

NS/RKM/0801/12

REACH KRAM

WE

PREAH BAT SAMDECH PREAH NORODOM SIHANOUK

KING OF THE KINGDOM OF CAMBODIA

- Having seen the Constitution of the Kingdom of Cambodia
- Having seen Reach Kret N° NS/RKT/1198/72 of November 30, 1998 on the appointment of the Royal Government of Cambodia
- Having seen Reach Kram N° 02/NS/94 of July 20, 1994, promulgating the Law on the Organization and Functioning of the Council of Ministers
- Having seen Kret N° 06 Kr. of February 06, 1993, promulgating the Law on the organization and activities of Courts of the State of Cambodia
- Having seen the proposal of Samdech Prime Ministers and Senior Minister and Minister in charge of the office of Council of Ministers

HEREBY PROMULGATE

The Law on the Establishment of Extra-Ordinary Chambers within the courts of Cambodia for the prosecution of crimes committed during the period of Democratic Kampuchea, which was adopted by the National Assembly on 02 January 2001, at its 5th plenary session of the 2nd legislature, and then by the Senate on its form and legal concepts on 15 January 2001, at its 4th plenary session of the 1st legislature, and declared by the Constitutional Council to be consistent with the Constitution in conformity with decision N° 040/002/2001 KBTH.CH of 12 February 2001, except the provisions which state "... **shall be punished of third grade felony** " which is the death penalty, Articles 209, 500, 506 and 507 of the 1956 Penal Code and which was indicated in Article 3 of this law.

Article 3 has been regularized upon a proposal of the Royal Government of Cambodia in letter N° 104 LS.KBCH on June 22, 2001, and was adopted by the National Assembly on July 11, 2001 at its 6th plenary session of the 2nd legislature, and then by the Senate on July 23, 2001 at its 4th plenary session of the 1st legislature and declared by the Constitutional Council to be consistent with the Constitution in conformity with decision N° 043/005/2001 KBTH.CH of 07 August 2001.

This law has the following provisions:

**LAW
ON
THE ESTABLISHMENT OF EXTRA-ORDINARY
CHAMBERS IN THE COURTS
OF CAMBODIA FOR THE PROSECUTION OF CRIMES COMMITTED DURING THE PERIOD OF
DEMOCRATIC KAMPUCHEA**

**CHAPTER I
GENERAL PROVISIONS**

Article 1. -

This law is established for the purpose of prosecuting senior leaders of the Democratic Kampuchea and those persons who are most responsible for crimes and serious violations of Cambodian criminal laws, international humanitarian laws, international customs and international Conventions recognized by Cambodia, which were committed in the period of April 17, 1975 to January 6, 1979.

**CHAPTER II
JURISDICTIONS**

Article 2. -

Extraordinary Chambers shall be established within the existing structure of the courts, namely the court of first instance, appeal court and supreme court—in order to prosecute senior leaders of the Democratic Kampuchea and other persons who are most responsible for crimes and serious violations of Cambodian laws in connection to felonies, violations of international humanitarian laws and international customs, and international conventions recognized by Cambodia which were committed in the period of April 17, 1975 to January 6, 1979.

The senior leaders of the Democratic Kampuchea and other persons who are most responsible for the above-mentioned crimes are hereinafter called the “**suspects**”.

Article 3. -

Extraordinary Chambers shall have the power to prosecute the suspects of the commission of crimes stipulated in the 1956 Penal Code, which were committed in the period of April 17, 1975 to January 6, 1979:

- Homicide (Articles 501, 503, 504, 505, 506, 507 and 508);
- Torture (Article 500);
- Religious persecutions (Articles 209 and 210).

The legal limit of time (prescription) of public actions in 1956 Penal Code related to the above-mentioned crimes shall be additionally extended more than 20 years into the legal limit of time of public actions for the above-mentioned crimes which are within the jurisdictions of the Extraordinary Chambers.

Penalties stated in Articles 209, 500, 506 and 507 of 1956 Penal Code shall be maximized of life imprisonment in accordance with Article 32 of the Constitution of the Kingdom of Cambodia and additionally clarified by Article 38 and 39 of this law.

Article 4. -

Extraordinary Chambers shall have the power to prosecute all suspects of the commission of crimes of Genocide as defined in 1948 Convention on the Prevention and Punishment of Crimes of Genocide, which were committed in the period of April 17, 1975 to January 6, 1979:

Act of genocide with an absence of legal limit of time is one of the following acts, which were committed with an intention to destroy—as the whole or part—of any national, ethnical, racial or religious group, such as:

Manslaughter of members of a group;

Cause of seriously physical and mentally damage to members of a group;

Deliberately inflicting to this group a condition of life organized for the purpose to bring about a physical destruction, as the whole or part;

Setting out measures intending to prevent child births;

Forcible transfer of children from one group to another group.

The following offenses shall also be as punishable as the above offenses:

Attempt of the commission of genocidal act;
Conspiracy in the commission of genocidal act;
Complicity in the commission of genocidal act.

Article 5. -

Extraordinary Chambers shall have the power to prosecute all suspects of the commission of crimes against humanity in the period of April 17, 1975 to January 6, 1979.

Crime against humanity without legal limit of time is one of the following acts of attacks in general or organized attacks against civilian population due to national, political, ethnical, racial or religious reasons, such as:

Manslaughter;
Massacre;
Enslavement;
Deportation;
Imprisonment;
Torture;
Sexual abuses;
Persecutions for political, racial, or religious grounds;
Other inhumane acts.

Article 6. -

Extraordinary Chambers shall have the power to prosecute suspects of the commission or of giving order to commit any acts of serious violations of Geneva Convention dated August 12, 1949—such as the acts against humanity or properties—which shall be protected by the provisions of this Convention, and which were committed in the period of April 17, 1975 to January 6, 1979:

Voluntary manslaughter;
Torture or inhumane treatment;
Intentional causing of serious injury or suffering to physical body or health;
Massive destruction or serious damage to properties, with no necessary justified military reasons and mercy;
Forcing prisoners of war or civilians to serve in the enemy forces;
Deliberately depriving, from prisoners of war or civilians, of their rights to a fair and regular trial;
Illegal exile, evacuation or confinement of civilians;
Holding civilians as hostages.

Article 7. -

Extraordinary Chambers shall have the power to prosecute suspects who are most responsible for the destruction of cultural properties during armed conflicts—in pursuance of the 1954 Hague Convention for Protection of Cultural Properties during Armed Conflicts—and which were committed in the period of April 17, 1975 to January 6, 1979.

Article 8. -

Extraordinary Chambers shall have the power to prosecute suspects who are most responsible for crimes against person who is internationally protected—in pursuance of the 1961 Vienna Convention on Diplomatic Relations—and which were committed in the period of April 17, 1975 to January 6, 1979.

**CHAPTER III
COMPOSITION OF EXTRAORDINARY CHAMBERS**

Article 9. -

The court of first instance shall be the Extraordinary Chambers composed of five professional judges of whom three are Cambodian judges, one is the president, two are foreign judges with one or more court clerks—upon assignment by the attending president—and there are co-prosecutors who shall submit complaints before the court of first instance.

The Appeal Court shall be the Extraordinary Chambers composed of seven judges of whom four are Cambodian judges, one is president, three are foreign judges with one or more court clerks—upon assignment by the attending president—and there are co-prosecutors who shall submit complaints before the Appeal Court.

The Supreme Court shall be the Extraordinary Chambers composed of nine judges of whom five 5 are Cambodian judges, one is the president, four are foreign judges with one or more court clerks—upon assignment by the attending president—and there are co-prosecutors who shall submit complaints before the Supreme Court.

CHAPTER IV

APPOINTMENT OF TRIAL JUDGES

Article 10. -

Trial judges of the Extraordinary Chambers shall be appointed from among the judges who are currently in function, those who are additionally appointed according to applicable election procedures of judges, those who shall have good moral attitude and high spirit, impartiality and honesty, and professional work experiences, especially in criminal and international law.

Trial judges shall be independent in the performance of their function and shall not accept or seek instructions or orders from any government or other source.

Article 11. -

The Supreme Council of the Magistracy shall elect at least twelve Cambodian judges to be the trial judges for the Extraordinary Chambers and shall elect a number of reserved trial judges as needed, and moreover, shall elect a president for the Extraordinary Chambers from among the above –mentioned Cambodian judges, according to the applicable election procedures of the appointment of judges.

When the full-right Cambodian judges are absent or busy, the reserved Cambodian judges shall substitute them. These trial judges may continue to perform their day-to-day work in a court where they are working.

The Supreme Council of Magistracy shall elect at least five foreigners to be the foreign trial judges for the Extraordinary Chambers, after a nomination as candidates by the Secretary General of the United Nations.

The UN Secretary General shall arrange a list of foreign judge candidates of at least twelve candidates provided to the Royal Government of the Kingdom of Cambodia, while the Supreme Council of Magistracy shall elect nine full-right judges and at least three reserved judges from that lists. The president of the Extraordinary Chambers may, in addition to the foreign judges taking part in the Extraordinary Chambers, who are present all stages of trial process, assign, in according to each case, one reserved judge or more who have been already selected by the Supreme Council of Magistracy to be present at each stage of trial process, and replacing foreign judge(s), if such foreign judge(s) does (do) not have possibility to continue the trial process any more.

Article 12. -

All trial judges under this law shall have status and equal conditions of work in accordance with hierarchical levels of each Extraordinary Chambers.

Each trial judge shall be appointed for the period of the trial process.

Article 13. -

Cambodian and International staff shall assist trial judges accordingly to actual need for performing their office work.

If necessary, during the recruitment of the support staff and legal assistants, the head of the administration shall make interview them and shall be have approved by Cambodian judges by a majority—to be appointed by the Royal Government of Cambodia. The deputy head of the administration shall be responsible for the recruitment and administration of all the international staff. The number of staff and legal assistants shall be recruited with proportion to Cambodian and foreign judges.

Cambodian support staff shall be recruited from among civil servants in the framework of the State or from among other qualified Cambodian nationals, if necessary.

CHAPTER V DECISION OF THE EXTRAORDINARY CHAMBERS

Article 14. -

1/- all judges shall try to get unanimity when taking their decision. If it is unable to get unanimity, the following principles shall be applied:

- a) Decision made by the Extraordinary Chambers of the court of first instance shall requires supporting votes by at least four judges;
- b) Decision made by the Extraordinary Chambers of the Appeal Court shall requires supporting votes by at least five judges;

c) Decision made by the Extraordinary Chambers of the Supreme Court shall requires supporting votes by at least five judges;

2/-When there is no unanimity, opinions of the majority and minority shall be written down in the decision of the Extraordinary Chambers.

Article 15. -

The president shall convene a meeting of all judges who have been appointed within an appropriate time, in order to start the functioning of the Extraordinary Chambers.

**CHAPTER VI
CO-PROSECUTORS**

Article 16. -

All introductory charges submitted to the Extraordinary Chambers shall be the responsibility of two prosecutors of whom one is Cambodian and the other is a foreigner, who are hereinafter called the “**co-prosecutors**”. The "co-prosecutors" shall work together in order to prepare dossiers and introductory charges against suspects for the Extraordinary Chambers.

Article 17. -

The co-prosecutors of the court of first instance shall have the rights to file an appeal against decision of the Extraordinary Chambers of the Appeal Court.

The co-prosecutors of the Appeal Court shall have the rights to file an appeal against decision of the Extraordinary Chambers of the Appeal Court.

Article 18. -

The Supreme Council of Magistracy shall elect Cambodian prosecutors and reserved prosecutors, as required, from framework of Cambodian professional judges.

The reserved prosecutors shall replace the full-right prosecutors when they are absent or busy. These prosecutors may continue to perform their day-to-day work in the trial court where they are working.

One foreign prosecutor who is able to be present in each of the three levels of the Extraordinary Chamber shall be elected by the Supreme Council of Magistracy, after nominated as candidate by the Secretary General of the United Nations.

The Secretary General of the United Nations shall provide the Royal Government of Cambodia with a list of at least two candidates of foreign prosecutors, and the Supreme Council of Magistracy shall elect one full-right prosecutor and one reserved prosecutor, from the list of candidates.

Article 19. -

The co-prosecutors shall be elected from among persons who have been elected according to the applicable election procedures of prosecutors, who have good moral attitude, high spirit, honesty, professional work experiences of investigation and in criminal charges.

The co-prosecutors shall be independent in the performance of their functions, and shall not receive or seek advices or orders from any government or any other source.

Article 20. -

The co-Prosecutors shall charge in accordance with the applicable procedures. The co-prosecutors shall, if necessary and there is gaps in the applicable procedures, may seek guidelines from the procedural standards established at international levels.

In case of different opinions between the co-prosecutors, the following principles shall be applied:
The prosecution shall be continuing as long as the co-prosecutors or anyone of them do/does not make a request within thirty days, saying that the differences shall be resolved in pursuance of the following provisions:

The co-prosecutor (s) shall submit a written minutes of the facts and reasons of their position to the head of the administration.

The different ideas shall immediately be resolved by a pre-trial hearing of the Extraordinary Chambers of five judges of whom three Cambodian judges shall be elected by the Supreme Council of Magistracy and one shall be the president, after nominated as candidates by the Secretary General of the United Nations.

The selection of judges above shall comply with provisions of Article 10 of this law.

After receiving the minutes stated in paragraph 3, the head of the administration shall immediately convene a pre-trial hearing of the Extraordinary Chambers and inform the minutes to members of the pre-trial hearing of the Extraordinary Chambers.

It requires affirmative votes from at least four judges for decision of the pre-trial hearing of the Extraordinary Chambers, which does not open access for appealing. This decision shall be informed to the head of the administration that shall subsequently disseminate and inform it to the co-prosecutors. The co-prosecutors shall continue to proceed immediately in compliance with the decision of the pre-trial hearing. If there is no majority vote as required for the decision, the prosecution shall be continuing.

During the prosecution, co-prosecutor (s) may seek assistances from the Royal Government of Cambodia if deemed that it is really useful and appropriate for the prosecution, and such assistance must be provided.

Article 21. -

All co-Prosecutors under this law shall enjoy equal status and ranks, and conditions of work according to each level of the respective Extraordinary Chambers.

Each prosecutor shall be elected for the whole period of the proceedings.

In case any foreign prosecutor is absent or busy, a reserved prosecutor shall substitute.

Article 22. -

Each co-prosecutor has the rights to choose one or more deputy-prosecutors to assist him/her in the process of instituting charges before a trial. Foreign prosecutors shall be appointed by the Supreme Council of Magistracy from a list provided by the Secretary General of the United Nations.

The co-prosecutors shall have Cambodian and foreign staff as assistants according to actual requirement for providing services in their office.

When recruiting assistants, the head of the administration shall, if necessary, make interviews and there shall be an approval from Cambodian co-prosecutor for hiring staff who shall be appointed by the Royal Government of Cambodia. The deputy-head of the administration shall be responsible for the recruitment and administration of all foreign staff. The number of assistants shall be recruited proportionally to the number of Cambodian and foreign prosecutors.

Cambodian assistants shall be recruited from among civil servants within the framework of the State or among other qualified Cambodian nationals, if necessary.

CHAPTER VII INVESTIGATION

Article 23. -

Every investigation is a joint responsibility of two judges, of whom one shall be a Cambodian and the other shall be a foreign, hereinafter called "**co-investigating judges** ", who shall comply with the law in force. If necessary, and there is any gap in the procedures in force, the co-investigating judges may seek guidance from the procedural standard established at international levels.

In case of differences in opinions between the co-investigating judges, the following principles shall be applied:

The investigation shall be continuing if one or both co-investigating judges has/have not filed a request within thirty days, saying that the difference shall be resolved in accordance with the following provisions:

The co-investigating judges shall submit a written minute of the facts and reasons of such difference positions to the head of the administration.

The differences shall immediately be resolved by a pre-trial hearing of the Extraordinary Chambers as stated in Article 20 of this law.

After receiving the minute as states in paragraph 3, the head of the administration shall immediately convene a pre-trial hearing of the Extraordinary Chambers, and shall inform members of the pre-trial hearing of the Extraordinary Chambers about the minute.

It requires affirmative votes from at least four judges for decision of the pre-trial hearing of the Extraordinary Chambers, which does not open access for appealing. This decision shall be informed to the head of the administration that shall subsequently disseminate and inform it to the co-investigating judges. The co-investigating judges shall continue to proceed immediately in compliance with the decision of the pre-trial hearing. If there are no majority votes as required for the decision, the investigation shall be continuing.

The co-investigating judges may base on the information received from various institutions including of the Royal Government, UN bodies or non-governmental organization etc...

The co-investigating judges have the power to inquire the accused, victims and listen to statement of witnesses and collecting evidences in compliance with the procedure in force. If deemed as absolutely necessary, the co-investigating judges may issue a warrant requesting the co-prosecutors to make further interrogation.

In implementing this task, the co-investigating judges may seek assistance from the Royal Government of Cambodia if they find that it appropriate and useful for the investigation, and this assistance must be provided.

Article 24. -

During the investigation, suspects shall be entitled to defense by lawyers at free-of-charge if they are unable to afford for lawyers, and they shall have the rights to obtain necessary language interpretation that they can speak and understand.

Article 25. -

The co-investigating judges shall be elected from among judges who are currently in function, and those who are additionally elected in accordance with the applicable election procedures of judges, who have good moral character, high spirit and honesty, and who have professional work experiences. The co-investigating judges shall be independent in the performance of their function, and shall not accept or seek advices or orders from any government or from any other source.

Article 26. -

The Cambodian co-investigating judges and reserved judges shall be elected by the Supreme Council of Magistracy, from among Cambodian professional judges.

The reserved investigating judges shall substitute the full-right judges when they are absent or busy. These investigating judges may continue to perform their day-to-day work at trial courts where they are working.

The foreign investigating judges shall be elected by the Supreme Council of Magistracy for the period of the investigation, after a selection for candidates by the Secretary General of the United Nations. The Secretary General of the United Nations shall provide a list of at least two candidates for the foreign investigating judges to the Royal Government of Cambodia, and the Supreme Council of Magistracy shall elect one full-right co-investigating judge and one reserved judge from this list of candidates.

Article 27. -

All investigating judges under this law, shall enjoy equal status and with the same terms and conditions of work.

Each investigating judge shall be elected for the whole period of the investigation.

In case where any foreign co-investigating judge is absent or busy, shall be substituted by a reserved-investigating judge.

Article 28. -

Cambodian co-investigating judges have Cambodian and International according to actual requirement for serving in their office.

In recruiting staff to be as assistants, the co-investigating judges shall comply with the provisions as stipulated in Article 13 of this law.

CHAPTER VIII INDIVIDUAL LIABILITY

Article 29. -

Any suspect who has any plan to incite, order, commit or help and encourage in the preparation of the plan or in the commission of any of the crimes as stipulated in Articles 3, 4, 5, 6, 7 and 8 under this law, shall individually be liable for such crime.

Position or rank of the suspect can neither help preventing him/her from being liable for the crime nor reducing his/her sentence.

The fact which says that any of the acts as stated in Articles 3, 4, 5, 6, 7 and 8 under this law is committed by a subordinate, cannot help preventing the supervisor from being criminally responsible for such a crime, if the supervisor has effective order and management or power and control over the subordinate, and the superior has known of and got reasons to know that the subordinate commits or has committed such act of which he/she does not take any necessary and appropriate action in order to prevent such act or inflicted any punishment for the commission of such crime.

The fact that says that a suspect committed a criminal act by following order of the government of Democratic Kampuchea or any superior level cannot help preventing that suspect from being liable for such crime.

CHAPTER IX ADMINISTRATIVE OFFICE

Article 30. -

Staff of the Extraordinary Chambers for trial judges, investigating judges and co-prosecutors shall be administered by an administrative office.

This office consists of a Cambodian, as the head, a foreign, as deputy-head and a number of staff as necessary.

Article 31. -

The head of the administration shall be appointed by the Royal Government of Cambodia for a two-year term and may be re-appointed.

The head of the administration shall be selected from among persons who have high experience in tribunal administrative affairs and has fluency in any of foreign languages which is used in the Extraordinary Chambers and who has good moral character, high spirit and honesty.

The foreign deputy-head of the administration shall be elected by the Secretary General of the United Nations, and appointed by the Royal Government of Cambodia, who shall be responsible for a recruitment and administration of all foreign staff as required in the foreign composition for the Extraordinary Chambers, co-investigating judges, office of co-prosecutors and administrative Office. The deputy-head of the administration shall be in charge of management of financial resources granted through the trust fund of the United Nations.

The administrative office shall have Cambodian and international staff as assistants as obviously required.

All Cambodian staff of the administrative office shall be appointed by the Royal Government of Cambodia, following a proposal of the head of office. Foreign staff shall be appointed by the deputy-head of the administration.

Cambodian staff shall be selected from among civil servants within the framework of the State or, if necessary, from other qualified Cambodian nationals.

Article 32. -

All staff that has the duty to assist trial judges, investigating judges, co-prosecutors and administrative office shall enjoy the same conditions of work according to each level of the Extraordinary Formation.

CHAPTER X TRIAL PROCESS OF THE EXTRAORDINARY CHAMBERS

Article 33. -

The Extraordinary Chambers of the court of first instance shall be functioning properly and expeditiously in accordance with the procedures in force, with full respect of the rights of the accused and by providing appropriate protection to victims and witnesses. When necessary, and where there is a gap in the procedures in force, one (s) may seek guidance in the procedural standard, which has been established at the international levels. Any suspect, who is subjected to a legal proceeding and is arrested and put into custody, shall be brought before the court of first instance according to the procedures in force. The Royal Government shall undertake responsibility in assuring the security for the suspects who appear themselves voluntarily, and in taking actions for arresting of the suspects who have been prosecuted in pursuance of this law. The judicial police shall be assisted by other law enforcement bodies of the Royal Government, including armed forces to ensure that the prosecuted persons be brought immediately to custody. Conditions for the arresting and putting in custody shall comply with the applicable laws.

The court shall provide protection to victims and witnesses. These measures for the protection shall not only be limited to the process of an in-camera hearing, and to protection of the identity of the accused.

Article 34. -

Trial of the Extraordinary Chambers shall be in public, except in any special circumstance where it is decided by the Extraordinary Chambers, with appropriate reason and according to the procedures in force that the trial must be conducted in-camera hearing.

Article 35. -

Any accused shall be presumed as innocent until there is final decision of the court.

When upon a prosecution is made against him/her, the accused shall be entitled to receive equal and minimum guarantees as hereunder:

- a) To be informed immediately and in detail in a language which is understandable by him/her of the nature and reasons for which the charges are made against him/her;
- b) To have adequate time to prepare himself / herself and to contact with his/her lawyer;
- c) To have a speedy trial without undue delay;
- d) To have a defense by himself/ herself or through his/her lawyer;
- e) To examine the charged evidence and to be able to participate in the cross-examination of discharged evidence under the same conditions as which of the charged evidence;
- f) To freely have assistance from an interpreter, if the accused does not understand or is unable to speak the language used in the court;
- g) Shall not be forced to testify against himself/herself or to confess to be guilty.

Article 36. -

The Extraordinary Chambers of the Appeal Court shall hear the appeal complaints made by the accused, victims or the co-prosecutors, under the following conditions:

An erroneous in facts,
An erroneous in law.

The Extraordinary Chambers of the Appeal Court shall review decisions made by the Extraordinary Chambers of the court of first instance. This Extraordinary Chambers may take a decision that is in favor of or which contradicts to the decision made by the Extraordinary Chambers of the court of first instance or may reverse such decision. In this case, the Extraordinary Chambers of the Appeal Court shall comply with the procedures in force. When necessary and if there is a gap in the procedure in force, one (s) may seek for guidance in the procedural standard, which is established at the international levels.

Article 37. -

The Extraordinary Chambers of the Supreme Court shall hear the appeal of the accused, victims and co-prosecutors, contesting against an appeal of the Extraordinary Chambers of the Appeal Court. In this case, the Supreme Court examines and takes final decision on both the erroneous in facts and erroneous in law, by not returning the dossiers to the Extraordinary Chambers of the Appeal Court.

CHAPTER XI PENALTIES

Article 38. -

All punishments to be applied for sentencing shall be limited to imprisonment only.

Article 39. -

Any person who commits any of the crimes as provided for under Articles 3, 4, 5, 6, 7 and 8 of this law, shall be subject to a criminal punishment from 5 years in prison to life imprisonment.

In addition to the imprisonment sentence, the Extraordinary Chambers of the court of first instance may decide to confiscate movable and real properties, and money which were obtained unlawfully or by commission of crimes. The above-confiscated properties shall be given to the State.

**CHAPTER XII
AMNESTY AND PARDON**

Article 40. -

The Royal Government of Cambodia may not request for granting an amnesty or pardon to any person who may be subject of investigation or be sentenced for conviction for any of the crimes as stipulated under Articles 3, 4, 5, 6, 7 and 8 under this law.

**CHAPTER XIII
STATUS, RIGHTS, PRIVILEGE AND IMMUNITY**

Article 41. -

Foreign judges, foreign co-investigating judges, foreign co-prosecutors and deputy-head of administrative office including their family members who are part of their family shall all have privilege and immunity, tax exemption and materials and equipment as what are provided to diplomatic agents in accordance with the 1961 Vienna Convention on Diplomatic Relations. These officials shall be exempted from tax on their salary, remuneration and allowance in Cambodia.

Article 42. -

Cambodian staff shall be granted immunity to get rid of any legal proceedings for the words that have been spoken or written and all the activities, which have been performed in their official positions.

Foreign staff shall be additionally granted with:

A)- Immunity to get rid of any legal proceedings for the words which have been spoken or written and all the activities which have been performed in their official positions.

B)- Immunity of exemption from taxes on salary, remuneration and allowance paid to them by the governments which have contributed for the trust fund of the United Nations.

C)- Immunity to get rid of any restriction of immigration boundaries.

E)- Rights to import with tax exemption of furniture and materials and equipment for self-use, except for expenses for services when they are coming to perform duty for the first time in Cambodia.

Lawyers of the suspects or accused who are recognized as lawyers by the extraordinary formation shall not stay under the power of the government in any measure which may affect the free and independent performance of their function under the Law on the Establishment of the Extraordinary Chambers.

Especially lawyers shall be provided with:

A)- an immunity to get rid from any arrest or detention and confiscation of personal belongings within the framework of their performance of duty in this proceeding;

B)- a non violability of all documents relating to the performance of their duties as lawyers of the suspects or accused;

C)- an immunity to get rid of any criminal and civil jurisdiction for the words spoken or written and all activities which have been performed in their official positions as lawyers.

4- The keeping place of the archives of the court, and generally, all the documents and materials which could be found and which are the possession of the courts, or used by the courts, no matters where they are situated in the Kingdom of Cambodia and managed by whoever, shall not be violable during the whole period of the proceedings.

**CHAPTER XIV
LOCATION OF THE EXTRA ORDINARY CHAMBERS**

Article 43. -

The Extraordinary Chamber held at the Court of First Instance, Appeal Court and Supreme Court shall have location in the Phnom Penh.

**CHAPTER XV
EXPENSES**

Article 44. -

The expenses and salaries of the Extraordinary Chambers include:

Expenses and salaries for Cambodian administrative officers and staff, all Cambodian trial judges and reserved trial judges, investigating judges and reserved investigating judges, prosecutors and reserved prosecutors shall be the burden of Cambodian national budget.

Expenses for foreign administrative officers and staff, and all foreign trial judges, co-prosecutors and co-investigating judges, who are sent by the General Secretary of the United Nations, shall be the burden of the United Nations trust fund.

Salaries of foreign administrative officers and staff, and all foreign co-trial judges, co-investigating judges and co-prosecutors, shall be the burden of the respective countries that sent them, upon request of the Secretary General of the United Nations.

Lawyers defending case receive fees from his/her defense affairs.

Expenses incurred for the Extraordinary Chambers may additionally receive fund from sources other than the trust funds, such as from foreign governments, international organizations, non-governmental organizations, and from other individuals who are willing to assist in these above processes.

**CHAPTER XVI
WORKING LANGUAGES**

Article 45. -

The working language officially used for the Extraordinary Formation is Khmer language and translated into English, French and Russian.

**CHAPTER XVII
ABSENCES OF FOREIGN TRIAL OR INVESTIGATING JUDGES OR PROSECUTORS**

Article 46. -

In order to ensure the implementation of this law on time and without any disruption—in case any foreign trial judge or investigating judge or prosecutor does not attend or refuse to join in the Extraordinary Chambers—the Supreme Council of Magistracy shall appoint other trial judge or investigating judge or prosecutor to fill up the vacant positions, from among those in the lists as stated in Articles 11, 18, and 26 of this law. In case where all names in the list have been used up, these vacant positions shall then be filled up by the Supreme Council of Magistracy, from candidates who are requested by governments of the member States of the United Nations or among other foreign legal dignitaries.

After the implementation of this above procedure, if there is still no participation from any foreign trial judge or investigating judge or co-prosecutor in the work of the Extraordinary Chambers and no foreign candidate is selected to fill up this vacant position, the Supreme Council of Magistracy may then elect a Cambodian trial judge or investigating judge or prosecutor for substitution.

**CHAPTER XVIII
EXISTENCE OF THE EXTRAORDINARY CHAMBERS**

Article 47. -

The Extraordinary Chambers in Cambodian courts shall dissolve itself automatically after the trial of this case has finally ended.

**CHAPTER XIX
FINAL PROVISIONS**

Article 48. -

This law is declared urgent.

Phnom Penh, dated 10 August 2001

Signature
NORODOM SIHANOUK

Submitted to the
King for signature
Prime Minister

Signature
HUN SEN

Submitted to Samdech Prime Minister
Senior Minister, Minister in charge of the office of Council of Ministers
Signature
SOK AN

N° 174 CH. L.
For copy
Phnom Penh, dated 10 August 2001
Deputy Secretary General of Royal Government

Signature
Sen Serei