

The Royal Kram

NS/rkm/1211/021

I,

Have promulgated:

The Law on Prisons passed by the National Assembly on 07 November 2011 in the 7th plenary session of the fourth legislature and reviewed and approved by the Senate in line with the form and the spirit of the law without any revision on 30 November 2011 during the 10th plenary session of the 2nd legislature. Here stated the whole content:

LAW ON PRISONS

CHAPTER 1

GENERAL PROVISIONS

Article 1

This Law is to provide for the administration of prisons in the Kingdom of Cambodia.

Article 2

The objectives of this law are to provide for:

- (a) The education, reformation, rehabilitation of prisoners to reintegrate them back into the society and to prevent recidivism;
- (b) The safe and secure custody, good health and humane treatment of prisoners in accordance with the international principles and the United Nations Rules for the Protection of Juveniles Deprived of Liberty.

Article 3

This law applies to all prisons in the Kingdom of Cambodia, except the military prisons or judicial police lock-ups and other places of detention specified under other laws.

Article 4

Key terminology used in this law is defined as follows:

OHCHR unofficial translation

- **'Prison'** refers to a place to detain persons who are under a detention order from the court authority, including detention centres and correctional centres.
- **'Juvenile'** refers to a person who is more than fourteen years of age but below 18 years of age.
- **'Prisoner'** refers to a person who is accused (*tchon tchop tchav*) or charged (*tchon troe tchav*) or tried (*pirotetchun*) or convicted (*tondet – i.e. with final sentence*) and is ordered by a Court to be detained in prison.
- **'Prison official'** refers to a person working for the prison system.
- **'Prison medical officer'** refers to an official designated to provide health care to prisoners in prison and who is accredited and registered as a medical doctor or a medical officer with the Ministry for Health
- **'Visitor'** refers to any person who is authorised to visit a prison for the purpose of seeing or giving assistance to a particular prisoner.
- **'Official Visitors'** refers to any public officials or representatives from organizations, authorized to visit the prisons or provide assistance to prisoners.
- **'National Preventive Mechanism'** refers to an independent mechanism established in accordance to the Optional Protocol on the Prevention of Torture or Cruel, Inhumane or Degrading Treatment.

CHAPTER 2

SCOPE OF ADMINISTRATION

Article 5

The Ministry of Interior is the competent institution to administer all prisons in the Royal Kingdom of Cambodia.

Article 6

The General Department of Prisons is the Department of the Ministry of Interior responsible for managing prisons.

The organization and functional structure of the General Department of Prisons shall be determined by Sub-decree.

Article 7

The specific status of prison staff shall be determined by a Royal Decree in accordance with the Law on the Common Statute of Civil Servants of the Royal Kingdom of Cambodia.

Article 8

Prison staff have specific uniforms, rank insignia, badges and equipments, and appropriate protection tools.

Article 9

The Ministry of Interior shall delegate functional authority of prison management to municipal/provincial authorities.

The municipal/provincial prisons are under the supervision of the Board of Municipal/Provincial Governors.

CHAPTER 3
PRISON INFRASTRUCTURE

Article 10

The prison infrastructure shall comply with the minimum standards for prison construction as specified by Prakas of the Ministry of Interior.

Article 11

Buildings and cells shall have enough natural light, natural ventilation, toilets with installed water supply system and electricity.

Article 12

Prisons shall have a health post, rooms for medical treatment of prisoners and a prison medical officer on a permanent basis.

The prison health service shall be under the responsibility of the Ministry of Health.

Article 13

Prisons shall have facilities for practicing religion, a library, and vocational training.

Article 14

Prisons shall arrange a place for prisoners' exercise.

Article 15

Prison shall have a working office and a functioning house for prison staff during the performance of their functions.

Article 16

The establishment, naming, location, official capacity, change of name, relocation and dissolution of a prison shall be determined by a Proclamation (Prakas) of the Minister of Interior.

CHAPTER 4**DETENTION****Article 17**

The admission and detention of any prisoner in a prison can only be upon reception of a detention letter issued by the court authority.

Article 18

Before admitting any person as a prisoner, the Prison Chief or delegated staff shall properly verify the identity of the prisoner according to the detention letter issued by the court authority.

Article 19

Prison medical officers shall conduct a medical check-up of any prisoner before admission into the prison, and record the result of the check-up as the health condition of the prisoner.

Article 20

As soon as possible upon admission, the prison staff shall provide orientation to each prisoner on the laws, prison regulations, access to legal representation, right to inform his/her family or relatives or other relevant institutions of his/her detention and location of the prison, as well as on the other rights and obligations as provided in this law.

In the case of foreign nationals, the Prison Chief shall authorise prisoners to inform their embassy, consulate or legal representation. If he or she is unable to do so, the Prison Chief must do so on his or her behalf.

After the orientation, the prisons shall take the prisoner's thumbprint and attach a photo or a digital photo, to be kept permanently on file.

Article 21

Each prison shall have a register identifying the prisoners and signed at every page by a representative of prosecution.

For juveniles and women, prisons shall keep a specific register and pay particular attention to the treatment of both sexes.

Article 22

The register shall be checked by a representative of prosecution and be submitted to any judge upon his or her request, as well as showed to any judicial police officer, who has been delegated such power from the judicial authority.

Article 23

Each prison shall create a file for each prisoner, including juveniles. All relevant information and documents are to be kept confidentially on the file.

Article 24

Each prisoner shall be medically checked by the prison medical officer. The record of the medical assessment shall include details of any injury, mental illness, physical impairment and other relevant details.

Regarding participation to prison work, during the first medical assessment the prison medical officer shall identify the prisoner's physical abilities and the record shall be kept in the file of the individual convicted prisoner, with attention to the specific and distinct needs of women and juveniles.

Article 25

Any form of torture and inhumane act or the use of means of restraint as a punishment shall be prohibited, with the exception of handcuffs as permitted under article 50 of this law.

Article 26

Charged persons, accused persons or tried persons shall be detained separately from the convicted prisoners.

Female prisoners shall be separated from male prisoners.

Juvenile prisoners shall be separated from adult prisoners.

Prisoners with transmittable diseases shall be separated from the others.

Article 27

Right after their admission to prison, the Prison Chief shall organise the security assessment of prisoners for the purpose of their security classification, in order to ensure security, safety and effectiveness of prison management.

CHAPTER 5
RIGHTS AND LIVING CONDITIONS OF PRISONERS

Article 28

Any prisoner is entitled to file a complain to the Prison Chief, Director General of Prisons, Royal Prosecutor, and General Prosecutor attached to the Court of Appeal, about abuse committed by fellow prisoners or by prison staff.

Prisoner complaints shall be lodged through a prison officer, an official visitor, visiting relatives, the prisoner's lawyer, or representative of the prosecution.

Any complaint shall be handled and responded to within a reasonable time.

No prisoner shall be punished or otherwise prejudiced for having made a complaint or a request.

Article 29

Prisoners are entitled to practice their religious beliefs and shall not be forced to practice any religion.

Article 30

Any prisoner who is not required to work outdoor due to legal or security reasons may be authorised to exercise on a daily basis.

Article 31

Foreign prisoners are entitled to communicate with their embassy, consulate or legal representation.

Any communication between prisoners and lawyers shall be confidential.

Article 32

All prisoners are entitled to receive and send correspondence.

Prisoner correspondence mail shall be opened in front of authorised prison staff, except correspondence between lawyer and client.

Prisoner correspondence shall be seized if it contravenes the security, safety and good order in and outside the prison.

Article 33

Prisoners shall be provided food ration as determined by Sub-decree.

Article 34

The provision of food to prisoners shall take into consideration special diet requirements according to health condition certified by a prison medical officer, or religious practice.

Prisoners may receive or purchase food from outside sources but such food shall be subjected to search by prison staff.

Article 35

A prisoner may be authorised to use his or her own money to purchase items for personal use or consumption, or receive such items from their family, relatives, friends or another outside source, if this has been approved and searched by the Prison Chief.

A prisoner shall not be authorised to purchase, offer, lend or sale any item to another prisoner.

Article 36

Funds and valuable items of prisoners shall be taken from prisoners with a proper record in the deposit book and kept in a prison account, or handed over to relatives or friends to keep for the prisoners if approved by the prisoner in signing or thumb-printing.

If necessary and approved by the Prison Chief, a prisoner may use his or her own deposited money.

Funds and valuables of a prisoner must be returned to the prisoner upon release.

Prisoners may keep personal medication if approved by the prison medical officer.

Article 37

Prisoners shall be authorised to receive announcements or important information through media programme, radio, television, magazines, newspapers, and communicate by phone with their families as arranged by the prison.

Prisoners may be authorised to participate in library activities in prison, or to borrow books for further studies in their cells in order to increase their knowledge.

Prisoners shall be informed of illness or death in their family and reciprocally the family shall be informed of the prisoner's illness or death.

Article 38

Any ill prisoner shall receive proper health care from the prison medical officer on daily basis.

Any seriously ill prisoner requiring treatment outside of the prison as requested by the prison medical officer shall be authorized by the relevant royal prosecutor. In case of emergency, the Prison Chief shall transfer the prisoner immediately upon request

from the prison medical officer to the hospital, and shall promptly notify the General Department of Prisons, the Board of Provincial/Municipal Governors, the concerned royal prosecutor, and the relatives or closest friends as requested by the prisoner. Upon positive treatment certified by the treating hospital, the prisoner shall be transferred back to prison.

Prisoners with mental illness, physical disability, or under the influence of drug shall receive specific health care.

Article 39

Detention buildings for female prisoners shall have female prison staff available at all time.

Male prison staff shall not be permitted to enter areas for female prisoners without being accompanied by a female prison staff, except in case of an emergency or for the prison security and safety.

Article 40

Female prisoners shall be provided with maternal health care before and after childbirth.

Pregnant female prisoners shall be authorised to give birth at hospital outside prison.

If a birth occurs in the prison, the place of birth must not be recorded as such on the birth certificate.

Article 41

Children accompanying their mother shall be authorised to stay with their mother in prison until the age of three years and shall be provided with food, clothing and health care. Custody of the accompanying children aged three years and above, if they have no custodian to take care of them outside of prison, then shall be the burden of the Ministry of Social Affairs, Veterans and Youth Rehabilitation.

CHAPTER 6 PRISON MANAGEMENT

Article 42

The essential aim of prison management is the education, correction and rehabilitation of prisoners, as per the central policy framework on prison reform.

Any disciplinary action on prisoners shall be taken at the minimum level necessary to ensure security, safety and good order only.

Article 43

Prison Chiefs are personally responsible for the good management of prison in compliance with the procedures and regulations as determined by Prakas of the Minister of Interior.

Article 44

Prison staff may search any prisoner and any prison facility to ensure security and safety in the prison.

A prisoner's refusal to be searched constitutes a disciplinary offence.

Article 45

In order to ensure security, safety and good order of the prison, prison staff and visitors shall be searched before entering the prison.

Article 46

The keeping or use of alcohol in the prison shall be prohibited.

A prisoner shall not be authorised to keep or use any items which threaten security and good order in prison.

Prohibited items shall be determined in the Prison Regulations.

Article 47

The Prison Chief may authorise prison officers, who have been appropriately trained to do so, to use weapons and technical equipment to ensure security and safety in prison while on duty.

The Prison Chief shall be responsible for the safe control of weapons and technical equipment.

Article 48

The Prison Chief shall promptly report to the Prosecutor, Board of Provincial/Municipal governors and the General Director of Prisons any information or incident which threatens or may threaten the security or safety of the prison.

Article 49

The Prison Chief may use armed force to ensure security and safety of the prison. In serious cases, the Prison Chief shall report and request the intervention of the joint armed forces of the provincial/municipal department.

Article 50

The use of handcuffs as a form of punishment of prisoners shall be prohibited. However, handcuffs can be used in the following circumstances:

- prison unrest;
- transfer or transport or removal from the prison;
- medical reasons;
- to prevent prisoners from injuring themselves or others or damaging others' property.

Article 51

Prisoners shall comply with and follow the prison regulations and instructions of prison staff.

Article 52

A prisoner, who commits a disciplinary offence against the prison regulations which seriously affects the good order of the prison, shall not be considered for sentence reduction and pardon for a period of one year. In case of recidivism, he/she must be detained in a separate cell.

The Prison Chief who issues an order for separate detention shall explain the reasons for such detention and shall report immediately to the General Director of Prisons.

An order for separate detention may last from 14 to 20 days. In case of recidivism, this order may be renewed.

During disciplinary action by separate detention, the prisoner shall not be authorised to meet with visiting relatives or to participate in activities in the prison.

Article 53

Any form of corporal punishment, detention in a dark cell, reduction of diet and collective punishment and the use of a prisoner to punish another prisoner shall be prohibited.

Article 54

The General Prosecutor attached to the Court of Appeal, Prosecutor, Investigating Judges and the Chief of Board of Investigating Judges shall undertake prison inspections in accordance with the Code of Criminal Procedure. The modalities, the procedure and organization of inspection shall be determined by a joint prakas of the Ministers of the Ministry of Interior and Ministry of Justice.

The National Preventive Mechanism shall be authorised to inspect prisons at any time and conduct confidential interviews with prisoners to monitor the conditions of detention and treatment of prisoners and provide recommendations for improvement with the purpose of preventing torture and cruel, inhumane and degrading treatment.

Article 55

Each prisoner shall be authorised to receive visits from family, relatives and friends, according to a determined schedule, except when it is prohibited by the judicial authority.

The Prison Chief shall post in public the schedule for prison visits as determined in the Prison Rules.

Article 56

Embassy, Consulate or other legal representatives who intend to visit prisoners from their country or whom they represent shall inform in advance the General Director of Prisons.

Family, relatives and friends of a foreign national, wishing to visit them in prison, shall submit a request to the General Director through their Embassy, Consulate or legal representatives.

Article 57

A visitor shall not carry any prohibited items as determined in the prison rules.

Article 58

Visitors may be refused entry, stopped or removed temporarily from the prison in case of an incident. A visitor who interferes with the security, safety and good order of the prison shall be arrested and subjected to legal action.

Article 59

Official visitors who wish to visit a prison shall inform in advance the General Director of Prisons of the purpose of the visit and request for the visit.

The result of the visit shall be reported verbally or in writing to the Prison Chief and the General Director of Prison. The information shall be considered confidential or otherwise approved by the Minister of Interior.

Article 60

A prisoner may be allowed to exit the prison temporarily according to an order of the Court, for attending hearings, for the purpose of case investigation or for providing evidence.

Article 61

The Prison Chief shall be responsible for providing security and safety during the transfer of prisoners to the Court or to outside hospitals.

Article 62

The transfer of a convicted person from one prison to another prison shall be authorised by the Minister of Interior, and notified immediately or no later than 3 days by the Prison Chief to the royal prosecutor at the court of origin and to the royal prosecutor at the court of destination.

The transfer of a non-convicted prisoner from one prison to another prison shall be notified to the royal prosecutor at the prison of origin and the royal prosecutor at destination or the General Prosecutor in charge of the case.

Where necessary, the General Prosecutor or the royal prosecutor may issue an order to transfer a non-convicted prisoner from one prison to another as required by the legal proceedings. This order shall be copied to the Cabinet of the Ministry of Interior.

When a prisoner is transferred from one prison to another prison, the prisoner's personal property, prisoner's file and medical records shall be transferred with the prisoner.

Article 63

If a prisoner escapes, the Prison Chief and the competent authorities shall report immediately to the Provincial/Municipal Department of joined armed forces, to the General Director of Prisons and to the competent royal prosecutor, in order to recapture the prisoner in accordance with the Code of Criminal Procedure.

Article 64

Any prisoner's death in prison shall be deemed suspicious. Prison officers shall preserve the place of death and the body and keep the prisoners who can witness. The Prison Chief shall inform the royal prosecutor to take investigative measures.

If a prisoner dies at the hospital, the Prison Chief shall inform the Royal Prosecutor. If the death is deemed suspicious, the Royal Prosecutor shall assign the forensic police to conduct an autopsy.

Article 65

The Prison Chief shall inform promptly the family, Embassy, Consulate, or official representative of the deceased to arrange for the removal of the body.

In case there is no family or relatives, the Prison Chief shall report in writing about the condition of the body to the royal prosecutor, the General Director of Prisons and the Birth and Death Registration Office of the deceased prisoner's usual residence. The cost of the funeral arrangements shall be borne by the State, as determined by sub-decree.

CHAPTER 7
EDUCATION, VOCATIONAL TRAINING AND REHABILITATION
OF CONVICTED PRISONERS

Article 66

Convicted prisoners shall be assigned to participate in legal education and social moral education programmes organised by each prison.

Article 67

Convicted prisoners shall be provided with all means to access general education programmes and vocational training programmes.

These programmes shall be integrated with the national education system and the national vocational training system.

Special attention shall be paid to the particular needs of juvenile convicted prisoners for education, vocational training, rehabilitation and reintegration in collaboration with the Ministry of Social Affairs, Veterans and Youth Rehabilitation and the Ministry of Education, Youth and Sports.

The Ministry of Education, Youth and Sports and the Ministry of Labour and Vocational Training shall cooperate with the Ministry of Interior to develop and implement education and vocational training programmes for convicted prisoners in prison.

Article 68

Low risk convicted prisoners who have been assessed as physically capable, shall be assigned to work as part of the prison's daily routine, or to perform any work in the public interest and for the benefit of the community, or assigned to participate in prison industry, prison handicraft and prison farming programmes.

Article 69

Prison industry, prison handicraft and prison farming programmes shall be developed in each prison, in order to provide opportunities to convicted prisoners to improve their skills to earn a living upon their reintegration into the community.

Article 70

Convicted prisoners who participate in prison industry, prison handicraft and prison farming programmes shall be equipped with protective equipment and tools for their safety at work.

Article 71

Following the approval from the Minister of Interior, the General Director of Prisons is entitled to enter into a contract with a natural person or a legal person, or a national organization or an international organization, to generate employment for the prison industry, handicraft and farming programmes, and is entitled to enter into a contract to sell the products from the prison industry, handicraft and farming.

Article 72

The use of income generated by the prison industry, handicraft and farming programmes shall be determined by a Sub-decree upon the request from the Minister of Interior and the Minister of Economy and Finance.

The procedure on the management of prison industry, handicraft and farming programmes shall be determined by Prakas of the Minister of Interior.

Article 73

Within six months before release, convicted prisoners shall benefit from a reintegration programme organized by prisons, in order to enable them to become citizens who can live well in the national society and local community.

CHAPTER 8

SENTENCE REDUCTION, PARDON AND RELEASE FOR CONVICTED PRISONERS

Article 74

The Board of Provincial/Municipal Governors shall establish a Committee to examine and assess the degree of reformation of convicted prisoners during their detention in the prisons under its administration. This Committee shall prepare a list of convicted prisoners who fulfil the criteria for sentence reduction and pardon, and submit it to the National Committee through the Director General of Prisons not later than 30 (thirty) days before each festival.

This Committee is composed as follows:

- Governor of the Board of Provincial/Municipal Governors Chair;
- A Representative of the prosecution attached
to the relevant municipal/provincial court Vice-Chair;
- Chief of Contest Team in the Provincial/Municipal Prisons Permanent Vice-Chair
- Deputy Prison Chief in charge of Education and Correction Member;
- Deputy Prison Chief in charge of Operation Member.

This Committee may have other members as needed.

The organization and functioning of this Committee shall be determined by order (deika) of the Governor of the Board of Provincial/Municipal Governors.

The Minister of Interior shall establish a Committee to examine and assess the degree of reformation of convicted prisoners during their detention in the Correctional Centres under its administration. This Committee shall prepare a list of convicted prisoners who fulfil the criteria for sentence reduction and pardon and submit it to the National Committee not later than 30 (thirty) days before each festival.

This Committee is composed as follows:

- Secretary of State of MoI in charge of Prisons Chair
- A representative of Prosecution attached to the First Instance Court which has competence over the Correctional Centre Vice-Chair
- Director of the Legislation Council at MoI Vice-Chair
- General Director of GDP Permanent Vice-Chair
- Chief of Department of Corrections Member
- Chief of Department of Operations Member
- Chief of Contest Team in each Correctional Centre Members

This Committee may have other members as needed.

The organization and functioning of this Committee shall be determined by Proclamation (Prakas) of the Minister of Interior.

Article 75

The Royal Government of Cambodia shall establish a National Committee to examine and assess the lists of convicted prisoners applying for sentence reduction and pardon submitted by the Provincial/Municipal Committees and the Ministry of Interior Committee. Upon examination and assessment, the Committee shall prepare the documentation for submission to the Head of Government for examination and finalisation, for onward submission to the King for the granting of sentence reduction and pardon not later than 10 (ten) days before each festival.

This Committee is composed as follows:

- Minister of the Ministry of Justice Chair
- Secretary of State of MoI in charge of Prisons Permanent Vice-Chair
- General Prosecutor attached to the Court of Appeal Vice-Chair
- A representative of the Council of Jurists (1) Member
- Chair of the Legislation Council of MoI Member
- A representative of Ministry of Justice (1) Member
- General Director of GDP Member
- Chief of specialised Departments of GDP (2) Members

This committee may have other members as needed.

The organization and functioning of this Committee shall be determined by a sub-decree (Anu-kret) at the request of the Minister of Interior upon the agreement of the Minister of Justice.

Article 76

Criteria and ranking of contests which are designed to encourage each convicted prisoner to work hard to reform themselves to become good citizens and reintegrate themselves in the national society in the future, shall be determined by a Directive of the Minister of Interior.

A convicted prisoner who realizes that he/she fulfils all requirements for sentence reduction and pardon but is not included into the list of applications prepared by the Prison Chief is entitled to file an appeal to the National Committee as set forth in article 75 of this law, with support from the Contest team of the prison.

Article 77

When necessary, the Head of Royal Government has the privilege to submit to the King an application for sentence reduction and pardon for a convicted prisoner at any time.

Article 78

The festivals, conditions, modalities and procedures for sentence reduction and pardon shall be determined by Royal Decree.

Article 79

Any convicted prisoner who is serving one or more sentences of imprisonment may be paroled, provided that he has shown good behaviour during imprisonment and appears to be able to reintegrate into society.

The conditions and modalities of implementing parole in this law shall comply with the provisions of the Code of Criminal Procedure of the Kingdom of Cambodia.

Article 80

The Prison Chief shall release a prisoner upon receiving written order from the court authority. In principle, a convicted prisoner whose term of sentence ends up on a Saturday, Sunday or a public holiday as set forth in law or regulation shall be released one day before those days in accordance with the Penal Code of the Kingdom of Cambodia.

**CHAPTER 9
PENALTY****Article 81**

Torture and acts of cruelty and other forms of abuse against a prisoner shall be punishable according to the Penal Code of the Kingdom of Cambodia.

OHCHR unofficial translation

Article 82

A prisoner who escapes from prison shall be punished according to the Penal Code of the Kingdom of Cambodia.

Article 83

The acts of prison staff who unlawfully detains a person, prolongs the period of detention, or unlawfully releases a prisoner, shall be punishable according to the Penal Code of the Kingdom of Cambodia.

**CHAPTER 10
TRANSITIONAL PROVISIONS**

Article 84

Legal instruments pertaining to prisons which have been applied shall remain valid until a new one takes over according to the principles of this law.

**CHAPTER 11
FINAL PROVISION**

Article 85

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

Done at the Royal Palace, Phnom Penh December 21, 2011

Signature and Seal

PRL.1112.1125

Norodom Sihamoni

Having submitted for signature to the King

Prime Minister

Signature

Hun Sen

Having notified Samdech Hun Sen, the Prime Minister

Deputy Prime Minister, Minister of Interior

Signature

Sar Kheng

No. 1078 ch.L

For copy and distribution

Phnom Penh December 26, 2011

Deputy Secretary General of the RGC

Signed and Sealed

Soy Sokha