



In case of repeated offenses, shall be subject to pay in double the amount of above fine and, may in addition, be punishable to temporary cease the activities of such political party.

C) Draft Laws

2003 Draft Law on Civil Procedure

Article 28:

1. ...
2. Any party may challenge a judge where circumstances exist with respect to the judge that would hinder the impartiality of the judge's adjudication.

2003 Draft Law on Criminal Procedure

Article 476:

The party who wishes to refuse a judge must file a petition at the time he is aware of grounds for refusal. Failure to do so shall cause it a petition for refusal to be dismissed. In no case whatsoever can a petition for refusal be made after closure of cross-examinations.

Article 477:

The party shall file the petition to:

- The president of the appellate court when the refusal complaint related to him or a judge of the court first instance.
- The president of the Supreme Court when the refusal complaint related to a judge of the supreme court, the president or judge of the appellate Court.

The petition shall clearly indicate the ground for refusal and shall be followed by specific evidence.

Article 478:

The judge who is requested to be refused shall be notified of the petition for refusal shall be notified to. This judge shall suspend his interrogation or other participation in the case. In an emergency, this judge shall be replaced by another judge to be appointed by the president of the court to which he/she belongs.

Article 479:

Within eight (8) days of such notification, the relevant judge shall indicate in a report with a response indicating his/her agreement or objection to refusal. This report shall be submitted to the president of the appellate court or president of the Supreme Court, as the case may be, to decide the refusal complaint.

If the judge agrees to the refusal petition, he/she shall be immediately replaced by another judge.

If the judge objects to the refusal petition, the petition shall be decided on the Merits of the petition.

Article 480:

The petition shall be reviewed without hearing the parties or the relevant judge.

If the refusal is approved, a substitution appointment shall be made.

If the petition for refusal is denied, a person who filed the petition for refusal shall be fined 200,000 riels in addition to any other damages payable to the judge who was asked to be refused.

Article 481:

The authority provided in Article 474 shall make the decision and a conclusive order. The relevant judge and the person who filed the refusal petition shall be notified of the order by the court clerk.



Article 482:

The performance of any act prior to the notification of a refusal petition by a judge who is later refused may not be asserted.

Article 483:

If the petitioner wishes to refuse more than one trial judge of the same chamber, the petitioner may file a single petition. The petitioner may file a supplementary motion if other grounds for refusal subsequently appear.

Article 484:

If the petition for refusal relates to the President of the Supreme Court, the President of the Supreme Court shall decide based on his/her own conscience whether or not to conduct the trial.

Draft Law on the Supreme Council of Magistracy (Amendment of Articles 6, 7, 8, 10, 11, 17, 18 and 19)

The Articles 6, 7, 8, 10, 11, 17, 18 and 19 of the Law on Organization and Functioning of the Supreme Council of Magistracy shall be amended as follows:

New Article 6:

The procedure for organizing the election of the full fledge and reserve members shall be determined by the decision of the Supreme Council of Magistracy.

New Article 7:

- The Supreme Council of Magistracy shall set up its internal regulation.
- The Supreme Council of Magistracy shall be assisted by a General Secretariat.
- One General Secretary shall be elected by the Supreme Council of Magistracy, from among the judges who are not members of the Supreme Council of Magistracy.

New Article 7 bis:

The meetings of the Supreme Council of Magistracy shall be convened by the Secretary General, following the order of the King.

The meeting and subject of meeting may be proposed by at least three (3) members.

New Article 8:

A meeting of the Supreme Council of Magistracy shall not be considered as valid unless attended by at least 7 members including the chairman.

New Article 10:

The Supreme Council of Magistracy shall necessarily be consulted to get its opinions (comments) on the proposed laws or draft laws related to the judiciary field and the functioning of this field.

In principle, the Supreme Council of Magistracy shall provide the opinions (comments) within a period of 60 days from the date of reception of such proposed law from the National Assembly or of such draft law from the Ministry of Justice or from the Royal Government.

In case or emergency such above period shall be decreased to 10 days only.

New Article 11:

The Supreme Council of Magistracy shall raise its recommendation to His Majesty the King about the appointment, transfer, disruption from function, suspension of job, put outside of the cadre, put for retirement, and removal of titles of all judges and prosecutors.

The Supreme Council of Magistracy shall consider and decide on promotion of steps and ranks of all judges and prosecutors.

The General Secretary of the Supreme Council of Magistracy shall prepare and submit the drafts of decrees to His Majesty the King concerning the above matters.

New Article 17: (The whole old article of 17 shall be voided)



New Article 18:

The Supreme Council of Magistracy shall be entitled receive a remuneration for the meetings at hourly rate, which will be determined by a Prakas (Ministerial Proclamation) of the Ministry of Finance, upon the request of the Supreme Council of Magistracy.

New Article 19:

The Supreme Council of Magistracy shall have its own budget provided by the National Budget. The Secretary General of the Supreme Council of Magistracy is the budget authorizer, whose rights are delegated from the King.