

SUB-SECTION 3

Extradition Procedures

Article 579. Certification of an Extradition Request

All extradition requests shall be submitted to Royal Government of Cambodia through diplomatic channels. Each request shall be supported by a certification of evidence.

The certification of evidence shall include:

- Sufficient documents to identify the wanted person;
- Report on the facts to be charged against the wanted person;
- Legal texts applicable to such acts and possible sentence;
- A copy of the sentence decision, if any.

All documents shall be officially signed, sealed and put in a closed envelope, and if they are not in Khmer, English or French version, the certified translation into one of the three languages shall be attached.

Article 580. Referral of an Extradition Request

The Minister to Foreign Affairs of Cambodia shall refer an extradition request and certification of evidence to the Minister of Justice. The Minister of Justice shall examine the regularities of the request and then refer the request to the Prosecutor General of the Court of Appeal in Phnom Penh.

Article 581. Request for Pre-trial Arrest

The requesting state may request for the pre-trial arrest of the wanted person.

In case of emergency, the request for pre-trial arrest may be made prior to the extradition request provided in Article 579 (Certification of Extradition Request) of this Code.

The pre-trial arrest, which aims to prevent the wanted person from escaping, does not require the compliance of any other separate proceeding.

The person who is the subject of pre-trial arrest procedures shall be released automatically if the Royal Government of Cambodia does not receive the documents specified in Article 579 (Certification of Extradition Request) within 2 (two) months from the date of arrest.

Article 582. Arrest and Detention Warrant against Wanted Person

The Prosecutor General of the Court of Appeal in Phnom Penh may order the arrest and detention against the wanted person.

The warrant shall mention the following information:

- the identity of the wanted person;
- a reference to the request for pre-trial arrest made by the foreign state;
- the full name and title of the judge who issued such order.
- The order shall be dated and signed by the Prosecutor General and sealed.

The order of arrest and detention shall be enforceable within the entire territory of the Kingdom of Cambodia.

Article 583. Presentation of the Wanted Person to a Competent Prosecutor or Prosecutor General

In case of the arrest, the wanted person shall be brought within the shortest period of time before the territorial competent prosecutor who shall notify such person of the arrest and detention order and interview him/her.

The wanted person shall be transferred for detention in a prison in Phnom Penh. This person may request the Prosecutor General of the court of Appeal in Phnom Penh to hear his/her statement.

Article 584. Filing the Case with the Investigation Chamber

The Prosecutor General shall prepare the dossier for filing with the Investigation Chamber of the Court of Appeal in Phnom Penh.

Article 585. Proceeding before the Investigation Chamber

The wanted person shall appear before the Investigation Chamber. He/she may be accompanied by a lawyer of his/her choice or by a lawyer appointed pursuant to the Law on the Statute of Lawyers.

The confrontation shall be conducted in a closed door room. The Investigation Chamber may call on an interpreter, if necessary.

After hearing the statement of the wanted person, the conclusion of the request by the Prosecutor General, and the conclusion of the defense lawyer, the Investigation Chamber shall give opinions in a form of a judgment which state reasons on the extradition request.

Article 586. Opinion of the Investigation Chamber

The Investigation Chamber may issue an opinion opposing the extradition request if it finds that the legal requirements for extradition have not been met.

Article 587. Application for Release On Bail of a Wanted Person

A wanted person may request for release on bail.

The request shall be in writing.

The request shall be submitted to the Investigation Chamber which will make its decision after hearing the wanted person's statement, the conclusion of the Prosecutor General, and the statement of the defense lawyer.

Article 588. Acceptance of Extradition

If the wanted person agreed to be extradited pursuant to the request of the requesting state, the Investigation Chamber shall include such agreement in its judgment after receiving complete information about the consequences of the agreement for extradition.

Article 589. Effects of the Opinion of the Investigation Chamber

When it becomes final, the judgment of the Investigation Chamber shall be informed immediately to the Minister of Justice.

If the Investigation Chamber made an opposing opinion, the extradition shall not be made by the Cambodian Government. The wanted person shall be released immediately unless such person is the subject of detention for another case.

If the Investigation Chamber made an agreeing opinion, the Minister of Justice may refer the case to the Royal Government to issue a sub-decree ordering the extradition of the wanted person.

If the extradition is ordered, the wanted person shall be delivered to the requesting state. The expenses of extradition shall be borne by the requesting state. The security and protection of the wanted person during the period in which he/she is outside Cambodia shall be the responsibility of the requesting State.

If the requesting state fails to start procedures for repatriation within 30 (thirty) days after the notification of the sub-decree ordering such extradition, the wanted person shall be put in liberty.

SECTION 2

Extradition Requested by the Kingdom of Cambodia to a Foreign State

Article 590. Competence of the Investigation Chamber

The Investigation Chamber of the Court of Appeal in Phnom Penh is the sole body which has competence to examine the regularity of extradition request to be made by the Cambodian government.

The extradited person shall have 15 (fifteen) days from the date in which he/ she arrived in Cambodia to request for annulment of the extradition.

The request shall be made in writing.

Article 591. Procedures before the Investigation Chamber

The Investigation Chamber shall make a decision after hearing the statement of the person to be extradited, the conclusion of the Prosecutor General and the conclusion of the defense lawyer.

Article 592. Sustaining Effect of Annulment to Extradition Request

The request to annul an extradition shall not postpone the charge procedure being made against the person to be extradited.

Article 593. Effect of Extradition Annulment

If the extradition is voided by a final decision of the Investigation Chamber, the on-going charge procedure shall be terminated. The person to be extradited shall be put in liberty and shall have the freedom to leave Cambodia.