days at the latest, counting from the expiration date of the leave of absence without pay, that is to say, he/she has quitted their job, and shall be dismissed from the cadre as of that date onward.

Article 93

Any prosecutors who is assigned to undertake an apprenticeship in order to get the qualification in profession shall be considered as a prosecutor in duty.

Article 94

In case of removal of a prosecutor's name from the cadre of prosecutors, as specified in provisions of this law, the concerned person shall enjoy the right to all pension benefits deducted from his/her salaries under this law or under any other regulations regarding retirement pension funds.

Article 95

The Prosecutor General of the Supreme Court ranks as senior prosecutor with the highest grade. The Deputy Prosecutor General and the all Prosecutors of the Supreme Court rank as senior prosecutors.

The Prosecutor General of the Court of Appeal ranks as senior prosecutor. The Deputy Prosecutor General and the all Prosecutors of the Court of Appeal rank as senior prosecutors or junior prosecutors.

The Prosecutors of the Court of First Instance rank as junior prosecutors. The Deputy Prosecutors of the Court of First Instance rank as junior prosecutors or subordinate prosecutors.

Part Nine Duties of Prosecutors

Article 96

The prosecutors shall be responsible for the duties entrusted to them and shall strictly abide by their Code of Ethics.

For their own livelihood, the prosecutors shall not commit any act, which harms to their own honor and dignity, and the prestige of the prosecution.

Prosecutors who are on duty at prosecution of any adjudicate court shall get authorization in advance from the Ministry of Justice, if they want to publish, or request to broadcast by all means of any text or written note as well as other comments that may affect the prestige of prosecution or the judiciary. This provision shall not apply to the public statement of the prosecutors in accordance with the Code of Criminal Procedure.

In political activities, prosecutors shall absolutely adhere to a neutral attitude.

Any violation of the provisions of paragraph 1 and 2 of this article shall be subjected to disciplinary punishment, regardless of criminal charges, if any.

Article 97

No prosecutor shall leave his/her works unaccomplished or be absent without prior and proper authorization from his/her immediate supervisor.

Requests for leave from the Prosecutors of the Court of First Instance, the Prosecutor General of the Court of Appeal and the Prosecutor General of the Supreme Court, shall be decided by the Minister of Justice.

Article 98

Any prosecutor who leaves his/her work unaccomplished or who is absent for more than 15 days without reason shall be subjected to forfeiture of pay calculated from the date he/she leaves the work unaccomplished or from the date of the absent without authorization. If he or she continues failing to perform his/her duty or being absent without any reason for over 30 days, and during which period though he/she was twice properly notified about such conduct from the chief of entity, yet he/she does not return to work, then he/she shall be dismissed from the cadre of prosecutors.

Part Ten Disciplinary Sanction

Article 99

The provisions of Chapter Two (Judges) Part Ten (Disciplinary Sanction) of this law that apply to judges shall also apply to prosecutors.

Part Eleven Judicial Charges

Article 100

The provisions of Chapter Two (Judges) Part Eleven (Judicial Charges) of this law that apply to judges shall also apply to prosecutors.

Part Twelve

Retirement

Article 101

In general, prosecutors of both sexes shall go into retirement at the age of 60.

Prosecutors of the Supreme Court whose age is 60 or over shall retire at the request of the concerned prosecutor. However, when the age is 65 is reach, the Supreme Council of Magistracy shall decide on the extension of all prosecutors of the Supreme Court upon the request of the concerned prosecutor.

The Minister of Justice shall prepare a draft Royal Decree regarding this case and submit it to the King.

Article 102

The provisions from Article 63 to Article 67 of Chapter Two (Judges) Part Twelve (Retirement) of this law that apply to judges shall also apply to prosecutors.

Part Thirteen Honorary Title

Article 103

Except the case of compulsory retirement, whenever reaching retirement, all prosecutors shall be promoted one rank higher than the current rank whilst on duty, provided that the prosecutor has served at least one year in the last rank before retirement. This title shall be honored by a Royal Decree.

The Supreme Council of Magistracy shall prepare a draft Royal Decree regarding this case and submit it to the King.

Article 104

The retired prosecutor shall have a full right to preserve this honorary title.

This honorary title may be withheld by the Supreme Council of Magistracy at the request of the Minister of Justice, if there is any probable cause harms to the honor or dignity of the judiciary.

Part Fourteen Oath Taking

Article 105

The provisions of Chapter Two (Judges) Part Fourteen (Oath Taking) of this law that apply to judges shall also apply to prosecutors.

Chapter Four Conflict of Interest

Article 106

The profession of judges or prosecutors of all adjudicate court or prosecution attached to the court is conflict of interest with public functions, function as candidate for election, senator,

member of government, or function from the election mandate, except as otherwise specified by other provisions.

The profession of judges or prosecutors of all adjudicate court or prosecution attached to the court shall not be lawyers, or commercial, or perform activity that have the conflict of interest or harm the honor of the judiciary. However, the judge and prosecutor can stipulate as the professors at institute.

Article 107

Any judge or prosecutor who vacates his/her role on a leave of absence and wants to undertake any private transactions must give a notification to the Minister of Justice. The Minister of Justice may reject him or her from undertaking such transactions if it considers that those activities are contrary to the honor, or the honesty, or harm the prestige of the functions of the judges and prosecutors.

In case this provision is violated, the vacated judge or prosecutor shall be subjected to the disciplinary sanctions as specified in Article 55 of this law.

Chapter Five Inter-Regulations

Article 108

The judges and prosecutors who were appointed by the law in force shall be integrated into the cadres of judges and prosecutors in accordance with the provisions of this law except for judges of the Military Court and prosecutors attached to the Military Court.

The Committee in charge of checking the qualification of the integration above and the rank of judges and prosecutors shall be established by a Royal Decree upon the request of the Minister of Justice following the consultation with all members of the Supreme Council of Magistracy.

The integration as provision in paragraph 2 of this Article shall be assigned by Royal Decree from the request of Minister of Justice.

Article 109

The provision in Chapter 2 (judge) part eleventh (retirement) and chapter three (prosecutor) part eleventh (retirement) of this law shall be enforcement after the integration into status of judges and prosecutors.

During wait the integration above, the retirement of judges and prosecutors shall be implement by accompany of provision that had before this law inter into enforce.

Article 110

For the first 5 years following the entering into force of this law, provisions of Article 49 and Article 96 of this law shall not be implemented except for the limitation of the number of judges at the Supreme Court.

During first five years after this law enters into force, judge at Appeal of Court and Prosecutor attached the Appeal of Court that reached retirement can permitted to consume their working. The consuming have one year for once time and they shall not request more than three times. The consuming shall be assign by Royal Decree from the request of Minster of Justice after follow consultant with the Supreme Council of Magistracy.

**Chapter Six
Final Regulations**

Article 111

Any regulations other than the regulations mentioned in this law shall be abrogated.

This law was adopted by the National Assembly of Cambodia
On.....2014
In session..... mandate.....
Phnom Penh, 2014

President of the National Assembly

Heng Samrin