



## ROYAL KRAM

NS/RKM/0714/016

WE

**Preah Karuna Preah Bat Samdech 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 24<sup>th</sup> September 2013, on the nomination of the Royal Government of the Kingdom of Cambodia
- Having seen Royal Kram 02/NS/94/ dated 20<sup>th</sup> 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 08<sup>th</sup> April 1998, which promulgated the Law on the Organization and Functioning of the Constitutional Council
- Having seen Royal Kram NS/RKM/0107/005 dated 31<sup>st</sup> January 2007, which promulgated the Law on the Amendment of the law on the Organization and Functioning of the Constitutional Council
- Having seen Royal Kram NS/RKM/0196/05 dated 24<sup>th</sup> 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 Status of Judges and Prosecutors, which was approved by the National Assembly on 23<sup>rd</sup> May 2014, during the fifth mandate of its second meeting, and which was completely reviewed by the Senate on its form and content on 12<sup>th</sup> June 2014, during the third mandate of its fifth meeting, as well as the decision of the Constitutional Council declaring that it was consistent with the Constitution of the Kingdom of Cambodia, in decision N<sup>o</sup> 147/001/2014 KBTH.Ch dated on 02<sup>nd</sup> July 2014 in which the whole content is following:

**LAW**  
**ON**  
**THE STATUS OF JUDGES AND**  
**PROSECUTORS**

## CHAPTER 1 JOINT PROVISIONS

### **Article 1.-**

This Law determines the status of judges and prosecutors and other principles related to judges and prosecutors, aimed at ensuring the independence of the judiciary in accordance with the Constitution of the Kingdom of Cambodia.

### **Article 2.-**

This Law applies to all judges and prosecutors in the Kingdom of Cambodia, except as otherwise stated in other laws.

### **Article 3.-**

The technical terms in this Law are defined as following:

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

### **Article 4.-**

All persons recruited to serve as judges and prosecutors shall be competent, honest and have 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 at the request of the concerned persons, as necessary.

Judges and prosecutors shall not be subjected to criminal or civil charges for their decisions made within their framework and duties as judges or prosecutors. This principle shall not apply when judges or prosecutors use their decisions to severely and with bad intention abuse their competency and duties.

### **Article 7.-**

All judges and prosecutors shall be part of the central administrative framework of the Ministry of Justice, and may be appointed to perform their duties in the Ministry of Justice. In cases where judges perform their duties in the Ministry of Justice, judges shall request authorization from the Supreme Council of Magistracy.

When performing their duties in the Ministry of Justice, judges and prosecutors shall have the status of prosecutor and shall receive the same salary and duty allowances as prosecutors who are in duty at the prosecution of a court. In the

case where salary and duty allowances are different, the concerned person has the right to choose the higher salary and duty allowance.

**CHAPTER 2**  
**JUDGES**  
**SECTION 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 court or office without their prior consent, even if that court or office offers a higher position. However, the Supreme Council of Magistracy may transfer a judge to any other court or office to perform his/her duties when he/she is subjected to a 2<sup>nd</sup>-degree disciplinary sanction as stated in Article 55 of this Law or as needed for the benefit of justice.

**SECTION 2**  
**RANKS AND GRADES**

**Article 10.-**

The Cadre of Judges is composed of three ranks:

- *Udom Chaokrom* (Senior Judges),
- *Vorak Chaokrom* (Middle Judges), and
- *Anuk Chaokrom* (Junior Judges).

**Article 11.-**

The grades for the rank of Senior Judges, Middle Judges, and Junior Judges shall be determined by Royal Decree.

**SECTION 3**  
**UNIFORM**

**Article 12.-**

The Judges' uniform consists of:

- The uniform for hearings and uniform for other duties.
- 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 other duties 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 parades or other national ceremonies, if officially required, shall be formal clothing.

**SECTION 4****SALARIES, ALLOWANCES, INCENTIVES AND ANNUAL LEAVE****Article 14.-**

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

**Article 15.-**

Salaries, duty allowances, and other allowances such as mission allowance, rental allowance, livelihood allowance, allowance for transferring workplace, 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 thirty (30) days of annual leave in addition to the public holidays determined by the Royal Government. The period within which a judge may apply for annual leave shall be counted from 1st January of the year.

Annual leave may be applied as a single leave or many instances of leave during the year. This annual leave is valid until the end of February of the following year.

Requests for annual leave shall be made to the President of the Court at least three months prior to the leave.

Female judges are entitled to ninety (90) days of maternity leave.

During their leave, judges shall receive their salary, duty allowances and other allowances.

**Article 17.-**

Judges who have performed their duty for two years without interruption, or with a few interruptions, but without affecting their performance and still managed to complete a 2-year term, are eligible for sick leave of six months without salary reduction.

If a judge's sick leave is extended from six months to one year, their salary shall be reduced by half. If the sick leave is extended for more than one year,

the judge shall request for unpaid leave as specified by the Article 45 of this Law. In case there is no unpaid leave request, he/she shall be put under retirement due to mental or physical inability as specified by the Article 66 of this Law.

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

**Article 18.-**

Any judge who has not used his/her annual leave, may add his/her annual leave to his/her sick leave without salary reduction.

SECTION 5  
RECRUITMENT OF JUDGES

**Article 19.-**

A candidate to take the examination for the selection of judge students shall meet the following qualifications:

- 1- Having Khmer nationality;
- 2- Being not more than thirty-five (35) years old for student candidates and not more than forty (40) years old for civil service candidates as of the day of the examination;
- 3- Hold at least a Bachelor Degree in Law;
- 4- Not have been convicted of a misdemeanor or a felony; and
- 5- Having sufficient physical fitness to fulfill the duties.

**Article 20.-**

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

**Article 21.-**

The candidates who succeed in the examination shall obtain professional training organized by the Ministry of Justice.

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

**Article 22.-**

The formality, procedure, date, and venue, as well as the grading of the examination for the selection of 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 civil servants and clerks who hold at least bachelor degree in Law, have at least five (5) years of working experience in the legal and judicial fields, and who are not older than 45 years old as of the day of the examination. Lawyers who hold at least Bachelor Degree in Law and have at least five (5) years of professional working experience may register for the examination as stated in sentence one above if their age is not older than 45 years as of the day of examination.

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

The formality and procedure of the examination above and the number of candidates selected into the cadre of judges stated in this article, as well as the organization and functioning of the professional training shall be determined by the Prakas of the Minister of Justice following consultation with the Supreme Council of Magistracy.

## SECTION 6

### INTERSHIP AND FULL APPOINTMENT INTO THE CADRE OF JUDGES

#### **Article 24.-**

Judge students who were selected based on Article 19 and Article 23 of this Law and who successfully finished the professional training shall be appointed as intern judges by Royal Decree in the rank of junior judge of the first grade for a period of one year. The duration of the internship shall be counted from the date of appointment as intern judge.

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

Appointment as an intern judge has effect on the intern judge's salary and seniority.

#### **Article 25.-**

Intern judges who successfully complete their internship shall be appointed into the cadre of judges and placed as junior judges 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 absent from their internship for a period of more than thirty (30) days in total.

In the event that an intern judges was absent for more than thirty (30) days without authorization or if the intern judge was not successful again after the extended internship period, he/she shall be removed from the list of the cadre of judges following the decision by the Supreme Council of Magistracy.

**Article 26.-**

Intern judges who are unfit or who have insufficient health to perform their duties according to the conditions set by law, or who committed misconduct in the performance of their duties may be removed from the list of the cadre of judges at any time following a decision of 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 completion of the intern judges' internship.

## SECTION 7 PROMOTION OF GRADES AND RANKS

**Article 27.-**

The promotion of grades and ranks shall be carried out in order of selection and in order of seniority in accordance with the list compiled for each grade and rank.

The conditions for the promotion of grades and ranks in order of selection and in order of seniority shall be determined by Royal Decree.

**Article 28.-**

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

- Correctly complying with working discipline;
- Good performance;
- Good behavior and morals, which do not harm the honor of magistracy; and
- Receiving trainings or completing studies at institutes of higher education.

During the performance of duties, judges enrolling in additional studies and receiving a post-graduate degree shall be encouraged with a one-grade promotion.

**Article 29.-**

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

**Article 30.-**

Judges who are in the same rank may be promoted by only one grade each time. If necessary, judges may be promoted in rank through examination.

**Article 31.-**

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

The personal record sheet shall be scored with clear comments and reasons.

The scoring of the personal record sheet shall be completed as follows:

1. Vice-Presidents and Judges of the Court of First Instance shall be scored by the President of the Court of First Instance.



2. Vice-Presidents and Judges of the Court of Appeals shall be scored by the President of the Court of Appeals.
3. Presidents of the Court of First Instance, Presidents of the Courts of Appeal, Judges of the Supreme Court, and the Vice-Presidents of the Supreme Court shall be scored by the President of the Supreme Court.
4. Judges who are transferred to work in other institutions shall be scored by the head of the concerned institutions.

**Article 32.-**

Only judges who have performed their duties after full appointment in the Cadre of Judges in their ranks or grades for at least two years as of every April 13 each year may be registered in the list of promotion.

**Article 33.-**

The composition of the Commission of Promotion in grade and rank shall be comprised of:

- A Secretary of State of the Ministry of Justice	Chairman
- A Vice-President of the Supreme Court	Vice Chairman
- A Deputy Prosecutor General of the Supreme Court	Vice Chairman
- President of the Phnom Penh Court of Appeals	Member
- Prosecutor General of the Phnom Penh Court of Appeals	Member
- President of the Phnom Penh Municipal Court	Member
- Prosecutor of the Phnom Penh Municipal Court	Member
- The Secretary General of the Supreme Council of Magistracy	Secretary.

The Minister of Justice may appoint any other composition if necessary.

**Article 34.-**

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

This list shall be posted at all courts to notify all concerned persons.

**Article 35.-**

Judges, whose seniority are due for a promotion of grade and rank but whose names are not registered in the above list of proposed promotion, may make a complaint to the Minister of Justice not later than 30 days from the date of receiving notification of the list of proposed promotion. If this period has expired, such complaint shall be considered null and void.

**Article 36.-**

The personal record sheets of all registered judges for promotion of grade and rank and the personal record sheets of those judges who brought a complaint as detailed in Article 35 of this Law shall be sent to the Commission of Promotion in Grade and Rank as specified by Article 33 of this Law not later than the second week of February each year.

**Article 37.-**

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

The Commission shall hold the meeting before Khmer New Year.

**Article 38.-**

After reviewing personal record sheets of judges and making decisions over the complaints filed, as well as after listening to a full explanation of the Chairman, each member of the Commission shall give mark from zero to twenty to each proposed candidate judge for promotion. The registration of the proposed candidate judge into the list shall be made based on the result of the total scores, from highest to lowest. If two proposed candidate judges obtain equal scores, the judge who is older shall be registered first on the list.

**Article 39.-**

The Commission of Promotion in grade and rank shall prepare the list in accordance with the batch of judges who are eligible for promotion and in the order of precedence, and shall give it to the Supreme Council of Magistracy for examination and comment. The Secretary-General of the Supreme Council of Magistracy shall prepare the list of judges who are accepted for promotion by the Supreme Council of Magistracy to the Minister of Justice in order to prepare a draft of a Royal Decree to submit to the King.

**Article 40.-**

Judges who are under disciplinary investigation or under criminal charge shall be barred from registering in the list of promotion in grade and rank.

**Article 41.-**

In case a proposed candidate judge for promotion was not promoted in grade or in rank, he/she will have priority to be registered first in the list of promotion for the upcoming year.

**Article 42.-**

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

SECTION 8

APPOINTMENT, TRANSFER, DISCHARGE, PUTTING OUTSIDE CADRE,  
TEMPORARY SUSPENSION FROM DUTY, AND REMOVAL OF JUDGES

**Article 43.-**

The Supreme Council of Magistracy makes decisions and submits a request to the King for the appointment, transfer, discharge, putting outside of cadre, temporary suspension from duty, and removal of all judges.

**Article 44.-**

Judges are permitted to be discharged from their duties or be placed outside of the Cadre of Judges upon a request from the concerned person or other institutions with the consent of the concerned person.

In the case that judges are required to temporarily perform a task in civil service, to be a member of National Assembly, Senator, a member of the Government, Under-Secretary of State, other elective mandate position or advisory function of the Government, he/she may request to be discharged from duty. The permission for such discharge shall be made at the request of the concerned person or other institutions 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 rights to promotion of grade and rank and retirement, but shall not enjoy other duty allowances and incentives of his/her judicial function.

In the necessary case that judges are required to temporarily perform duties in public enterprises or international organizations, judges may request to be put outside the Cadre of Judges. The permission to be put outside Cadre of Judges shall be made at the request of the concerned person or other institutions with the consent of the concerned person. Judges put outside of Cadre of Judges shall not enjoy the right to receive their salary, duty allowances or other allowances as specified in Article 15 of this Law.

Judges may be removed from the Cadre of Judges in cases where the concerned judges abandoned their duties or were absent more than thirty (30) days pursuant to Article 52 of this Law or requested resignation.

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

**Article 45.-**

In cases of personal or familial emergencies or incompatibility, judges may request unpaid leave for a certain period of time based on the request of the concerned judges. Permission to take unpaid leave may be made for one or two years at a time. Permission to take unpaid leave may be made only two times, and the total duration of the unpaid leave shall not exceed four (4) years.

To qualify for unpaid leave requested by the concerned judges, judges shall have fulfilled their duty in the Cadre of Judges for at least 4 years, regardless of if the judges were punished with 2nd degree disciplinary sanction as stipulated in point B of Article 55 of this Law.

The request for unpaid leave shall be submitted to the Supreme Council of Magistracy for examination and determination.

**Article 46.-**

If judges who are on unpaid leave for the first time and wish to extend their leave or return to their work, must submit their request for such extension or return at

least two (2) months prior to the end date of unpaid leave. Judges who fail to submit their request for an extension of unpaid leave or return to their work within thirty (30) days from the end of their unpaid leave are considered to have quit their job, and shall be removed from the Cadre of Judges from that date.

**Article 47.-**

Judges who are assigned to undertake an internship in order to improve their professional capacity shall be considered as judges in duty.

**Article 48.-**

In the case of removal of judges' names from the Cadre of Judges, as specified in provisions of this Law, the concerned judges shall enjoy the right to all pension benefits deducted from their salaries under this Law or under any other regulations regarding retirement pension funds.

**Article 49.-**

The President of the Supreme Court shall have the rank of Senior Judge with the highest grade. The Vice-Presidents and all judges of the Supreme Court shall have the rank of Senior Judges. The number of Senior Judges shall not exceed 25, including the President of the Supreme Court. However, the number of judges at Supreme Court may exceed the number stated above by the Royal Decree at the request of Minister of Justice.

The Presidents of the Courts of Appeal shall have the rank of Senior Judges. The Vice-Presidents and all judges of the Courts of Appeal shall have the rank of Senior Judges or middle Judges.

The Presidents of the Courts of First Instance shall have the rank of middle Judges. The Vice-Presidents and all judges of the Courts of First Instance shall have the rank of middle Judges or junior Judges.

SECTION 9  
DUTIES OF JUDGES

**Article 50.-**

Judges shall be responsible for the duties assigned to them and shall strictly abide by their Code of Ethics.

For their own livelihood, judges shall not commit any act that harms their own honor and dignity, or the prestige of the magistracy.

In political activities, judges shall be absolutely neutral.

**Article 51.-**

Judges shall not leave their work unaccomplished or be absent without prior and proper authorization from their immediate supervisor.

**Article 52.-**

Judges who leave their work unaccomplished or are absent for more than fifteen (15) days without reason shall be subjected to a suspension of their salary or placed on unpaid leave calculated from the day they left their work unaccomplished or from the day of the absence without authorization. If a judge fails to perform his/her duty or is absent without reason for more than thirty (30) days and does not return to perform his/her duties after receiving proper notification twice, he/she shall be removed from the Cadre of Judges.

**Article 53.-**

Judges who are on duty at any courts shall receive authorization in advance from the Supreme Council of Magistracy, if they want to publish, or request to broadcast by any means, any text or written notes, as well as other comments in relation to their duties.

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

This provision shall not apply to general information related to judicial proceedings at courts that is not a breach of the principle of confidentiality under the law. Such information shall be provided by the officers of the Court administration Unit.

## SECTION 10 DISCIPLINARY SANCTIONS

**Article 54.-**

Judges who fail to fulfill the duties of their profession, as well as act dishonorably, or without good morals and dignity, or contrary to the Code of Ethics of judges and prosecutors shall be subject to disciplinary sanctions under the relevant 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 sanctions will not bar criminal complaints if any crimes occurred.

In the event that judges are subjected to sanction proceedings of the Disciplinary Council of the Supreme Council of the Magistracy, judges may be temporarily suspended from their duties by the President of Disciplinary Council of the Supreme Council of Magistracy.

**Article 55.-**

There are two degrees of disciplinary sanctions:

1. First degree of sanctions:
  - A. Verbal reprimands;
  - B. Reprimands followed by a record in the personal file;or
  - C. Suspension from being registered in the list of promotion in grade and rank for a duration of no longer than two years, or

removal from the list of promotion in grade and rank if already registered in the list of promotion in grade and rank.

2. Second degree of sanctions:
  - A. Forced transfer for further training;
  - B. Unpaid suspension from duties for a period of no longer than one year;
  - C. Reduction of one or more grades or ranks;
  - D. Forced retirement prior to the retirement age;
  - E. Forced termination from functions; or
  - F. Dismissal from Cadre of Judges.

The 2<sup>nd</sup> degree disciplinary sanctions shall be made by Royal Decree following a decision of the Supreme Council of Magistracy.

**Article 56.-**

In the case of forced termination from function or dismissal from the Cadre of Judges as stipulated in provisions of this Law, the concerned judges are eligible to receive all pension benefits deducted from their salaries under this law or under any other regulations regarding retirement pension funds.

SECTION 11  
JUDICIAL CHARGES

**Article 57.-**

Judges who commit any criminal offense shall be subject to prosecution.

The Minister of Justice may decide to transfer the jurisdiction from the court where that judge sits to another Court of First Instance.

In the case of a judge committing a criminal offence and charged by prosecutors, the prosecutors shall notify the Minister of Justice of the charges within 72 hours.

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

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

**Article 58.-**

The accused judges who are charged with a felony or a misdemeanor shall be automatically temporarily suspended from duty until a final court decision is made. They may enjoy their salary as usual until the final court decision finding them guilty. The salary of the judge shall be temporarily suspended by the decision of Minister of Justice from the date a court finds them guilty, even if they appeal this verdict.

**Article 59.-**

In the event that the accused judges receive a non-suit order or an acquittal, the judges shall immediately resume their duties by counting all previous seniority, grade, rank, retirement and salary during their temporary suspension.

This provision also applies in the event that the names of the accused judges were not removed from the Cadre of Judges as provided under Article 61 of this law.

**Article 60.-**

Notwithstanding a court decision to drop the charge(s) or to acquit the judges, if the accused judges conducted themselves contrary to the Code of Ethics for judges and prosecutors, the judges may be subjected to disciplinary sanctions by the Supreme Council of Magistracy.

**Article 61.-**

Judges who are finally convicted for a misdemeanor or felony without a suspended sentence shall be removed from the Cadre of Judges, effective from the day the verdict enters into force.

## SECTION 12 RETIREMENT

**Article 62.-**

The retirement age of all Judges, regardless of gender, shall be 60 years.

All judges of the Supreme Court whose age is 60 years or over shall retire upon the request of the concerned judges. However, when a judge of the Supreme Court reaches 65 years of age, the Supreme Council of Magistracy shall decide on the judges extending their duty upon the request of the concerned judges.

The Minister of Justice shall prepare a draft Royal Decree to submit to the King on this matter.

**Article 63.-**

Judges who have been in duty for thirty (30) years may apply for early retirement prior to the age of 60.

Judges who have been in duty for more than thirty (30) years are eligible to receive the retirement pension by seniority of their last remuneration.

Judges who have been in duty for twenty (20) years to thirty (30) years are eligible to receive the retirement pension by proportion of their last remuneration.

Judges who have been in duty for less than twenty (20) years are eligible to receive only a one-time retirement pension deducted from their salary and other allowances.

The duration of duties above shall also include the duration of serving as civil servants prior to the appointment as judges.

Judges' pensions shall be received at Secretariat-General of the Supreme Council of Magistracy.

The pension is received only at one place.

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

**Article 64.-**

For judges whose seniority is thirty (30) years, their salary for retirement pensions shall not be deducted. However, if the seniority is under thirty (30) years, the deductions of salary for retirement pensions shall be made until reaching seniority of 30 years in order to be eligible to receive the retirement pension by seniority.

**Article 65.-**

Seniority of judges shall be counted from the day they were employed by the Government regardless of the political regime.

**Article 66.-**

Judges who can no longer carry out their duties for the reasons of mental or physical inability or disability shall be put under retirement. The decision on losing professional competence shall be made by the Supreme Council of Magistracy based on the medical report issued by the expert physicians appointed by the Ministry of Health.

Where the disability is obviously a result of the performance of duty or resulted from their hard work on behalf of the public interest, those judges have special rights to enjoy a disability pension, which is equal to the pension of seniority regardless of the duration of employment. The judges may be eligible to receive such pension only if the illness or the disability directly and clearly causes to the inability to perform their duty.

The cause(s), the source(s), the categories and the physical effects or illness shall be certified by a medical report issued by expert physicians appointed by the Ministry of Health.

If judges pass away due to hard work as mentioned above, their spouse and minor children are eligible to receive allowances equal to twelve (12) months salary of the deceased.

Moreover, the Royal Government shall support the minor children and the spouse, except a spouse who is engaged to re-marry.

**Article 67.-**

In case of losing professional competences as specified in Article 66 above, the Minister of Justice shall report to the Supreme Council of Magistracy for examination and decision on 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.

## SECTION 13 HONORARY TITLE

**Article 68.-**

Whenever reaching retirement, judges shall be promoted one rank higher than



the current rank whilst on duty, provided that the judges have served at least one year in the last rank before retirement, except judges who are forced into retirement. This honorary title shall be issued by a Royal Decree.

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

**Article 69.-**

Retired judges have full rights to preserve their 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 harm to the honor or dignity of the Magistracy.

**SECTION 14  
OATH**

**Article 70.-**

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

**Article 71.-**

The taking of the oath shall be recorded by officials of the Royal Palace and shall be forwarded to the Supreme Council of Magistracy to be recorded in the personnel file of concerned judges.

**Article 72.-**

Judges who refuse to take an oath are not eligible to function as judges, and shall be removed from the Cadre of Judges.

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

**Article 73.-**

When judges are witnesses in cases, they shall take an oath according to court proceedings and religious tradition.

**CHAPTER 3  
PROSECUTORS  
SECTION 1  
GENERAL PROVISIONS**

**Article 74.-**

The Prosecution Office attached to the Supreme Court shall be led by one Prosecutor General, Deputy Prosecutors General, and some prosecutors as necessary. The Prosecutor General, Deputy Prosecutors General, and prosecutors of Prosecution

Office attached to the Supreme Court are the representatives of the Prosecution Office attached to the Supreme Court.

The Prosecution Office attached to the Courts of Appeals shall be led by one Prosecutor General, Deputy Prosecutors General, and some prosecutors as necessary. The Prosecutor General, Deputy Prosecutors General, and prosecutors of the Prosecution Office attached to the Court of Appeals are the representatives of the Prosecution Office attached to the Court of Appeals.

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

Only the Prosecution Offices are entitled to bring public actions. Prosecutors are in charge of seeking the criminal offences, prosecuting perpetrators and requesting law enforcement action before the investigating judges and trial judges.

In civil cases and other cases, the representatives of Prosecution Office may attend court proceeding and give comments if it is necessary for the public interest.

#### **Article 75.-**

The key principles of Prosecution Offices are as follows:

1. The Prosecution Office is a united organ in which all prosecutors shall be under direction and hierarchical supervision. The Minister of Justice is the Chief of the Prosecution Office and has the right to issue an injunction order to the Prosecution Offices of all levels. The General Departments of Prosecution and Criminal Affairs of the Ministry of Justice is the secretariat to the Minister of Justice on this issue. The Prosecutor General attached to the Supreme Court is the Chief of the Prosecution Office attached to the Supreme Court. The prosecutors and Deputy Prosecutors General of the Prosecution Office attached to the Supreme Court shall work under the instruction and responsibility of the Prosecutor General who is the Chief. The Prosecutor General attached to the Court of Appeals is the Chief of the Prosecution Office attached to the Court of Appeals. The prosecutors and Deputy Prosecutors General of the Prosecution Office attached to the Court of Appeals shall work under the instruction and responsibility of the Prosecutor General who is the Chief. The Prosecutor attached to the Court of First Instance is the Chief of the Prosecution attached to the Court of First Instance. All the deputy prosecutors of the Prosecution Office attached to the Court of First Instance shall work under the instruction and responsibility of the Prosecutor who is the Chief.
2. The Prosecution Office is an indivisible organ that requires prosecutors within the Prosecution Office attached to any court to have joint obligations within the same function and may replace each other. In accordance with this principle, many members of the Prosecution Office

may replace each other and continue the work of another prosecutor during 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 prosecutor. Even in the case where a prosecutor makes a wrong charge, the Court shall not record or censor the prosecutor in his/her decision. This prohibition shall apply to criminal cases and other cases. However, the Court may raise the issue of a prosecutor's misconduct to the superior level of the prosecutor.

#### **Article 76.-**

Every year:

- Prosecutors of each Court of First Instance shall make a report on offences and their activities to the Minister of Justice and provide a copy to the Prosecutor General attached to the Court of Appeals that has territorial jurisdiction over their work.
- The Prosecutors General of each Court of Appeals shall make a report on offences and their activities, as well as the activities of the Prosecution Office attached to the Courts of First Instance in their territorial jurisdiction to the Minister of Justice and provide a copy to the Prosecutor General attached to the Supreme Court.
- The Prosecutor General of the Supreme Court shall make a report on the activities of the Prosecution Office attached to the Supreme Court 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 as provided in Article 75 of this Law.

### SECTION 2 RANKS AND GRADES

#### **Article 78.-**

The cadre of prosecutors consists of three grades:

- *Udom Prah Reach Anha* (Senior Prosecutors),
- *Vorak Prah Reach Anha* (Middle Prosecutors), and
- *Anuk Prah Reach Anha* (Junior Prosecutors).

#### **Article 79.-**

Grades for senior prosecutors, middle prosecutors and junior prosecutors shall be determined by the Royal Decree.

SECTION 3  
UNIFORM

**Article 80.-**

The provisions on Chapter 2 (Judges) Section 3 (Uniform) of this Law also applies to Prosecutors.

SECTION 4  
SALARY AND OTHER ALLOWANCES, INCENTIVES, ANNUAL LEAVE

**Article 81.-**

The provisions of Chapter 2 (Judges) Session 4 (Salaries, Allowances, Incentives, and Annual Leave) of this Law also apply to prosecutors.

SECTION 5  
RECRUITMENT OF PROSECUTORS

**Article 82.-**

The recruitment and the training of Prosecutors should be jointly implemented with the recruitment and training of Judges as provided under the provisions of chapter 2 (Judges), section 5 (recruitment of Judges) of this Law.

SECTION 6  
INTERNSHIP AND FULL ENTILEMENT IN CADRE OF PROSECUTORS

**Article 83.-**

The prosecutor students who have successfully finished the professional training shall be appointed as intern Prosecutors by Royal Decree with the rank of junior Prosecutors of the First Grade for a period of one year. The duration of the internship shall be counted from the date of appointment as intern Prosecutor.

The procedure and competence of the intern Prosecutors' internship shall be determined by the Prakas of Minister of Justice, following a consultation with all members of the Supreme Council of Magistracy.

Appointment as an intern Prosecutors has effect on the Intern Prosecutor's salary and seniority.

**Article 84.-**

Intern Prosecutors who successfully complete their internship should be appointed into the cadre of prosecutors and placed as junior Prosecutors of first grade. Upon request from the Minister of Justice, the Supreme Council of Magistracy shall make a proposal to the King recommending the appointment into the Cadre of Prosecutors.

The Minister of Justice may decide to extend the period of internship for another one year for any intern prosecutor who was not successful in undertaking their internship or if they were absent from their internship for a period of more than thirty (30) days in total.

In the event that an intern prosecutor was absent for more than thirty (30) days without authorization or if the intern prosecutor was again unsuccessful after the extended period, he/she shall be removed from the list of the cadre of Prosecutors as stipulated in Article 89 of this Law.

**Article 85.-**

Intern prosecutors who are unfit or who have insufficient health to perform their duties according to the conditions set by law, or who committed misconduct in the performance of their duties may be removed from the list of the Cadre of Prosecutors at any time as stipulated in 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 completion of the Intern Prosecutor's internship.

SECTION 7  
PROMOTION OF GRADES AND RANKS

**Article 86.-**

The provisions of Articles 27 to 30, 32 to 38 and 40 to 42, Chapter 2, section 7 (Promotion of grades and ranks) of this Law also applies to prosecutors.

**Article 87.-**

The personal record sheets shall be scored on this sheet with clear comments and reasons.

For scoring, it shall be applied as following:

1. Deputy Prosecutors of the Prosecution Office in the Court of First Instance shall be scored by the Prosecutors of Prosecution Office in the Court of First Instance.
2. Deputy Prosecutors General and prosecutors attached to the Court of Appeals shall be scored by the Prosecutor General attached to the Court of Appeals.
3. The Prosecutor attached to the Court of First Instance, Prosecutor General attached to the Court of Appeals, Prosecutors and Deputy Prosecutor General attached to the Supreme Court shall be scored by the Prosecutor General attached to the Supreme Court.
4. Prosecutors who are transferred to work in other institutions shall be scored by the head of the concerned institutions.

**Article 88.-**

The Commission of grade and rank promotion shall prepare the list in

accordance with the batch of prosecutors who are eligible for promotion and in the order of precedence, and shall give to the Supreme Council of Magistracy for examination and comment. The Secretary-General of the Supreme Council of Magistracy shall prepare the list of prosecutors who are accepted for promotion by the Supreme Council of Magistracy to the Minister of Justice in order to prepare a draft of Royal Decree to submit to the King.

## SECTION 8

### APPOINTMENT, TRANSFER, DISCHARGE, PUTTING OUTSIDE CADRE, TEMPORARY SUSPENSION FROM DUTY, AND REMOVAL OF PROSECUTORS

#### **Article 89.-**

The Supreme Council of Magistracy submits a request to the King for appointment, transfer, discharge, putting outside of cadre, temporary suspension from duty, and removal of all prosecutors throughout the Kingdom of Cambodia upon request from the Minister of Justice. The Supreme Council of Magistracy shall be necessarily consulted about this request.

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

#### **Article 90.-**

Prosecutors are permitted to be discharged from their duties or be placed outside of the Cadre of Prosecutors upon a request from the concerned prosecutor or other institutions with the consent of the concerned prosecutor.

In the case that prosecutors are required to temporarily work in civil service, to be a member of National Assembly, Senator, be a member of the Government, Under-Secretary of State, other elective mandate or advisory function of the Government, he/she may request to be discharged from duty. The permission for such discharge shall be made at the request of the concerned prosecutor or other institutions with the consent of the concerned prosecutor. During the period of discharge from duty, the prosecutor shall continue to receive his/her salary, as well as the rights to promotion of grade and rank and retirement but shall not enjoy with other duty allowances and incentives of his/her prosecutorial function.

In the necessary case that prosecutors are required to temporarily perform duties in public enterprises or international organizations, prosecutors may request to be put outside the Cadre of Prosecutors. The permission to be put outside the Cadre of Prosecutors shall be made at the request of the concerned prosecutor or other institutions with the consent of the concerned prosecutor. Prosecutors put outside the Cadre of Prosecutors shall not enjoy the right to receive their salary, duty allowances or other allowances as specified in Article 81 of this Law.

The Minister of Justice may temporarily discharge prosecutors from their duties in cases where the prosecutor is involved in proceedings of the Disciplinary Council of the Supreme Council of Magistracy.

Prosecutors may be removed from the Cadre of Prosecutors in cases where the concerned prosecutors were punished with second degree sanctions, abandoned the duties, were absent more than thirty (30) days pursuant to Article 52 of this Law or requested resignation.

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

#### **Article 91.-**

In cases of personal or familial emergencies or incompatibility, prosecutors may request unpaid leave for a certain period of time based on the request of the concerned prosecutors. Permission to take unpaid leave may be made for one or two (2) years at a time. Permission to take unpaid leave may be made only two times, and the total duration of the unpaid leave shall not exceed four (4) years.

To qualify for unpaid leave requested by the concerned prosecutors, prosecutors shall have fulfilled their duty in the Cadre of Prosecutors for at least four (4) years, regardless of if the prosecutors were punished with 2nd degree disciplinary sanctions.

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

#### **Article 92.-**

If prosecutors who are on unpaid leave for the first time wish to extend their leave or return to their work, they must submit their request for such extension or return at least two (2) months prior to the end date of unpaid leave. Prosecutors who fail to submit their request for an extension of the unpaid leave or return to their work within 30 days from the end of their unpaid leave are considered to have quit their job, and shall be removed from the Cadre of Prosecutors from that date.

#### **Article 93.-**

Prosecutors who are assigned to undertake an internship in order to improve their professional capacity shall be considered as prosecutors in duty.

#### **Article 94.-**

In case of removal of prosecutors' names from the Cadre of Prosecutors, as specified in provisions of this Law, the concerned prosecutors shall enjoy the right to all pension benefits deducted from their salaries under this Law or under any other regulations regarding retirement pension funds.

#### **Article 95.-**

The Prosecutor General attached to the Supreme Court shall have the rank of Senior Prosecutor with the highest grade. The Deputy Prosecutors General and all prosecutors attached to the Supreme Court shall have the rank of Senior Prosecutor.

The Prosecutors General attached to the Courts of Appeals shall have the rank of Senior Prosecutor. The Deputy Prosecutors General and all prosecutors attached to

the Courts of Appeals shall have the rank of senior Prosecutor or middle Prosecutor.

The prosecutors attached to the Court of First Instance shall have the rank of middle prosecutor. The deputy prosecutors attached to the Court of First Instance shall have the rank of middle Prosecutor or junior Prosecutor.

## SECTION 9 DUTIES OF PROSECUTORS

### **Article 96.-**

Prosecutors shall be responsible for the duties assigned to them and shall strictly abide by their Code of Ethics.

For their own livelihood, prosecutors shall not commit any act that harms their own honor and dignity, or the prestige of the magistracy.

Prosecutors who are on duty in a Prosecution Office attached to any court shall get authorization in advance from the Minister of Justice if they want to publish, or request to broadcast by any means, any text or written notes, as well as other comments which may affect the prestige of the prosecution or the judiciary. This provision shall not apply to public statements of prosecutors in accordance with the Code of Criminal Procedure.

In political activities, prosecutors shall be absolutely neutral.

Any violation of the provisions of paragraphs 1 and 2 of this Article shall be subject to disciplinary sanction, regardless of criminal charges, if any.

### **Article 97.-**

No prosecutors shall leave their work unaccomplished or be absent without prior and proper authorization from their immediate supervisor.

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

### **Article 98.-**

Prosecutors who leave their work unaccomplished or are absent for more than fifteen (15) days without reason shall be subject to a suspension of their salary or placed on unpaid leave calculated from the day they left their work unaccomplished or from the day of the absence without authorization. If a prosecutor fails to perform his/her duty or is absent without reason for more than thirty (30) days, and does not return to perform his/her duties after receiving proper notification twice, he/she shall be removed from the Cadre of Prosecutors.

## SECTION 10 DISCIPLINARY SANCTIONS

### **Article 99.-**

The provisions of Chapter 2 (Judges) Section 10 (Disciplinary Sanctions) of this Law also apply to prosecutors.



## SECTION 11 JUDICIAL CHARGES

### **Article 100.-**

The provisions of Chapter 2 (Judges) Section 11 (Judicial Charges) of this Law that also apply to prosecutors.

## SECTION 12 RETIREMENT

### **Article 101.-**

The retirement age of all Prosecutors, regardless of gender, shall be 60 years.

All prosecutors of Prosecution General attached to Supreme Court whose age is 60 years or over shall retire upon the request of the concerned prosecutors. However, when a prosecutor of the Prosecution General attached to Supreme Court reaches 65 years of age, the Supreme Council of Magistracy shall decide on the prosecutor's extending his/her duty upon the request of the concerned prosecutors.

The Minister of Justice shall prepare a draft Royal Decree to submit to the King on this matter.

### **Article 102.-**

The provisions of Articles 63 to 67 of Chapter 2 (Judges), Section 12 (Retirement) of this Law shall also apply to prosecutors.

## SECTION 13 HONORARY TITLE

### **Article 103.-**

Whenever reaching retirement, prosecutors shall be promoted one rank higher than the current rank whilst on duty, provided that the prosecutors have served at least one year in the last rank before retirement, except prosecutors who are forced into retirement. This honorary title shall be issued by a Royal Decree.

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

### **Article 104.-**

Retired prosecutors have full rights to preserve their 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 harm to the honor or dignity of the Magistracy.

## SECTION 14 OATH

### **Article 105.-**

The provisions of Chapter 2 (Judges) Section 14 (Oath) of this Law shall also apply to prosecutors.

## CHAPTER 4 INCOMPATIBILITY

### **Article 106.-**

Being a judge in any court or a prosecutor in any Prosecution Offices attached to any court is incompatible with public functions, with a member of the National Assembly, a senator, or a member of the Government as a Under-Secretary of State or as any other elective mandate or advisory function, except as otherwise specified by other provisions.

Judges and prosecutors of all courts and Prosecution Offices of all courts shall not be lawyers, engage in any commercial or business professions, or perform activities that may be a conflict of interest or harm the honor of the Magistracy. However, judges and prosecutors can be lecturers at any educational institution.

### **Article 107.-**

If judges and prosecutors who have been permitted to take leave and want to undertake private transactions, they must notify to the Minister of Justice. The Minister of Justice may refuse to allow him/her from undertaking such private transactions if the Minister of Justice considers those activities to be contrary to the honor or honesty, or may harm the prestige of the Judiciary, including other judges and prosecutors.

Judges or prosecutors violating this provision shall be subjected to disciplinary sanctions as specified in Article 55 of this Law.

## CHAPTER 5 TRANSITIONAL PROVISIONS

### **Article 108.-**

The judges and prosecutors who were appointed before the entry into force of this Law and were under the cadre managed by the Supreme Council of Magistracy shall be integrated into the Cadre of Judges and Cadre of Prosecutors in accordance with the provisions of this Law, except for judges of the Military Court and prosecutors attached to the Military Court.

The Commission in charge of checking the qualifications of the integration of the grade and rank of judges and prosecutors shall be established by a Royal Decree

upon the request of the Minister of Justice following consultation with all members of the Supreme Council of Magistracy.

The integration above shall be issued by Royal Decree upon the request of Minister of Justice.

**Article 109.-**

The provisions in Chapter 2 (Judges) Section 11 (Retirement) and Chapter 3 (Prosecutors) Section 12 (Retirement) of this Law shall be enforced after the integration into the Cadre of Judges and Cadre of Prosecutors.

Before the integration above takes place, the retirement of judges and prosecutors shall be implemented in accordance with provisions in place before this law entered into force.

**Article 110.-**

For the first five (5) years after the entry into force of this Law, the provisions of Article 49 and Article 96 of this Law shall not be enforced, except for the limitation of the number of judges of the Supreme Court.

During the first five (5) years after the entry into force of this Law, judges of Court of Appeals and prosecutors attached to the Court of Appeals that reach retirement age may be permitted to extend their duties upon their requests. Such extensions shall be for a period of one year, but no more than three extensions shall be granted. Such extensions shall be issued by Royal Decree upon request from Minister of Justice following consultation with all members of the Supreme Council of Magistracy.

**CHAPTER 6  
FINAL PROVISIONS**

**Article 111.-**

Any provisions that are contrary to this law shall be abrogated.

**Done in the Royal Palace, July 16<sup>th</sup>, 2014**  
Signature and seal

Norodom Sihamoni

ANNEX

OATH

WE,

Judges and Prosecutors of the Kingdom of Cambodia,  
would like to take oath before His Majesty The King, the Chief Monks  
Angels protecting the white umbrellas, with the following meaning:

Upon exercise of the functions of judges and prosecutors, we pledge to perform our duties, obligations, rights and powers as judges and prosecutors in accordance with the Constitution and laws of the Kingdom of Cambodia, and to respect scrupulously the Code of Ethics of the judge and prosecutor. We therefore promise to be honest and to remain faithful to our national consciousness and to perform our duties with dignity, dedication, loyalty and justice.

We are committed to using our consciences and to remain faithful to our national consciousness in accordance with the Constitution and laws of the Kingdom of Cambodia avoiding four types of bias from “affection, hatred, fear and ignorance”, and to practicing the virtues “of dedication, justice, rule of law, respect for equality and lucidity”.

If we do not exercise our functions, duties and powers according to our oath, we agree to ask the spirits of ancient kings, angels, all the spiritual guardians of the earth, Yeay Tep and all sacred objects of the world, to punish all of us, both in our actual and future lives.

However, if we strictly stick to our promise, we will ask the spirits of ancient kings, angels, all the spiritual guardians of the earth, Yeay Tep and all the sacred objects of the world, to protect us always in this life and in future lives.