



# PRISON CONDITIONS IN CAMBODIA 2005 & 2006: ONE DAY IN THE LIFE...

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and I live in a prison cell with 22 other men.

REPORT  
January 2007



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**LICADHO**

CAMBODIAN LEAGUE FOR THE  
PROMOTION AND DEFENSE OF HUMAN RIGHTS

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CAMBODIAN LEAGUE FOR THE PROMOTION  
AND DEFENSE OF HUMAN RIGHTS

## Cambodian League for the Promotion and Defense of Human Rights (LICADHO)

LICADHO is a national Cambodian human rights organization. Since its establishment in 1992, LICADHO has been at the forefront of efforts to protect human rights in Cambodia, and to promote respect for civil and political rights by the Cambodian government and institutions. Building on its past achievements, LICADHO continues to be an advocate for the people and a monitor of the government through wide-ranging human rights programs from its main office in Phnom Penh and 12 provincial offices.

LICADHO pursues its activities through seven program offices:

- The Human Rights Education Office provides training courses to target groups such as government officials, students, monks and provides dissemination sessions to the general public.
- The Monitoring Office investigates human rights violations and assists victims in the legal process. Specially trained staff also monitor 18 prisons to assess prison conditions and ensure that pre-trial detainees have access to legal representation.
- The Medical Office provides medical assistance to prisoners and prison officials in 18 prisons, and provides medical care and referrals to hospitals for victims of human rights violations.
- Project Against Torture provides comprehensive rehabilitation services to victims of torture and conducts advocacy against torture.
- The Children's Rights Office educates the public on children's rights, creates child protection networks at the grassroots level and investigates children's rights violations.
- The Women's Rights Office educates the public about women's rights, investigates women's rights violations and advocates for social and legal changes.
- The Documentation and Resource Office compiles case files into a central electronic database, so that accurate information can be easily accessed and analyzed.

### For More Information Contact:

Dr. Kek Galabru, President  
LICADHO (Cambodian League for the Promotion and Defense of Human Rights)  
#16, Street 99  
Phnom Penh, Cambodia

Tel: (855) 23 360 965/364 901  
Fax: (855) 23 360 965/217 626  
E-mail: [licado@camnet.com.kh](mailto:licado@camnet.com.kh)  
Web: <http://www.licadho.org/>

Cover photo: A prison cell in Takmao prison (prior to 2005 and 2006 renovations).



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# 1. Introduction

Since 1997, LICADHO has issued reports on Cambodian prisons conditions, highlighting the most serious human rights concerns and recommending positive changes. As an independent non-governmental organization, LICADHO has several key aims:

- To monitor Cambodian prisons and prisoners' rights
- To disseminate relevant, high-quality, non-partisan information
- To lobby for positive reform

This report aims to provide an intimate look at the real living conditions faced by Cambodian prisoners. By drawing from first hand accounts of prisoners and from the observations and reports of LICADHO prison researchers, this report is told in the first person using a fictional identity to protect anonymity. It provides supplementary statistical information for relevant issues.

It is hoped that this report will be used by government and prison officials, human rights advocates, researchers, media, aid donors and legal professionals as a tool to identify existing problems, improve prison conditions and promote prisoners' rights. This report builds on previous reports from the past 10 years, as well as considering new information gathered over the course of 2005 and the first ten months of 2006.

## Methodology

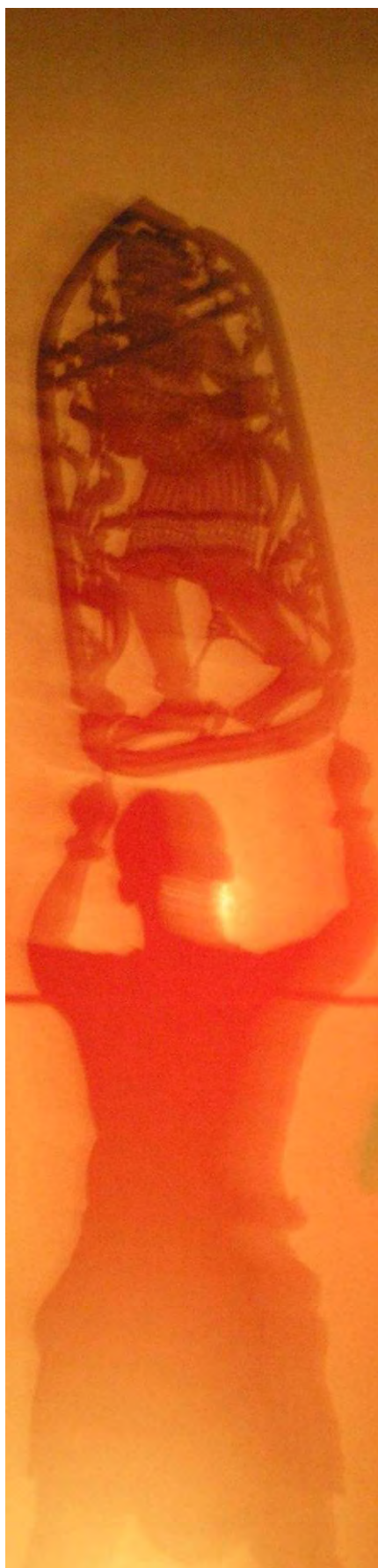
The findings of this report are a result of joint efforts between the LICADHO Prison Project and the LICADHO Medical Office. LICADHO prison researchers make four visits each month to 18 out of the 25 prisons throughout Cambodia, and the medical staff make monthly visits to 12 prisons.<sup>1</sup> In January 2006, these 18 prisons accounted for approximately 90% of the total Cambodian prison population<sup>2</sup>.

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<sup>1</sup> For logistical and funding reasons, LICADHO prison monitors only visit detention facilities in close proximity to its Phnom Penh office and 12 provincial offices. LICADHO visits: Police Judicial (PJ), Correctional Center 1 (CC1, formerly T3), Correctional Center 2 (CC2, for women and minors), Correctional Centre 3 (CC3, formerly Tra Plong, T5), Toul Sleng Military Prison, Takmao, Kompong Som, Kompong Speu, Kampot, Kompong Chhnang, Kompong Cham, Kompong Thom, Pursat, Battambang, Banteay Meanchey, Siem Riep, Svay Rieng, and Koh Kong. LICADHO researchers no longer monitor prisons in Prey Veng and Takeo, since it closed its offices in those provinces. In the provinces of Mondulkiri, Rattanakiri, Stung Treng, Kratie, Takeo, and Preah Vihear, LICADHO does not have offices so the prisons there are not monitored by LICADHO researchers. The Cambodia Human Rights and Development Association (ADHOC) meets with the prison directors in these provinces and makes other periodic inspections, although it has no permanent research or medical teams. The LICADHO Medical Office, however, visits a different set of prisons: Takmao, Kompong Cham, Takeo, Prey Veng, Svay Rieng, PJ, Toul Sleng, Pursat, Koh Kong, Kompong Som, Battambang, and Kompong Thom. Some of the other prisons are occasionally visited by other NGOs, such as the Prison Fellowship.

<sup>2</sup> This statistic of 88% is based on the number of prisoners in the 18 LICADHO-monitored facilities in January 2006 (8,459) and the total number of prisoners in Cambodia (9,373) in January 2006, as provided by the Cambodian Criminal Justice Assistance Project.





*In this report the story of 'Dararith' and the other prisoners are fictional, however the events and conditions described are based on the real living conditions of prisoners, in particular the conditions at Correctional Centre 1 (CC1). The content of their 'narration' was taken from interviews with prisoners and the observations and documentation of LICADHO prison researchers. The prison conditions at CC1 were chosen as it represents the largest prison in Cambodia and is considered to be one of the better prisons, relative to the provincial prisons. CC1 is located in the outskirts of Phnom Penh and is an all-male prison.*

*The stories contained later in this report that relate to the experiences of women and children in prisons are based on interviews and documentation of various provincial prisons where women and children prisoners are housed with adult male prisoners.*

*In effect, LICADHO has created three composite characters to tell the stories of male, female and minor prisoners. The aim of this was not to overly dramatize the situation but to provide an engaging account of the reality of life in a Cambodian prison.*

*Traditional Khmer shadow puppet depicting a prisoner*

## 2. My home in prison

### Case Study 1: The prison cells

*My name is Dararith. I am 26 years old and I live in a prison cell with 22 other men...*

*I'm lucky, I'm staying in one of the larger prison cells. It's about eight meters long and eight meters wide. I know there are other prison cells half the size. But having a larger cell also means we have to share it with more prisoners. I have heard that prisoners with money can pay the guards to stay in a larger cell with fewer prisoners. But I'm not one of them, I don't have much money.*

*My cell is very crowded, so we hang our belongings on the wall or suspend them from the bars overhead. This gives us more floor space to sit and sleep. Some prisoners are fortunate enough to have hammocks and even mosquito nets. They either have money or relatives that can provide for them. In prison unless you have money or generous relatives, there is no way you can provide for yourself.*

*During the week days we are able to wash our cells with buckets of water but on the weekend we do not clean them. It is never really clean though and with only one small window for fresh air it is always hot, smelly, dirty and damp. We have one pit toilet in the cell. There is no running water, just two large basins of water that the guards refill. We use this water for the toilet, to wash our clothes and to wash ourselves.*

*The prison cells are separated into convicted prisoners and pre-trial prisoners - those waiting to go to court for their trial. Most of the prisons cells have too many people in them. With all of us crammed into the cell, it's often hard to breathe. Some people complain to the prison guards but they never do anything. I really don't think there is much they can do or want to do. No one really cares about us prisoners. With so many of us in the cell, all day long, there is always bound to be an argument or fight, either because someone is bored or just because it's hard to keep to yourself. I can't remember the last time I was alone.*

*In my cell there is a leader. Every cell has a cell leader. The prison guards and the prison director can choose the cell leader (if they like a person), but mostly they are appointed because a prisoner gives them money. Most times you just pay once but if you are unlucky you may have to pay again. If you are the cell leader you get to have more recreation time, meaning you don't have to sit in the cell all day. You also become the supervisor of the cell, so you can tell people what to do. Not everyone likes the cell leader, we know he reports to the prison guards and tells them what is happening in the cell.*

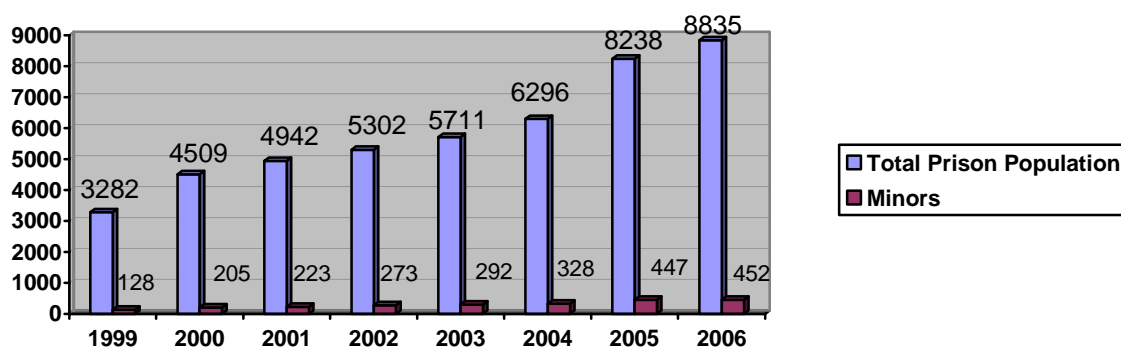
*Almost every month new prisoners come. I always feel sorry for the new prisoners. It is not a time I like to remember. The prison guards order you about, and so does the cell leader. All you come in with is the clothes you wear, everything else is left behind. Most new prisoners get a 'welcome beating' from the prison guards or the cell leaders. I can still remember mine. I think the beating is a reminder that this is your new home and life will not be easy.*



## The prison population

In October 2006, across 18 prisons in Cambodia, 7,847 men, 536 women and 452 minors called prison home. This follows the steady increase in prisoner numbers in recent years.

**Prison population, 18 prisons monitored by LICADHO, 1999-2006<sup>3</sup>**



In the past year, several prisons have relocated or received renovations:

- **Battambang:** The prison was relocated from its central location in the city to a site 4km outside the city. The new prison was completed in December 2005.
- **Kompong Cham:** The prison was relocated from its central location in town to a site 10km away. The new prison was completed in March 2006.
- **Police Judicial (PJ) (Phnom Penh):** In November 2006 the administration buildings of this centrally located prison were demolished after the land was sold to a private company. The prisoners are still housed in prison and will be relocated once a new prison is built in the outer suburbs of Phnom Penh
- **Takmao:** The whole prison was renovated with the assistance of AusAID and was opened in November 2006.

Despite these relocations and renovations, most Cambodian prisons remain overcrowded.

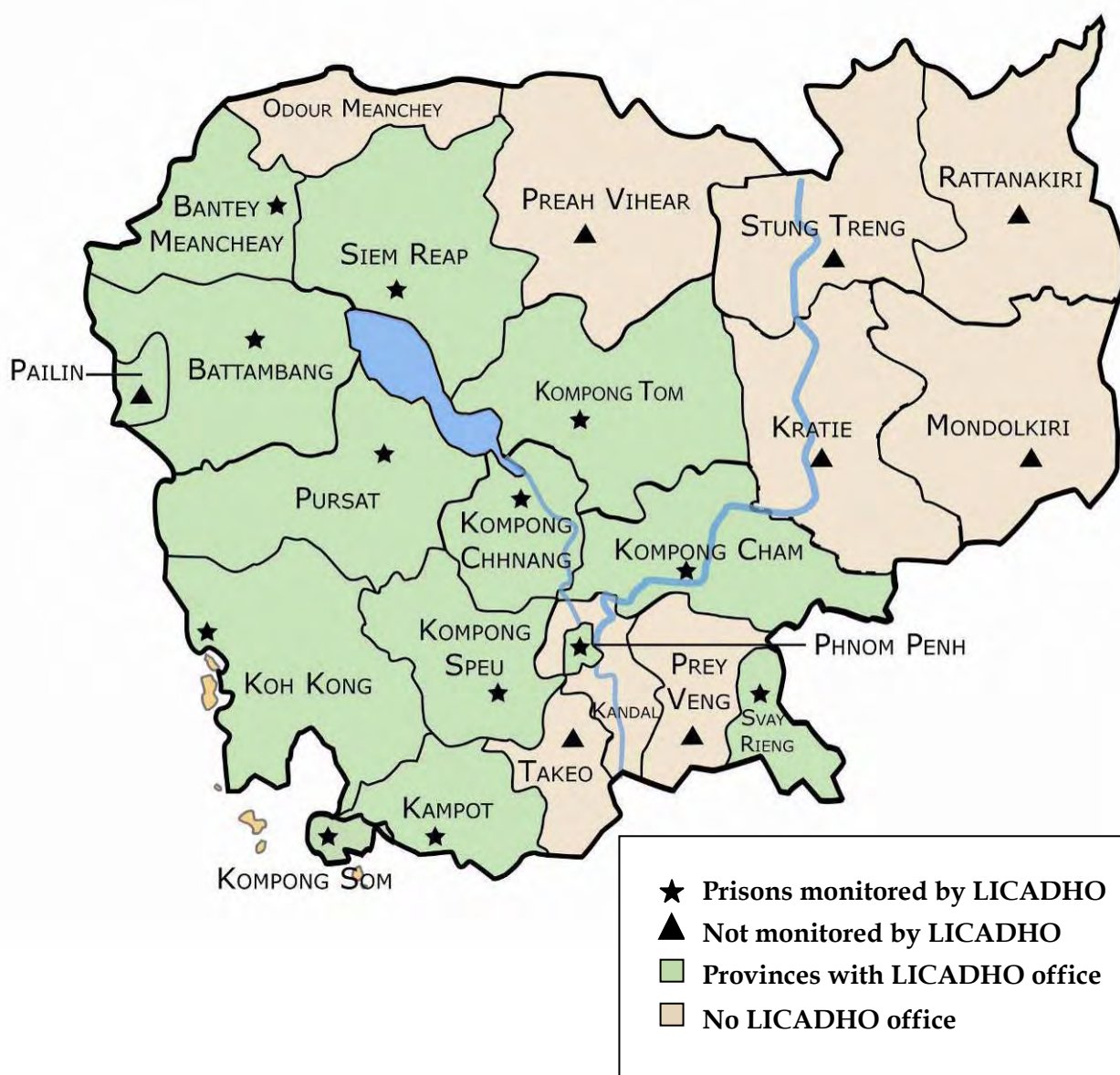
**Capacity of 18 prisons monitored by LICADHO, 2004 and 2006**

Prison	Capacity 2006	Prisoners Oct 06	Capacity	
			Dec. 04	Oct 06
PJ	100	151	74%	151%
CC1	1500	2132	107%	142%
CC2	350	541	104%	155%
CC3	1200	1234	69%	103%
Toul Sleng	5	4	80%	80%
Takmao	350	599	154%	171%
Kg. Som	100	144	109%	144%

<sup>3</sup> Total prison population figures include adults and minors, convicts and pre-trial detainees, men and women. Figures are for December of each year except 2006, which is from October 2006. The 2002 figure is partly based on an estimate for the population of CC3, which was not monitored that year.

Kg. Speu	200	242	102%	121%
Kampot	180	232	87%	129%
Kg. Chhnang	120	191	113%	159%
Kg. Cham	400	499	105%	125%
Kg. Thom	60	126	235%	210%
Koh Kong	140	120	115%	86%
Pursat	100	122	79%	122%
Battambang	600	894	290%	149%
B. Meanchey	200	471	190%	236%
Siem Riep	550	920	110%	167%
Svay Rieng	210	213	82%	101%
<b>Total/ Avg</b>	<b>6410</b>	<b>8835</b>	<b>123%</b>	<b>138%</b>

### Location of prisons monitored by LICADHO



## What does LICADHO do?

LICADHO prison researchers in Phnom Penh visit each of the city's prisons once a week (CC1, CC2, Takmao and PJ), while in the LICADHO provincial offices, prison researchers visit each provincial prison once a week.

Visits last for approximately two or three hours and during that time the researchers will usually interview between two and four prisoners. Researchers use a standard questionnaire form which documents the prisoners' personal details, treatment, living conditions, complaints, legal information (arrest, detention, trial, sentence, legal representation) and any other important information. Visits are normally conducted with a guard present in an interviewing area, which can be a specific room or a specific area outside with a table and chair. Because of the presence of guards or other prisoners, confidentiality cannot be ensured, although LICADHO prison researchers try where possible to conduct interviews privately. All visits are prearranged in advance and prisoners are chosen from the prison register, which is available at the administration office in each prison.

Every six months, LICADHO applies to the Prison Department within the Ministry of Interior for permission for prison researchers to visit and monitor the 18 prisons and for the medical team to visit the 12 prisons. In theory this provides LICADHO with access to the prisons during that period, however researchers are sometimes refused entry. Reasons for such refusals can be due to recent escape attempts or other security risks, political influence or the arbitrary discretion of the prison director.



*LICADHO prison researchers, June 2006. There is no guarantee of confidentiality, as guards and other prisoners are often present.*

### 3. Food on 1,500 riel a day

#### Case Study 2: Prison food

*Everyday I wake up early in the morning with an empty stomach. I am forever hungry but I think I am getting used to it.*

*In prison we only get two meals a day, lunch and dinner.*

*Lunch is at 10:30am and dinner is at 4:30pm. A bell rings to tell us when it is mealtime. The cell leader will bring the food to the cell and distribute it to everyone in the cell. We all eat our meals in the cells. There are no plates or bowls, so you have to buy them from the prison guards or get them from relatives or another prisoner.*

*Some prisoners are either selected or bribe the prison guards to be the prison cooks. If you become a cook you get to spend more time out of the prison cells. Our meals are always the same: a bowl of rice and a bowl of soup. This food has very little flavor and there is never enough, so we are always hungry. I think that is why most of us are so skinny.*

*For the lucky ones who have money or relatives who visit, they can buy extra food from the prison guards or they may get extra food from their family. They get food that they can cook or sometimes it is small snacks that they can just eat. Most of them cook in the cells or outside if they have recreation time. If you want to cook the food it costs you more because you have to buy wood or coal from the prison guards. Sometimes the lucky prisoners share their extra food with cellmates who have no family.*

*You can always tell which prisoners have money or relatives, because they are the ones who are a little bit fatter than the others and not skinny like me.*

*We normally drink rainwater or from the prison water tank. Each cell has two large containers that we can use to get the water. Most of us are used to this water and I don't think it makes us sick, but in prison you can never really be sure what makes you sick. If prisoners have money they can buy bottled water from the guards but they normally charge you double the price – outside it's normally 500 riel for a bottle but in here it can cost you 1,000 or 1,500 riel. It doesn't seem very fair.*

*That's the real problem in here, if you don't have extra money or relatives you will never have enough food or water, you'll always be hungry and thirsty. I don't have any family nearby or money so it's hard for me.*





## Official prison rations

The Ministry of Interior allocates to the Prisons Department just 1,500 riel (USD \$0.38) per prisoner per day. This sum is intended to cover not only the cost of feeding the prisoners but also all other costs associated with the prisoner, including transportation, sanitation, cooking fuel (wood), water, electricity and administration. It is obvious that this small amount can barely cover the prisoners' meals and it is the prisoners who ultimately suffer.

In reality, only the prisoners with money or family that visit are safe from daily hunger. While corruption may be frowned upon it is often the saving grace for those who can afford the food that they need to survive.

According to Prison Procedure No. 6 (article 4.1) prison directors are to ensure that prisoners receive at least two meals a day with the minimum food allowance being as follows:

Daily nutritional requirements for prisoners	
Items	Quantity
Rice	550g
Fresh or salted fish or meat	150g
Vegetables	150g
Cooking oil	10ml
Salt or fish sauce	10g
Soup ingredients	20g

However this is almost impossible. At current market prices in Phnom Penh, it would cost at least 1,700 riel to purchase these daily food requirements, even using the lowest quality ingredients.

The original prison ration of 1,000 riel (\$0.25) per prisoner per day was set by the government more than a decade ago and only in August 2006 did the amount increase to 1,500 riel. To put this in context, the internationally recognized poverty line for Cambodians is 1,826 riel per person per day, with approximately 1,460 riel for food (80%)<sup>4</sup>.

## What does LICADHO do?

The LICADHO Prison Project provides extra food and supplies to prisons during special celebrations for international days (Children's Day on 1 June and Women's Day on 8 March) and on an emergency basis. Food and supplies normally given include: floor mats, mosquito nets, water containers, milk, rice, seasoning, sugar, vegetables, salted fish and salt.



Women's Day celebrations 2006,  
CC2

<sup>4</sup> The World Bank. Frequently asked questions about poverty in Cambodia.

<http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/EASTASIAPACIFICEXT/CAMBODIAEXTN/0,contentMDK:20720197~pagePK:141137~piPK:141127~theSitePK:293856,00.html>

In particular LICADHO provided extra food and materials to prisoners in Kompong Thom prison during 2005 and up until September 2006 and is currently providing extra food and materials to prisoners in CC3. Food and materials are provided approximately every three months depending on funding. CC3 is located in an isolated area, near the Cambodia-Vietnamese border in Trapeang Thlong commune, Ponhea Krek district, Kampong Cham province.



Extra food distribution to CC3, March 2006

Many of the prisoners housed in this prison have been transferred from different provinces, so they are rarely visited or provided extra food by friends and family.



## 4. The costs of a visit

### Case Study 3: Prison visits

*In prison we have almost no contact with the outside world and just to see our relatives we have to pay money.*

*In prison, there is little we can do to provide for ourselves, so having relatives who visit you and bring you things is very important. It is not just food or money that we need, it can be other things like soap, medicine or clothes. Of course, seeing family is important because it can make you happy to know that people still care about you. Visits are also important to see a lawyer. We are locked up and have no idea what is happening in the outside world. I know lots of people in here who are in pre-trial detention and they are waiting for their court date, so seeing their lawyer if they have one is very important.*

*Visiting day is normally Thursday, however you can visit on other weekdays, if you pay more money. On the weekends or holidays they don't allow visitors. It's not always easy for people to visit prisoners. They have to have an identification card or a voting card. If they don't have this then they need a letter signed by a commune chief or commune police chief. If you are being punished for doing something wrong inside the prison, the guards might not allow visitors to see you. Some people are in here because of political reasons and they have problems seeing visitors, especially if an NGO worker wants to visit.*

*For those who are lucky enough to have visitors, it costs money. You can meet people in front of a glass window (2,000r – 50 cents), or separated by iron bars (15,000r - \$3.75) or you can meet face to face (40,000r – \$10). Of course the prices are never fixed so they can always change depending on the prison guards. I have heard that the prison guards sometimes even charge 80,000r (\$20) to 200,000r (\$50) for a visit when it is for new prisoners. They say the families of new prisoners are always more willing to pay.*

*Sometimes when visitors give the prisoners lots of food and other gifts, the prison guards take some of it. But sometimes the prisoner will freely share the food and materials with the prison guards and other prisoners. In prison you learn that it is hard to have possessions and sharing can make life easier.*

*In prison there are no phones either. We have to pay the guards to use their mobile phones and they charge double the normal price. But sometimes that is the only way we can contact the outside world. If you need to contact your family or your lawyer that is how you do it. Sometimes NGO workers can help deliver letters or messages for you.*

*I think because of the high cost of visits – like the cost to travel to the prison and then the cost just to get into the prison, most prisoners only have their relatives visit once a month or every two months or depending on when they can afford to come. If you don't have money or relatives with money you will find it hard to have any contact with the outside world.*

## Prison procedures and visitors

According to Prison Procedure No 8, Article 4.1 (n), “the collection of goods or money from visitors by any prison official for the privilege of visiting a prisoner is expressly forbidden.” Also, “all prisoners have the right to receive visits from families or friend for at least one hour each week at times designated in the prison rules by the prison chief.”<sup>5</sup>

These rules, however, are completely ignored. Corruption is rife within prisons. In previous reports LICADHO has documented how money is collected by guards at several points as visitors enter the prison. Considering that many prisoners are from poor families, this corruption is a significant disincentive to relatives trying to make contact and assist the prisoner.

### What does LICADHO do?

LICADHO is sometimes refused entry into the prisons and access to certain prisoners however it maintains a strict policy of not participating in corruption and refuses to pay for visits to the prisons.

There are occasions when high-profile detainees, political prisoners, or vulnerable inmates may find it difficult (or expensive) to receive visitors, so LICADHO will accompany friends and family members to help them gain access. In 2006, LICADHO prison researchers accompanied 15 family members of prisoners on visits to prison, including the following

- A mother who visited her son, charged with disinformation after he allegedly criticized the government.
- A 4-year-old child who visited her mother in CC2.
- A man who visited his brother in CC1, charged with committing terrorism.
- A woman who visited her husband, charged with human trafficking.



Wives of detainees (together with NGO workers) outside CC1, holding yellow T-shirts of support for their husbands after prison authorities refused them permission to give the T-shirts to their husbands in prison.

<sup>5</sup> Prison Procedure no. 8, 3(1)(n)

## 5. Passing the time

### Case Study 4: Prison recreation

*The early morning bell at 4am is my first reminder that it is the start of another day of my life in prison...*

*When the bell wakes us up at 4am, they normally turn off the lights around the prison. It is very early and there is a little bit of sun light. There is not much to look forward to during our days in prison, just sitting in our cramped cells. We don't get food for another six hours. I wonder why we wake up so early, its not like we have anything to do.*

*Once a week my cell mates and I are allowed out for recreation time. On that day we are allowed out in the morning and the afternoon, but for only for one or two hours at a time. We all get counted when we leave and when we return to the cell. How long we are allowed for recreation time depends mostly on whether the prison guards are in a good mood. I heard that you can pay the prison guards to have recreation time everyday. This would be good, if I had the money. During recreation time, four or five cells are allowed out at the same time. Since this is a large prison they have to limit the number of prisoners who are allowed to walk around because there are not enough guards to watch over us.*

*Even once we are outside in the sun, there is not much we can do. We are only allowed to walk around in one area, which is near our cells. We do not have any equipment to use so we just walk around and some people do exercises to stretch their arms and legs. Those prisoners who have food can cook outside too. Some people wash themselves or their clothes outside also. It is good just to be outside the cells, where the air is fresher and it is not cramped. It's something I look forward to.*

*When we don't have recreation time we just sit in our cells. We talk to each other and some people sleep. Most of our days are spent doing nothing. Some of the wealthier prisoners pass the time by using drugs, like 'yamma' that they get from their family or buy from the prison guards. We are not allowed to have newspapers or radios or TV. Sometimes people smuggle radios into the cells, but if the cell leader or the prison guards find out it will be confiscated and you may be punished.*

*There is a small area in the prison used to grow food and some prisoners are allowed to help farm plants and pigs. You are very lucky if the prison guards pick you to do this because you get to be outside the cell almost every day. This also gives you time to cook your own food, if you have some. I found out that the food and the pigs that are farmed are not actually grown for the prisoners. The prison buys the crops and the pigs and once they are big enough to harvest, they are sold to the market and the officials keep the money for themselves.*

*At 6pm the lights around the prison are turned on and later at 10pm the lights in our cell are turned off and it's a signal for the end of our day. Some prisoners have candles or lamps and use them when the lights go out. Most days I will barely move from the place where I sleep.*

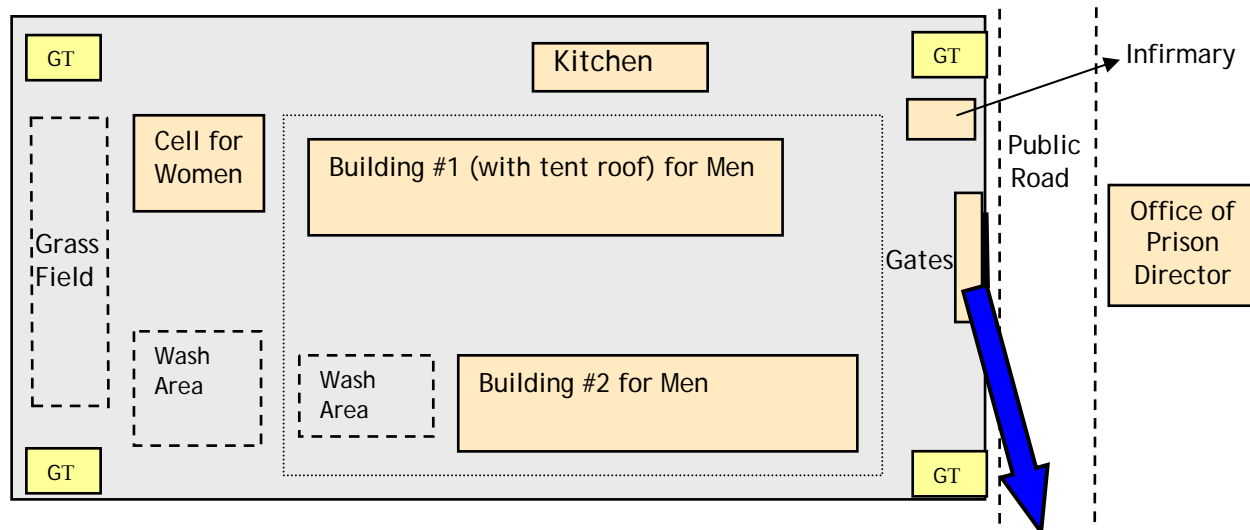
## UN minimum standards to recreation

Prisoners have the right to recreational time. According to the UN Standard Minimum Rules for the Treatment of Prisoners in article 21(1): “every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits.”<sup>6</sup>

The reality is that prisoners in overcrowded prisons are lucky to even have recreation time once a week. Prisoners in relatively less crowded prisons can have recreation time most days of the week and only those that can afford the bribes can get recreation time every day.

## Prison diagrams

### DIAGRAM OF KOMPONG THOM, A TYPICAL PROVINCIAL PRISON



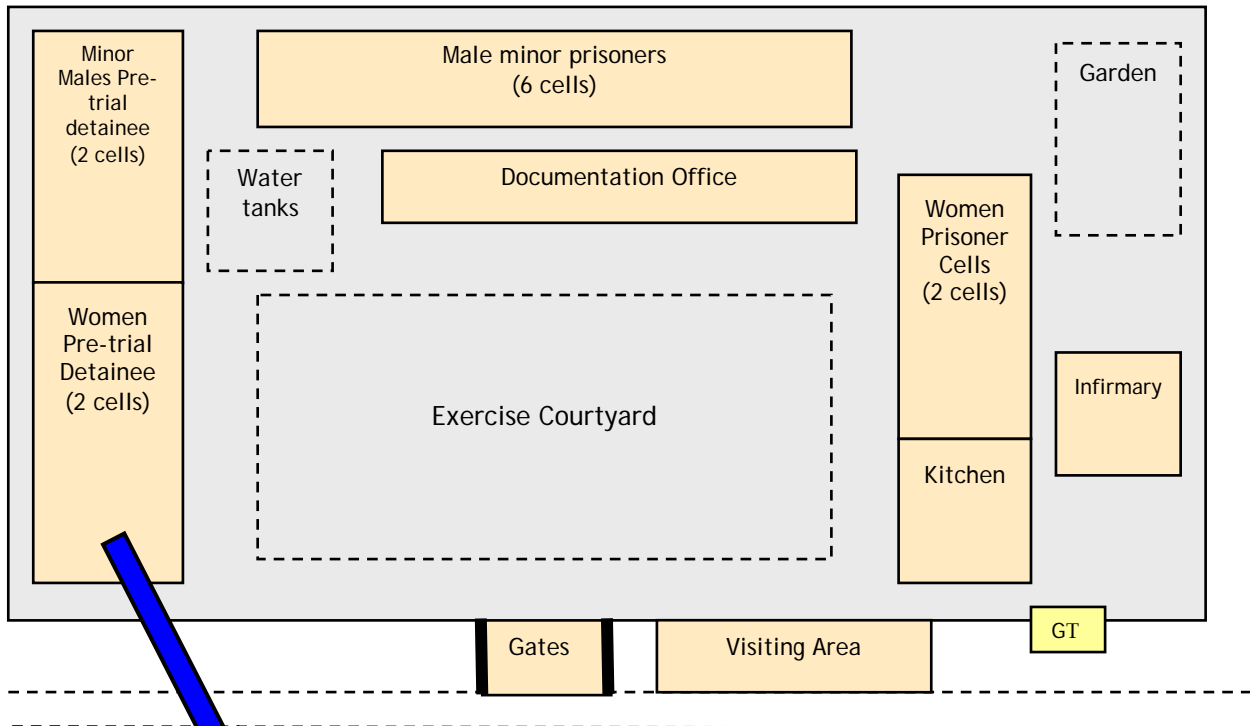
The above diagram approximates Kompong Thom prison. Building #1 consists of steel bars, a concrete floor and a plastic roof. Building #2 has concrete walls and solid roof with small windows near the ceiling. Each building is about 7.5 x 15m in size, and contains one common cell with no subdivisions. Prisoners sleep on straw mats on concrete slabs which run the length of the building. In October 2006 the two men’s buildings contained 115 prisoners (including five minors) and the women’s building held 11 women. Four guard towers (GT) and a small rain shelter for guards are located on the perimeter of the compound walls.



<sup>6</sup> Standard Minimum Rules for the Treatment of Prisoners [herein Rules for Treatment of Prisoners]. Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977. The Rules are not legally binding on Cambodia; however they have undeniable moral force and offer a guideline for countries that have none.

Kompong Thom is one of Cambodia’s most notorious prisons. It was built in 1905 by the French and has for years been seriously overcrowded. In January 2006 the prison was grossly overcrowded, so to ease tension, the prison director was forced to allow some prisoners to sleep outside the prison cell, creating security risks. Later that month, 17 prisoners were transferred to CC1 and 10 prisoners to CC3<sup>7</sup>.

**DIAGRAM OF CC2 PHNOM PENH, PRISON FOR WOMEN AND MINORS**



The above diagram approximates CC2. All buildings are solid concrete with several small windows. There are four large cells for females, with each cell housing approximately 60 women. For the minors, there are six small cells each housing approximately 30 minors and two larger cells each housing approximately 60 minors. In October 2006, CC2 was home to a total of 256 female prisoners and 285 minor prisoners, as well as 14 babies and infants living with their mothers in prison.

<sup>7</sup> The Cambodia Daily, Thursday, January 26, 2006. Volume 33, Issue 58.



Prior to 1999, CC2 (known then as T2) was home to male, female and minor prisoners, located in the outer suburbs of Phnom Penh. The majority of Phnom Penh's prisoners were housed in what was then called T3, a prison located centrally in Phnom Penh. After T3's land was sold to a private company in a lucrative deal, the land next to CC2 was purchased and T3 prison was relocated there. The initial plan was to house male, female and minor prisoners all in the new prison, but lobbying by NGOs convinced the government to separate adult males from females and minors. Now, CC2 operates as the country's only prison specifically for female and minor prisoners. Next door, CC1 is the country's largest prison, housing adult male prisoners.



## 6. Who watches over me?

### Case Study 5: Prison guards

*We live at the mercy of the prison guards, they are the law here and we must do what they say.*

*You never really know how many prison guards there are here. We only ever see the guards that patrol the area outside our cells or the ones in the towers looking down at us. They also change during the day and night. They usually carry wooden batons but some have electric batons and a few have guns. I keep my distance from the prison guards because I don't want to get beaten by them, which happens sometimes.*

*I have heard that the prison guards have tortured some prisoners. That doesn't mean they are hit once or twice with a baton, but it is when a prisoner gets severely beaten until they are unconscious or beaten so bad they need a doctor. Sometimes the torture happens when a prisoner is shackled to a pole in the cell or outside the cell for several days and can't move. Sometimes the torture is done because they did something wrong - maybe they were fighting or caught with banned items - but I don't think it's right for them to get beaten so badly.*

*I have never been tortured but I am very scared of it happening to me. I see some of the prisoners that have been tortured and they look very sad, like their spirit has been broken. If it ever happened to me I don't know who I could tell or even if I would tell anyone. You might get beaten for just talking about it. If you are lucky you may be able to tell an NGO worker if they interview you and a prison guard is not listening too closely to the interview. I really think you can be at the mercy of the prison guards, if they want to hurt you.*

*The prison director is the number one person in the prison and he is the person that authorizes what the prison guards do, but in the end I think the prison guards are the final authority in the prison. They are the people we have to pay in order to get more food or recreation time and they are the people our visitors have to pay when they come. They are the ones who decide what we can and cannot do. They are the ones that will beat us or tell the cell leader to beat a prisoner. The prison guards can also send us to solitary confinement in a small, dirty cell with no light.*

*I know some of the prison guards live on the prison grounds, you can see their children often playing around the prison. I think it must be cheap to live here -, you don't have to travel far to work and you can always see your family. But I don't think it is a very popular job. I hear the salary is not very high and I would not like to work in such a depressing place.*

*The prison guards have their own toilet and shower area, and they eat better food, but in the end they spend all their time working in this sad place that we call home. We live in such dirty conditions and so the prison guards have to work in them too, I think if prisoners get sick the prison guards often get sick too. There are no special doctors or medical care for the prison guards, they use the same health workers that the prisoners use and they also use the NGO doctors that sometimes visit the prisons. Sometimes I can understand why the prison guards ask for so many bribes because of the poor working and living conditions. I would not like to live here if I didn't have to.*

## Prison Guards

Prison guards earn 200,000 riel (\$50) per month, which is a significant increase from the previous salary of 90,000 riel (\$22.50) per month. The salary was raised in 2004 after the country's third election which resulted in the restructure of the administration of the Prisons Department. Many prison guards and their families live within the prison walls and have a standard of living not much better than the prisoners; for this reason it is hardly surprising that for many of the guards the prisoners are used as a captive market to supplement their salaries.

## Torture

Prisoners are protected against torture under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Cambodia has signed. They are also protected by article 12(1) of the UNTAC law (one of Cambodia's most fundamental laws) which states that "no detainee shall be subject to cruel, inhuman or degrading treatment or punishment, nor be beaten or tortured."<sup>8</sup>



A prisoner shackled while in hospital

The UNTAC law (Article 12), under the Treatment of Detainees, states that "prisoners must not be shackled or kept in isolation, whether they are in pre-trial detention or already sentenced." This means that shackles must not be used in any way on prisoners as a form of punishment. It is only supposed to be used as a security device for restraining a prisoner.

In the Proclamation on Administration of Prisons (Article 25) states that "handcuffs shall be the only instruments used for restraining prisoners and shall never be used as a form of punishment."<sup>9</sup> It also states that "prison chiefs may only order that handcuffs be used a) as a precaution against escape, or b) if other measures have failed to prevent a prisoner from injuring themselves or others, or from damaging property."

Interviews with prisoners reveal allegations that torture occur with some regularity, including the use of shackling. One particular incident in January 2006 recorded that three prisoners who attempted to escape were shackled in their cell for almost one month, and only after intervention by LICADHO prison researchers were the prisoners released from the shackles.

## Reported cases of torture

Cases of torture are likely to be under-reported. Gathering allegations of torture is difficult because some victims will not report incidents due to fear of reprisals, shame or psychological reasons. Furthermore, torturers occasionally employ techniques designed not to leave marks visible to interviewers, but which can cause serious internal injury. Finally,

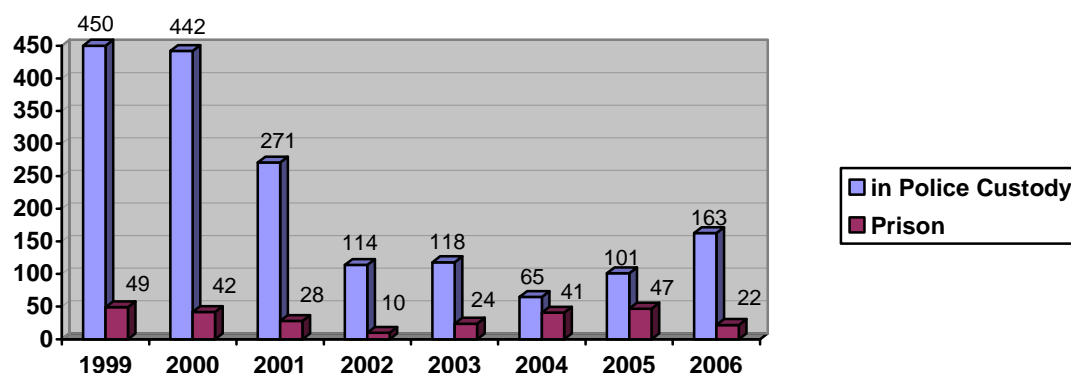
<sup>8</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. General Assembly resolution 39/46 of 10 December 1984; UNTAC, Article 12 (1)

<sup>9</sup> Prakas on the Administration of Prisons (1998)

interviews between LICADHO monitors and prisoners are sometimes conducted while guards and/or other prisoners are present.

The following chart indicates reports of torture by LICADHO interviewees over the past eight years. \*\*Note that the figure for 2006 is only for January to October 2006.\*\*

**Reports of torture, 18 prisons monitored by LICADHO, 1999-2006**



### Torture in Police Custody

Torture can occur quite easily in police custody because prisoners are often detained *incommunicado*, without access to family members, human rights workers, lawyers or medical staff. Police stations are closed to outsiders, so there is ample opportunity for torture without being scrutinized. Cambodian police frequently torture suspects to extract confessions, even though the information collected is highly unreliable, the confessions should not be admissible in court, and the police risk jailing the wrong suspect as a result. Allegations of torture in police custody are thus considerably more frequent than allegations of torture in prison. The chart below indicates where the most frequent reports of torture in police custody are made.

Reports of torture in police custody, 18 prisons monitored by LICADHO, 2004-2006			
Prison	2004	2005	Jan-Oct 2006
PJ	0	18	52
CC1	8	14	31
CC2	9	14	26
CC3	2	6	0
Toul Sleng	0	0	0
Takmao	4	14	24
Kompong Som	0	3	1
Kompong Speu	14	10	16
Kampot	3	3	0
Kompong Chhnang	5	6	0
Kompong Cham	2	2	1
Kompong Thom	2	1	0
Koh Kong	1	5	3

Pursat	6	2	0
Battambang	0	1	8
Banteay Meanchey	0	0	0
Siem Riep	9	2	1
Svay Rieng	0	0	0
<b>Total</b>	<b>65</b>	<b>101</b>	<b>163</b>

## Torture in Prison

The following chart shows all allegations of torture in prisons made to LICADHO prison researchers in 2004, 2005 and the first 10 months of 2006.

<b>Reports of Torture in Prison, 18 Prisons Monitored by LICADHO, 2004-2006</b>			
<b>Prison</b>	<b>2004</b>	<b>2005</b>	<b>Jan-Oct 2006</b>
PJ	0	0	0
CC1	1	2	0
CC2	11	0	0
Tuol Sleng	0	0	0
CC3	0	13	0
Kompong Cham	0	0	0
Kompong Som	0	6	0
Kompong Speu	0	0	0
Kampot	0	0	0
Kompong Chhnang	0	0	0
Takmao	0	0	1
Kompong Thom	16	24	17
Koh Kong	0	0	4
Pursat	12	0	0
Battambang	0	1	0
Banteay Meanchey	0	0	0
Siem Riep	1	1	0
Svay Rieng	0	0	0
<b>Total</b>	<b>41</b>	<b>47</b>	<b>22</b>

As the above chart indicates, reports of torture in prison have been made in nine of the 18 LICADHO-monitored prisons since 2004. Considerable numbers of torture allegations have been made by prisoners in CC3, Pursat and CC2 – which is quite alarming given that CC2 houses only female and minor prisoners.

## Prison Escapes

The following charts list the escapes recorded by LICADHO from January 2005 to June 2006. In any country, the occurrence of prison escapes is always alarming, as prison breaks pose a threat to other prisoners, prison guards and the public. Indeed, in 2005 four guards were seriously injured and a prison director killed in a prison break after the prison director was taken hostage (23 March 2005, Kompong Cham – CC3) and in 2006 a prison guard and nine

prisoners were killed when police opened fire and a grenade exploded during an escape attempt (18 June 2006, Battambang).

There are also reports of torture and suspicious deaths of prisoners after escape attempts. Furthermore, prison breaks also prompt officials to sharply curtail recreation time, family visits, and access to prisons by NGO monitors and medical staff, thus exacerbating the existing poor prison conditions.

### PRISON ESCAPES 2005

Date	Prison	Escaped	Killed	Recaptured
25 Jan 2005	Kompong Speu	1	0	0
23 Mar 2005	Kompong Cham (CC3)	36	18	9
10 May 2005	Battambang	1	0	1
4 July 2005	Kompong Cham	13	0	1
16 Aug 2005	Pursat	1	0	0
2 Oct 2005	Kompong Cham	7	0	7
12 Oct 2005	Kompong Cham	13	0	4

### PRISON ESCAPES 2006

Date	Prison	Escaped	Killed	Recaptured
2 Jan 2006	Pursat	4	0	0
8 Jan 2006	Kompong Thom	3	0	3
3 Feb 2006	Kompong Cham	1	0	1
6 Feb 2006	Koh Kong	1	0	0
8 Feb 2006	Battambang	1	0	0
8 April 2006	Kompong Thom	6	1	5
8 April 2006	Kampot	2	0	2
14 April 2006	Banteay Meanchey	1	1	0
3 May 2006	Battambang	1	0	0
11 June 2006	CC1	12	0	1
18 June 2006	Battambang	18	9	9
23 June 2006	Mondulkiri	3	1	3



*Female Guards at CC2*

### What does LICADHO do?

LICADHO prison researchers investigate all allegations of torture reported to them and, where possible, attempt to intervene on the prisoners' behalf. The LICADHO Medical Office also provides assistance where necessary.

The LICADHO Medical Office provides medical treatment and support on human rights issues not only to prisoners, but also to guards. This work is essential in ensuring humane prison conditions in the country, for a variety of reasons. First, the useful services provided by LICADHO to prison staff helps to ensure ongoing access and cooperation in the prisons. Secondly, in order to combat infectious disease, improve hygiene and deal with other health issues, LICADHO must treat all those who work in the prison. Thirdly, guards and prisoners, as individuals, are often

closer than one might expect, and despite the obvious power imbalance, their lives are significantly intertwined.

LICADHO's work with both prisoners and prison guards to raise awareness on how each party should expect to be treated, and also works towards challenging the culture of violence that exists in the prison system.



## 7. My health

### Case Study 6: Health care in prison

*I am always worried about my health because we live in such bad conditions and proper medical care is barely available.*

*It is very easy to get sick in prison because the cells we live in are always dirty and cramped. Lots of us are very weak because we eat so little food, drink unclean water and do not get enough exercise. To make it worse, we usually don't have soap to wash ourselves. If one person gets sick in the prison cell it often means other people in the cell will get sick. The most common health problems I have seen are skin diseases, respiratory problems, hepatitis B, malaria, typhoid and tuberculosis. I think some people have HIV/AIDS and they are normally very weak and sickly. I am scared I might get seriously ill or catch a disease because there is not much you can do when you get sick.*

*If you do get sick in prison, it is difficult to get medical treatment. The prison only has two or three health workers, but they are not doctors and I do not think they are very well trained. There is a special medical room in this prison with some medical supplies and equipment but I have heard that other prisons don't have a medical room or even simple medicines.*

*If you are very sick and can afford to pay, the guards may take you to a hospital outside the prison on a moto or in a car. If this happens, a prison guard will watch over you and you normally get shackled to the hospital bed – although I have heard of some prisoners escaping from hospital. If you cannot afford to pay then you just have to rely on whatever treatment the prison health workers can give you. Even this is not always available because the health workers are not on duty all the time. People have told me about cases when a prisoner has died because they were seriously sick and needed to go to hospital but it was nighttime and no one was available to give medical help. I really hope that that doesn't happen to me.*

*Sometimes a doctor from an NGO comes to the prison and gives free medical check ups. The NGO will normally come with maybe one or two doctors and a nurse and give general health checks to prisoners and the prison guards. Sometimes they may give medicines and food supplies. If someone is really sick, the NGO may ask the prison director for permission to send the prisoner to hospital for treatment, but this is quite rare.*

*You must also be careful about what you say during the medical check up, because a prison guard is normally watching over you. If the prison guard hears you telling an NGO worker about bad conditions or torture, they may beat you later. NGOs visit about every month but they are only able to see some of the prisoners – maybe 150 to 200 each visit, so you may not always be the lucky ones that get a medical check up.*

## Health Problems

While most of the health problems in prisons are also common in the general Cambodian population, the nature of the prison environment makes them more frequent and more severe. The following aspects of prison life aggravate health problems:

- **Overcrowding** exacerbating the transmission of infectious diseases.
- **Poor hygiene and sanitation** facilitates the spread of infectious and parasitic diseases.
- **Unsafe drinking water** can cause chronic diarrhea, typhoid, amoebic and bacillary dysentery, and internal parasites.
- **Poor diet leads to** vitamin deficiencies and related disorders, and weakens prisoners' resistance to infectious disease.
- **Lack of ventilation in prison cells:** Contributes to spread of infectious diseases, as well as respiratory problems such as bronchitis and rhinitis.
- **Inadequate recreation/outdoor time means a** lack of exercise and sunlight, which contribute to skin diseases, and generally makes it difficult for prisoners to maintain their health.
- **Poor medical treatment** contributes to the spread of infectious diseases and aggravates numerous health problems - many of which would be preventable with proper care.
- **Torture and violence has obvious** physical effects, but the psychological impact on prisoners is more subtle and can also affect their ability to maintain their own general health.

## Deaths in prison

As the chart below indicates, the number of deaths in custody (prison or hospital) continues to rise, and has risen faster than the growth in prison population.

Deaths in Custody, 18 Prisons Monitored by LICADHO, 2002-2006					
Prison	2002	2003	2004	2005	2006 (Jan-Oct)
P.J.	0	0	1	1	0
CC1	17	13	22	18	N/A*
CC2	1	5	3	5	4
CC3	0	2	2	36	21
Toul Sleng	0	0	0	0	0
Takmao	1	2	3	4	1
Kompong Som	3	1	1	1	1
Kompong Speu	3	2	2	4	1
Kampot	3	2	1	4	3
Kg. Chhnang	1	1	2	1	1
Kompong Cham	0	3	3	9	9
Kompong Thom	0	3	2	0	1
Koh Kong	0	2	2	0	4

Pursat	0	1	2	1	0
Battambang	6	4	6	9	6
B. Meanchey	3	2	3	5	2
Siem Reap	4	2	1	2	4
Svay Rieng	1	1	2	0	0
<b>Total</b>	<b>43</b>	<b>46</b>	<b>58</b>	<b>100</b>	<b>58</b>
<i>*CC1 has not provided information on prison deaths to LICADHO prison researchers since mid 2005</i>					

The larger prisons have registered the greatest total number of deaths in the past 4 years, including CC1 with 70 deaths and CC3 with 61 deaths. However relative to the prison population, it is some of the provincial prisons that have the highest levels of fatalities including: Koh Kong, Kompong Thom, Kompong Som, and Kampot.

### What does LICADHO do?

LICADHO believes that all people, including those in detention, have a fundamental right to health care. Following the establishment of its Medical Office in 1993, LICADHO began medical work in two Phnom Penh prisons. At that time, Cambodia’s prisons were in a state of crisis and health conditions were extremely precarious.

Now, more than a decade later, the LICADHO Medical Office is the busiest office within LICADHO as it visits 12 prisons every month<sup>10</sup> around the country, covering a prison population of about 1,700 prisoners. Each visit lasts about a day and for some larger prisons the visit is spread across two or three days. Each week the Medical Office will manage to visit three or four prisons and, like the prison researchers, all medical visits are prearranged with each prison.



<sup>10</sup> Takmao, Takeo, Prey Veng, Svay Rieng, Kompong Thom, Kompong Cham, Koh Kong, Kompong Som, Pursat, Battambang, and two prisons in Phnom Penh – PJ and Toul Sleng

The medical teams that go out on each visit consist of two doctors and one nurse and with them they bring medicines, medical supplies such as bandages and food. The medical visits aim to provide a general health check of the prisoners, at which time medical treatment can be given, medication prescribed (and administered by prison health workers) and any seriously ill prisoners can be referred for further treatment or admitted to a hospital. (Such referrals however are at the discretion of the prison director and the medical team can only make a request.) The medical visit also acts as a follow-up opportunity to check if medicine has been properly administered and no bribes have been demanded.

The health checks are normally conducted in the prison cells however sometimes they are conducted outside the cells. During each visit the medical team is normally able to see up to 200 prisoners.

In addition to the monthly schedule, the Medical Office is also able to make special visits when necessary to provide follow-up medical treatment for seriously ill prisoners or to give urgent medical treatment in emergency situations.

Between January and June 2006 the LICADHO Medical Office accomplished the following:

- A total of 3,573 prisoners (including 388 female prisoners) and 406 prison officials (including 45 female prison officials) received a medical check up;
- Vegetable seeds and planting material were given to prisoners in 15 prisons to establish or maintain vegetable gardens;
- A sanitation program was implemented in one prison to treat scabies. This included training in efficient ways to clean clothes and cells, the building of a new kitchen, toilets and sewage systems, and education for prisoners as well as prison officers about general and personal hygiene.



LICADHO medical check-up, June 2006

## 8. Different perspectives: women, children and minors

### Case Study 7: Women in Prison

*My name is Sam Ang. I am 35 years old and I live in a prison with both men and women.*

*From my cell I can see all the men in their cells. The cell for women is very close to the men. We are in a separate building but it is just next to the male prisoner building. I am not too afraid that the male prisoners are so close, most of the time they are locked up in their cells. However I know that many of the prisoners are murderers or rapists and if they had the opportunity I'm sure that the male prisoners would try something, so this does make we worry sometimes.*

*I'm not sure about the male prison guards, I'm sure they could hurt us if they wanted. I normally just keep my distance from both the male and female guards, although I know that some of the women wash the clothes of the prison guards to earn some money.*

*The women prisoners get to walk around outside the cells most of the time – I think we are easier to watch over than the male prisoners. The men have to take turns for recreational time, so most of the time there are some men in the recreation area when we are there. The men and women are allowed to talk with each other during recreation time.*

*The men normally wash themselves outside their cells but for the women we wash inside our cells with water in a bucket. It is also hard for us to keep clean because we don't have sanitary napkins. Those who have family who visit often may receive some sanitary napkins, or if you have money you can buy them from the female prison guards. Otherwise you just have to use a piece of cloth.*

#### **Prisoners with children**

*There are nine other women in my cell, so it is not too crowded, I know that the men have 30 or 40 prisoners in one cell. Three of the women in my cell have small children with them, one woman has a 3-year-old boy and two other women each have 1-year-old girls. The children in the cell make it a little more crowded but it is nice to have children in the cell. It means that the cell doesn't feel so much like a prison.*

*Even though it is nice to have your children with you, I think it can be difficult to raise your child in prison. If you are lucky enough to have family outside prison that can look after your children it is much easier. You don't have to worry about your child and they will be able to go to school. The women who normally have children with them don't have any family or anyone that can look after their children. I feel sorry for the children. In prison you still only get the same amount of food – there is nothing extra for the children to eat. There is no school for the children to go to and there is nothing for them to do or even play with. Sometimes the other women in the cell will share their food with the children.*

*Occasionally an NGO gives the prisoners with children extra food and supplies. They get powdered milk, rice, dried fish and clothes for the children. The food doesn't always last and sometimes the prison guards take some of it away from them but it does help the mothers. It's hard to get extra clothes for your children if you don't have much money.*



*It is also hard if you are pregnant. You don't get extra food or any medical attention and you have to give birth in the prison. If you are lucky an NGO may pay for you to be taken to a hospital, but that doesn't always happen. When you give birth in prison, there normally is no doctor just a prison health worker but also the health worker may not always be on duty. If there are any problems with the pregnancy I don't think it would be easy to get to a hospital.*

*Also since we don't get much food in prison, some mothers are very weak and can't breastfeed their babies. However some mothers prefer to feed their babies powered milk so breastfeeding is not a problem. Although this means they have to buy wood or coal from the prison guards to boil water or pay the prison guard to bring clean water to mix the powered milk in. It can be very expensive. If you can't afford the clean water you just have to use whatever water you can get and this can make the babies sick.*

## Separating Women

The UN Standard Minimum Rules for the Treatment of Prisoners section 8(a) states that “men and women shall, so far as possible, be detained in separate institutions. In the case of an institution that receives both men and women, the whole of the premises allocated to women shall be entirely separate.”

According to Cambodian Prison Procedure No. 3, women are supposed to be housed in separate facilities to men. However, these regulations are frequently violated:

- In five prisons (Battambang, Siem Reap, Kompong Cham, Svay Rieng and PJ), women's cells are adjacent to those of male prisoners. Ten of the 18 LICADHO-monitored prisons house women in separate buildings from men (CC2, Takmao, Kompong Som, Kompong Speu, Kampot, Kompong Chhnang, Kompong Thom, Koh Kong, Pursat, and Banteay Meanchey), while three prisons have no female prisoners (CC1, CC3 and Toul Sleng).



*Women's cells are often located next to men's cells.*

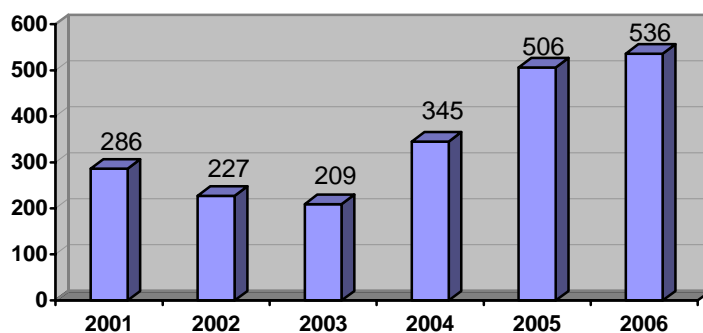
- Even where women are in a separate building, male guards frequently watch over female prisoners.
- Even where women are normally held separately, old and feeble prisoners are sometimes put in the women's cell to protect them from other prisoners (this is presently the case at Pursat prison).

The only exception is CC2 which is a separate prison for women and minors.



In October 2006 women accounted for only 6.3% of the population in the 18 prisons monitored by LICADHO.

**Adult female prison population**  
**18 prisons monitored by LICADHO, 2001-2006<sup>11</sup>**



**Adult female prison population - per prison in**  
**18 prisons monitored by LICADHO, 2004-2006<sup>12</sup>**

Prison	2004	2005	Jan-Oct 2006
PJ	5	6	9
CC1	0	0	0
CC2	166	253	256
Tuol Sleng	0	0	0
CC3	0	0	0
Kompong Cham	14	16	28
Kompong Som	21	10	7
Kompong Speu	5	8	7
Kampot	13	13	14
Kompong Chhnang	6	9	9
Takmao	20	18	19
Kompong Thom	11	14	11
Koh Kong	6	11	14
Pursat	29	10	5
Battambang	21	45	46
Banteay Meanchey	23	35	45
Siem Riep	2	52	56
Svay Rieng	3	6	10
<b>Total</b>	<b>345</b>	<b>506</b>	<b>536</b>

<sup>11</sup> All figures from December except 2006, which is from October

<sup>12</sup> Ibid

## Physical and Sexual Abuse

Over the years, there have been several reported incidents of women subjected to physical assault in prison. In 2005 there were 47 reports and in 2006 (January to October) there were 22 reports of physical assault. There were no reports to LICADHO of sexual assault or rape. However there was one case in October 2005 of an alleged rape by a prison guard in a prison that was not monitored by LICADHO. Sexual assaults are likely to be seriously underreported, due to coercion, feelings of shame and other psychological factors. The possibility of sexual assault, rape or other physical abuse remains high, particularly in prisons where women are guarded by men.

## Innocent Children Imprisoned with Mothers

In September 2006, 37 children under the age of six were living with their mothers in prison, including 22 infants less than 1-year-old. This is an increase from the 22 children incarcerated a year earlier. At various points over the course of 2005 and 2006, there were between four and 20 pregnant women in the prisons that LICADHO monitored.



Mothers with their children in CC2

According to Prison Procedure 34, children under the age of six are allowed to live with their incarcerated mothers in prison when it is considered in the best interest of the child.<sup>13</sup> There have been some incidents of children over the age of six who have been allowed to live with their mother, where there was no other option.

Because a child's first five years are so critical to their physical, social and psychological development, Prison Procedure 34 also requires prison authorities to provide such children basic provisions.<sup>14</sup> However, in reality, these basic needs are ignored. Children who are currently living in prison lack nutrition, provisions and education vital for proper development. In addition, children are subjected to physical dangers when housed with offenders who have committed serious crimes and are also at risk of mistreatment by the guards.

<sup>13</sup> Prison Procedure No. 34 "Pregnant Women and Children in Prison," article 3.2.

<sup>14</sup> *Ibid.*, article 4.1.

### Case Study 8: Minors in Prison

*My name is Sokly, I am from Battambang province. I am 14 years old and I live in a prison cell with 26 adult men.*

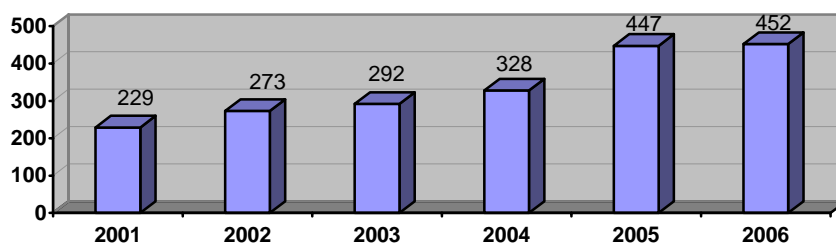
*There are other children in this prison but they are in different cells. We are not treated any differently from the adult prisoners. We eat the same food, we have the same recreation time, the same prison rules apply to us, and I even went to the same adult court when I was convicted and sentenced. I thought they might treat me differently because I am young but that does not happen in Cambodia. Some of the older prisoners do look out for me and keep me out of trouble.*

*I have been told that in the Phnom Penh there is a prison just for children. I would like it if I could live in that prison. I would like to be able to live with other people my own age because there is not much to do here in prison, most of all there is no chance to go to school. I used to go to school before I went to prison.*

*There are some prisoners here that I am scared of here because I know they are big criminals and powerful men, they have killed and raped people. My family doesn't come to visit me very often because it is expensive to travel to and enter the prison. I have two more years to serve on my sentence. It is a long time before I will be released, but when the day comes I am not sure what I will do. Maybe I will go back to school.*

In October 2006, there were 452 minors (between the ages of 13 and 18) in LICADHO-monitored prisons. Children under the age of 13 are not incarcerated as a result of a prohibition against *detaining* children under the age of 13 (UNTAC law art. 14.4).<sup>15</sup> LICADHO has no record of any minors in prison under the age of 13.

### Minors in prison, 18 prisons monitored by LICADHO, 2001-2006<sup>16</sup>



<sup>15</sup> United Nations Transitional Authority in Cambodia - *Provisions Relating to the Judiciary and Criminal Law and Procedure Applicable in Cambodia During the Transitional Period*, adopted by the Cambodian Supreme National Council in September 1992 [hereinafter "UNTAC"] The Law on Criminal Procedure (Article 38) states that "juveniles under 13 years cannot be detained for more than 36 hours." Article 38 also prohibits persons under the age of 18 from being detained in police custody in excess of 48 hours. The Law on Criminal Procedure Law was adopted by the National Assembly of the State of Cambodia on 28 January 1993 and promulgated by Decree No. 21 of Council of State of the State of Cambodia.

<sup>16</sup> All figures from December except 2006, which is from October

<b>Minor prison population - per prison 18 prisons monitored by LICADHO, 2004-2006<sup>17</sup></b>			
<b>Prison</b>	<b>2004</b>	<b>2005</b>	<b>Jan-Oct 2006</b>
PJ	1	0	0
CC1	0	0	0
CC2	200	283	285
Tuol Sleng	0	0	0
CC3	0	0	0
Kompong Cham	19	25	32
Kompong Som	6	11	6
Kompong Speu	6	7	7
Kampot	0	0	2
Kompong Chhnang	6	12	4
Takmao	10	21	14
Kompong Thom	4	6	5
Koh Kong	4	0	1
Pursat	39	12	14
Battambang	13	30	42
Banteay Meanchey	5	26	25
Siem Riep	8	4	0
Svay Rieng	7	10	15
<b>Total</b>	<b>328</b>	<b>447</b>	<b>452</b>

### Separating Minors in Prison

Cambodia has ratified the Convention on the Rights of the Child (CROC)<sup>18</sup> and by virtue of Article 31 of its Constitution,<sup>19</sup> the government is also obliged to abide by it. Nevertheless, in practice many of the provisions in the Convention are being breached.

Article 37(c) of the CROC<sup>20</sup> states that children must be housed separately from adults in prison: "in particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances."

In reality, however, minor prisoners are placed in cells with adults, because in most provincial prisons there is not enough room to house minors in separate cells. Another problem is that the women's and children's prison - CC2 - is considered to have better conditions than most other prisons, so some young adult prisoners incorrectly state their age as being under 18 years old. However in Cambodia it is reasonably common for people to not know their exact age, especially if they were born in a remote area or lack official records such as a birth certificate. Additionally, it is often the case that the age of a prisoner is determined by the arresting police officers who write down an estimate just by looking at the minor's face. There have been some unconfirmed reports of prisoners in CC2 in their late-20s.

<sup>17</sup> Ibid

<sup>18</sup> Convention on the Rights of the Child. General Assembly Resolution 44/25 of 20 November 1989.

<sup>19</sup> *Constitution of the Kingdom of Cambodia*, adopted by the Constitutional Assembly, September 21, 1993, Art. 31.

<sup>20</sup> Article 37(c) of the *Convention on the Rights of the Child*.

## Treatment in Pre-Trial Detention

Article 14(4) of the UNTAC Law states that “minors less than 13 years cannot be placed in pre-trial detention; minors 13 to 18 years of age may not be placed in pre-trial detention for more than one month.” This article also states that the period can be doubled to two months if the minor is charged with a felony (rather than a misdemeanor). The reality in Cambodia’s prisons is that minors are kept in pre-trial detention beyond the two month limit, some spending up to a year in detention before they go to trial.

## Juvenile justice



Minors in prison

Article 40(3) of the CROC<sup>21</sup> says: “State Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of or recognized as having infringed the penal law...”

Cambodia currently has no juvenile justice system. There are no separate courts or separate prisons for minors and there are no alternatives to imprisonment for minors.

Under Articles 75 and 76 of the Law of Criminal Procedure<sup>22</sup>, when the accused first appears before the investigating judge, the judge is required to inform them of their rights. This provision states that the judge must suspend the

interrogation until the accused has a lawyer. Article 76 also states that a lawyer must be automatically appointed by the judge when the accused “is a minor without defense.” In some cases accused minors have been unrepresented at trial.

Article 68(2) of UNTAC Law<sup>23</sup> outlines certain circumstances when a sentence shall be reduced. Accordingly, for accused persons under 18, the punishment should be reduced by half. Experience shows that judges normally apply this rule.

## What does LICADHO do?



In 2003, LICADHO started the Adopt-A-Prison Project to assist babies, children and pregnant women in prison. The program aims to facilitate individuals and organizations in providing assistance to these vulnerable groups in prison. In October 2006 13 individuals and

<sup>21</sup> Article 40(3) of the *Convention on the Rights of the Child*.

<sup>22</sup> *Ibid.*, Article 75 and 76.

<sup>23</sup> UNTAC, Article 68(2)



organizations were partners in the project and were helping to support 10 prisons that had prisoners with children living with them.

During 2005-2006, the Adopt-A-Prison Project has provided food, materials and medical assistance to children, their parents and pregnant women living inside Cambodia's prisons. Some examples include the following:

- The Embassy of the Order of Malta made bi-monthly visits to children, their parents and pregnant women in CC2. Provisions included food, plates, mosquito nets, cleaning materials, clothes and medicine to pregnant women and mothers with children. This assistance has been ongoing since 2002.
- NAAA Cambodia (an Italian NGO) provided assistance on a fortnightly basis to children, their parents and pregnant women living in Siem Reap prison. Provisions for food, materials, mosquito nets, cleaning materials, clothes, children's toys and medical assistance have been donated since 2005.
- Amnesty International Townsville (Australia) provided assistance on a monthly basis to children, their parents and pregnant women living in Svay Rieng prison. Provisions for food and materials have been donated since 2005.

The most pressing concern for children and pregnant women remains the need for nutritious food and access to clean water. The project is also concerned with the lack of education and developmental opportunities provided to incarcerated children, and is planning a second phase to develop solutions to this problem.<sup>24</sup>

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<sup>24</sup> For more information on the Adopt-a-Prison project see: [www.licadho.org/programs/adoptaprisson.php](http://www.licadho.org/programs/adoptaprisson.php)