

## **Cambodia: Law on Criminal Procedure 1993**

### **Article 38**

The officers of the judicial police

- receive denunciations and complaints as well as judicial police reports relating to crimes, misdemeanors and minor offenses;
- gather evidence;
- can request the assistance of the public force;
- make reports;
- may accept rogatory commissions;
- may decide detention for a maximum of 48 hours;

In cases of crimes or misdemeanors caught red-handed in the act, the judicial police may interrogate witnesses, search and confiscate objects produced as evidence, assign experts, decide to detain offenders for a maximum of 48 hours and arrest any person if there is evidence or reasonable suspicion which can be used for their prosecution.

The judicial police may ask to extend the detention for a maximum of 48 hours excluding the necessary duration of transport for the following five conditions:

1. Serious felony,
2. There is clear indication that the suspect committed the crime,
3. It is a necessary process for effective investigation,
4. The request must be made in writing to the prosecutor so that s/he can check whether it is reasonable.
5. There is written approval from the prosecutor.

The permission to extend the detention shall be included in the case file.

The extension can not be approved for the detained person whose age is under 18.

Juveniles under 13 years of age can only be detained for less than 36 hours.

### **Article 86.**

If the witness lives in a city or province other than city or province under his/her jurisdiction, the investigating judge may issue a rogatory commission to the judge of the province or town where the witness is located to hear and write down his/her statement.