



THE STATE OF CAMBODIAN PRISONS



A Report by the United Nations Centre for Human Rights
Cambodia Office



TABLE OF CONTENTS

v/prison.doc

The UN Centre For Human Rights		i
Acknowledgements		ii
Acronyms Used		iii
Prisons Visited By The "Prison Assistance Programme" Team		iv
	Paragraph	Page
Chapter 1 The State Of Prisons In Cambodia	1 - 12	1 - 5
Chapter 2 The Prison Assistance Programme: Training, Research And Action	13 - 24	6 - 10
Chapter 3 Prison Numbers: Where Are They All?	25 - 35	11 - 17
Chapter 4 Prison Administration And Personnel: Seeing The Wood For The Trees	36 - 47	18 - 23
Chapter 5 Conditions: Catch It Before It Falls	48 - 68	24 - 33
Chapter 6 Prison Control	69 - 80	34 - 38
Chapter 7 Contact: The Need For Transparency	81 - 92	39 - 42
Chapter 8 PJ Prison: How Things Can Go Wrong	93 - 114	43 - 47
Chapter 9 Siem Reap: Where There's A Will There's A Way	115 - 124	48 - 49

RECOMMENDATIONS

Literacy Programmes	1(1.1 - 1.3)	50
Security Protocol And Firearms	2(2.1 - 2.3)	50
Prison Rules	3(3.1 - 3.5)	50 - 51

Prison Health And Medical Services	4(4.1 - 4.14)	51 - 52
Prison Reconstruction	5(5.1 - 5.3)	52
Segregation	6(6.1 - 6.5)	52 - 53
Prison Register And Records	7(7.1 - 7.2)	53
Bedding, Clothing And Prisoner Supplies	8(8.1 - 8.3)	53
Food	9(9.1 - 9.6)	53 - 54
Exercise And Sport	10(10.1 - 10.2)	54
Discipline And Punishment	11(11.1 - 11.2)	54
Outside Contact	12(12.1 - 12.9)	55
Prison Personnel	13(13.1 - 13.1)	55
Inspection	14(14.1 - 14.3)	55 - 56
Work	15(15.1 - 15.4)	56
Administration	16(16.1 - 16.1)	56 - 57
Legislation	17(17.1 - 17.1)	57
Escapes	18(18.1 - 18.3)	57
Transfer Of Prisoners	19(19.1 - 19.1)	57
Women	20(20.1 - 20.8)	57 - 58
Juveniles	21(21.1 - 21.3)	58
The Closure Of T3 Prison And The Move To Prey Sar Prison	22(22.1 - 22.2)	58
Sanitation And Personal Hygiene	23(23.1 - 23.6)	58 - 59
Pre-Trial Detention (Arrest, Bail and Interrogation)	24(24.1 - 24.3)	59
Sentencing And Early Release Programmes	25(25.1 - 25.1)	59
PJ Prison	26(26.1 - 26.2)	60
Complaints Procedure	27(27.1 - 27.3)	60
Foreign Prisoners	28(28.1 - 28.1)	60

APPENDICES

Appendix I	61 - 64
Appendix II	65 - 72
Appendix III	73 - 98
Appendix IV	99 - 101
Appendix V	102 - 110
Appendix VI	111 - 112
Appendix VII	113 - 114
Appendix VIII	115
Appendix IX	116 - 118
Appendix X	119

THE UNITED NATIONS CENTRE FOR HUMAN RIGHTS
CAMBODIA FIELD OFFICE

The United Nations Centre for Human Rights is a branch of the United Nations Secretariat which provides services for U.N. bodies dealing with human rights and assists member states in relation to such matters.

On 20 december 1993, by Resolution 48/154 entitled "Situation of Human Rights in Cambodia" the General Assembly of the United Nations, recalling the earlier Resolution 93/6 of the Commission on Human Rights of 19 February 1993, welcomed the establishment in Cambodia of an operational presence of the United Nations Centre for Human Rights, following the departure of UNTAC. The mandate of the Cambodia Office was stated to be:

- (a) to manage the implementation of educational and technical assistance and advisory services programmes, and to ensure their continuation;
- (b) to assist the Government of Cambodia in meeting its obligations under the human rights instruments recently adhered to, including reports to the relevant monitoring committees;
- (c) to provide support to bona fide human rights groups in Cambodia;
- (d) to contribute to the creation and/or strengthening of national institutions for the promotion and protection of human rights;
- (e) to continue to assist with the drafting and implementation of legislation to promote and protect human rights;
- (f) to continue to assist with the training of persons responsible for the administration of justice.

The United Nations Centre for Human Rights was established in Phnom Penh on 1 October 1993. On 23 November, 1993, Mr. Justice Michael Kirby of Australia was appointed Special Representative to the Secretary-General for Human Rights in Cambodia.

The present report is submitted pursuant to this mandate.

NB. This is an advance copy to be approved by the United Nations Centre for Human Rights. The report was compiled from research conducted as part of prison visits during the months March through July 1994 and some further investigations up to November 1994. The prison population is constantly changing and these figures therefore do not necessarily reflect the current situation.

ACKNOWLEDGEMENTS

The Cambodia Office of the United Nations Centre for Human Rights (UNCHR) wishes to thank their Excellencies Sar Kheng and You Hockry, Co-Ministers of Interior and Excellency Chem Snguon, Minister of Justice for their support and encouragement of the Prison Assistance Programme. We wish also to thank the staff of the Prison Department, Ministry of Interior and in particular the immediate past Director Yin Sreang, Director Na S. Hieng, Deputy Director Sreng Sreang and Liaison Officer, Col. Liv Vanly. Also, many Government officials, prison staff, judicial officials and NGO representatives gave freely of their time and advice. To our students in the programme and to the prisoners who told us their stories many thanks.

Thanks also to our companions and colleagues in this project from the American Refugee Committee, Mr. Sin Kim Horn, Mr. Som Sopheap and Dr. Gabriel J. Otterman from Physicians for Human Rights.

The report was written by Peter Condliffe, Chief of Education, Training and Information.

UNCHR staff involved in the project were Ing Vannary and Leapho, Human Rights Assistants, Kyle Gillespie, Education and Information Officer. Special thanks to Kathy Nielson, United Nations Volunteer for her help in editing.

Inquiries should be addressed to :

Cambodia Office
United Nations Centre for Human Rights
P.O.Box 108
Phnom Penh
Phone: 855-15-91-3446
Fax : 855-23-62176

Acronyms Used

ARC	American Refugee Committee
ICRC	International Committee of the Red Cross
LICADHO	Cambodian League for the Promotion & Defence of Human Rights
MDM	Médecins du Monde
MJ	Ministry of Justice
MI	Ministry of Interior
PAP	Prison Assistance Programme
PHR	Physicians for Human Rights
SMRTP	Standard Minimum Rules for the Treatment of Prisoners
SOC	Government of the State of Cambodia
TCP	Provision Relating to the Judiciary and Criminal Law and Procedure Applicable in Cambodia during the Transitional Period, 1992
UNCHR	United Nations Centre for Human Rights
UNTAC	United Nations Transitional Authority in Cambodia
WATSAN	ICRC water & sanitation programme in Cambodian Prisons

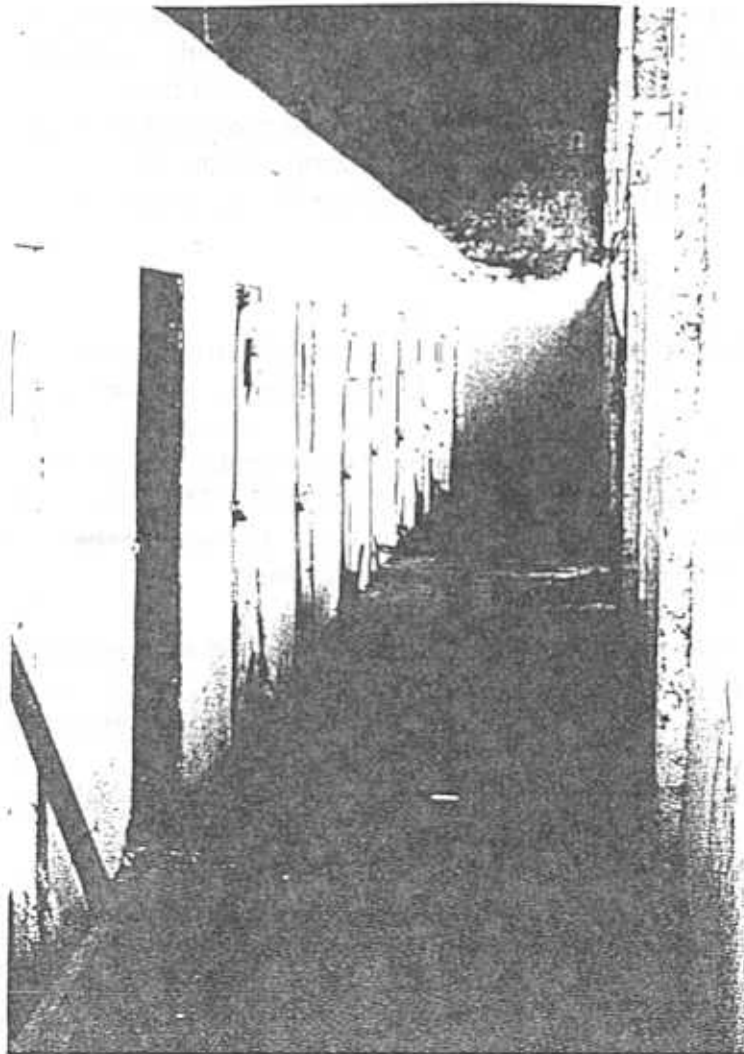


* Prisons visited by the "Prison Assistance Program" team.
Phnom Penh: 3 Prisons

CHAPTER I

INTRODUCTION : The State of Prisons in Cambodia

1. Cambodia's prisons are in a state of crisis. Penal administration is in disarray. Prison buildings are in many cases literally falling down. Medical care is often non-existent and disease and malnutrition are rampant.



Cell Block - Takmao Prison

2. The importance of the prisons to those who are interested in human rights and the administration of justice cannot be underestimated. They are a keyhole through which one can see the playing out of systems of justice or injustice as they exist here. The case notes herein are the best illustrations of these justice/injustice discourses or stories. It is in the prisons and other institutional settings that one will see the reflections of human rights in this country most clearly. It is in the prisons that we can quickly and clearly perceive the regard given to human rights.

3. The prisons are largely the products of the periods in this country's recent history when it was under occupation. That is, during the period of French colonial rule or more recently during the Vietnamese occupation. Certainly the systematic use of prisons in Cambodian society is only very recent. It is as if the Cambodians themselves have had little interest in building such places. Whatever the merits of this line of reasoning the prisons are clearly the responsibility of the present government. However, the realization that the prisons were mainly built during these two disparate periods of Cambodian history does indicate several possible explanations as to why they are now in a state of crisis. First, many of them are old dating back to the thirties. Second, many of them were hasty constructions erected to house the sudden rapid increase in prison numbers during the post-Khmer Rouge period. Third, they are probably representative to many Cambodians of abhorrent and alien regimes and therefore unworthy of much consideration. However, the issues and problems presented by the idea and reality of prisons will simply not fade away by ignoring them. The present government will have the responsibility of both rebuilding old prisons and building new ones.

UNTAC

4. The poor state of Cambodian prisons emerged during the period from March 1992 to September 1993 when the United Nations Transitional Authority in Cambodia (UNTAC) provided some supervision and control of government agencies. The Human Rights and Civpol Components of UNTAC began regular inspection and monitoring of prisons in early 1992. They quickly found that: " . . . Cambodian prisons did not come close to meeting basic international standards". The Human Rights Component found:

- 1) Widespread shackling of prisoners, both as punishment and also as a routine security measure.
- 2) The use of solitary confinement cells lacking light or ventilation for extended periods of time.
- 3) Prisoners who were either shackled or kept in dark cells were not allowed out to exercise.²

5. In a statement dated 4 July 1993, His Royal Highness Prince Norodom Sihanouk referred to overall conditions in prison as "deplorable."

6. There were many reported instances of deaths related to malnutrition and associated illnesses. In June 1992 the Government of the day, the "State of Cambodia" (SOC), issued a directive through the Ministry of National Security and Interior (MI) to remove all shackles. This led to a reported decrease in their use although their use continues. Case Note 1 taken from the Human Rights Component Final Report indicates the seriousness of the problems faced in 1992.

¹⁾ United Nations Transitional Authority in Cambodia, Human Rights Component Final Report (UNTAC), September 1993, Phnom Penh p 18

²⁾ Ibid p. 19

Improvements

7. The Human Rights Component conducted two reviews of all prisoners in August 1992 and July 1993 resulting in the release of hundreds of prisoners against whom there was insufficient evidence or who had already been held for excessive periods of time without trial. Despite these reviews the inability of the court system to process trials has not prevented a similar situation of overcrowding and such lack of regard for legal rights from reoccurring.

8. In January 1993, the International Committee of the Red Cross (ICRC) commenced a water and sanitation program (WATSAN) in Cambodian Prisons. Eighteen prisons were visited with new wells, toilets and septic tanks being installed where necessary and feasible. In addition, there was a program of whitewashing of cells, treatment against scabies, distribution of soaps, mats and mosquito nets and the rehabilitation of cooking and garbage disposal areas. This valuable program was discontinued in June 1994.

Case Note 1 :

The UNTAC Period : On 1 July 1992, Human Rights Component Officers visited the T3 Municipal Prison in Phnom Penh. On talking to the prisoners they were informed that five prisoners had died in custody over the previous three weeks, allegedly from various illnesses associated with malnutrition. One prisoner had died shackled to a cement block in the prison. The other four men died in the prison hospital. The deaths were confirmed by prison authorities. Prisoners asserted that the men had swollen bodies before their deaths, and that at least one lost his speech three weeks before dying. Many of the remaining 143 prisoners were in extremely poor health. All prisoners were put in leg shackles each night from 3:30 pm until 7:00 am. In one building, 27 of the 34 total prisoners complained of having swollen areas of their bodies, numbness, and difficulty in breathing. 19 prisoners claimed that they vomited regularly after eating. Thirteen of these prisoners claim to have malaria. Prison officials asserted to UNTAC that 31 prisoners had been sent for treatment recently, however 4 of those 31 prisoners were counted among the deceased. Further, based on the findings of an earlier UNTAC investigation in PJ prison in Phnom Penh, it was pointed out to the prison officials that 18 of the 27 remaining sick prisoners are now in PJ, allegedly awaiting treatment. Those 18 men have been inspected by UNTAC doctors and were found to be in serious condition.³

9. The United Nations Conventions that Cambodia ratified in 1992 and that provide relevant norms are the International Covenant on Civil and Political Rights, the Convention against Torture and the Convention on the Rights of the

³ Ibid. p. 20

Child. Other relevant United Nations norms include the Standard Minimum Rules for the Treatment of Prisoners and the Body of Principles for the Protection of All Persons Subjected to Any Form of Detention or Imprisonment⁴. It has been generally agreed that by the end of the UNTAC period prison conditions had considerably improved. This was especially so in the area of health where deaths from illness and malnutrition had dropped off considerably. Regular inspections by CIVPOL and the Human Rights Component moderated the worst abuses and in some cases, created a climate of reform which enabled a number of prison administrators to considerably improve their particular facilities. As well the election of a new government in 1993 has seen recent reforms at the central level including the institution of regular prison inspections, raising of the daily monetary allowance per prisoner, and the reorganization of prison administrative and financial structures. However, despite these improvements the Final Report indicated that conditions in Cambodian prisons continued to fall short of international standards. This Report will also show much more needs to be done. The government will require assistance if the worst excesses of the past are not to be repeated.

10. As of November 1994 there are approximately nineteen hundred prisoners in the twenty-four Cambodian civilian prisons. This is an extraordinarily low number by international standards, (see Chapter 3). This low number reflects three interconnected characteristics of the Cambodian criminal justice system. These are, in summary :

1. The inherent weakness of formalized systems of public enforcement and adjudication;
2. The reliance upon informal "self help" systems to resolve disputes; and
3. The consequent lack of public and enforceable standards of conduct.

11. Cambodians have little prospect of going to prison as a punishment because the means to put and keep them there are lacking and because other forms of punishment and control are utilized. A consequent outcome is that if systems of enforcement and adjudication are improved and made more efficient then there are likely to be more prisoners in Cambodian prisons. For example, the Siem Reap Court now hears approximately sixty criminal cases per year. If this court improved its efficiency to hear one hundred cases per year adding a further thirty prisoners to the lists then the impact on this relatively good, but crowded provincial prison would be definitely detrimental. Therefore, any improvement and reform of Cambodia's criminal justice system must be accompanied by complementary reform of its prison system. In other words the prison system is an integral part of the criminal justice system. The prisons reflect upon the whole

⁴ See: Human Rights Compilation of International Instruments, United Nations Centre for Human Rights.

justice system. The investigation, dispensing and enforcement of justice requires that those who pay the price of imprisonment do not experience the fate of absolute degradation now witnessed in many Cambodian prisons.

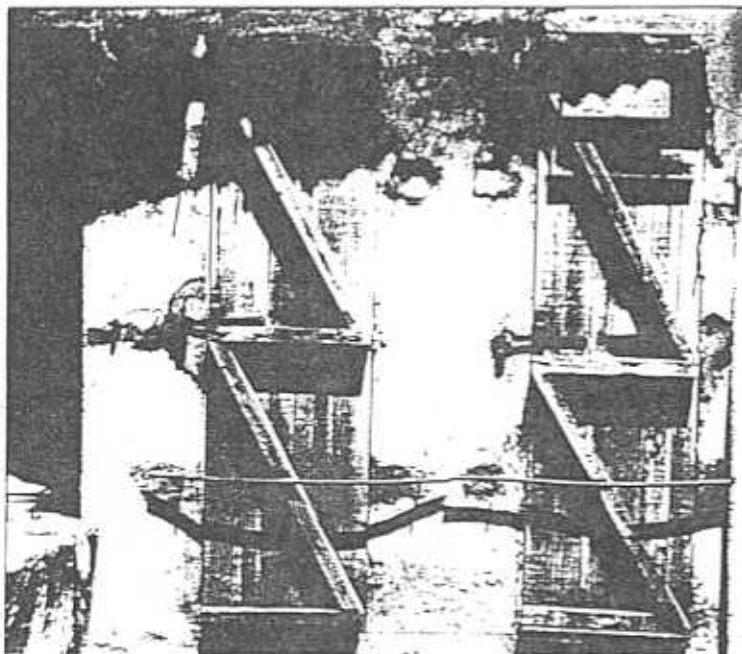
12. This Report is written for the assistance of the Cambodian Government as well as existing and potential donors and those organizations already working in prisons. The various Chapters of this report will also indicate possible areas of reform and there is, in addition, a comprehensive list of recommendations. This Report came out of the Prison Assistance Programme (PAP) of the Cambodia Office of the United Nations Centre for Human Rights (UNCHR) with the assistance of the American Refugee Committee (ARC) and Physicians for Human Rights (PHR). It was truly a team effort and indicates the value of inter-agency and inter-disciplinary co-operation and an approach which integrated training, research and action. It was also a collaborative effort with the Department of Prisons of the Ministry of Interior (MI) and the Ministry of Justice (MJ). The personnel involved, methodologies employed and other such matters are described in the next chapter.

CHAPTER 2

THE PRISON ASSISTANCE PROGRAMME (PAP) : Training, Research and Action

Introduction

13. The PAP was conceived in December 1993 as a training programme for Prison Officers and others such as Prosecutors and Court Officials who had responsibilities connected with prisons. However, after a period of consultation it was realized that for maximum results the programme should be expanded in three substantial ways. First, it was decided to include a research component in the programme so as to properly ascertain the conditions existing in Cambodian prisons. Second, the ARC, an international NGO which at the local level had developed considerable expertise in medical human rights training, was invited to participate. This also facilitated the involvement of an intern stationed at ARC, Dr. Gabrielle Otterman from PHR, an American based medical human rights group. These NGOs would be primarily responsible for a medical survey of prisoners. Third, an "action element" was introduced into the programme. This envisaged advising local prison administrators, police and court staff of the conditions in their local prison, areas of concern and possible solutions with available resources. This would culminate in the issuing of a report by the Cambodia Office and the holding of a seminar to involve members of government authorities, prison administration, justice administration and interested NGOs as well as United Nations agencies. PHR also decided to prepare a separate report for submission to the Cambodia Office.



Dark Cells - Prey Veng Prison

14. The PAP objectives were:

- 1) To assist Cambodian officials in developing a comprehensive plan for prison reform ;
- 2) To assist in improving coordination and cooperation between prison officials, the police and the courts and;
- 3) To assist in the establishment of parameters for an ongoing training programme for prison officials.

<u>THE PRISON ASSISTANCE PROGRAMME (PAP)</u>	
<u>TRAINING</u>	A twelve hour training programme in selected prisons which would also act as a process of consultation. To be centred upon existing Cambodian law, international instruments and their relationship to local conditions
<u>RESEARCH</u>	Approximately ten per cent of prisoners randomly selected in all prisons visited. Half for "medical interviews" and half for "general interviews." Consultations with prison officers, court police and sometimes other Government officials.
<u>ACTION</u>	Local consultations, provision of advice and support, information campaign to emphasize crucial issues, seminar series.

15. The support of the MI and the MJ were crucial. Happily both of these ministries were very supportive. Arrangements for the attendance of students, the provision of liaison officers to travel with the PAP team and ongoing support were forthcoming.

Training

16. In all, 313 prison and 38 other officials participated in a twelve hour training programme outlined in Appendix I. Each participant was provided with copies of the United Nations Standard Minimum Rules for the Treatment of Prisoners as well as summaries of relevant Cambodian laws and procedures. The programme outlined in Appendix I was modified due to security concerns when Kampot prison was excluded and substituted by T5 prison in Kompong Cham Province. Pursat prison was also surveyed but no training programme was carried out.

17. The prisons visited and numbers of participants in each programme is shown

in Table 2.1 below.

Table 2.1 Prisons Visited and Numbers of Participants			
Name prison	No. of Prison Officer Participating	Total No. of Prison Officers in Each Prison	No. of Court Officials Participating
Battambang	22	55	1
Kompong Cham	26	45	3
Kompong Cham-(T5)	44	84	-
Kompong Chhnang	13	29	17
Kompong Som	10	25	3
PJ	37	44	3
Prey Veng	19	27	2
Prey Sar	26	67	-
Pursat	--	30	-
Svay Rieng	18	32	2
Siem Reap	35	54	5
T3	30	78	-
Takmao	33	33	2
Total	313	603	38

18. The training Programme had three essential components. These were :

- 1) an introduction to relevant Cambodian law and procedures relating to detention and imprisonment;
- 2) an introduction to relevant international human rights standards; and
- 3) a consultation on local prison conditions.

19. The first two components were completed through a series of lectures, small group discussions, simulations, homework assignments and tests. The third was completed by use of a specially prepared questionnaire which was given to all students who completed it as part of a homework and small group exercise. A "master" sheet was then derived from each group as answers were agreed to in the group. See [Appendix 2](#) for a sample of the survey instrument. This process of consultation (along with the prisoners survey - see below) also enabled the preparation of "Prison Masters" for each prison which are collected in [Appendix 3](#).

Research

20. Permission was obtained from the MI to conduct interviews of prisoners. It was agreed that, where possible, approximately 5% of prisoners in each prison be

sampled by means of "general survey" (See [Appendix 4](#)). A further 5% would be surveyed by means of a "Questionnaire on Prison Health Care in Cambodia" conducted by PHR and ARC (See [Appendix 5](#)). Table 2.2 gives an outline of the "general survey".

TABLE 2.2 : Number of Prisoners Interviewed as part of "General Survey"

Name prison	Freq	Total No. of Prisoners	% of Prisoners interviewed
Battambang	10	205	4.87%
Kompong Cham	6	93	6.45%
Kompong Cham (T5)	13	251	5.17%
Kompong Chhnang	5	47	10.63%
Kompong Som	3	59	5.08%
PJ	9	216	4.16%
Prey Veng	6	95	6.31%
Prey Sar	6	56	10.71%
Pursat	3	31	9.67%
Svay Rieng	5	69	7.24%
Siem Reap	5	98	5.10%
T3	8	154	5.19%
Takmao	6	101	5.94%
Total:	85	1475	5.76%

21. PHR has decided to prepare a report using as a basis its survey instrument and will submit this to the Cambodia Office separately.

22. Analysis of the data obtained from both surveys was made using the EPI INFO programme developed by the Epidemiology Program Office, Centre for Disease Control and the Global Program on AIDS, World Health Organization which is in the public domain. Although the general survey was only partly concerned with health data the EPI INFO programme was very suitable for the requirements of the PAP as it included the features of such programmes as SAS, SPSS and data base programmes like dBase.

CASE NOTE No. 2

THE DEAF MUTE

The Cambodia Office embarked on its prison survey in March 1994. With questions prepared the first prisoner (randomly selected) presented himself. He could not answer any of the questions! He appeared to be mute and perhaps deaf or incapable of answering. Also, he could not respond to written questions. The issue this immediately posed was if our skilled translators could not communicate with him who else could? What consideration had been given to these matters during his transition through the Cambodian legal system? How many others like him are in the system?

Action

23. All visits to prisons were preceded by a brief consultation with the relevant Prison Director and/or local Deputy-Commissioner of Police - the police official responsible for prisons. During the course of the training and research programmes local as well as generic problems and possible responses were discussed. For example, in several instances sick and wounded prisoners were transferred to a local hospital; shackles were surrendered; isolation cells closed off; sports programmes introduced; prisoners segregated; prison rules changed; prisoners released and security improved. Of particular note was the alleviation of the deplorable situation encountered at PJ prison in Phnom Penh first visited on the 22nd April 1994. This intervention resulted in the involvement of the United Nations Special Representative of the Secretary General for Human Rights in Cambodia, Justice Michael Kirby and of a number of local and international NGOs. The result has been the substantial renovation of this prison and the reduction of its prison population from over 200 at the time of the initial visit to 15 prisoners at the time of writing. Chapter Seven provides a more detailed account of this extraordinary episode. Implicit in this aspect of the PAP was the ongoing support of the MI and MJ whose trust and confidence in the programme was necessary and which was facilitated by a deliberate policy of sharing of non-confidential information. In particular, it was extremely important to convey the message to prison administrators and personnel that the severe problems faced by the prison system (and the justice system as a whole) would not be resolved if they were hidden away.

Conclusion

24. The ability to integrate the training programme with research and action elements enabled the PAP to operate in a system sensitive way and as a vehicle for ongoing personal, local and hopefully systemic change.

CHAPTER 3

Prison Numbers: Where Are They All ?

Introduction

25. Cambodian prison authorities unlike many similar authorities in the world are not secretive about the number of prisoners held in the twenty-four civilian prisons. Also, the Prisons Department of the MI keeps a reasonably up to date record of prison numbers. What these figures show, in general terms, is two significant features.

26. The first feature is that there appears to be a gradual increase in prison numbers after the drastic reductions that occurred mainly due to the release of political prisoners and the intervention of UNTAC in the two years following the Paris Peace Accords in 1991. On the 20th January 1994 the Prison Department reported a total of 1779 prisoners including 81 females. The latest figures released on the 7th September 1994 by the same source indicate that there are 1981 prisoners including 93 females. This represents a twelve percent increase in actual numbers in less than a year. There is reason to conclude from contact with prison, court and Government authorities that this trend will continue (See Table 3.1 below).



Prisoners Lineup - Kompong Som Prison

Table 3.1: Prisoners in Civilian Prisons - 7th September 1994.

No.	Name of the Prison	Number of Prisoners	Female prisoners
1.	Battambang	213	10
2.	Banteay Meanchey	92	1
3.	Kompong Cham	123	13
4.	Kompong Chhnang	57	2
5.	Kamput	57	8
6.	Kompong Speu	59	0
7.	Kompong Thom	49	1
8.	Kandal (Takmao)	96	6
9.	Koh Kong*	46	3
10.	Kratie	23	1
11.	Mondulkiri*	15	0
12.	P.J	36	10
13.	Preah Vihear	5	0
14.	Prey Sar	157	0
15.	Prey Veng	72	1
16.	Pursat	44	2
17.	Ratanakiri	19	0
18.	Siem Reap	97	3
19.	Sihanoukville	60	5
20.	Stung Treng*	26	2
21.	Svay Rieng	68	2
22.	Takeo	75	5
23.	T.1 (former T3)	237	20
24.	T.5 (Tropoeng Phlong)	255	0
TOTAL		1981	93
* Reported figures only to June 1994			

27. The second feature is the small numbers of prisoners in comparison with other countries. The prisoner-to-population rate (measured in number of prisoners per 100,000 citizens) in Cambodia is approximately 22. Human Rights Watch estimates that in 1986 the average prisoner-to-population ratio for all regions in the world stood at roughly 106.⁵ They also conclude that the figures on imprisonment in many countries have not declined since then and are probably understated.⁶

28. The reasons for this low number by international standards are complex but involve a combination of factors including the resolution of many criminal matters (and civil disputes) through informal means, and reliance upon "self - help" systems. Also, there is a large amount of anecdotal evidence to show that many Cambodians lack either the means, confidence or usually the power to make complaints. They have a realistic fear that to do so would either be non-productive or incur reprisals from those who may be affected. Cambodians live in a society which for many purposes (with the possible exception of divorce and certain civil matters) does not bear the effective imprint of a system of law or effective legal remedies. The establishment of such a system will take some years and a real commitment by the Government.

29. However, it has been shown that some achievements and progress have been made in this area. A Supreme Court and Appeal Court have been established. Defenders have been trained and are more regularly representing clients. Police, prosecutors and judges are in training. A rejuvenated law school will soon commence graduating students and human rights groups are identifying needs. With assistance to the police, courts and officials gaining momentum over the next few years it can be expected that the criminal justice system will become both more effective and efficient. However, these improvements will pose a continuing dilemma to the prison system because conditions will further deteriorate without a commensurate increase in resources. Donor Governments and aid agencies are generally loath to contribute funds to prison systems for a number of reasons including the perceived unpopularity of such assistance in their own countries. However, the prison system has to be seen as part of the justice system. Without an adequate prison system there can be little hope of a truly adequate criminal justice system developing. Condemning people to sentences via an increasingly efficient process of adjudication to overcrowded and rotting prisons is the spectre that Cambodia (and many other countries) face. The ability of the Cambodian Government to finance the necessary improvements and expansion of the prison system is limited and it will require assistance.

The PAP Survey: Prisoner Profile

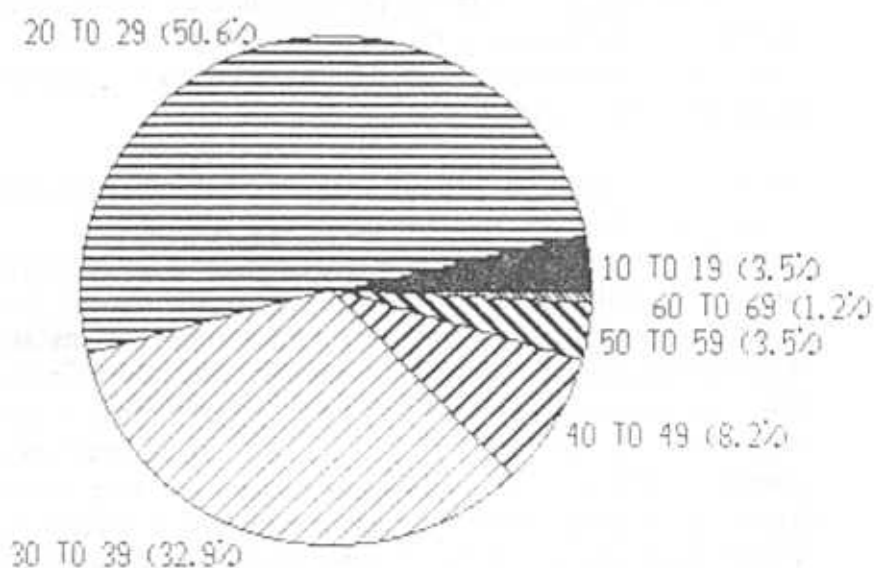
30. Of the eighty-five prisoners randomly surveyed, 3.5% (3) were females. This

⁵ The Human Rights Watch Global Reports on Prisons, Human Rights Watch, June 1993, p. 125-127.

⁶ *Ibid.*, p. 127.

is slightly lower than the estimate of the Prison Department which in January 1994 showed a female population of 4.5% (81) and in September 4.6% (93). The number of children (those under 18 years of age) is harder to estimate because the Prison Department has no reliable figures. The following Pie Graph 3.1 gives a breakdown of the age groups. It shows that 3.5% (3) of the sample were aged between 10 and 19 years. On these figures it could be extrapolated that there are probably between 60 and 90 children in Cambodian prisons. This does not include infants who are presently staying with their mothers of whom there are a small number.

Pie graph 3.1 : Age groups of Prisoner Sample



The largest single group is the 20-29 year-age group comprising 50.6% (43) of the total sample.

31. 42% (36) of the prisoners sampled had not been sentenced. (referred to as detainees) each waiting an average of over thirteen months (these were rounded out to the nearest month). Bar graph 3.1 below indicates how long each detainee has been waiting for trial. Two had been waiting 108 months! Over 10% have been waiting more than two years.

Bar graph 3.1 Length of Wait for Trial.

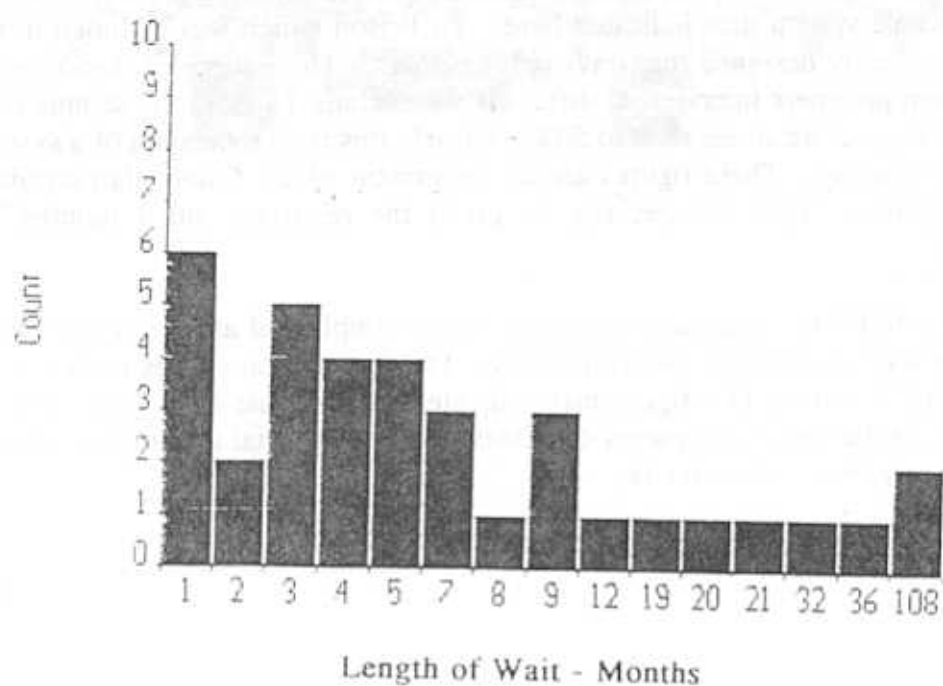


Table 3.2 below indicates the spread of these figures.

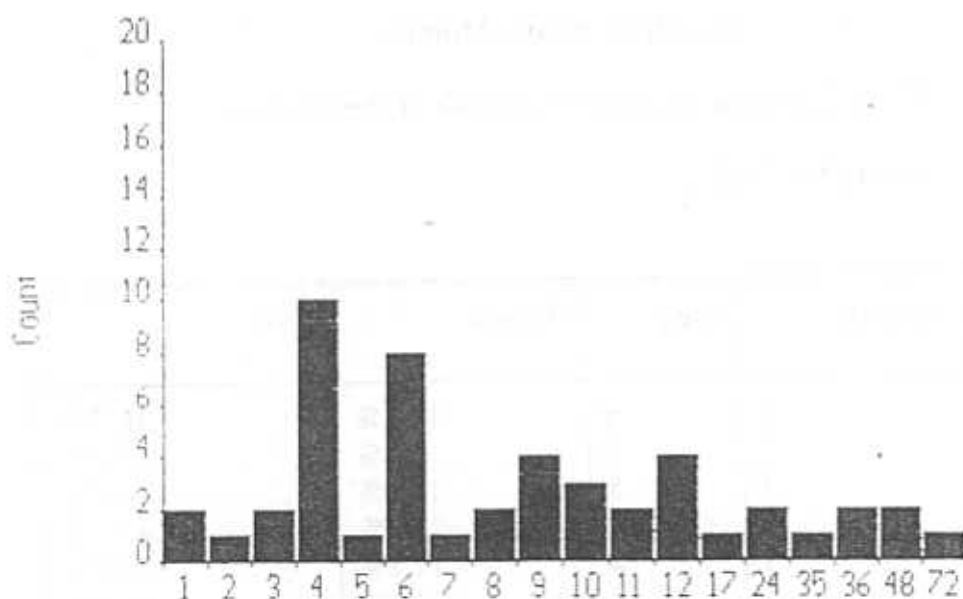
Table 3.2 : Waiting for Trial

How long waiting (Months)	Freq	Percent	Cum.
1	6	16.7%	16.7%
2	2	5.6%	22.2%
3	5	13.9%	36.1%
4	4	11.1%	47.2%
5	4	11.1%	58.3%
7	3	8.3%	66.7%
8	1	2.8%	69.4%
9	3	8.3%	77.8%
12	1	2.8%	80.6%
19	1	2.8%	83.3%
20	1	2.8%	86.1%
21	1	2.8%	88.9%
32	1	2.8%	91.7%
36	1	2.8%	94.4%
108	2	5.6%	100.0%
Total	36	100.0%	

32. In fact the percentage of persons detained in prisons waiting for trial is worse for the whole system than indicated here. T5 Prison which was included in the PAP is a facility designed for convicted prisoners. There were no detainees of the thirteen prisoners interviewed there. If we exclude T5 from the sample then the percentage of detainees rises to 50%. Clearly this is an indication of a system that is in disarray. These figures are an indictment of the Cambodian criminal justice system. This is especially so given the relatively small number of detainees.

33. The 58% (49) of prisoners sentenced in the sample had an average pre-trial detention wait of just over twelve months. The distribution of this is shown in Bar graph 3.2 below. This figure may indicate that there has been a drop off in the ability of the system to process detainees. Bail or pre-trial conditional release is very rarely used in Cambodia.

Bar graph 3.2 : Pre-Trial Detention



Females and Children

34. The three females in the study were located at Kompong Cham, Prey Veng and Siem Reap prisons. Two had been sentenced. The other had been waiting five months in pre-trial detention. Of the three prisoners under nineteen years of age one had been sentenced whilst the other two had been waiting nine months and three months respectively in pre-trial detention.

Case Note No. 3

Detention Of a Minor For 7 Months

During a visit to PJ prison a girl aged 17 years was found detained for a period of over seven months. On inquiry it transpired she was being held along with another female detainee aged 28 for allegedly detaining a minor in an attempt to sell her to a brothel. On a later visit to the prison we were told that the two had been discharged by the Municipal Judge at trial.

The Judge advised that the two were detained on the orders of an Investigating Judge pending trial on a charge under Article 35 for illegal confinement. At the hearing the Prosecutor charged the two under Article 42(3) for procuring a minor for purposes of prostitution. He said he acquitted the two as there was no evidence. He further said the alleged victim was aged 21 years. According to the judge, the first accused was the owner of a house who rented rooms for prostitutes. The second accused was a prostitute who rented a room at this house and the alleged victim also rented a room in the same house.

Though the judge said that he acquitted the two for lack of evidence, the charge under Article 42 would not have been tenable given the fact that the alleged victim was aged 21 and thus not a minor. The Investigating Judge also caused the detention of a minor (second accused aged 17 years) for over seven months in contravention of Article 14(4) of the Transitional Criminal Provisions which lays down a maximum period of two months pre-trial detention for minors.

Prison Registers

35. Each prison keeps a prison register. Usually this consists of a large bound volume with one or two lines of information about each prisoner. Whilst strictly in conformity with the Standard Minimum Rules for the Treatment of Prisoners the registers are usually the only information pertaining to prisoners kept in the prison. Also they are often badly kept, sometimes illogically ordered and without such vital information as next of kin. None of the prisons kept comprehensive records on their prisoners.

CHAPTER 4

PRISON ADMINISTRATION AND PERSONNEL : Seeing The Wood for The Trees.

Introduction

36. The administration of the twenty-four civilian prisons in Cambodia is byzantine in its complexity. Spread between three Ministries and layers of officialdom it is a system which requires overhaul. Although ostensibly under the central management of the MI many prisons seem to be virtually autonomous units under the control of local Police Commissioners. It is a system which inevitably contributes to many problems, such as the generally poor communication to and supply of prisons, the low morale of prison officers and the poor training they receive.

CASE NOTE No. 4

THE CHILD AND THE ALIBI: The Case for Medico - legal Collaboration

At Kompong Chhnang prison a young boy and his mother had been arrested on suspicion of theft. There was also a three year old member of the family staying with them. No formal charges had been laid. Upon further investigation which included interviews with the boy, his mother and a local human rights NGO which had been involved in the case it was ascertained that the two had a good defence in that at the time of the alleged theft there were several reliable eyewitness reports that they were in fact somewhere else. Further, the Prosecutor and Judge involved had no solid evidence to back up the charge. There was simply a complaint from the stall owner from where the theft had allegedly occurred followed by some representations to the court by military officials related to the stall holder.

Accordingly whilst visiting the court this case was raised for consideration. In particular, it was pointed out that:

- 1) the boy's age precluded him from being imprisoned pursuant to Article 14(4) of the Provisions Relating to the Judiciary and Criminal Law and Procedure applicable in Cambodia during the Transitional Period (TCP).

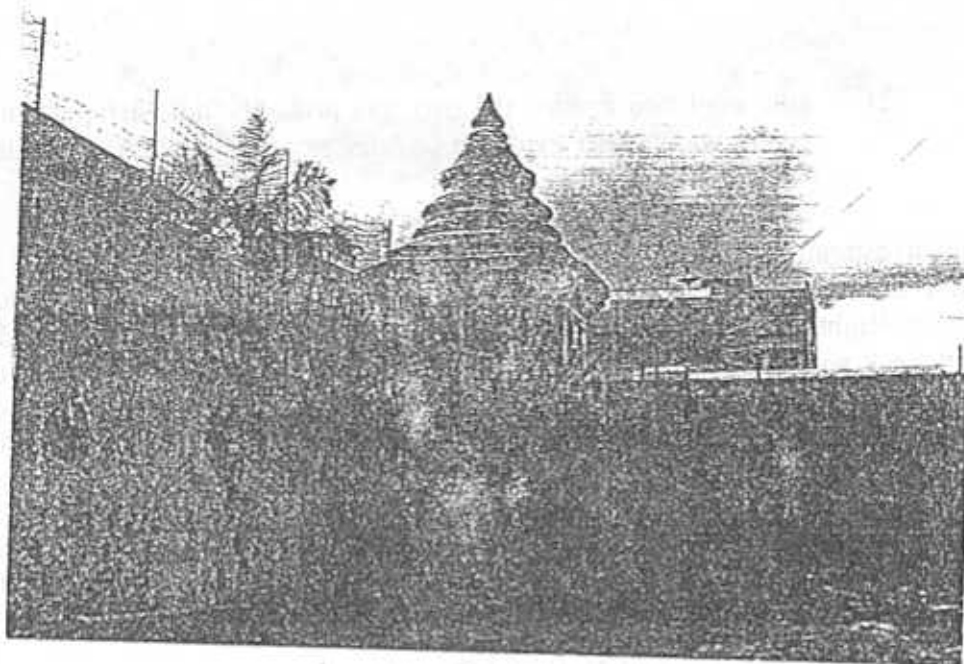
- 2) the evidence against the two was probably not sufficient and there was further evidence of relevance that could be provided by the human rights NGO.

The Investigating Judge asked if the boy's age could be proved. We said it could and a medical examination was arranged through Physicians for Human Rights who verified the age of the child. The Judge said he would also check with the local school about which class the boy was in. Soon after the boy was released. The mother was held some time further but was eventually released following representations on her behalf by a defender in the employ of another human rights NGO.

The Ministry of Interior and National Security

37. The MI is the central prisons administration. Its Department of Prisons with approximately seventy staff members has overall responsibility including supply, prison personnel (including the daily food allowance for prisoners) and the implementation of Government policy. It has direct control over T3, Prey Sar and T5 (Kompong Cham) prisons and their 347 staff. The Department is divided into three sub-offices respectively, Payment and Promotion, Prison Documentation and Prison Administration. In practical terms, however, apart from these three prisons, the other twenty-one prisons are under the effective day to day control of local Deputy Commissioners of Police to whom Prison Directors report and are responsible. This system of control is reinforced by the perception amongst prison personnel that they are a part of the police force. Their uniforms, ranking system and the administrative location of the Department of Prisons within the MI reinforces this perception. The control of prisons by police authorities is an unfortunate one especially as many of the prisoners held are in pre-trial detention. In particular, it results in two undesirable tendencies. The first is to view prisons as "police lock-ups" and therefore merely an extension of police jurisdiction proceeding from the arrest and initial detention stage. The second is the lack of mediation of police power through the existence of a sufficiently differentiated prison system.

38. Besides the role of local police authorities, the administration of prisons is further complicated by the role played by the MJ, the Ministry of Health and by the passage of recent Ordinance 31 (See paragraph 42).



Interior - T3 Prison

The Ministry of Justice and the System of Inspection

39. The MJ exercises an inspectoral role and according to the Minister "applies the law, checks the registers and prison conditions."⁷ This role is exercised through the authority of local Prosecutors attached to the Courts. They also have practical control over the transfer of prisoners. This inspectoral role was initially proclaimed by a Declaration of the MJ on 7 July 1993.⁸ When this decree was seen to be not fully observed by Prosecutors a further Declaration, known as Declaration 509, was proclaimed in mid-September 1993 articulating the inspectoral duties of Prosecutors.⁹ A copy of this Declaration is attached to this report as Appendix 6. Declaration 509 is an important milestone in the administration of Cambodian prisons because it specifies for the first time the number of visits to be made (two per month), the verification of numbers of detainees (those who have not been tried), living conditions, segregation, sanitation and health matters. The PAP verified that eleven of the thirteen prisons were inspected twice per month. One exception was T5 prison in Kompong Cham which, because of its isolation and the extremely bad roads, make visits extremely difficult. The other was T3 Prison (Phnom Penh) which is not always visited twice per month but regularly receives at least one visit. There are numerous problems with this system of inspection including :

- 1) the Prosecutors' reports are seldom (if ever) seen by MJ personnel or Prison Directors. Rather, they appear to be treated as internal MJ correspondence:

⁷ Interview with HE. Chem Sogum, Minister of Justice, 7/2/94, Phnom Penh.

⁸ Common Declaration No. 278, Rept 02 7/7/93, Ministry of Justice.

⁹ Common Declaration No. 509, Rept 6106/93 15/9/93 Ministry of Justice.

- 2) the Prosecutors often fail to meet with prisoners, preferring instead to get details from the prison officers. Further, they also do not appear in general, to have confidential communications with prisoners and most interviews with prisoners are held in the presence of prison officers. This usually deters prisoners from describing their real problems;
- 3) the MJ does not communicate findings from these reports to the MI;
- 4) the reports are very variable in their quality;
- 5) the Prosecutors and the MJ do not have the authority or resources to rectify any of the matters that are revealed by their inspections;
- 6) there is no judicial involvement in the reporting system.

The reporting system is therefore largely ineffectual.

40. Soon after the May 1993 elections and the formation of a Government, the merger of the Prisons Department into the MJ was discussed within senior echelons of the administration and Government. It was also approved, in principle, in a joint seminar between MJ and MI in January 1994, which was organized by the Cambodia Office. Nothing has come out of these discussions to date.

The Ministry of Health

41. The Ministry of Health is reportedly responsible for the provision of medical services to prisons. However, in none of the prisons visited was there any evidence of this. On the occasions where the transfer of prisoners to hospitals was observed their admission was treated upon the same basis as everybody else *ie.* the patient or family was required to pay for drugs, dressings and other services and an official hospital to which sick prisoners should be transferred. The MI itself has a budget allocation for the supply of medical supplies to the institutions it services. There was no evidence that this was occurring.

Ordinance 31

42. The confusion inherent in the present system of prison administration is exacerbated by Ordinance 31 issued by the MI on 15 February 1994.¹⁰ This Ordinance seeks to determine the functions of Governors and Vice-Governors. One of the responsibilities entrusted to Governors pursuant to this Ordinance is " - to administer the prisons and collaborate with the Ministries of Justice, of Health and other relevant Ministries to implement correctly this work in compliance with the laws." This general provision is further elaborated by the creation of an "Office of Courts and Prison Affairs" to be under the direct supervision of Second-Deputy Governors. This Office is to, among other things:

- receive reports on the situation of prisoners and convicted persons in the prisons and to

¹⁰ Ordinance No. 31 on the Functions of the Governors and Vice-Governors of the Provinces, Municipalities and Their Subordinate Services, 15/2/94.

report these to the Secretary-General (of the Office);

- receive reports from the prison guards about the prison and the convicted who had fled from prison; and

- centralize reports on all work of the districts, communes and *sangkat* (wards or quarters) concerning affairs of courts and prisons for the Secretary-General.

43. Enquiries about the implementation of this Ordinance with Deputy-Governors and prison authorities has indicated that there is some confusion about its operation. Whilst it reportedly is an attempt to return the administration of prisons (and other institutions) back to the system as operated in the 1950s and 1960s there have been no funds allocated to enable the scheme to substantively proceed. Nevertheless, by its nature the Ordinance does give the local Governor's Office a role along with that of other officials. According to the Prison Directors all financial matters other than the salaries of prison officers must now be approved by the Governor's Office. This includes the rebuilding and renovation of prisons. According to senior officials of the MI the effect of the Ordinance has depended largely upon the attitude of local provincial Governors but without funding this scheme is largely inoperative. The Deputy-Governors we talked to, whilst well aware of the Ordinance, seemed unsure of their role.

Prison Personnel

44. Except for senior staff most prison officers were ignorant of the complex administrative arrangements in place to administer the prisons. Most, including senior ranks, had only a vague idea of the role of the various elements of prison administration.

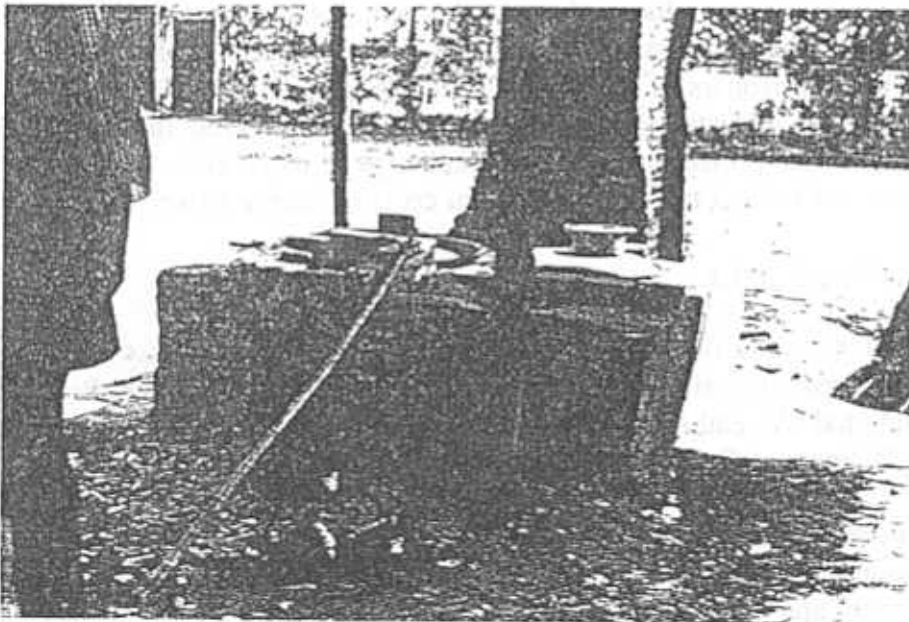
45. Whilst some senior officers have received training for periods of up to 6 months by the MI most have not. Almost without exception there has been no training provided to the lower ranks. Whilst the MI does have a training department there seems to be no specialized or systematic training of prison officers. This is symptomatic of the police force as a whole but exacerbated in the case of prison officers because they constitute such a small fraction of the force and are of relatively low status. Therefore, one of the essential ingredients of a viable system of prison administration, a trained work force, is missing. When asked to rank their morale eight of the thirteen participant groups rated it as "good" and the other five as "just sufficient." (See Appendix 2, Question M) However, all groups complained about inadequate pay, lack of facilities and resources to carry out their duties and the absence of training. This is readily apparent upon any prison visit. There are no proper office facilities. The medical orderlies commonly do not have even the most rudimentary equipment. Further, there appears to be a significant degree of under-employment of staff. During most visits there appeared to be few prison officers actually on duty. Whilst one may expect perhaps only a third of stated staff to be on duty at any one time this was not the case in many prisons. Also, the system of rostering of duty at most prisons seems to be haphazard or illogical. Often there are reportedly few staff on active duty during the night hours. Key security zones seem to be under-guarded in most prisons. One feature of all the prisons we visited, excepting perhaps Siem Reap and Battambang, was the habit of leaving the main or front gate of the prison open! Despite the magnitude of paper work in other areas of prison administration there seemed

CHAPTER 5

CONDITIONS : Catch it Before it Falls

Introduction

48. The twenty-four civilian prisons are mainly a mixture of relatively recent French colonial and Vietnamese occupation era (1980s) constructions. All are in need of some degree of renovation. Some are literally falling apart. One of the most common complaints from Prison Directors and Second-Deputy Governors was that they have no funds for basic repairs to such things as leaky roofs, broken doors, decaying kitchen areas and blocked septic systems.



Kitchen - Svay Rieng Prison

49. The approximate average age of the thirteen prisons that the PAP visited was forty years. However, age was of little relevance to the state of the prisons. For example, Takmao prison which was built in 1980 on the site of an old cotton wool factory is in a deplorable state. This is due as much to poor design and construction as it is to the lack of a programme of maintenance. On the other hand Battambang prison built around 1930 by the French is in remarkably good condition, excepting the outer walls. It could be made completely acceptable with a few minor repairs. In some prisons such as T3 and Prey Sar over one-third of available cell space cannot be used due to disrepair.

50. The bad physical state of Cambodian prisons has a detrimental effect on the inmate population health in particular and their general well being. It also contributes to a lack of adequate security. As the walls and roofs are rotted and in some cases literally falling apart the ability to secure the prisons becomes increasingly difficult. This problem will get worse as the prison population grows.

Cell Group Size

51. The vast majority of Cambodian inmates are detained in group cells with over forty percent living in cells with ten to thirty persons (See Table 5.1).

Table 5.1: Cell group Size

CELL GROUP	FREQ	PERCENT	CUM.
0 TO 9	17	20.0%	20.0%
10 TO 19	15	17.6%	37.6%
20 TO 29	20	23.5%	61.2%
30 TO 39	8	9.4%	70.6%
40 TO 49	8	9.4%	80.0%
60 TO 69	12	14.1%	95.1%
70 TO 79	5	5.9%	100.0%
Total	85	100.0%	

52. However, the numbers in the cells have dropped. The crude average cell group size overall has dropped to twenty-nine persons from forty-eight on average within the memories of those sampled. Fifty-eight of the respondents indicated that there are less people in their cells now than earlier in their prison terms.

Cell Hours

53. Inmates are locked in their cell on average 21 hours per day. The range is shown in Table 5.2

Table 5.2 : Cell Hours

Cell Hours	Freq	Percent	Cum.
0	1	1.2%	1.2%
14	1	1.2%	2.4%
15	3	3.5%	5.9%
16	3	3.5%	9.4%
18	1	1.2%	10.6%
19	13	15.3%	25.9%
20	10	11.8%	37.6%
21	8	9.4%	47.0%
22	11	12.9%	60.0%
23	18	21.2%	81.2%
24	16	18.8%	100.0%
Total	85	100.0%	

54. Some prisons are worse than others in this matter. For example, all the inmates at

Takmao and PJ prisons were kept locked in their cells twenty-four hours a day, the only relief being breaks to fetch water and empty excrement. If we regard the locking up of inmates in the cells for twenty or more hours as extreme, then sixty-three (74%) of the sample suffer from this. Particularly bad prisons in this regard are shown in Table 5.3

Table 5.3 : Extreme Cell Hour Prisons

Name of Prison	No. of Prisoners > 19 hours in Cell	No. Prisoners Interviewed
Battambang	8	10
Kompong Cham	6	6
Kompong Cham (T5)	10	13
Kompong Som	3	3
P.J	9	9
Prey Veng	4	6
Pursat	2	3
Svay Rieng	5	5
T3	7	8
Takmao	6	6

55. Ten of the thirteen prisons surveyed keep their inmates locked away for an extreme amount of time per day. In fact, thirty-four (40%) of the sample group are locked up to twenty-three or twenty-four hours per day and this occurs to prisoners in eight of the prisons surveyed as shown in Table 5.4

Table 5.4: Prisons Where Inmates Are Locked Up More Than Twenty-two Hours Per Day

Name of Prisons	Hours		Total
	23	24	
Battambang	3	0	3
Kompong Cham	2	1	3
Kompong Cham (T5)	4	0	4
Kompong Som	2	0	2
P.J	0	9	9
Prey Veng	2	0	2
T3	5	0	5
Takmao	0	6	6
Total	18	16	34

Sanitary Conditions

56. Sanitary conditions in Cambodian prisons vary enormously. In PJ prison, the worst case, the septic systems were overflowing and/or blocked, there was a shortage of water

and no soap. In Prey Veng, prisoners were forced to urinate on the floors of their cells into a drain that ran under the main entrance. However, in Siem Reap, prisoners had access to workable toilets and water supply was generally assured. In Prey Sar cells were kept scrupulously clean.

57. In general, there was an undersupply of soap and cleaning agents. Most cells do not have toilet facilities or the facilities are inadequate. Excrement is usually collected in plastic buckets and emptied once or twice per day. All prisoners are generally required to eat in their cells, often sharing the same eating utensils and bowls of which there are common shortages throughout the system. There are also universal shortages of prison clothing, (navy blue cotton pants and top) blankets, mats and mosquito nets. Most prisoners sleep on mats on concrete slabs. Food preparation areas were often unhygienic and dilapidated. Most prisons do not have any regimen for emptying septic or garbage systems. This is not only a problem of resources but of attitude and knowledge. Education programmes in public health could prevent a significant amount of sickness and death in Cambodian prisons.

58. Most prisoners are able to bathe regularly. Two-thirds of those sampled bathe twice or more per day. In fact this is the main "recreational activity". Unfortunately many prisoners are not provided with soap or other toiletries to wash. Only in Battambang, T5, Kompong Som, Prey Sar, Pursat, Siem Reap, and T3 prisons was soap regularly supplied. Many therefore are left with only water (often polluted) to clean themselves. Family visitors supplied just under 5% of the prisoners with such necessities. The sample of the prisoners' complaints outlined in Table 5.5 about sanitary conditions encapsulates many of the problems facing prison authorities. The most common complaints were bad smells, mice and cockroaches in the cells and, no soap and lack of water.

Table 5.5: Prisoner Complaints About Sanitary Conditions

Mice/Chickens in the Cell
Bad Smell, No toilet
No Medicines for scabies
No Sanitary napkin
No Soap
Sometimes no water for use, bad smell
Not enough soap
Not enough water
Food sometime not well cooked, toilet facility is bad
Lots of mosquitoes and of prisoners do not have nets
Lots of mice and cockroaches
Many bed bugs, not enough water to use in toilet
Not enough time outside of cells to wash
Cannot use toilets during lock up
No toilets in the cell/prisoners urinate on the floor
No toilets or buckets supplied for urination

59. Seventy-eight of those interviewed stated that cell conditions change during the seasons, most commenting that their cell becomes particularly hot in summer.

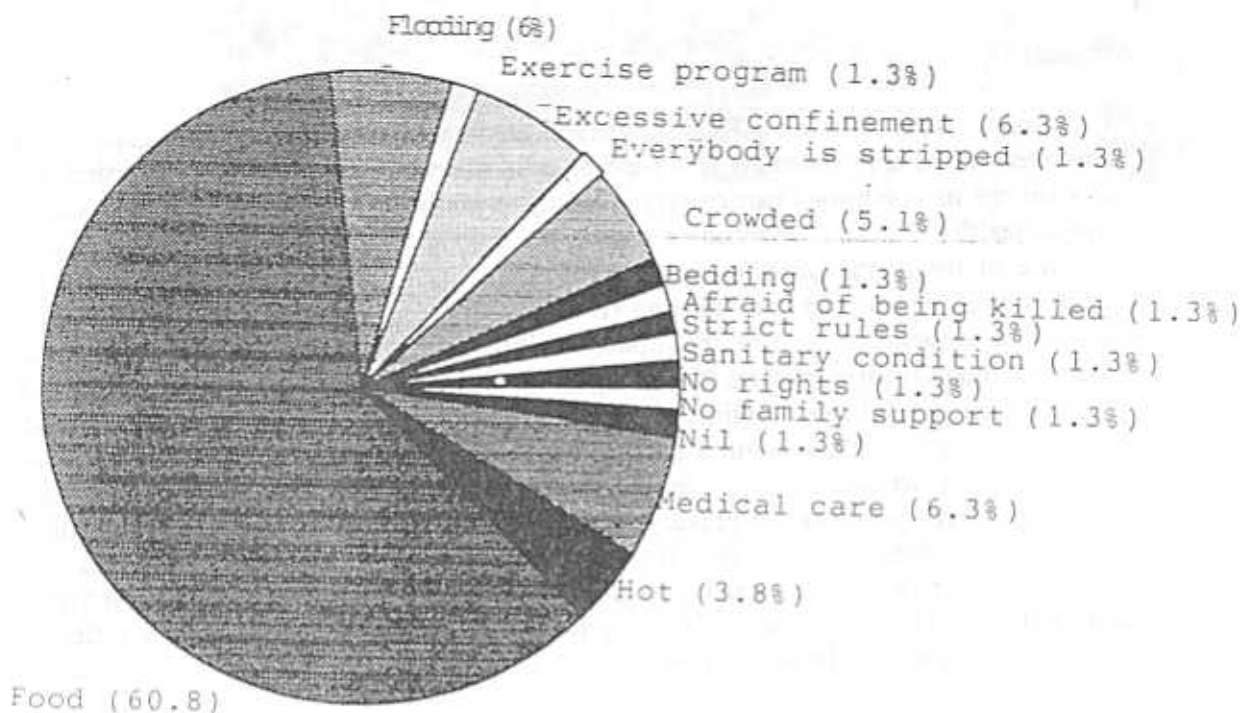
The Water and Sanitation Programme of the International Committee of the Red Cross (ICRC)

60. The water and sanitation programme (WATSAN) carried out by the ICRC is a good example of the innovative use of personnel and funds to create real improvements in Cambodian prisons and consequently save lives. The ICRC engaged an engineer and several support staff in a period of a little over twelve months during 1993-1994 and managed to rehabilitate (totally or partially) the water and sanitation infrastructures of eighteen prisons. This type of intervention could be replicated in other areas that require urgent attention like roofing, kitchens, etc.

Food

61. Most Cambodian prisoners are perpetually hungry. Cambodian prisons are allocated Riel 1,000 per day per inmate, most of which, we were informed, goes on food and the wood/charcoal to cook it with. Nearly all inmates eat in their cells there being two meals per day usually around 10:30 am and 3:30 pm. There is little variety. Meals usually consist of sour soup or rice with "morning glory" greens and sometimes fish, chicken or beef. In PJ prison, inmates were only provided with one meal per day. This was justified on the basis that it was a large meal to last for the day. The major complaint of inmates is the lack of adequate food. Sixty-six (78%) complained that they did not have enough to eat. When the prisoners were asked to name the biggest problem in the prison "food" was clearly ahead of all others (See Pie Graph 5.1)

Pie Graph 5.1 Prison Statement of Problems



62. Cooking facilities are in nearly all cases run down and primitive. They consist mainly of two or three large woks over wood/charcoal fired brick stoves. Food is usually distributed in large containers to the cells and then further distributed within the cell. Food preparation areas were not sufficiently screened from the intrusions of domesticated poultry and livestock.

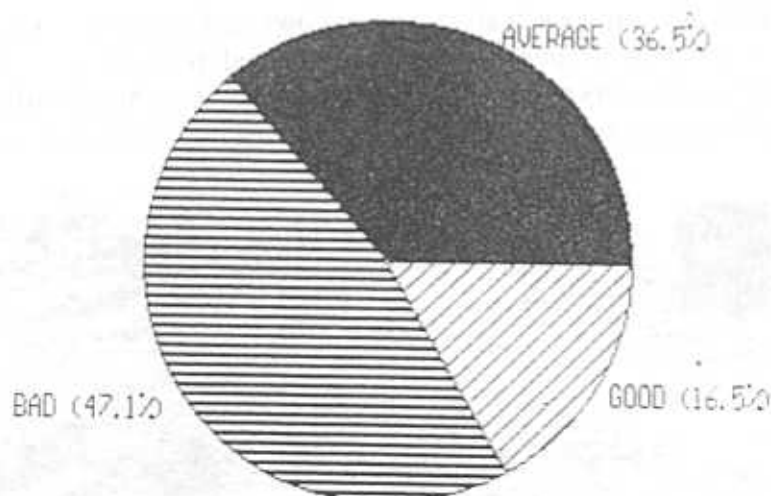


Garden - Kompong Cham Prison

Medical

63. As part of the PAP the ARC and PHR were asked to participate (See Chapter 2). They interviewed approximately five percent of inmates in the thirteen prisons visited and did a survey of conditions particularly relating to medical care, sanitary conditions and inmates health. (PHR is submitting a report to Cambodia Office on their findings for the assistance of the Royal Government). However, a brief summary of findings from the general survey of prisoners provides an overview of these areas. All the prisons in the survey had inadequate medical facilities. Whilst eleven of the prisons visited had designated medical care orderlies (the exception being Svay Rieng and Prey Sar) none had any equipment or dedicated facilities. Further, these orderlies are often poorly trained. Most inmates rely on their families for basic medicines. Inmates are usually transferred to local hospitals when they are gravely ill but this is not invariably done. The PAP team discovered several instances of gravely ill or wounded inmates who required immediate hospitalization languishing in the prisons. Also, inmates with infectious diseases like tuberculosis are most not diagnosed or segregated. Fifty per cent of inmates reported their health to be bad (See Pie Graph 5.2). Fifty-four of the sample stated they were suffering from health problems. These are summarized in Table 5.6.

Pie Graph 5.2 Reported Health of Prisoners



64. The MI does operate a "Police Hospital" in Phnom Penh but it is grossly under resourced and has few facilities. The electricity supply to this hospital is almost non-existent. Whilst several wards are available for the use of prisoners in this hospital few are actually admitted because of the lack of facilities. Most inmates in the Phnom Penh area are better off if they stay in their respective prisons and receive treatment from visiting Licadho and Medecins du Monde teams.

65. Licadho, a human rights NGO, and Medecins du Monde, a medical NGO, provide regular medical checkups and basic medications to prisons in the Phnom Penh area - PJ, T3, Prey Sar, Takmao and Tuel Sleng (military) prisons. Unfortunately, there is little, if any, assistance provided to provincial prisons.

Table 5.6: Stated Health Problem of Prisoners

Beriberi
Blood Stool with mucus
Blurred vision, dizziness
Beriberi, ears infection/coughing
Chronic neck abscess
Chest pain
Chest pain due to heating during questioning
Disease with chills, dizzy, abdominal pain
Dizziness, shrapnel stuck in leg
Diarrhea and malaria
Fatigue
Fever, diarrhea, ear discharge
Feels pain in the back and both arms sometimes fever at night/headache
Gastritis
Headache and fever
High Fever, Scabies
Numbness on both legs sometimes
Head trauma (beaten by police and people)
Heart murmur
Hemorrhoid, hernia and heart attack
High blood pressure
Malaria since Aug. 1993
Numbness, joint pain, always fatigue
old injury on the body and blurred vision
One of the legs is weak
Pain in old injury of the head
Swelling of left testicle
Swollen legs and abdomen
Scabies
Cannot sleep on the back
Cannot sleep on the left side
Chest pain
Chest pain after beaten by arrest officers
Cough and fever
Feels weak
Feels hot in the head
Feels hot inside the body
Syphilis
Heart attack and discharge from vagina
Hemorrhoid
History of coughing up blood
Injury to abdomen from mine injury malaria
Pain left part of body 2-3 times a month
Pain in chest & the rights shoulder
Pain in chest from being, beaten during arrest, ringworm
and abdominal pain
Skin disease
Sometime feel pain breathing
Stomach pain

Case Note No. 5

The Wounded Detainee

While conducting interviews at Prey Veng prison, a detainee was brought into the prison compound carried by a soldier or policeman in military attire. He had been wounded and after being examined by Dr. G. Otterman and his assistants from the ARC we recommended at 1:15 pm on that day that he needed to be hospitalized. He was suffering from a gunshot wound to the right ankle area evidently inflicted at close range. According to him, he had been arrested six days before and charged with illegal use of a firearm. According to him, he was drunk and shot 17 rounds from his firearm into the air before the police arrived. The police surrounded his house while he was taking a bath. They asked him to raise his hands and lower himself to the floor. While he was doing this he was shot in the ankle. The entry wound is consistent with being shot from behind and above. The wound had not been properly drained or cleaned and as far as we could ascertain there had been no proper medical treatment or the administration of drugs. It was Dr. Otterman's opinion that the person needed urgent medical care. A request was made to the Director of the prison to make arrangements to transfer the patient to Prey Veng Hospital. He said he would need authorization from Prey Veng Court. The local Prosecutor was contacted and he issued a transfer order which was delivered to the prison at approximately 2:45 pm. The prisoner was released to the hospital soon after.

The local office of ADHOC, a human rights NGO, was also informed of the situation and asked if they could make sure that the detainee was being treated in the hospital as necessary and to contact the family. Two ADHOC officials visited the prisoner in Prey Veng Prison before he was transferred to the hospital.

ADHOC subsequently reported that at the hospital he was given some tablets provided by his family. The detainee's wife and mother were in attendance at this time and they were arranging the purchase of medication. However, no X-Ray or other hospital treatment had been given. The hospital staff asked for 5,000 Riels for petrol to power the generator so as to run the X-Ray. The medical staff at the hospital also informed the ADHOC officials that the leg would be amputated. Subsequently the detainee was transferred to Calmette Hospital in Phnom Penh. An order to transfer him had been made in Prey Veng. At Prey Veng he had not been treated except for the administration of some antibiotics by his family. The wound had still not been cleaned, drained or dressed.

The prisoner subsequently escaped from Calmette Hospital because no guard had been placed on him.

Recreation and Work

66. Because many inmates are locked in their cells for much of the day there is little opportunity for outside recreation. Even where they are allowed out of their cells there is a lack of recreation equipment and/or space. Several prisons have volleyball courts but these are more likely to be used by the guards. Prey Veng, Siem Reap and Battambang prisons have woodwork workshops. Siem Reap prison has a sewing machine used by the women. Overall however there are hardly any recreational or work opportunities. Although thirty-five (41%) reported that they can play sports, there are no organized recreational programmes. Several prisons had short daily exercise. "Sport" is usually confined to shuttlecock or some volleyball. Six of the thirteen prisons surveyed do not allow inmates to play sports at all - Battambang, Kompong Cham, PJ, Svay Rieng, T3 and Takmao. Two others - Prey Veng and Pursat - allow only some of their inmates to participate in sports. They however do the "work" of the prison - cooking, maintenance, cleaning, fetching water, etc. These tasks are often the only alleviation of what is for most of them a boring tedium.

Religion

67. The practice of religion is not generally restricted in Cambodian prisons although often there were no places for religious observance. Battambang was the exception but it seemed to adopt a coercive approach to religious observance. Each cell in Battambang has a small Buddhist shrine before which all prisoners are daily required to observe meditations.

Conclusion

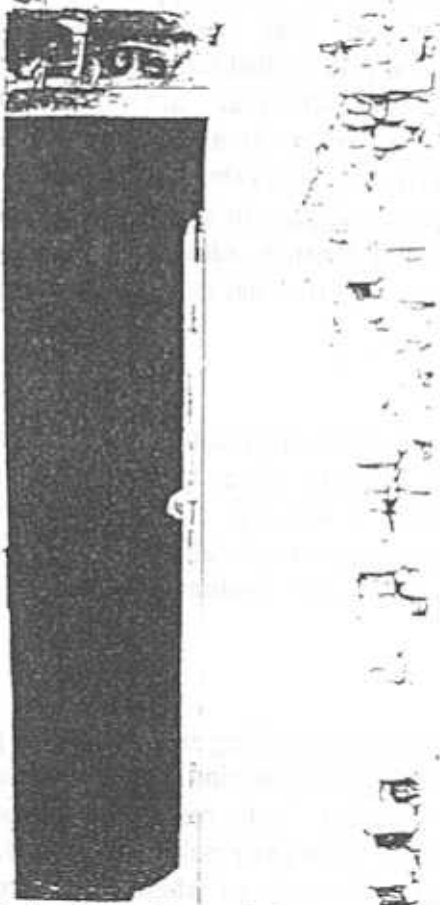
68. The poor conditions prevailing in Cambodian prisons are largely a matter of poor resources, inadequate planning and lack of training for staff. Unless these conditions are alleviated it can be reasonably expected that the prison population will continue to suffer from extremely poor health. Many will unnecessarily die. However, there are a few prisons where management have an understanding of the inter-relationships between physical conditions, sanitary conditions, health, security and other facets of prison administration. The example of Siem Reap prison described in Chapter 9 is instructive in this regard.

CHAPTER 6:

PRISON CONTROL

Introduction

69. There are three particularly notable features about Cambodian prisons. These are the relatively low level of inmate violence, the relaxed security regimen in most and the simplicity of the rules that govern inmate behavior.



Dark Cell - Svay Rieng Prison

Prison Rules

70. The provision of comprehensive and accessible written rules to inmates is necessary for the observance of human rights. Unfortunately whilst most of them are aware of the rules in Cambodian prisons, the prison rules themselves are grossly inadequate.

71. Seventy-five (88%) of the sample reported that they knew the rules usually by instruction from guards or other prisoners, or because they were posted in a prominent position to be studied. The rules themselves are based on a set introduced during the 1979-80 period and consist of the twelve rules from Svay Rieng Prison, contained in Appendix 6. They are vague and do not contain any requirement for the processing of infractions or complaints. Their only redeeming feature is that they are simple to understand and memorize. Of particular concern is Rule 2 which stipulates that prisoners, " Shall give out statement precisely what (offense) one

has committed and to impute any tricks, attitudes of partiality and the other concerned persons that one could know". Fortunately the Prison Department is proposing to establish a new set of rules and has approached the Cambodia Office for assistance. These rules are now in the process of being drafted.

72. The Cambodian Constitution contains a general provision (Article 31) to respect human rights and United Nations instruments¹¹. It also contains a more specific guarantee of the physical integrity of prisoners and detainees¹². The existing criminal law introduced by UNTAC also has a number of provisions essential to the protection of prisoners¹³. Importantly, this law which will be in place until superseded by a new Penal Code to be introduced within the next year contains a provision which is fundamental to the welfare and human rights of prisoners and which also directs that arrest and detention take place in accordance with the SMRTP and the BPTP¹⁴. Unfortunately, most prison officers (and police) contacted do not know any of these provisions or their functions.

Security

73. Security in the prisons appears to be relatively light and escapes are common. This is due to the poor conditions of the prisons themselves as well as to the often poor security regimens in place in many of the prisons. The instances of shackling uncovered were in nearly all cases related to the need to keep prisoners secure rather than as punishment. In all except two prisons (Battambang and Siem Reap) the main gate of the prisons was left open at least during the daytime and in all there appeared to be insufficient perimeter surveillance.

CASE NOTE No. 6

Prison Escape at Kompong Cham

On 20 April 1994 a large number of prisoners (it has not been confirmed how many but in the vicinity of twenty-five) escaped through a rotting roof from Kompong Cham Prison. As a consequence the Prison Director was replaced and both he and the two Deputy-Prison Directors were heavily demoted. Subsequently, twenty-seven of the prison staff forwarded a petition in support of their demoted superiors insisting there was no conspiracy with the escaped prisoners. Subsequently most prisoners have been confined to their cells with little or no outside exercise and many (in excess of fifty prisoners) have been crowded together in a very small high security cell.

¹¹ Article 31: The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights, the covenants and conventions related to human rights, women's and children's rights. Every Khmer citizen shall be equal before the law, enjoying the same rights, freedom and fulfilling the same obligations regardless of race, colour, sex, language, religious belief, political tendency, birth origin, social status, wealth or other status. The exercise of personal rights and freedom by any individual shall not adversely affect the rights and freedoms of others. The exercise of such rights and freedom shall be in accordance with the law.

¹² Article 38: The law guarantees there shall be no physical abuse against any individual. The law shall protect the life, honor and dignity of the citizens. The prosecution, arrest, or detention of any person shall not be done except in accordance with the law. Coercion, physical ill-treatment or any other mistreatment that imposes additional punishment on a detainee or prisoner shall be prohibited. Persons who commit, participate or conspire in such act shall be punished according to the law. Confessions obtained by physical or mental force shall not be admissible as evidence of guilt. Any case of doubt shall be resolved in favor of the accused. The accused shall be considered innocent until the court has judged finally on the case. Every citizen shall enjoy the right to defense through judicial recourse.

¹³ Provisions Relating to the Judiciary and Criminal Law and Procedure Applicable in Cambodia During the Transitional Period, 10th December 1992. See in particular, Article 9, 12 to 22.

¹⁴ Article 12(1) No detainee shall be subjected to cruel, ingrading treatment or punishment, nor be beaten or tortured. Each detainee must have access to appropriate medical care. Prisoners must not be shackled or kept in isolation whether they are in pre-trial detention or already sentenced. In no case shall the family of a detainee or prisoner be harassed as a result of the prisoner's behavior.

(2) Arrest and detention must take place in accordance with the Standard Minimum Rules for the Treatment of Detainees, as well as the Basic Principles for the Treatment of Prisoners, adopted by the United Nations.

Inmate Violence

74. The good governance of a prison often depends upon the ability to alleviate the conditions of deprivation of liberty to at least an extent that the inmates do not attack each other. In this regard Cambodian prisons are remarkably free of such violence. The exceptions were Battambang prison where a system of "boss" (or Kapo) control had gone seriously wrong and PJ prison where the conditions were so extreme as to cause constant tension in the inmate population (See chapter 8). In the Battambang prison discipline was maintained by a group of "boss prisoners" who subjected fellow prisoners to regular beatings. In several alleged cases the beatings were extremely severe. Some of the beatings were inflicted for minor infringements like not mediating properly during daily worship sessions. Despite a direction from the Prison Director during the visit of the Cambodia Office to cease this practice there are reports that it still continues. Fifty (59.5%) respondents stated that there was not a significant level of prisoner-on-prisoner violence. Of these who reported a significant level of violence 25% (9) reported that this was simply argument or quarrelling. Also, the level of injury is observably and reportedly minimal as a consequence of this fighting. There seems to be little use of weapons, the fighting being confined mainly to fistfights.

Discipline and Punishment

75. Because of the absence of effective laws, prison procedures, rules and regulations the ability of the prison administration to rationally discipline and punish detainees who offend or break the rules whilst in prison is limited. Conversely there is little constraint on prison officers in their behavior. Despite these serious problems the major issue in Cambodian prisons is centered on conditions as discussed in Chapter 5. Inmates are more likely to suffer because of extremely poor facilities, lack of food and neglect rather than through the deliberate infliction of punishment, legal or otherwise. This is not to say however, that this aspect of Cambodian prison life is not a matter for concern. It is, and does require some urgent action. The reports from the respondents indicate a disturbing amount of abuse.

76. The responses from the general survey indicate that the following punishments are currently used:

- . 46% (38) reported the use of torture
- . 65% (53) reported the use of beatings
- . 52% (42) reported the use of solitary confinement
- . 25% (20) reported the use of excessive physical exercise
- . 40% (32) reported the use of physical constraints (*ie* shackles).

This alleged abuse varies between prisons as indicated in Table 6.1. Other punishments commonly used are suspension of visits (reported by 43 of the respondents) and, less commonly, reduction in diet.



Wooden Shackles - Kompong Chhnang

Table 6.1: Reports of Physical Abuse In Each Prison

Reports of Physical Abuse *										
Name of Prison	Torture		Beatings		Solitary Confinement		Excessive Physical Ex.		Physical Constraints	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Battambang	1	9	10	0	0	10	9	1	0	10
Kompong Cham	4	1	4	1	2	3	0	5	4	1
Kompong Cham(T5)	10	3	9	4	11	2	2	11	12	0
Kompong Chhnang	4	1	4	1	4	0	0	4	3	2
Kompong Som	1	2	1	2	0	3	0	3	0	3
PJ	5	4	9	0	6	3	3	6	2	7
Prey Veng	0	4	1	3	2	2	0	4	0	4
Prey Sar	0	6	0	6	1	5	0	6	0	6
Pursat	2	1	1	2	0	3	0	3	3	0
Svay Rieng	5	0	5	0	5	0	5	0	5	0
Siem Reap	0	5	0	5	0	5	0	5	2	3
T3	2	6	4	4	5	3	0	8	0	8
Takmao	4	2	5	1	6	0	1	5	1	5
Total :	38	44	53	29	42	39	20	61	32	49

* The total number of persons interviewed was 85. A number in each category did not answer because they did not know.

77. Standing in the sun (sometimes on one leg or holding a heavy object) for long periods was the most common torture. Excessive physical exercise consisted almost always of crawling around, running on all fours, or mowing grass by hand. These figures also indicate the continued wide spread use of solitary confinement and shackles. Shackles were in fact surrendered to the PAP team in four prisons - Kompong Cham, T5, Kompong Chhnang and Pursat.

78. Thirty respondents indicated that one or more of these punishments had been inflicted on them. However, only in one prison (Svay Rieng) did there seem to be systematic and organized prisoner abuse. There every new prisoner was beaten and there was a practice, commonly used, of subjecting prisoners to the "standing in the sun torture" often holding bricks or standing on one leg for long periods.

79. In the other prisons, with the possible exception of T5, these punishments were randomly used as a consequence of prisoner infringement of rules, usually argument or fighting. Shackles are commonly used to prevent prisoners escaping or as a punishment and security device consequent to an escape. In one prison however (T5) they appear to be used in a more systematic way or as a means of general prisoner control. Solitary confinement was in widespread use and was a particular problem at Takmao and Svay Rieng prisons where small, dark and badly ventilated cells were in use for this purpose.

The Early Release System

80. Another element in the control of the Cambodian prison population is the use of an "early release scheme." Based on a decree issued under the former regime the scheme allows for a maximum reduction of up to two-thirds of a sentence¹⁵. It has been difficult to get precise details on how the scheme works but apparently applications for early release are made through the local Prison Director to the MJ which, if it approves it, will pass the matter on to the King for his approval. If approved the prisoner is released on "parole" through an order delivered in the King's name by the MJ to the local court. The scheme is not uniformly in use throughout the system. Some Prison Directors do not seem to know of its existence. However in Prey Sar, Kompong Chhnang and Siem Reap prisons there was widespread usage of the scheme. A copy of such an order is contained in Appendix 7. Article 71 of the TCP allows for the "conditional release" of prisoners by order of a court. Such an order may be given after half of their prison sentence has been served for those who have committed a misdemeanour and after two-thirds for those who have committed a crime. There is no evidence that this scheme is being used. However, the Director at T5 prison had sent a letter to the MJ and to his local court on behalf of fifty-three inmates in March 1994 inquiring about their release under this Article. Unfortunately the request was denied by the court on the grounds that "conditional release" in the TCP has the same meaning as "amnesty" and such release should be only directed by MI. They are argued that conditional release is reserved for sick prisoners under a 1988 government directive. This case is being further investigated by the Prison Department of the MI.

¹⁵ Decree 25, State of Cambodia.

CHAPTER 7

CONTACT : The Need for Transparency

Introduction

81. Although closed institutions in most respects, prisons need to be sufficiently open so as to ensure the control of possible human rights abuses. Those prison systems which are cloaked by secrecy and incommunicado detention are likely to be home to the worst human rights abuses.

82. Since the Paris Peace Accords of 1991 Cambodian prison authorities have generally opened their doors to international observers from the United Nations and some NGOs. However, visits to prisons, especially by local NGOs, and in some instances the Cambodia Office itself, have been sometimes denied. There is a lack of clear policy in this area which needs to be addressed. It is apparent that Cambodia will not be able to gain funds for its criminal justice institutions or reform them properly unless they remain reasonably open to the world. This will principally mean the involvement of local as well as international human rights groups.

83. Of particular concern are the number of instances where prisoners are held incommunicado. That is, without their relations or, in the case of aliens, their Embassies being notified. This is as much a problem of ignorance and bad communication systems as it is of deliberate abuse. It is a situation that needs to be improved. Another aspect of this is the access that prisoners themselves have to the outside world via radio, newspapers etc. Access to such information sources is important in reducing the sense of isolation and anomie that many prisoners commonly experience.

Case Note No. 7

Thai Fishermen in Sihanoukville Prison

In mid-May 1994 twenty Thai fishermen were arrested in Cambodian waters for alleged illegal fishing. No formal charges had been laid. They had been held for four days when their Thai employer turned up at the prison. Subsequently they were released from the prison. Five were left guarding their confiscated boats in Sihanoukville harbor whilst the other fourteen returned home to Thailand. Two days later the five remaining Thais were rearrested and further detained at the prison. Again no charges were laid. The Thai Embassy had not been notified of their detention when the PAP team located them approximately two weeks later in the prison.

84. Cambodian prisoners generally enjoy only a small number of visits from friends and relatives. The sample averaged over two visits per month to each prisoner. Table 7.1 shows the distribution of visits in each prison for the

prisoners (78) who answered the question relating to visits. The exception to this was the isolated T5 prison in Kompong Cham built to house convicted prisoners. Here many of the prisoners had not seen their families for considerable periods.

85. The visits range in duration from prison to prison. In nearly all cases however they are less than thirty minutes and in some cases as short as five to ten minutes. Prisoners are usually searched after a visit although visitors are not. With the exception of a few "high security" prisoners there seems to be little restriction on who may visit the prisoners or which prisoners may be visited.

Table 7.1 : Number of Reported Visits in Each Prison

Prison	Numbers of Allowed Visits per Month							Total
	0	1	2	3	4	5	6	
Battambang	0	0	0	10	0	0	0	10
Kompong Cham	0	0	0	3	0	1	1	5
Kompong Cham (T5)	6	5	0	0	0	0	0	11
Kompong Chhnang	0	4	0	0	0	1	0	5
Kompong Som	1	0	0	0	1	0	0	2
PJ	0	0	0	0	9	0	0	9
Prey Veng	0	1	0	0	4	0	0	5
Prey Sar	0	0	2	0	0	2	0	4
Pursat	0	1	1	0	1	0	0	3
Svay Rieng	0	5	0	0	0	0	0	5
Siem Reap	0	0	0	5	0	0	0	5
T3	0	3	2	0	3	0	0	8
Takmao	0	0	0	6	0	0	0	6
Total	7	19	11	18	18	4	1	78

86. Another aspect is the propensity of prison authorities to deny visits as a part of the disciplinary regime. About half the sample (43) reported that this device was used as a disciplinary measure. This was distributed across all prisons except for Kompong Som, Prey Veng, Prey Sar and Svay Rieng prisons. Prison Directors reported that they used suspension of visits after escapes or other major disturbances.

Access to Information

87. Access to radio, books and newspapers varied across the prisons. Only forty-eight (57%) had permission to use radios. Sixty-four (75%) had access to books and newspapers. The distribution across the prisons is shown in Table 7.2

Table 7.2 : Permission to Have Books, Newspapers and Radios in Each Prison

Name prison	Books/Newsp		Total	Radio		Total
	Yes	No		Yes	No	
Battambang	10	0	10	10	0	10
Kompong Cham	4	2	6	6	0	6
Kompong Cham (T5)	13	0	13	1	12	13
Kompong Chhnang	5	0	5	5	0	5
Kompong Som	0	3	3	1	2	3
PJ	6	3	9	3	6	9
Prey Veng	4	2	6	5	1	6
Prey Sar	6	0	6	5	1	6
Pursat	2	1	3	1	1	2
Svay Rieng	4	1	5	5	0	5
Siem Reap	5	0	5	5	0	5
T3	5	3	8	1	7	8
Takmao	0	6	6	0	6	6
Total	64	21	85	48	36	84

88. In some prisons certain favored categories of prisoners have greater freedoms and access to informational sources. Takmao prison and Kompong Som prisons seem particularly restrictive in their practices. T5 allows books and newspapers but no radios except for a privileged few.

Visits

89. The ICRC regularly visits Cambodian prisons. The presence of this organization has been an important part of the safeguarding of prisoners' rights.

90. Prosecutors from the local courts regularly visit prisons twice per month. However, as previously commented upon (See Chapter 4) the effectiveness of these visits is limited.

91. Local human rights NGOs, principally LICADHO and ADHOC, regularly visit prisons in both Phnom Penh and the provinces. However, their ability to do so is heavily circumscribed in the absence of clear Government policy in this area and the continuing wide discretion of local authorities to deny them reasonable access. Increasingly, para-legal organizations like the Cambodian Human Rights Trainer Organization and Cambodian Defenders Association have been visiting prisons to interview clients. This practice will expand as their resources to do so improve.

Conclusion

92. The Cambodian prison system is not closed. The authorities have become increasingly amenable to visitations since the signing of the Paris Peace Accords. This policy of relative openness however is flawed in the absence of clear Government policy and direction.

CHAPTER 8

PJ PRISON : How Things Can Go Wrong

Introduction

93. PJ prison (from the French *Police-Judiciaire*) is located in the compound of the Phnom-Penh Police Headquarters on Street 51 in the center of Phnom Penh. Built in 1937 as a short-term police lockup designed to accommodate 30 to 40 inmates, the building, and the adjacent structure for women, housed 216 inmates at the time of the PAP's first visit on 4 April 1994.

94. The prison's perimeter wall measurement is 35 meters by 12 meters and the external building measurement of the prison block is 10 meters by 19 meters (See Appendix 8). Of the inmates located there 193 were males housed in the main prison block and 23 were females housed in an adjacent ramshackle building. Only 41 of the prisoners had been tried. The mean age of inmates was 26 years and there were four male prisoners under the age of eighteen. The average length of detention was 9 months.



Looking Out - PJ Prison

The Problems.

95. The problems confronting this prison and those who administer it could be divided into seven interdependent issues: overcrowding, health, prisoner-on-prisoner violence, food and water shortages, sanitation, prisoner abuse and administration.

Overcrowding

96. The human rights violations that occurred in this prison and which made it probably the worst in Cambodia were directly related to the gross overcrowding that occurred there. This was not a short-term phenomenon but had been constant for a considerable period. Records from the Human Rights Component of UNTAC show that towards the end of that organization's mandate there were 171 prisoners in the prison in September 1993. This had been steadily rising despite the presence of a number of larger and less crowded facilities close by (T3 and Prey Sar prisons). The level of overcrowding could only be fully comprehended by a visit to the prison. As can be seen by Appendix 8, PJ is divided into ten main cells eight of which are approximately eight square meters in area (cells 1-7,9). These cells held 146 male prisoners leaving 47 prisoners to be housed in the corridors of the prison. The corridors were considered the better location by prisoners because there is more space, better ventilation and light and the prisoners had freer access to the water supply to wash and drink. Prisoners in the corridors spent much of their time sitting in rows with little to do although a few had radios and packs of cards. The prisoners in the cells were worse off because of poor ventilation and light, and shortage of room to move. Ventilation and light was provided by extremely small openings in doors and exterior walls. The crowding was so severe in the small cells that one prisoner had to sleep on the latrine. No bedding mats or mosquito nets were provided. Consequently a third of inmates slept on the floor. The prisoners were locked in their cells and in the corridors twenty-four hours a day. The only prisoners let out of the main block were those who cooked or fetched water. None of the prisoners were able to exercise.

Health

97. A nurse who works for the prison was assigned to make daily rounds and to visit ill prisoners. She had no supplies, medical equipment or medicines available to her. On one of the visits to the prison the nurse purchased from her own personal funds--without guarantee for reimbursement-- fluids for intravenous injection for an inmate with diarrhea and dehydration.

98. A combined team from Médecins du Monde (MDM) and the Cambodian League for the Promotion and Defence of Human Rights (LICADHO) visited the prison two afternoons each week. The team included a medical doctor trained in surgery, a nurse, and a pharmacist. These NGOs worked under extremely challenging conditions, and were able to attend to only the most urgent of problems.

99. There was no examination or screening of prisoners on arrival and those with signs or symptoms of communicable diseases were not isolated from others.

100. The conditions of confinement were ideal for the transmission of tuberculosis. Among those randomly selected for examination, ARC and PHR found one inmate had tuberculosis of the lymph nodes (scrofula) and a prolonged cough. A third of prisoners (33.3%) reported exposure to cellmates with prolonged cough according to their survey.

101. 50% of prisoners had skin abnormalities on examination by ARC and PHR. Two prisoners had evidence of active scabies, a highly contagious infestation which spreads readily under conditions of crowding, heat and humidity. Over half of the prisoners reported having had scabies while in detention. (ICRC and MDM have provided scabicide in the past.)

102. Prisoners averaged over three days of diarrhea during the month prior to examination. A quarter of prisoners reported that purified or boiled water was available for drinking, three quarters of prisoners stated that such water was unavailable. The area of food preparation was extremely dilapidated with flies, and the food containers and utensils were not washed with soap, further facilitating the spread of disease. Of the nine prisoners interviewed in the general survey six reported their health to be "bad".

Food and Water Shortages

103. Prisoners received only one meal of sour soup per day in PJ. In all other prisons they receive two meals. All prisoners interviewed and those contacted informally complained of inadequate food. The prison kitchen adjacent to the main prison block was clearly inadequate for the number of prisoners. Also, despite rehabilitation of the existing open well, construction of a well platform, installation of a hand pump and the repair of the rain water catchment system in late 1993 by ICRC there were still significant shortages of water reported by prisoners and prison officers. The water system which is connected to the city supply was clearly inadequate for the number of prisoners.

104. Ten of the twelve prisoners interviewed by ARC and PHR reported weight loss during detention. Five reported symptoms consistent with beriberi, a deficiency of thiamine or vitamin B₁.

Sanitation

105. Each cell has a toilet and water supply but supply was sometimes intermittent. Cells 8 & 9 had blocked water and sewerage systems and were used as punishment cells by the prison officers. The corridor prisoners had access to an internal water trough which was almost always empty upon visits and whose inlet provided only a small dribble. Water was carried continuously from another outside trough just adjacent to the main prison block. There was a shortage of eating bowls and implements with prisoners having to share these. There was an

all pervading stench in the place testifying to the unsanitary conditions. The female cell was cramped but better ventilated and lighted than the main cell block. However, it leaked, was damp in places and also dirty. All sections of the prison were reportedly damp and intermittently flooded during the wet season.

106. The sewage system, which underwent renovations last year by the ICRC WATSAN Programme frequently was blocked and overflowing as was witnessed by the PAP team on a number of occasions. Rats were reported as a problem by a third of the prisoners.

Prisoner-on-Prisoner Violence

107. A feature which distinctly distinguished PJ from other Cambodian prisons was the extremely high reported level of violence by prisoners. Seven of the nine interviewees reported a high level of fighting amongst prisoners. This had not been replicated to such an extent in any of the other prisons studied. Cambodian prisons on the whole, seem to be free of the severe prisoner-on-prisoner violence. The exceptional nature of PJ in this regard was probably a result of the extreme crowding and other associated issues, such as water and food shortages.

Prisoner Abuse

108. There was disturbing evidence of widespread and sustained prisoner abuse. Six of the nine prisoners reported being beaten whilst all reported that it does occur. This was also supported by evidence from informal contacts. Not only was the dignity of the prisoners severely demeaned by the circumstances of PJ but so was that of some of guards.

Administration

109. The problems of this prison may have been exacerbated by the administrative arrangements in place. Whilst other prisons in the Phnom Penh area are under the direct administrative control of the Prison Department of the MI this prison is not. It appears to be under the direct control of the Police Commissioner of Phnom Penh with little sharing of control as is evident in other prisons. This may have explained the failure to transfer prisoners to other less crowded facilities which are not under the Commissioner's direct control.

Outcomes

110. The extreme conditions of PJ were such that a special programme of intervention was commenced. A report dated 11 May 1994 was produced and forwarded to the MI, MJ and the Special Representative of the Secretary General for Human Rights in Cambodia. On 27 May, he visited the prison and wrote a letter dated 27 May to the Foreign Minister with copies to the MI and MJ. PHR issued a press release, calling for closure of the prison and a press debate ensued (See Appendix 9). The Chief Commissioner (Phnom Penh Police) agreed to a transfer of prisoners from PJ and following a request from Justice Kirby the

Australian Government made available an initial grant of US\$ 5,000 to begin some basic renovations. This grant was made available upon the understanding that the prison population at PJ would be reduced, that prisoners be allowed out to exercise four to five hours per day and that the septic tank be emptied. At the time of writing only the last condition remained to be satisfied. The Construction Department of the MI then agreed to commence renovations at nearby Prey Sar and T3 prisons to receive these prisoners. It matched in work and kind the commitment by the Australian Government. As a result the prison population at PJ has been reduced at the time of writing to 11 prisoners, 4 of whom are females. At least 54 prisoners were released during this process of transfer.

111. The engineer employed in the WATSAN Program of the ICRC provided valuable technical support to the renovations and negotiations with the Construction Department of the MI.

112. To date water basins and toilets have been restored, walls and ceilings whitewashed, a new roof put on the women's cell, the kitchen renovated, bedding benches installed in cells, an exterior wall built to allow prisoners to exercise, windows enlarged, solid panels on doors replaced with bars, and emptying of the septic tank. The water supply capacity was improved by enlarging tanks and installing water gutters to catch rainwater and fill them more frequently.

113. To date the Australian Government has spent over US\$ 7,000 at PJ and approximately US\$ 3,000 at Prey Sar and T3 prisons.

Conclusion

114. The problems in PJ prison replicate in an extreme degree problems facing many Cambodian prisons. The sheer volume of numbers overwhelmed a system both incapable of absorbing them and then administratively dealing with the problems created. The changes initiated by the PAP were brought about because of the effective combination of an inter-disciplinary and inter-agency team who enjoyed the confidence and support of the administration responsible. The responses of the Phnom Penh Police, the MI and MJ were responsible and effective once the resources (albeit small) were available. It also shows that the well being of many prisoners, and in some cases their lives, can be saved by the outlay of small resources in a well thought through and co-operative plan of action.

CHAPTER 9

SIEM REAP: Where There's A Will There's A Way

115. Siem Reap prison is a small prison built in 1940 by the French colonial administration. At the time of the PAP visit in June 1994 it housed ninety-eight prisoners, twenty-eight of whom were untried and four of whom were females. Set in spacious grounds which during Khmer Rouge times were reported to contain over two thousand prisoners, the prison compound itself is small with outside wall measurements of only 57 meters by 35 meters (See Appendix 10). The roof timbers were rotting and the stonework decaying whilst the kitchen area was a dark place in need of renovation. In all these respects it was a typical Cambodian prison. However, Siem Reap was a prison that surpassed all other prisons in our study. The chief ingredient of this difference was the attitude of the senior management. Because of this, on nearly all indicators Siem Reap was a better prison.

CASE NOTE No. 8

A KHMER ROUGE PRISON: Notes from an interview with a survivor.

During the Khmer Rouge period Siem Reap prison had approximately 2,500 prisoners. Most were housed in the open grounds around the prison buildings. They had no shelter or bedding. In the two cells which now hold twenty to thirty prisoners there were one hundred and twenty-five prisoners in each.

During 1978 about thirty prisoners died each day of starvation, sickness or execution. Sometimes large groups of prisoners were taken away to be executed.

A watery porridge with a few grams of rice was given to inmates. For the first three months of my stay my legs and arms were shackled twenty-four hours a day with seven others in a small dark cell. We were given one barrel of water per day. After this I was let out of the cell but I was still constantly shackled for twenty-four hours on the legs. I had one pair of underpants which was my only clothing and I suffered from scabies and malaria. We slept on the ground even during the rains.

Those of us who had skills were gathered together in one cell and during the day were put to work repairing things.

There were about seventy guards who administered constant beatings and torture.

I survived because I had skills. One day I was being taken away to be executed but a machine broke down and they required me to fix it so I was saved.

116. The cells were cleaned twice daily by prisoners and the toilets worked. Prisoners

were set a regular exercise programme of running around the inner courtyard and doing five press ups two times per day. The volleyball court was in use by prisoners and there was a constant game of "foot badminton" (Sey Toit) being played. There was a carpentry shop in use and a small net making area. There was a sewing machine in use. A garden had been established to supplement food stocks. Once per week videos would be shown to the prisoners and there were several traditional musical instruments in use. Prisoners had access to radios, newspapers, books and they were free to study.

117. Prisoners were allowed out of their cells for at least four hours per day and many were let out for longer periods. There were three contact days each month (10th, 20th and 30th) although visits were on average only 15 minutes.

118. A medical orderly held clinics each day although she had no equipment and few supplies. However, prisoners were effectively screened for medical problems and transferred to the local hospital when needed.

119. A particular difficulty faced by this prison, due to its small size is the effective segregation of prisoners. The women's cells were not sufficiently apart from the male cells. However, convicted and untried prisoners were segregated during lock up times in their respective cells.

120. Shackles were used on two prisoners who continually tried to escape. However, there was no torture, no beatings and no solitary confinement reported in this prison. Discipline was enforced by either suspension of visits or by doing a number of laps around the prison courtyard. Unfortunately, the degrading "pointing the finger exercise" was also used consisting of requiring a prisoner to point a finger to the ground with his head down and forcing him to turn around until he was dizzy and fell over.

121. This prison was also distinguished by its open co-operation with local and international NGOs including Redd Barna, Concern and ADHOC. The latter is a local human rights group which visits the prison every Friday. It also visits if there is a seriously sick prisoner to assist in treatment and assists other NGOs with access to the prison. Concern had helped with the organization of a garden and supply of seeds and garden implements.

122. A major problem as expressed by prisoners in this prison as in all of the prisons visited was a lack of food. This was also identified as a major issue by prison guards.

123. Problems associated with other prisons like lengthy pre-trial delays, and non-representation of prisoners were also present. Prison staff were poorly trained like in other prisons.

124. What was different here was a conscientious effort in the senior staff to try and actively provide for the welfare of the prisoners where possible. This was reinforced by the active presence of local community based organizations. The links between these aspects and improved security was not lost on the prison staff.

Recommendations*

1. LITERACY PROGRAMMES

- 1.1 The Prison Department implement with the assistance of one or more human rights or other interested non-government organization (NGOs) a literacy programme in as many prisons as possible. Such a programme should be held for a minimum of 4-8 hours per week in each prison and should be available to all prisoners.
- 1.2 The curriculum for this programme shall be developed by the NGOs and submitted for approval to the Ministry of Interior and Ministry of Justice.
- 1.3 Each prison Director should nominate a "Literacy Education Officer" to assist with the above courses, nominate appropriate prisoners and report on the progress of courses to the Director who in turn will report on progress to the Ministry of Interior and local Governor's office.

2. SECURITY PROTOCOLS & FIREARMS

- 2.1 The Director of each prison be directed to draft a security protocol for the maintenance of security at the prison. This should include the number of armed and unarmed patrols at every hour of the day and the number of prison officers involved; the number of armed and unarmed guards stationed at the prison at any hour; the procedure to respond to emergencies or escapes; and deficiencies or issues in maintaining security at the prison.
- 2.2 After receipt of this information the Ministry of Interior shall draft a "Uniform Security Protocol" that will apply to all prisons. Attached to the "Uniform Security Protocol" should be a "Specific Security Protocol" which shall contain specific instructions to maintain security in the particular prison it is issued to. The Uniform Security Protocols and Specific Security Protocols shall be issued through a directive of the Co-Ministers of the Ministry of Interior.
- 2.3 As part of the "Uniform Security Protocol" the Ministry of Interior shall set out the rules for the use of firearms by prison officers. In designing these rules it should make reference to and follow the guidelines established in the Basic Principles for the Use of Force and Firearms by Law Enforcement Officers. In particular, it should specify when firearms may not be worn by prison officers.

3. PRISON RULES

- 3.1 Revise the existing rules for the conduct of prisoners for prisons first introduced in 1979 and draft a new set of rules.

*The word "prisoners" in these recommendations unless otherwise specified refers both to "detainees" (those held awaiting trial) and those held after conviction and sentence.

- 3.2 A working group of two representatives from both the Ministry of Interior and Ministry of Justice convened and chaired by the latter will meet to draft a new set of rules.
- 3.3 The above working group co-opt the UN Centre for Human Rights and other relevant agencies to assist in this process.
- 3.4 That the above working group consider, among other things, the SMRTP and Basic Principles for the Treatment of Prisoners when drafting the new set of rules.
- 3.5 That the new set of rules be incorporated into relevant ministerial regulations and adopted under relevant legislation.

4. PRISON HEALTH AND MEDICAL SERVICES

- 4.1 The Minister of Justice immediately issue a direction to all Prosecutors that they should arrange the transfer of prisoners to hospital when a request to do so is made by the Director of a prison and the designated Medical Officer attached thereto.
- 4.2 The Prison Department of the Ministry of Interior contact the World Health Organization to facilitate the implementation of tuberculosis and HIV/AIDS screening and other preventative health measures in prisons as necessary.
- 4.3 The Director of each prison nominate a "Chief Medical Officer" and two "Assistant Medical Officers" such officers to receive training to be provided by the Cambodian Health and Human Rights Alliance.
- 4.4 Measures be taken to segregate those prisoners with infectious diseases.
- 4.5 The Chief Medical Officer create and maintain a medical file on each prisoner to be constantly maintained and updated.
- 4.6 Each prison should maintain a separate clinic room which is equipped with a desk and examination bed where prison medical files are kept and where vaccinations, first aid and medications for common ailments can be administered.
- 4.7 The Chief Medical Officer and/or assistant Medical Officer be in attendance during visits by medical NGOs treating prisoners.
- 4.8 The Department of Health the Ministry of Interior and Ministry of Justice in consultation with the American Refugee Committee, Médecins du Monde and LICADHO develop a protocol for the treatment of prisoners and that such a protocol be issued to all Prison Directors and Hospital Directors to guide them in the treatment of prisoners.
- 4.9 Prisoners who are mentally insane or are suffering from severe

psychiatric disorders should not be detained in prisons.

- 4.10 Each new prisoner upon arrival at a prison be medically examined before entering the main prison area and a file as to his/her medical condition be established. If the prisoner is suspected of suffering from a contagious disease or is seriously ill or wounded then immediate transfer be arranged to a local hospital for treatment of the prisoner by hospital staff. If the prisoner is suffering from a contagious disease then she/he should be segregated from others.
- 4.11 Where possible all inmates should have access to running water and toilets.
- 4.12 Prisons should be kept clean at all times including cells and general areas.
- 4.13 In overcrowded prisons cell space should be evenly used.
- 4.14 In severely crowded prisons the length of time outside of cells should be extended.

5. PRISON RECONSTRUCTION

- 5.1 The Ministry of Interior approach the United Nations Development Program (UNDP) to ascertain the further availability of funds for prison reconstruction.
- 5.2 The Royal Government of Cambodia appeal to interested donor Governments to provide funds for prison redevelopment.
- 5.3 The Ministry of Interior design a redevelopment and building program for prisons which designates urgent maintenance work at each prison, major renovations, minor renovations and rebuilding required in each prison.

6. SEGREGATION

- 6.1 Immediate steps be taken to segregate all convicted inmates and detainees, according to the SMRTP. In particular, quick and regular review of the necessity to maintain pre-trial detainees in detention, as they are to be considered innocent until tried by a judge.
- 6.2 As far as possible female prisoners be kept separate from male prisoners including through the use of separate recreation and bathing areas.

6.3 Juveniles be segregated from other prisoners and a separate institution for juvenile offenders be established in or near Phnom Penh as soon as practically feasible.

6.4 Inmates should not be classified according to economic status, ethnicity or social status.

6.5 That untried prisoners have a different prison uniform issued to them as per the SMRTP.

7. PRISON REGISTER AND RECORDS

7.1 A standard format be developed for all prison registers to be in conformity with the SMRTP.

7.2 That a standard form of record keeping be established in each prison under direction by the Ministry of Interior. That the standard format incorporate a separate file on each prisoner and include receipts for each prisoner's property, other official correspondence and documentation relating to the prisoner.

8. BEDDING, CLOTHING AND PRISONER SUPPLIES

8.1 Each prisoner be supplied with a mat, blanket, mosquito net upon admission to a prison and that this be replaced every twelve months.

8.2 Each prisoner be issued with two sets of prison clothing upon admission to the prison, excepting that untried prisoners be given the option of wearing their own clothes if desired.

8.3 In each prison two or three prisoners be nominated as "harbers" whose work will be to provide such services to other prisoners.

9. FOOD

9.1 There shall be two meals provided to prisoners each day.

9.2 One meal and where possible both meals per day should include fish or meat and vegetables.

9.3 The daily allowance of food for each prisoner should be adequate to maintain good health and strength.

- 9.4 The daily allowance (currently 1,000 Riels per day) should be revised every twelve months.
- 9.5 The cost of firewood should not be deducted from the daily allowance.
- 9.6 Each Prison Director appoint an officer to monitor the requisition, preparation and supply of food to prisoners and reports to him fortnightly upon such matters.

10. EXERCISE AND SPORT

- 10.1 The Deputy-Director of each prison with two other senior officers be designated as a "Exercise and Sport" committee which shall prepare an exercise regime for the prison. This regime shall include :
- a minimum of one hour exercise per day for each prisoner;
 - the organization of a regular sports programme (volleyball, etc.) for all prisoners interested.
- 10.2 All prisoners in Cambodian prisons be allowed out of their cells at least five hours per day except where this may represent a serious security risk.

11. DISCIPLINE AND PUNISHMENT

- 11.1 The Ministry of Interior establish a standard set of "discipline and punishment" protocols in keeping with United Nations standards for all prisons. This should ban all cruel and degrading punishment including the following methods of punishment :
- shackling
 - food deprivation
 - isolation in small and/or dark cells
 - beatings
 - standing in the sun for protracted periods
 - the exercise of "pointing the finger" where an inmate is forced to point one finger to the ground and spin around (resulting in dizziness)
 - Deprivation of family visits.
- 11.2 The use of prisoners to enforce discipline against other prisoners should be absolutely prohibited and made illegal.

12. OUTSIDE CONTACT

- 12.1 The Government should pass a law that requires arresting authorities to notify relatives or in the case of aliens relevant diplomatic personnel within twenty-four hours of an arrest.
- 12.2 Prisoners should be allowed to write and arrange the postage of correspondence and to receive and read newspapers, magazines and listen to radio, television and other such information.
- 12.3 Prisoners shall have the right to see friends and relations at least four times per month each visit to be at least one hour.
- 12.4 Prison authorities should notify the next of kin of the transfer, serious illness or death of a prisoner within twenty-four hours. An independent investigation should be conducted upon the death of any prisoner.
- 12.5 Prisoners shall be able to be visited by their defender or lawyer at any time as is reasonable.
- 12.6 Human Rights NGOs should have access to prisons on a regular basis.
- 12.7 Relatives should only be searched when this is necessary for security reasons and only by a person of the same gender.
- 12.8 The Government shall establish a policy on visit to prisons by the media.
- 12.9 Regular visits by monks and nuns to prison should be permitted.

13. PRISON PERSONNEL

- 13.1 The Ministry of Interior should, through its Training Department, design a three month induction programme for all newly recruited prison officers in accordance with the SMRTP. The Cambodia Office can provide assistance in the preparation and conduct of this course.

14. INSPECTION

- 14.1 Inspection shall be carried out by joint judicial and prosecutorial teams from local courts at least once and preferably two times per month. The reports of these prisons shall be forwarded to both the Ministry of Interior and Ministry of Justice.
- 14.2 A standard format for reporting shall be adopted for the purposes of the

inspections mentioned in Recommendation 14.1.

- 14.3 The Government shall enable members of the National Assembly, particularly the Human Rights and Reception of Complaints Commission to visit and inspect prisons.

15. WORK

- 15.1 Force labour should be prohibited
- 15.2 The Ministry of Interior should develop a policy relating to work opportunities for prisoners in conformity with the SMRTP. In particular all work should be useful and non-exploitative. It should improve and/or maintain the skills of prisoners.
- 15.3 Prison Directors in each prison should appoint a "Works Director" to develop and administer a programme of work in conformity with the SMRTP. There should be a system of equitable remuneration for the work of prisoners. Prisoners should be allowed to spend at least a part of their earnings for their own use.
- 15.4 Where possible all prisons should provide opportunities for prisoners to make vegetable gardens.

16. ADMINISTRATION

- 16.1 A joint working party appointed by the Government should examine the administrative arrangements relating to prisons. The joint working party should consist of representatives from relevant Ministries and outside agencies experienced in prison work. The joint working party should, inter alia, consider the following matters:

the location of the prison administration within the Ministry of Interior and the possibility of moving this administration to another Ministry

the operation of Decree 31

the role of the police in prison administration

communications with prisons

the structure of the prison administration

17. LEGISLATION

- 17.1 The Standard Minimum Rules for the Treatment of Prisoners (SMRTP) should be enacted into legislation.

18. ESCAPES

- 18.1 Prisoners who escape from lawful custody should be dealt with according to law.
- 18.2 Legislation and regulations thereunder should ensure that prisoners who escape from custody be lawfully charged and tried for a criminal offence established by law.
- 18.3 Legislation and regulations thereunder should make it a criminal offence for prisoners who escape from lawful custody and are then recaptured to be subjected to unlawful punishment or punishment not sanctioned by law.

19. TRANSFER OF PRISONERS

- 19.1 Ensure that Prisoners can be transferred from a prison to another place only by order of a Judge or Prosecutor.

20. WOMEN

- 20.1 That female prisoners be segregated from male prisoners.
- 20.2 That recreational and other areas for female prisoners be separated, where possible, from male recreation areas.
- 20.3 That sexual or other abuse of female prisoners be made a criminal offence.
- 20.4 That the special needs of female prisoners be recognized in all laws and regulations relating to prisons and be in conformity with the SMRTP.
- 20.5 Female prisoners should, in all prisons, be under the direct authority of female prison officers.
- 20.6 That a special recruitment drive be made to employ female prison officers in each prison so as to supervise female prisoners.

20.7 Where a female prisoner requires pre-natal or post-natal care this should be provided as a matter of right.

20.8 Where nursing infants are allowed to remain in the prison with their mothers, provision should be made for the infants special needs.

21. JUVENILES

21.1 That the plans for a specialist juvenile detention centre for those under the age of 18 years receive priority consideration for funding.

21.2 That where juveniles are held in prisons they be strictly segregated from other categories of prisoners.

21.3 That the special needs of juvenile prisoners be recognized in all laws and regulations in relation to prisons and be in conformity with the SMRTP and Rules for Juvenile Offenders.

22. THE CLOSURE OF T3 PRISON AND THE MOVE TO PREY SAR PRISON

22.1 That it is ensured that the facilities at Prey Sar are upgraded to receive a larger intake of prisoners and in particular that:

- there be an adequate water supply to the prison
- there be adequate transport facilities provided to the Prison Department to enable the easy transfer of prisoners to and from Prey Sar and Courts and other facilities
- Prey Sar be given an improved food supply to compensate for its relative isolation
- adequate medical facilities are appointed to Prey Sar

22.2 That a short-term holding facility be established in the Phnom Penh central area to hold prisoners during trial and or awaiting transport to Prey Sar prison.

23. SANITATION AND PERSONAL HYGIENE

23.1 That all Prison Directors ensure the proper daily cleaning of prison cells and facilities.

- 23.2 That septic systems in all prisons are inspected weekly and pumped out bi-monthly to ensure their effective use
- 23.3 That a set of eating utensils be issued to each prisoner upon admission.
- 23.4 That a set of guidelines for the maintenance of proper sanitation and hygienic standards be issued to all Prison Directors. This should include:
- the provision of soap to all prisons
 - adequate access to toilets
 - the provision of adequate bathing facilities
- 23.5 That the Chief Medical Officer appointed to each prison shall regularly inspect and advise the Director upon:
- the quantity, quality, preparation and service of food
 - the hygiene and cleanliness of the prison in general
 - the observance of rules concerning recreation
- 23.6 The Director shall receive the advice and recommendations of the Chief Medical Officer in 23.5 and wherever possible take immediate steps to implement same.
24. PRE-TRIAL DETENTION (ARREST, BAIL AND INTERROGATION)
- 24.1 Pre-trial detention should always count as time served and never exceed the maximum sentence for the offense a detainee is charged with.
- 24.2 Each day served over the pre-trial period limited by law (at the moment under the Transitional Criminal Provisions four months or in some cases six months) shall count as three days served and be deducted accordingly from any sentence imposed. This provision should be incorporated into relevant legal statutes.
- 24.3 All those charged with an offense, have a right to apply for bail (pre-trial conditional release). Such provision being incorporated into relevant legal statutes.
25. SENTENCING AND EARLY RELEASE PROGRAMMES
- 25.1 Replace the existing early release programme with a comprehensive legislated scheme that allows all prisoners to apply for early release at an appropriate time and which is administered by an independent quasi-judicial authority established under the authority and chaired by a judge of the Appeals Court of Cambodia.

26. PJ PRISON

- 26.1 PJ Prison should be administered under the direct authority of the Prison Department of the Ministry of Interior.
- 26.2 The number of prisoners at PJ should be restricted by law to 30 male prisoners and ten female prisoners.

27. COMPLAINTS PROCEDURE

- 27.1 A "Prisons Tribunal" should be established in each prison presided over by a specially appointed visiting judge to hear complaints by prisoners and to inspect prisons as necessary. The Tribunal should have full authority to direct prison authorities as necessary specifically in relation to conditions for prisoners.
- 27.2 Prisoners should be allowed to make confidential complaints to the prison tribunal about their treatment.
- 27.3 The jurisdiction, procedures and appointments to the "Prisons Tribunal" should be contained in lawful legislation and regulations.

28. FOREIGN PRISONERS

- 28.1 Prisoners who are foreign nationals or refugees or stateless persons shall be allowed reasonable facilities to communicate with their relatives, friends and with the diplomatic or consular representatives of the state to which they belong or with the diplomatic representative of the state which takes charge of their interests or any national or international institutions whose task it is to protect such persons or care for their interests.

UNITED NATIONS CENTRE FOR HUMAN RIGHTS: CAMBODIA
FIELD OFFICE

**CAMBODIAN PRISONS SHORT TRAINING PROGRAM: DETENTION
AND HUMAN RIGHTS**

1. PREAMBLE

1.1 After a number of meetings with senior officials of the Ministry of Interior to discuss ways in which the United Nations Centre for Human Rights (the Centre) may be of assistance to the Ministry it is proposed that a series of short-term training courses on the subject of "Detention and Human Rights" be held in a number of prisons.

2. OBJECTIVES

2.1 Prison officers who complete this course should:

2.1.1 have an introductory knowledge of essential principles of criminal law and procedures relevant to detention and imprisonment;

2.1.2 have an introductory knowledge of applicable international standards relevant to detention and imprisonment.

3. CONTENT

3.1 The course will be centred upon both existing Cambodian criminal law and procedure that may be relevant to the work of prison officers and on applicable international human rights instruments including:

- * Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment;
- * Convention Against Torture;
- * Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- * Standard Minimum Rules for the Treatment of Prisoners;
- * United Nations Rules for the Protection of Juveniles Deprived of their Liberty; -

3.2 As well there will be an introductory session on prison administration and reform.

4. DURATION

4.1 Each course will be of twelve hours duration.

5. PARTICIPANTS

5.1 Participation in each course should be limited to twenty students who should be senior officers and staff members.

6. SCHEDULE OF TRAINING

6.1 PHNOM PENH REGION - For those prisons in the Phnom Penh region (Prey Sar, T3 and PJ) it is expected that the course will be offered one morning per week (8 to 11 am) over an extended period. As a course has already been conducted in T3 it is recommended that course commence in PJ prison before proceeding onto Prey Sar and T3. The schedule of training suggested is as follows:

* PJ - March 31, April 7, 21 and 22

* Prey Sar - May 5, 12, 19 and 26

* T3 - June 7, 8, 14 and 15

6.2 PROVINCES - Ten provincial provinces have been selected for inclusion in the training program. This list can be modified at the Ministry's discretion. Each provincial training will take place over a two day period - 8 to 11 am and 2 to 5 pm each day. The schedule suggested is as follows:

* Svay Rieng - March 1 and 2

* Prey Veng - March 15 and 16

* Kompong Cham - April 5 and 6

* Takmao - April 19 and 20

* Kampot - May 3 and 4

* Kompong Som - May 17 and 18

* Kompong Chhnang - June 1 and 2

* Battambang - June 21 and 22

Appendix I

- * Sisophon - July 5 and 6
- * Seam Reap - July 19 and 20

7. REPORT

- 7.1 A report on the training will be provided to the Ministry of Interior.

8. FOLLOW UP

8.1 Training for other prisons can be provided in due course. These short courses can also be supplemented by presentations from consultants employed by the Centre.

8.2 If it is considered desirable by the Ministry a national symposium of prison officers could also be arranged.

9. COURSE STAFF

- 9.1 The course will be by Peter Condliffe, Chief of Education, Training and Information.

PROCESS: The course shall be divided into 4 three hour sessions. Each session except session 4 with a one hour lecture followed by discussion and then a short small group exercise. The fourth session shall be based upon a survey questionnaire to be distributed.

Session I:

Introductions, Role of the Cambodia Office. The Cambodian Constitutional and Legal Context. The session shall include an introduction to :

- * the human rights provisions of the Cambodian Constitution
- * the Transitional Criminal Provisions
- * the Law on Criminal Procedure

Session II & III

International Law and the Rights of Detainees. The session shall include an introduction to :

- * International Covenant on Civil and Political Rights
- * Standard Minimum Rules for the Treatment of Prisoners
- * Convention Against Torture
- * Declaration on the Protection of all Persons being Subjected to Torture and other Cruel, Inhumane or Degrading Treatment or

Appendix I

Punishment.

- * Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment
- * United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

Session IV

This session shall be based around a short survey concerning prison conditions and issues facing prison staff. Ideas for reform of the particular prison and the prison system shall be addressed and discussed.

Certification: A certificate of attendance will be provided to all students.



SURVEY OF CAMBODIAN PRISONS

ការស្ទង់ប្រមាណលើពន្ធនាគារកម្ពុជា

PART I ផ្នែកទី ១

PRELIMINARY INFORMATION ព័ត៌មានបឋម

NAME OF PRISON ឈ្មោះពន្ធនាគារ _____

CLASSIFICATION OF PRISON ការបែងចែកជាផ្នែកៗរបស់ពន្ធនាគារ

- A. Number of prisoners
ចំនួនអ្នកទោស _____
- B. Number of untried prisoners
ចំនួនអ្នកទោសពុំទាន់កាត់ក្តី <ពិរទ្ធជន> _____
- C. Number of tried prisoners
ចំនួនអ្នកទោសដែលកាត់ក្តីហើយ <ទណ្ឌិត> _____
- D. Number of female prisoners
ចំនួនអ្នកទោសស្រ្តី _____
- E. Number of young prisoners (i.e. under 18 years)
ចំនួនអ្នកទោសក្មេងៗ <ក្រោមអាយុ១៨ឆ្នាំ> _____
- F. Number of infants with their mother
ចំនួនកុមារដែលរស់នៅជាមួយម្តាយ _____
- G. Age of the prison
អាយុពន្ធនាគារ _____
- H. General state of buildings
ស្ថានភាពទូទៅនៃអគារពន្ធនាគារ
- | 5 | 4 | 3 | 2 | 1 |
|-----------|------|-----------------|------|-----------|
| Excellent | Good | Just Sufficient | Poor | Very Poor |
| ល្អណាស់ | ល្អ | សមរម្យ | អន់ | អន់ណាស់ |

Briefly describe

ចូរពិពណ៌នាដោយសង្ខេបអំពីស្ថានភាពទូទៅនៃពន្ធនាគារ

- I. Holding capacity of the Prison
ចំណុះពន្ធនាគារ _____
- J. General State of Grounds
ស្ថានភាពទូទៅនៃបរិវេណ
- | 5 | 4 | 3 | 2 | 1 |
|-----------|------|-----------------|------|-----------|
| Excellent | Good | Just Sufficient | Poor | Very Poor |
| ល្អណាស់ | ល្អ | សមរម្យ | អន់ | អន់ណាស់ |

Briefly describe

ចូរពិពណ៌នាដោយសង្ខេបអំពីស្ថានភាពទូទៅនៃបរិវេណពន្ធនាគារ

Appendix III

- K. Draw a sketch plan of the prison in the space below. Include notable features.
 ចូរគូរផែនទីប្លង់ពន្ធនាគារ ក្នុងក្របខណ្ឌខាងក្រោម ។ រួមទាំងលក្ខណៈគួរកត់សំគាល់ ។

- L. Type of cells + How many Prisoners in each Cell ?
 តើមានបន្ទប់បំប៉នប្រភេទ ? តើមានអ្នកទោសបំប៉នក្នុងបន្ទប់នីមួយៗ ?

- M. Prison staff morale (+ from classroom & general conversation)
 ទឹកចិត្តបុគ្គលិកពន្ធនាគារ (ពីថ្នាក់រៀននិងការសង្កេតទូទៅ)

5	4	3	2	1
Excellent	Good	Just Sufficient	Poor	Very Poor
ល្អណាស់	ល្អ	សមស្រប	អន់	អន់ណាស់

- N. Other notable features about this prison
 លក្ខណៈដែលគួរកត់សំគាល់ផ្សេងៗទៀតអំពីពន្ធនាគារនេះ

- O. SECURITY. If security is defined as the ability to keep prisoners contained, and the difficulty of escape how would you rate this prison សន្តិសុខ. ប្រសិនបើសន្តិសុខត្រូវបានគេកំណត់ថាជា មានលទ្ធភាពអាចរក្សាអ្នកទោសបាន ហើយពិបាកនឹងរត់គេចនោះ តើលោកនឹងឱ្យពិន្ទុលើពន្ធនាគារនេះត្រង់លេខណាមួយ

5	4	3	2	1
Excellent	Good	Just Sufficient	Poor	Very Poor
ល្អណាស់	ល្អ	សមស្រប	អន់	អន់ណាស់

- P. LIST THE 3 MOST PRESSING ISSUES FACING THIS PRISON IN ORDER OF IMPORTANCE FROM 1 TO 3.
 ចូរសរសេរបញ្ហាបន្ទាន់សំខាន់ៗ ៣ ដែលកំពុងប្រឈមមុខនឹងពន្ធនាគារនេះទៅតាមលំដាប់លេខរៀងនៃបញ្ហាដែលមានសារៈសំខាន់ពីលេខ ១ ដល់លេខ ៣ :

1. _____
 2. _____
 3. _____

3.

Part II : PRISON CONDITIONS

ផ្នែកទី ២ ស្ថានភាពពន្ធនាគារ

1. Prison Register

បញ្ជីពន្ធនាគារ

1.1 Is there a prison registration book ?
តើពន្ធនាគារមានសៀវភៅចុះឈ្មោះឬទេ ?

Yes / No
បាទ / អត់មាន

1.2 What information does it record
តើគេកត់ត្រាមានអ្វីខ្លះក្នុងបញ្ជីនោះ ?

ID
អត្តសញ្ញាណប័ណ្ណ
Reason for detention
ហេតុផលនៃការឃាត់ទុក
Date and hour of admission
កាលបរិច្ឆេទ និងម៉ោងនៃការទទួលខ្លួន
Details of the commitment order
សេចក្តីពិស្តារតាមលំដាប់ដោយប្រព្រឹត្តិកម្ម

2. SEGREGATION

វិធានការ «ការដាក់ដោយឡែក»

- 2.1 Are women kept separate from men ?
តើគេដាក់មនុស្សស្រីដោយឡែកពីមនុស្សប្រុសឬទេ ? Yes / No
បាទ / ទេ
- 2.2 Are untried prisoners kept separate from convicted prisoners ?
តើគេដាក់ពិន្ទុជនដោយឡែកពីពិន្ទុកម្មឬទេ? Yes / No
បាទ / ទេ
- 2.3 Are they treated differently ?
តើគេប្រព្រឹត្តលើជនទាំងនោះខុសៗពីគ្នាឬទេ ? Yes / No
បាទ / ទេ
- 2.4 Are civil prisoners kept separate from criminal offenders ?
តើអ្នកទោសរដ្ឋប្បវេណីគេដាក់ដោយឡែកពីពិន្ទុកម្មឬទេ ? Yes / No
បាទ / ទេ
- 2.5 Are young offenders kept separate from adults ?
តើគេដាក់អ្នកទោសក្មេងដោយឡែកពីមនុស្សចាស់ទេ ? Yes / No
បាទ / ទេ
- 2.6 Are security prisoners kept in this prison ? Yes / No
តើអ្នកទោសនយោបាយត្រូវដាក់ក្នុងពន្ធនាគារនេះឬទេ ? បាទ / ទេ
- If yes how many are there --- Are they separated from other prisoners ?
បើមានតើមានប៉ុន្មាន---តើពួកគេត្រូវបានដាក់ដោយឡែកពីអ្នកទោសដទៃឬទេ? Yes/No
បាទ / ទេ

3. ACCOMMODATION

កន្លែងស្នាក់នៅ

3.1 What is the accommodation like ? Briefly describe :
តើកន្លែងស្នាក់នៅយ៉ាងណាដែរ? ចូរពិពណ៌នាដោយសង្ខេបអំពីកន្លែងស្នាក់នៅ

Appendix III

3.1.1 Rank on the following scale :

5	4	3	2	1
Excellent	Good	Just Sufficient	Poor	Very Poor
ល្អណាស់	ល្អ	សមរម្យ	អន់	អន់ណាស់

ចូរឲ្យពិន្ទុលើកត្រាទាំងនេះ

3.2 Is there adequate light, ventilation, sanitary facilities and bathing facilities ?
 តើមានពន្លឺគ្រប់គ្រាន់, ខ្យល់, សំភារៈអនាម័យ និងសម្ភារៈងូតទឹកគ្រប់គ្រាន់ទេ ?

Briefly describe :

ចូរពិពណ៌នាដោយសង្ខេប

3.3 Are facilities properly maintained and clean ? Yes / No
 តើសម្ភារៈទាំងនេះត្រូវបានថែទាំហើយស្អាតត្រឹមត្រូវឬទេ ?

Briefly Describe : ចូរពិពណ៌នាដោយសង្ខេប

4. APPEARANCE OF PRISONERS លក្ខណៈអាការៈរបស់អ្នកគោល

4.1 Briefly Describe ចូរពិពណ៌នាដោយសង្ខេបអំពីលក្ខណៈអាការៈរបស់អ្នកគោល

5. BEDDING គ្រឿងដេក

5.1 Briefly Describe bedding arrangements & facilities
 ចូរពិពណ៌នាដោយសង្ខេបនូវសម្ភារៈនិងការរៀបចំគ្រែដេក

6. FOOD ម្ហូបអាហារ

6.1 Time of meals
 ម៉ោងចែកអាហារ

First លើកទីមួយ _____

Second លើកទីពីរ _____

(Others if provided) ម៉ោងផ្សេងទៀត(បើមាន) _____

6.2 Food provided at meals
 ម្ហូបដែលផ្តល់ឲ្យពេលបាយ

First លើកទីមួយមាន _____

Second លើកទីពីរ _____

(Others if provided) លើកផ្សេងទៀត(បើមាន) _____

7.3 Is drinking water available ? មានទឹកទទួលបានឬទេ? Yes / No
 មាន, អត់
 Briefly describe ចូរពិពណ៌នាដោយសង្ខេប

7.4 Rank the quantity of food given to prisoners on the following scale
 ចូរថ្កុលរំលឹកបរិមាណអាហារដែលផ្តល់ឲ្យអ្នកទោស

5 4 3 2 1
 Very poor ល្មម មធ្យម អន់ អន់ណាស់
 ល្មម ល្អ មធ្យម អន់ អន់ណាស់

7.5 Rank the quality of food given to prisoners
 ចូរថ្កុលរំលឹកគុណភាពអាហារដែលផ្តល់ឲ្យអ្នកទោស

5 4 3 2 1
 Very poor ល្មម មធ្យម អន់ អន់ណាស់
 ល្មម ល្អ មធ្យម អន់ អន់ណាស់

7.6 Exercise & Sport ការហាត់ប្រាណ និងកីឡា

7.1 What recreational facilities exist ? តើមានគ្រឿងកំសាន្តអ្វីខ្លះ?

7.2 What exercise do prisoners do ? តើអ្នកទោសមានការហាត់ប្រាណបែបណា?

8- Medical ថ្នាក់សុខាភិបាល

8.1 What medical personnel are available ? តើបុគ្គលិកពេទ្យបែបណាដែលមាន?

Briefly describe ចូរពិពណ៌នាដោយសង្ខេប

8.2 What medical facilities exist ? តើការសម្រួលការងារថ្នាក់សុខាភិបាលមានអ្វីខ្លះ?

Briefly describe ចូរពិពណ៌នាដោយសង្ខេប

8.3 Are drugs and pharmaceuticals available to prisoners ? Yes / No
 តើមានថ្នាំសង្កូវអ្វីសម្រាប់ផ្តល់ឲ្យអ្នកទោសឬទេ? មាន, ទេ

Comment ផ្តល់របាយសង្ខេប

8.4 Are prisoners regularly medical examined ? Yes / No
 តើគេពិនិត្យសុខភាពអ្នកទោសជាទៀងទាត់ឬទេ? បាទ, ទេ

Comment ផ្តល់របាយការណ៍

8.5 Rank the prison medical service on the following scale
ចូរថ្កុលរៀបចំសេវាវេជ្ជសាស្ត្រក្នុងគុណភាពនៅពន្ធនាគារនេះលើស្រទាប់ខាងក្រោម

5	4	3	2	1
Excellent	Very Good	Just Sufficient	Poor	Very Poor
ល្អណាស់	ល្អ	សមស្រប	អន់	អន់ណាស់

9- Discipline & Punishment ការពិន័យ និង ការដាក់ទណ្ឌកម្ម

9.1 How are prisoners disciplined? តើគេដាក់ពិន័យអ្នកទោសដោយរបៀបណា?

Briefly describe ចូរពិពណ៌នាដោយសង្ខេប

9.2 Do prisoners know about disciplinary rules? តើអ្នកទោសចេះបទពិន័យឬទេ?

Yes / No

បាទ, ទេ

Comment ផ្តល់របាយការណ៍

9.3 Are dark cells, shackling or other instruments of restraint, or reduction of diet used as punishments? Yes / No

តើបន្ទប់ងងឹត, ខ្នោះដើមដៃឬឧបករណ៍សម្រាប់ឃាត់ខ្លួនផ្សេងៗ ឬការកាត់បន្ថយអាហារត្រូវបាន
គេប្រើធ្វើជាការដាក់ទណ្ឌកម្មឬទេ?

បាទ, ទេ

Comment ផ្តល់របាយការណ៍

9.4 What are the most common disciplinary problems? តើបញ្ហាដែលគេត្រូវដាក់ពិន័យញឹកញាប់មានអ្វីខ្លះ?

9.5 Is there much prisoner-on-prisoner violence? តើមានអំពើហិង្សារវាងអ្នកទោស និងអ្នកទោសច្រើនឬទេ?

Yes / No

បាទ, ទេ

Comment ផ្តល់របាយការណ៍

9.6 Are there sexual assaults in this prison? តើមានការចាប់រំលោភផ្នែកភេទនៅក្នុងពន្ធនាគារនេះឬទេ?

Yes / No

បាទ, ទេ

Comment ផ្តល់របាយការណ៍

10- Outside Contact ការទំនាក់ទំនងពីខាងក្រៅ

10.1 Who can visit ? តើអ្នកណាអាចមកសាកសួរ សួរសុខទុក្ខបាន?

10.2 How Often ? ញឹកញាប់យ៉ាងណាប៉ុន្មានដង?

10.3 Contact or non-contact ប៉ះពាល់គ្នាបាន ឬមិនបាន?

10.4 Are visitors searched ? តើគេរកអ្នកមកសួរសុខទុក្ខឬទេ?

10.5 What can visitors bring តើអ្នកមកសួរសុខទុក្ខអាចយកអ្វីមកបានខ្លះ?

11- Prisoners Property ទ្រព្យសម្បត្តិរបស់អ្នកទោស

11.1 What happens to prisoner property គេធ្វើដូចម្តេចចំពោះទ្រព្យសម្បត្តិរបស់អ្នកទោស?

Briefly describe ចូរពិពណ៌នាដោយសង្ខេប

12- Prison Personnel បុគ្គលិកពន្ធនាគារ

12.1 How many prison officers are there ? តើមានមន្ត្រីពន្ធនាគារប៉ុន្មាននាក់?

12.2 Other Staff ? តើមានបុគ្គលិកដទៃទៀតទេ?

12.3 Have prison staff received training ? តើបុគ្គលិកពន្ធនាគារមានបានទទួលការហ្វឹកហ្វឺនឬទេ?

Briefly describe ចូរពិពណ៌នាដោយសង្ខេប

13- Inspection ការត្រួតពិនិត្យ

13.1 Is there regular inspection of the prison by outside authorities ?
តើមានការត្រួតពិនិត្យទៀងទាត់ពីអាជ្ញាធរខាងក្រៅឬទេ?

Yes / No
មាន, ទេ

Appendix II

Briefly describe ចូរពិពណ៌នាដោយសង្ខេប

14- Work ការងារ

14.1 Briefly Describe the prisons work programme for prisoner's
ចូរពិពណ៌នាដោយសង្ខេបអំពីកម្មវិធីការងារពន្ធនាគារសម្រាប់អ្នកទោស

14.2 Are prisoners required to work ? Yes / No
តើគេតម្រូវឲ្យអ្នកទោសធ្វើការឬទេ? បាទ. ទេ

14.3 Are prisoners paid for work ? Yes / No
តើគេបង់ប្រាក់ឲ្យអ្នកទោសចំពោះការងារដែលគេធ្វើឬទេ? បាទ. ទេ

How much បើបង់តើប៉ុន្មាន?

14.4 Do inmates wish to work ? តើអ្នកទោសប្រាថ្នាចង់ធ្វើការឬទេ?

15- Special Programmes កម្មវិធីពិសេស

15.1 Are there special programmes for prisoners e.g. education, artistic etc. ? Yes / No
តើមានកម្មវិធីពិសេស ដូចជាការអប់រំ ជំនាញខាងសិល្បៈសម្រាប់អ្នកទោសទេ? បាទ. ទេ

16- Overall How Would You Rate The Prison និយាយរួម តើលោកនឹងឲ្យពិន្ទុពន្ធនាគារនេះត្រង់លេខណាមួយ

5	4	3	2	1
Excellent	Good	Just Sufficient	Poor	Very Poor
ល្អណាស់	ល្អ	សមរម្យ	អន់	អន់ណាស់

17- Are there any other comments you would like to make ? តើលោកមានយោបល់អ្វីផ្សេងទៀតចង់បន្ថែមទេ?

Appendix III

1. PRISON : Svay Rieng
2. Date of Visit : March 1 to 3 1994
3. Overall Rating : Poor

4.

PRISONERS	NUMBER	UNTRIED	CONVICTED	FEMALE	UNDER 18 YEARS	INFANTS WITH MOTHERS	PRISON REGISTER
	69	26	43	4	0	1	YES

5.

GENERAL STATE OF PRISON	CONSTRUCTED	GENERAL CONDITION	BOUNDARY DIMENSIONS	SECURITY	No. of Prison Officers
	1928-30	DILAPIDATED	80 x 60 metres	POOR	32

6.

SEGREGATION	MEN FROM WOMEN	UNTRIED FROM CONVICTED	CIVIL FROM CRIMINAL	YOUNG FROM ADULT
	YES	NO	NO	NO PRISONERS REPORTED UNDER 18 YEARS

7.

ACCOMMODATION	GENERAL DESCRIPTION	KITCHEN	Light & Ventilation	Toilet Facilities	Bedding
	Male prisoners kept in one large block divided into four equal parts with meramine floors in each part. No toilet access during lock up periods. Four females kept in separate cell. An infirmary is maintained for "chief of prisoners" and favored prisoners.	Separate roofed space adjacent to cells. Poultry walking freely in it	Light is OK. But ventilation is poor in all cells	Adequate but male prisoners have no access to toilet facilities during lock up period (20-22 hours) Females have toilet in the cell which is presently unusable	No bedding - lacks blankets mosquito nets and mats. Estimated 10% have adequate bedding

8.

WORK, RECREATION & OUTSIDE CONTACT	EXERCISE	WORK	OUTSIDE CONTACT	INSPECTION
	Prisoners provided with 20-30 minute exercise program every morning. A volleyball Court in the prison around is used by guard only	No work programme or industry. A vegetable garden is worked by some prisoners	Once per month for short period Correspondence is allowed	Twice per month by Prosecution

Appendix III

9.

MEDICAL	PERSONNEL	FACILITIES	MEDICAL CHECKS	OVERALL RATING
	None	None	None unless requested	Very Poor

10.

DISCIPLINE & PUNISHMENT	RULES	PUNISHMENT	PRISONER ON PRISONER VIOLENCE
	List of 12 rules posted (See Attachment)	Allegations of systematic beatings, torture and use of small dark punishment cell	Very little evidence

11.

NOURISHMENT	MEAL TIMES	1ST MEAL	2ND MEAL	WATER
	11 am & 4-30 pm	Rice & soup soup	Rice & soup soup	2 wells vacantly renovated by ICRC OK for drinking after boiling.

12.

SIGNIFICANT ISSUES FACING THIS PRISON
<p>Dilapidated state of buildings</p> <p>Allegations of systematic beatings, torture and the use of a small punishment cell</p> <p>Lack of outside - cell time and recreation for prisoners including lack of reading material</p> <p>Lack of access to toilets during lock - in time</p> <p>Limited time and frequency of outside contact</p> <p>Medical facilities and services (the Prison Director reports 15 cases of Borbion akoue)</p> <p>Poor food preparation area</p> <p>Lack of proper bedding</p> <p>Lack of eating utensils</p> <p>Poor Security</p> <p>Poorly trained staff</p>

Appendix III

1. PRISON : Prey Veng
2. Date of Visit : 15-16 March
3. Overall Rating : Very Poor

4.

PRISONERS	NUMBER	UNTIED	CONVICTED	FEMALE	UNDER 18 YEAR	INFANTS WITH MOTHERS	PRISON REGISTER
	93	42	53	4	Nil	Nil	Yes

5.

GENERAL STATE OF PRISON	CONSTRUCTED	GENERAL CONDITION	BOUNDARY DIMENSIONS	SECURITY	No. of Prison Officers
	1930	Poor	"Inner Walls" 25 x 17m	Poor	27

6.

SEGREGATION	MEN FROM WOMEN	UNTIED FROM CONVICTED	CIVIL FROM CRIMINAL	YOUNG FROM ADULT	
	Yes	Yes (Completed the work before PAP arrival)	No	No when there are any	

7.

ACCOMMODATION	GENERAL DESCRIPTION	KITCHEN	Light & Ventilation	Toilet Facilities	Bedding
	Vast majority of prisoners kept in 2 large cells. Fourteen new prisoners are kept in small dark, unventilated cells.	Separate building inadequate	Poor	Very poor. Prisoners in most cells minute on floor near entrance.	Poor concrete slabs

8.

WORK, RECREATION & OUTSIDE CONTACT	EXERCISE	WORK	OUTSIDE CONTACT	INSPECTION
	No program. The Director has submit a program to the Ministry for approval.	Some prisoners are released to work in carpentry workshop or on outside jobs for police.	Radio allowed and twice per week. TV can be watched. Families can visit at any time. Others need permission.	Twice pm by Prosecutors

Appendix III

9.

MEDICAL	PERSONNEL	FACILITIES	MEDICAL CHECKS	OVERALL RATING
	Police nurse and primary health care worker	Nil	Health workers in attendance every day	Inadequate due to lack of facilities, drugs and skills of workers

10.

DISCIPLINE & PUNISHMENT	RULES	PUNISHMENT	PRISONER ON PRISONER VIOLENCE
	12 Rules posted	Small punishment cells Restriction on outside cell time	Little evidence of this

11.

NOURISHMENT	MEAL TIMES	1ST MEAL	2ND MEAL	WATER
	10.30 am 4.30 pm	Soup with rice	Soup with Rice	ICRC well installed suitable for drinking

12.

SIGNIFICANT ISSUES FACING THIS PRISON
<p>Crowded insitary conditions Lack of training for staff Poor food Lack of exercise and recreation programmes Outer wall is unsecured</p>

Appendix III

1. PRISON : Kompong Cham
2. Date of Visit : 5-6 April
3. Overall Rating : A dilapidated former agricultural college in pleasant grounds providing poor security and poor accommodation

4.

PRISONERS	NUMBER	UNTRIED	CONVICTED	FEMALE	UNDER 18 YEAR	INFANTS WITH MOTHERS	PRISON REGISTER
	93	80	13	11 (5 tried)	Nil	Nil	Yes

5.

GENERAL STATE OF PRISON	CONSTRUCTED	GENERAL CONDITION	BOUNDARY DIMENSIONS	SECURITY	No. of Prison Officers
	1951	Poor	78m x 117m	Poor	45 (3 females)

6.

SEGREGATION	MEN FROM WOMEN	UNTRIED FROM CONVICTED	CIVIL FROM CRIMINAL	YOUNG FROM ADULT
	Yes	Yes	No civil prisoners	No young offenders

7.

ACCOMMODATION	GENERAL DESCRIPTION	KITCHEN	Light & Ventilation	Toilet Facilities	Bedding
	Poor	Separate from building	<ul style="list-style-type: none"> Light - poor Ventilation - poor 	Sanitation boxes in every cell cleaned twice per day	<ul style="list-style-type: none"> No beds Mats Blankets Mosquito nets

8.

WORK, RECREATION & OUTSIDE CONTACT	EXERCISE	WORK	OUTSIDE CONTACT	INSPECTION
	<ul style="list-style-type: none"> A place for sport, but no material 	<ul style="list-style-type: none"> Morning exercise for one hour Vegetable garden in the morning and afternoon 	Unrestricted	2 per month sometime once a month or special cases by Prosecutors

Appendix III

9.

MEDICAL	PERSONNEL	FACILITIES	MEDICAL CHECKS	OVERALL RATING
	1 nurse	<ul style="list-style-type: none"> Minimal Small but with no equipment 	Yes	Just Sufficient

10.

DISCIPLINE & PUNISHMENT	RULES	PUNISHMENT	PRISONER ON PRISONER VIOLENCE
	12 Standard rules	<ul style="list-style-type: none"> Run around the building Cut the grass Change cells Warning given Physical punishment 	Minimal

11.

NOURISHMENT	MEAL TIMES	1ST MEAL	2ND MEAL	WATER
	10.30-11 am 3.30-4.00 pm	Soor Soup (usually fish - rice) - Sometimes baked pork (Sunday, Desert - sweet purrapt)	Soor Soup	Town supply only

12.

SIGNIFICANT ISSUES FACING THIS PRISON
Poor state of buildings Poor security Lack of toilet facilities bedding and mosquito nets Poor staff training Inadequate programmes for prisoners

Appendix III

1. PRISON : Takmao
2. Date of Visit : 18-19 April 1994
3. Overall Rating : Established in 1980 on the site of an old cotton wool factory the buildings are inadequate as a prison facility.

4.

PRISONERS	NUMBER	UNTRIED	CONVICTED	FEMALE	UNDER 18 YEAR	INFANTS WITH MOTHERS	PRISON REGISTER
	101	77	24	4	Nil	1 boy aged 2 year	Yes

5.

GENERAL STATE OF PRISON	CONSTRUCTED	GENERAL CONDITION	BOUNDARY DIMENSIONS	SECURITY	No. of Prison Officers
	1980	Poor		Just sufficient	33 (4 women)

6.

SEGREGATION	MEN FROM WOMEN	UNTRIED FROM CONVICTED	CIVIL FROM CRIMINAL	YOUNG FROM ADULT	
	Yes	No	NA	NA	

7.

ACCOMMODATION	GENERAL DESCRIPTION	KITCHEN	Light & Ventilation	Toilet Facilities	Bedding
	Extremely poor	Separated from building inadequate	Light okay but not water proof Not enough light at night	Small basin and toilet in each cell.	Mats on concrete floor

8.

WORK, RECREATION & OUTSIDE CONTACT	EXERCISE	WORK	OUTSIDE CONTACT	INSPECTION
	<ul style="list-style-type: none"> • Nil Place for volley ball but no equipment • Physical exercise 2-3 times per week for 1-1.5 hours. 	Nil	<ul style="list-style-type: none"> • Family and friends 2 times per month 	<ul style="list-style-type: none"> • Twice a month (15 + end of month)

Appendix III

9.

MEDICAL	PERSONNEL	FACILITIES	MEDICAL CHECKS	OVERALL RATING
	One medical orderly	- No equipment or medicines	Lackdo visits every Friday	Poor

10.

DISCIPLINE & PUNISHMENT	RULES	PUNISHMENT	PRISONER ON PRISONER VIOLENCE
	12 rules	<ul style="list-style-type: none"> - Cleaning of cell - Clean - 1 out the grass - Stand on one leg 	Minimal

11.

NOURISHMENT	MEAL TIMES	1ST MEAL	2ND MEAL	WATER
	11:00 am to 4:30 - 5:00 pm	Sometimes fish, pork, vegetable etc.	- Food looks reasonable	Inadequate supply local river and wells used

12.

SIGNIFICANT ISSUES FACING THIS PRISON
<ul style="list-style-type: none"> Dilapidated building literally falling down Security for prisoners Electrical power to prisoners No clothes for prisoners - not enough provided Shortage of firewood for cooking, inadequate water supply for prisoners (the pumping machine is very old) No programmes for prisoners Poor staff training

Appendix III

1. PRISON : PJ
2. Date of Visit : 4, 22 & 23 April 1994
3. Overall Rating : An extremely poor prison experiencing gross, overcrowding needing immediate intervention to change.

4.

PRISONERS	NUMBER	UNTRIED	CONVICTED	FEMALE	UNDER 18 YEAR	INFANTS WITH MOTHERS	PRISON REGISTER
	216	175	41	23	0	0	Yes

5.

GENERAL STATE OF PRISON	CONSTRUCTED	GENERAL CONDITION	BOUNDARY DIMENSIONS	SECURITY	No. of Prison Officers
	1937	Poor	35m x 12m	Tight	44

6.

SEGREGATION	MEN FROM WOMEN	UNTRIED FROM CONVICTED	CIVIL FROM CRIMINAL	YOUNG FROM ADULT	
	Yes	No	No	No evidence of under 18 year old. Further enquiry may be necessary.	

7.

ACCOMMODATION	GENERAL DESCRIPTION	KITCHEN	Light & Ventilation	Toilet Facilities	Bedding
	160 prisoners have crowded, dark, damp, unventilated cells. Remainder live in the corridors.	Poor	V. Poor	V. Poor	V. Poor

8.

WORK, RECREATION & OUTSIDE CONTACT	EXERCISE	WORK	OUTSIDE CONTACT	INSPECTION
	No	No	4 times p.m.	Prosecutors twice monthly

Appendix III

9.

MEDICAL	PERSONNEL	FACILITIES	MEDICAL CHECKS	OVERALL RATING
	One nurse	Small room no equipment or medicines	Midnight de Moude visits weekly	Very poor

10.

DISCIPLINE & PUNISHMENT	RULES	PUNISHMENT	PRISONER ON PRISONER VIOLENCE
	10 rules - each new arrival is instructed	<ul style="list-style-type: none"> Beatings. Transfer to cells 8&9 which are crowded and have blocked sewage. Outside contact stopped 	High/above average

11.

NOURISHMENT	MEAL TIMES	1ST MEAL	2ND MEAL	WATER
	10-30 (Further verification required)	Some soup	No second meal	Sometimes insufficient

12.

SIGNIFICANT ISSUES FACING THIS PRISON
<ul style="list-style-type: none"> Originally built for 30-40 prisoners it now houses over 200 Inadequate water supply, ventilation, sewage. Food supply is completely inadequate (one meal p d) Control by Ministry of Interior seems minimal Chronic ill health in prison population Evidence of widespread beatings of prisoners

Appendix III

1. PRISON : Prey Sar
2. Date of Visit : 3-4 May 1994
3. Overall Rating : Well run prison with a respected Director. Major problems are dilapidated physical structures and lack of adequate water supply.

4.

PRISONERS	NUMBER	UNTRIED	CONVICTED	FEMALE	UNDER 18 YEAR	INFANTS WITH MOTHERS	PRISON REGISTER
	56	9	47	0	1 or 2	0	Yes

5.

GENERAL STATE OF PRISON	CONSTRUCTED	GENERAL CONDITION	BOUNDARY DIMENSIONS	SECURITY	No. of Prison Officers
	1963	Poor	72 m2	Poor	67

6.

SEGREGATION	MEN FROM WOMEN	UNTRIED FROM CONVICTED	CIVIL FROM CRIMINAL	YOUNG FROM ADULT	
		Yes		No	

7.

ACCOMMODATION	GENERAL DESCRIPTION	KITCHEN	Light & Ventilation	Toilet Facilities	Bedding
	Dormitory cells reasonably ventilated light with concrete slabs beds.	Better than average	Reasonable	Reasonable	Reasonable

8.

WORK, RECREATION & OUTSIDE CONTACT	EXERCISE	WORK	OUTSIDE CONTACT	INSPECTION
	V. Ball court available to prisoners 15 number exercise program for prisoners every morning.	No	Liberal	Prosecution twice monthly

9.

MEDICAL	PERSONNEL	FACILITIES	MEDICAL CHECKS	OVERALL RATING
	Nil	Nil	Local visits 3 times per week	Very poor

Appendix III

10.

DISCIPLINE & PUNISHMENT	RULES	PUNISHMENT	PRISONER ON PRISONER VIOLENCE
	12 rules	Deserve 28 used Standing in the sun for short periods	Very poor

11.

NOURISHMENT	MEAL TIMES	1ST MEAL	2ND MEAL	WATER
	10 am 4 pm	Soup soup	Soup Soup (Desert once or twice per month)	Inadequate

12.

SIGNIFICANT ISSUES FACING THIS PRISON				
<p>Water supply - prisoners have to bucket water from 500 metres away</p> <p>Two - thirds of present buildings are unusable the remainder require renovation</p> <p>Food</p>				

Appendix III

1. PRISON : Kompong Chhnang
2. Date of Visit : 17-18 May 1994
3. Overall Rating : Prison with buildings in poor condition providing little security.

4.

PRISONERS	NUMBER	UNTIED	CONVICTED	FEMALE	UNDER 18 YEAR	INFANTS WITH MOTHERS	PRISON REGISTER
	47	34	13	2	1	2	Yes

5.

GENERAL STATE OF PRISON	CONSTRUCTED	GENERAL CONDITION	BOUNDARY DIMENSIONS	SECURITY	No. of Prison Officers
	1941	Very poor	56m x 76m	Just Sufficient	29

6.

SEGREGATION	MEN FROM WOMEN	UNTIED FROM CONVICTED	CIVIL FROM CRIMINAL	YOUNG FROM ADULT	
	Yes	Yes	NA	No, one 11 year old	

7.

ACCOMMODATION	GENERAL DESCRIPTION	KITCHEN	Light & Ventilation	Toilet Facilities	Bedding
	- Reasonable if basic repairs made	Separate from building	Reasonable	Internal	- Provided with mats, mosquito net, krama

8.

WORK, RECREATION & OUTSIDE CONTACT	EXERCISE	WORK	OUTSIDE CONTACT	INSPECTION
	- No sport - No exercise sometimes within hall	No	- Liberal access 4 times p.m.	- Prosecutor or Judge twice per month

Appendix III

9.

MEDICAL	PERSONNEL	FACILITIES	MEDICAL CHECKS	OVERALL RATING
	- One medical orderly (not qualified)	No medications	No	Poor

10.

DISCIPLINE & PUNISHMENT	RULES	PUNISHMENT	PRISONER ON-PRISONER VIOLENCE
	12 rules	- Run around the building - Cut the grass	Minimal

11.

NOURISHMENT	MEAL TIMES	1ST MEAL	2ND MEAL	WATER
	10-30 am 4-30 pm	Stew Soup	Soup	Adequate

12.

SIGNIFICANT ISSUES FACING THIS PRISON
<ul style="list-style-type: none"> Dilapidated buildings posing a general security problem Inadequate programmes for prisoners High percentage of untried prisoners Poor staff training

Appendix III

1. PRISON : Pursat
2. Date of Visit : 26/5/94
3. Overall Rating : Average

4.

PRISONERS	NUMBER	UNTRIED	CONVICTED	FEMALE	UNDER 18 YEAR	INFANTS WITH MOTHERS	PRISON REGISTER
	31	16	15	0	0	0	Yes

5.

GENERAL STATE OF PRISON	CONSTRUCTED	GENERAL CONDITION	BOUNDARY DIMENSIONS	SECURITY	No. of Prison Officers
	1985-1987	Average	37m x 45m	Average	30 -

6.

SEGREGATION	MEN FROM WOMEN	UNTRIED FROM CONVICTED	CIVIL FROM CRIMINAL	YOUNG FROM ADULT	
		No			

7.

ACCOMMODATION	GENERAL DESCRIPTION	KITCHEN	Light & Ventilation	Toilet Facilities	Bedding
	Poor light & ventilation concrete beds	Poor	Very poor	Reasonable	Reasonable

8.

WORK, RECREATION & OUTSIDE CONTACT	EXERCISE	WORK	OUTSIDE CONTACT	INSPECTION
	No programs	No programs	Family visit on every Saturday. No radio, can have books or newspapers	2 times/month by prosecution

Appendix III

9.

MEDICAL	PERSONNEL	FACILITIES	MEDICAL CHECKS	OVERALL RATING
	Medical orderly	No	No	Very poor

10.

DISCIPLINE & PUNISHMENT	RULES	PUNISHMENT	PRISONER OR PRISONER VIOLENCE
	Prisoners do not know very much about the rules.	Shackling 13 of the convicts released on parole	Minimal

11.

NOURISHMENT	MEAL TIMES	1ST MEAL	2ND MEAL	WATER
	10am - 10.30 am 3 pm - 3.30 pm	Soup + rice	Soup + rice	ICRC reservoir from town

12.

SIGNIFICANT ISSUES FACING THIS PRISON
<ul style="list-style-type: none"> - Dark and not enough ventilation in cells - No exercise program and kept too long in the cell - No water for gardening

Appendix III

1. PRISON : T1 (formerly T3)
2. Date of Visit : 2-3 June, 1994
3. Overall Rating : Average

4.

PRISONERS	NUMBER	UNTRIED	CONVICTED	FEMALE	UNDER 18 YEAR	INFANTS WITH MOTHERS	PRISON REGISTER
	154	104	50	3	3	1	Yes

5.

GENERAL STATE OF PRISON	CONSTRUCTED	GENERAL CONDITION	BOUNDARY DIMENSIONS	SECURITY	No. of Prison Officers
	1939	Average	7	Above average	75

6.

SEGREGATION	MEN FROM WOMEN	UNTRIED FROM CONVICTED	CIVIL FROM CRIMINAL	YOUNG FROM ADULT	
	Yes	Yes	No	No	

7.

ACCOMMODATION	GENERAL DESCRIPTION	KITCHEN	Light & Ventilation	Toilet Facilities	Boldding
	Average/No supply water installation of new government	Average	Adequate		shortage of mats, mosquito nets, blankets.

8.

WORK, RECREATION & OUTSIDE CONTACT	EXERCISE	WORK	OUTSIDE CONTACT	INSPECTION
	at 7.30 am for 30 minutes	yes for some inmates	One per week-10 minutes	One or twice per month by prosecutor

9.

MEDICAL	PERSONNEL	FACILITIES	MEDICAL CHECKS	OVERALL RATING
	One medical orderly	Some equipment	LICADHO + M.D.M visit twice per week. Police Hospital staff visit regularly.	Average

Appendix III

10.

DISCIPLINE & PUNISHMENT	RULES	PUNISHMENT	PRISONER ON PRISONER VIOLENT
	12 rules	given warnings, reduction of diet & sent to "new c" building where cells are small and dark	Minimal once or twice per month

11.

NOURISHMENT	MEAL TIMES	1ST MEAL	2ND MEAL	WATER
	10:30 am 4:00 pm	10:30 am - 4:00 pm some Soup - rice sometimes fried vegetables		some shortage connected to town supply

12.

SIGNIFICANT ISSUES FACING THIS PRISON
<p>Due to be close down Old and crumbling except for new "C Building" Poor security Poor food supply</p>

Appendix III

1. PRISON : Kompong Som
2. Date of Visit : 7 - 8, June, 1994
3. Overall Rating : Poor

4.

PRISONERS	NUMBER	UNTIED	CONVICTED	FEMALE	UNDER 18 YEAR	INFANTS WITH MOTHERS	PRISON REGISTER
	99	42	17	2	NO	NO	Yes

5.

GENERAL STATE OF PRISON	CONSTRUCTED	GENERAL CONDITION	BOUNDARY DIMENSIONS	SECURITY	No. of Prison Officers
	1985	Average	81 2 x 31 5	above average	25

6.

SEGREGATION	MEN FROM WOMEN	UNTIED FROM CONVICTED	CIVIL FROM CRIMINAL	YOUNG FROM ADULT	
	Yes	No	No	No one 17 year old man	

7.

ACCOMMODATION	GENERAL DESCRIPTION	KITCHEN	Light & Ventilation	Toilet Facilities	Bedding
	Concrete floor wooden mezzanine	Poor, separated from the building	good ventilation and light	internal but no access	no beds, mosquito nets, mats, blankets

8.

WORK, RECREATION & OUTSIDE CONTACT	EXERCISE	WORK	OUTSIDE CONTACT	INSPECTION
	Minimal	Some inmates are allowed to work	Every Saturday	twice/month by prosecutor

9.

MEDICAL	PERSONNEL	FACILITIES	MEDICAL CHECKS	OVERALL RATING
	One medical orderly	No	No	below average

Appendix III

10.

DISCIPLINE & PUNISHMENT	RULES	PUNISHMENT	PRISONER ON PRISONER VIOLENCE
	12 rule	work more than usual time chopping wood, mowing grass	Minimal

11.

NOURISHMENT	MEAL TIMES	1ST MEAL	2ND MEAL	WATER
	10.30 am 4.30 - 5 pm chicken, vegetable	rice + soup, soup with fish and vegetable	usually chicken	An ICRC drilled well Some shortages

12.

SIGNIFICANT ISSUES FACING THIS PRISON
<ul style="list-style-type: none"> Not able to renovate the solitary confinement cells. Prisoners are locked kept so long/overcrowding Food is not well prepared. Water shortages.

Appendix III

1. PRISON : T.5 (Tropoeng Phlong)

2. Date of Visit : 18 June, 1994

3. Overall Rating : Above average

4.

PRISONERS	NUMBER	UNTRIED	CONVICTED	FEMALE	UNDER 18 YEAR	INFANTS WITH MOTHERS	PRISON REGISTER
	251	N/A	251	N/A	2	N/A	Y

5.

GENERAL STATE OF PRISON	CONSTRUCTED	GENERAL CONDITION	BOUNDARY DIMENSIONS	SECURITY	No. of Prison Officers
	1981	Places to play sport, grow vegetables	200 X 200 meters	Above average (3 prisoners escaped in the past 3 years)	84 included with 2 medical orderly

6.

SEGREGATION	MEN FROM WOMEN	UNTRIED FROM CONVICTED	CIVIL FROM CRIMINAL	YOUNG FROM ADULT	
	N/A	N/A	N/A	No	

7.

ACCOMMODATION	GENERAL DESCRIPTION	KITCHEN	Light & Ventilation	Toilet Facilities	Bedding
	2 levels of wooden beds	Separated from the cells	Above average	3 in each cell	Old mats, mosquito nets and blankets/bed bugs in the cells

8.

WORK, RECREATION & OUTSIDE CONTACT	EXERCISE	WORK	OUTSIDE CONTACT	INSPECTION
	Physical exercise for 15-20 minutes every morning	Grow vegetables, raise pigs, handicraft workshop. Wooden work: Chairs, tables, beds, windows etc.	Once every 2 months	N/A (Bad road, some visits before Paris Agreement)

9.

MEDICAL	PERSONNEL	FACILITIES	MEDICAL CHECKS	OVERALL RATING
	2 medical orderly	One clinic, poor equipment and supplies	Everyday for sick prisoners	Below average

Appendix III

10.

DISCIPLINE & PUNISHMENT	RULES	PUNISHMENT	PRISONER ON PRISONER VIOLENCE
	34 rules	Minor case, take note and keep in document. Severe case: shackling, solitary, confinement cell 1-2 weeks and reduction of food	N/A

11.

NOURISHMENT	MEAL TIMES	1ST MEAL	2ND MEAL	WATER
	11.30 am-4.30 pm	Rice and soup alternatively contained of fish, meat, pork and vegetables	Rice and soup alternatively contained of fish, meat, pork and vegetables	All prisoners use boiling water for drinking

12.

SIGNIFICANT ISSUES FACING THIS PRISON
<p>No library for prisoners</p> <p>Poor medications</p> <p>Cement ceilings need to be installed</p>

Appendix III

1. PRISON : Siem Reap
2. Date of Visit : 21-23 June, 1994
3. Overall Rating : Above average

4.

PRISONERS	NUMBER	UNTRIED	CONVICTED	FEMALE	UNDER 18 YEAR	INFANTS WITH MOTHERS	PRISON REGISTER
	98	28	70	4	-	-	Yes

5.

GENERAL STATE OF PRISON	CONSTRUCTED	GENERAL CONDITION	BOUNDARY DIMENSIONS	SECURITY	No. of Prison Officers
	1940	Above average	35 x 57 meters	Above average	54 (5 women)

6.

SEGREGATION	MEN FROM WOMEN	UNTRIED FROM CONVICTED	CIVIL FROM CRIMINAL	YOUNG FROM ADULT	
	Yes, but not sufficient	Yes	NA	NA	

7.

ACCOMMODATION	GENERAL DESCRIPTION	KITCHEN	Light & Ventilation	Toilet Facilities	Bedding
	Clean concrete slab construction	Located in one cells of the building	Sufficient General	There is one bowl for each prisoners/Supplied by longer	concrete slabs/not enough mats and mosquito nets.

8.

WORK, RECREATION & OUTSIDE CONTACT	EXERCISE	WORK	OUTSIDE CONTACT	INSPECTION
	Volley ball Badminton by foot/cambodian musical instrument Running around court 2 time/d press up x 5 each day.	carpentry workshop, sewing machine, net making	10th,20th,30th Friends, relatives 15mm.	2 time p.m by prosecutor ADHOC on every Friday

9.

MEDICAL	PERSONNEL	FACILITIES	MEDICAL CHECKS	OVERALL RATING
	One qualified nurse	Nil Basic cold & Diarrhoea tablets.	Everyday at prison	Above average

Appendix III

10.

DISCIPLINE & PUNISHMENT	RULES	PUNISHMENT	PRISONER ON PRISONER VIOLENCE
	12 rules	Advice/Suppression of visit, finger pointing exercise, shackles on recalcitrant prisoners.	Minimal

11.

NOURISHMENT	MEAL TIMES	1ST MEAL	2ND MEAL	WATER
	11 am 5 pm	Sour soup/ Sometime fish	Sour soup/ Sometime fish	Yes, drilled well put by CONCERN.

12.

SIGNIFICANT ISSUES FACING THIS PRISON				
Food Space Inadequate separation of female prisoners				

Appendix III

1. PRISON : Battambang
2. Date of Visit : 4-6 July 1994
3. Overall Rating : Good grounds, only fair quarters, disciplinary regime needs urgent reform

4.

PRISONERS	NUMBER	UNTRIED	CONVICTED	FEMALE	UNDER 18 YEAR	INFANTS WITH MOTHERS	PRISON REGISTER
	219	85	134	14	1	1	YES

5.

GENERAL STATE OF PRISON	CONSTRUCTED	GENERAL CONDITION	BOUNDARY DIMENSIONS	SECURITY	No. of Prison Officers
	around 1930	Poor	Inner 100 x 100 meters Outer : Approx 150 x 170 meters	Just sufficient	55

6.

SEGREGATION	MEN FROM WOMEN	UNTRIED FROM CONVICTED	CIVIL FROM CRIMINAL	YOUNG FROM ADULT	
	Yes	No	No	No	

7.

ACCOMMODATION	GENERAL DESCRIPTION	KITCHEN	Light & Ventilation	Toilet Facilities	Bedding
	Slab floor/Poor in cells 3 & 5	Average	Good	Average 2 toilets in each cell.	

8.

WORK, RECREATION & OUTSIDE CONTACT	EXERCISE	WORK	OUTSIDE CONTACT	INSPECTION
	No	Yes, for some prisoners.	10th, 20th, 30th	2 times/month by Prosecutor.

9.

MEDICAL	PERSONNEL	FACILITIES	MEDICAL CHECKS	OVERALL RATING
	2 medical Orderlies	Poor	Daily	Average

Appendix III

10.

DISCIPLINE & PUNISHMENT	RULES	PUNISHMENT	PRISONER ON PRISONER VIOLENCE
	12 rules	Beating/Running/ crawling "Prison Song" system	Execution

11.

NOURISHMENT	MEAL TIMES	1ST MEAL	2ND MEAL	WATER
	10am / 4 pm	Rice and Soap	Rice & Soap	Well + Reservoir by UNDP

12.

SIGNIFICANT ISSUES FACING THIS PRISON				
<ul style="list-style-type: none"> Building old Not enough medical supplies Internal Regulation for prisoners 				

Appendix IV

PRISON ASSISTANCE PROGRAMME: CAMBODIA

PRISONER SURVEY

This survey is being conducted by the United Nations Centre for Human Rights, Cambodia Field Office to help establish the conditions of Cambodian prisons in the post-UNTAC period. It is being conducted on a randomly selected group of prisoners from 13 prisons. The findings from this survey will supplement the consultations being conducted with prison officials and police which is occurring at the same time.

GENERAL CONDITIONS

There is no need to ask why the prisoner is in gaol or what crime s/he has committed. However, this information may come out during the course of the interview. If so, include it as appropriate. Make sure the prisoner understands that the information you are gathering is confidential. Always interview the prisoner out of earshot of other prisoners and prison staff.

A. GENERAL INFORMATION

1. Name of Prison _____
2. Record Id. _____
3. How long have you been in the institution?(in months) _____
4. How long is your sentence?(in months) _____
5. How old are you?(in years) _____
6. How long were you in pre-trial detention? (in months) _____ SEX _____

B. PHYSICAL CONDITIONS

7. What cell are you in? _____
8. How many hours a day are you locked in your cell? _____
9. Do the conditions in your cell change during different seasons? _____
10. How? _____
11. How large is your cell? (in square metres approximately) _____
12. What is the number of people in your cell now? _____
13. What has been the largest number of people in your cell? _____
14. Is your cell considered good, bad or average? _____
15. Has anything changed within your prison in the last few days? _____
16. What? _____
17. Which cells or blocks are the worst? _____

C. SANITARY CONDITIONS

18. How often can you bath? (per week) _____
19. How often do you get a clean change of clothes?(per month) _____
20. Who supplies your shaving equipment? (Self< family, prison administration) _____
21. Does the prison supply you with soap, toothpaste, toilet paper, sanitary napkins (for women) _____
22. Do you have any complaints regarding sanitary conditions? _____
What _____

D. FOOD

Appendix IV

23. Do you eat in the cell or in a dining area? _____
24. Is there sufficient amount? _____
25. Can you supplement your food with packages from family or from other persons? _____

E. ACTIVITIES

26. Are you allowed to have a radio? _____
27. Can you have books? _____
28. Can you play sport? _____
29. Can you study? _____
30. Can you practice religion? _____

F. CONTACTS WITH THE OUTSIDE

31. How often can you have visits?(per month)_____
32. Who can visit you? (family, friends, others)_____
33. For how long?(hours)_____
34. Are you searched? _____ 35. Are the visitors searched? _____
35. Will the prison supply you with writing material? _____

G. PRISON RULES

36. Do you know the rules in the institution? _____
37. How?_____
38. Are there any special rules for prisoners? _____
What?_____
39. Are there any rules that particularly bother you? _____
What?_____

H. DISCIPLINARY MEASURES

40. Is torture ever used? _____
41. Are beatings ever used? _____
42. Is solitary confinement ever used? _____
43. Is excessive physical exercise ever used? _____
44. Is suspension of visits or correspondence ever used? _____
45. Are physical constraints ever used? _____
46. Other?_____
47. What is most often used?_____
48. Have any of the above been used against you? _____
Which?_____
49. Are there any punishments that you think are particularly unfair? _____

- What?_____
50. Is the system of punishment fair from your point of view? _____
Why?_____
51. What do inmates do when they feel that they have been unjustly punished?_____

I. MEDICAL CARE

52. Can you see a doctor when you are sick - yes, no, or sometimes? _____
53. How soon after reporting illness?(hours)_____

Appendix IV

54. Is your health good, bad or average at the moment? _____
55. Are you suffering from any health problems? _
What? _____

J. BIGGEST PROBLEMS BETWEEN INMATES

56. Is there significant prisoner-on prisoner violence? _
57. What? _____
58. Are all prisoners treated the same? _
59. Explain your answer to 58. _____

L. PROBLEMS

60. What is the biggest problem in this
prison? _____
61. Is there something I should have asked you and didn't? _____

Physician for Human Rights
American Refugee Committee

Questionnaire on Prison Health Care in Cambodia

Statement of Confidentiality

The individual information obtained during the interview will not be shared with prison officials or police, and is intended for the assessment of prison health condition only.

Permission to Contact Family

1. Do we have your permission to contact your family for further information ?

Yes _____ No _____

A. PERSONNEL INFORMATION

1. Full name: _____

2. Address : Phum/Commune _____ Section/Khum _____

Srok/District or City _____ Province _____

3. DOB : _____ 4. Sex : _____ 5. Nationality : _____

6. Province of origin : _____ 7. Ethnicity : _____

8. Religion : _____

9. Social status : Single / Married / Divorced / Widowed ; Do you have children ?

Yes _____ No _____ How many ? _____ Children age in years : _____

10. Education level : _____ years

Highest level : None / Primary / Secondary / University / Other

11. Literacy : Read Yes _____ No _____

Write Yes _____ No _____

12. Usual occupation / skills : _____

B. MEDICAL HISTORY

1. Did you have any long-standing medical problems prior to detention ? Yes ___ No ___
If yes, list :

A. _____

C. _____

B. _____

D. _____

2. Did you have any daily medications prescribed for you by a health professional before detention. Yes / No

If yes, list :

3. Did you have any major operations or trauma prior to detention. Yes / No.
If yes, list :

C. ARREST

1. What was the date of your most recent arrest ? (d/m/y) ____ / ____ / ____

2. Were you interrogated after your arrest ? Yes ____ No ____

3. What were the places and dates of your interrogation ?

Place : _____ Date : _____

4. Who carried out the interrogation ?

5. During interrogation, were you mistreated ? Yes ____ No ____
(beaten, tortured) If yes, explain :

6. If yes, did you lodge a complaint ? Yes ____ No ____

7. Did your health deteriorate during interrogation ? Explain :

8. Did you request medical care during your interrogation ?
Yes ____ No ____ If yes, when and what was the result ?

9. Were any health professionals present during your interrogation ?

Yes _____ No _____ Not sure _____

10. If yes, When, What were their roles ?

D. DETENTION

1. Dates of beginning of detention : _____ (d/m/y)

Today's Date : _____ Location : _____

2. Are medical services available in the prison ?

Doctor(s) _____ Medic(s) _____ Nurse(s) _____ Other _____

3. Do you know the names of the health professionals ?

Yes _____ No _____

4. Describe the health services at the prison. (Traditional/Western medicines)

5. Describe the housing in the prison :

Cell size : length _____ meters, width _____ meters

Average number of people per cell _____

Bedding (bed / mattress / mat / none / other _____)

Mosquito net : Yes _____ No _____

6. Please rate the environmental conditions : ¹

Light : 1 2 3 4 5

Air quality : 1 2 3 4 5

Noise level : 1 2 3 4 5

Cleanliness of Cell : 1 2 3 4 5

Insects or rodent infestation : 1 2 3 4 5

Note to above : _____

7. Number of latrines in prison _____

¹ 1= poor, 2= fair, 3= average, 4= good, 5= excellent

- Average number of prisoners per latrine _____
 Type of latrine :
 Pit _____ Pit water _____ Bucket _____ Other _____
- Rate cleanliness of latrine : 1 2 3 4 5
8. Do you receive showers or baths ? Yes _____ No _____
 How often ? : _____/week
9. Do you receive : Yes No Don't Know
 (from the prison)
- | | | | |
|--------------|-------|-------|-------|
| Soap | _____ | _____ | _____ |
| Toilet Paper | _____ | _____ | _____ |
10. What is water source? (select one)
 City / Lake or River / Well / Pool / Other
11. Is purified or boiled water available ? Yes ___ No ___
12. How many meals per day ? _____ (please note quantity, variety)
 Typical morning meal :
 Afternoon meal :
 Evening meal :
- Can you ask for or prepare more if not enough ? Yes / No / DK
 Is food supplemented by your family ? Yes / No
13. Describe the place of food preparation and service, and how utensils and cookware are cleaned :
 Is soap used ? Yes / No
 Food container : Pot / Bucket / Plastic bag / Other
14. Are you able to exercise ? Yes _____ No _____
 _____ # minutes / day _____ # hours / day
15. Number of hours per day out of cell _____

16. Do you work while in prison ? Yes ___ No ___
 If yes, what work ? _____
 How are you compensated ?
 None / Food / Privileges / Paid / Other

E. MEDICAL CARE IN PRISON

1. Were you asked questions about your health status on arrival to prison ?
 Yes _____ No _____
2. If you were taking medication prior to detention, were you permitted to continue it ? Yes ___ No ___
3. If yes, how soon after your arrival was the medication continued ? Number of days : _____
4. Did you have a complete medical examination at any time in detention ?
 Yes _____ No _____
5. How soon after your arrival was the examination ? _____ number of days.
6. Who performed the examination ?
 Doctor ___ Medic ___ Nurse ___ Other ___ Don't Know _____
7. Did the examination include checking your :

	Yes	No	Don't Know
Pulse	_____	_____	_____
Temperature	_____	_____	_____
Blood Pressure	_____	_____	_____
Weight	_____	_____	_____
Height	_____	_____	_____
8. What was the process, if any , to obtain medical care in prison ?
9. Have you ever requested medical care ? Yes _ No _
 If yes, what for ? _____
10. How long did it take to respond to a request for medical care ?
 _____ # minutes. _____ # hours. _____ # days.
11. Was the request ever refused ? Yes ___ No ___
12. If yes how many times refused ? _____

13. Is a record maintained of your medical care during detention ? Yes ___ No ___
 14. Have you received dental services in prison ? Yes ___ No ___
 15. Were you able to received dental services you needed ? Yes ___ No ___ if no, explain :
 16. Were you hospitalized while in detention ? Yes ___ No ___ If yes, where ? ___
 17. If yes, were the medical staff able to meet your needs without interference from security personnel ? Yes ___ No ___ If no, explain :
 18. Have you had diarrhea while in prison ? Yes ___ No ___ in the last month, how many days of diarrhea did you have _____ days
 19. Have you lost weight during detention ? Yes ___ No ___ If yes, how many kilos ? _____
 20. Did you have a prolonged cough during detention ? Yes ___ No ___
 21. Do you share a cell with anyone who has a prolonged cough ? Yes ___ No ___
 22. Have you had symptoms of malaria (recurrent fever, chills) while in detention? Yes ___ No ___
 23. If yes, are anti malaria drugs available to you ? Yes ___ No ___
If drugs are available, how are they obtained ?
- | | |
|---------------------|---------------|
| Family | Yes / No / DK |
| Purchase | Yes / No / DK |
| Health Professional | Yes / No / DK |
| Other : | |
24. While in detention, have you ever had : Problems with tingling or numbness in your legs or feet ? Yes ___ No ___
Problems with leg cramps ? Yes ___ No ___
 25. Have you had scabies while in prison ? Yes ___ No ___
If yes, was it treated ? Yes ___ No ___
 26. Have you had other skin problems ? Yes ___ No ___
Comment : _____
 27. Have you ever had penile / vaginal discharge while in prison ? Yes ___ No ___

Burning on urination ? Yes ___ No ___

Have you been treated for STD while in prison ? Yes ___ No ___ DK ___

Are conjugal visits allowed in prison ? Yes ___ No ___ DK ___

28. Did you ever see a representative of UNTAC, ICRC or other organization about your health during detention ? Yes / No If yes, what (most recent) year ? _____ How many times ? _____

F. MENTAL HEALTH

1. Are you in contact with your family ? Yes ___ No ___
2. Are you allowed family visits during your detention ? Yes ___ No ___
If yes, how often _____ / month. Length of visit in minutes : _____
3. Do you receive mail, and are you permitted to write letters ? Yes ___ No ___
If yes, how often ? _____ # times/ month
4. Do you have nightmares ? Yes ___ No ___ If yes, how many times per week ? ___
Do the nightmares affect you during the rest of the day or week ? Yes ___ No ___
5. Do you ever feel sad ? Yes ___ No ___ If yes, can you tell me about it ?
6. Please rate your :

Sleep	1	2	3	4	5
Appetite	1	2	3	4	5
Energy level	1	2	3	4	5
Ability to concentrate	1	2	3	4	5
Memory	1	2	3	4	5
7. Did you ever think about committing suicide while in prison ?
Yes ___ No ___ If yes explain :
8. Have you ever had a plan, or have you ever attempted suicide while in prison ?
Yes ___ No ___

9. Are you able to take part in religious activities ? Yes ___ No ___ If no, explain :

G. SOLITARY CONFINEMENT AND/OR PUNISHMENT CELLS

1. Are solitary confinement, dark calls, or punishment cells currently being used in prison ? Yes / No / DK

Are prisoners currently being shackled at any time ? Yes / No / DK

Are beating or torture of any prisoners currently occurring ? Yes / No / DK

If any of the above occurred while you were in prison please explain :

2. Have you ever been placed in solitary confinement or in a special punishment cell at any time ? Yes ___ No ___ If yes, what year ? _____ For how many weeks _____

3. Describe the solitary confinement cell : Bedding; Lighting; Ventilation; Cleanliness; Toilet facility; Meals.

Were you shackled ? Yes ___ No ___

4. During the period of solitary confinement, were you subjected to any mistreatment ? Yes ___ No ___
If yes, explain :

5. Any intimidation or threats ? Yes ___ No ___
If yes, explain :

6. Did you have any medical problems during the period of solitary confinement ?
Yes ___ No ___ If yes, describe :

7. Were you able to get medical help when you needed it ? Yes ___ No ___ If no, explain :

H. GENERAL LEVEL OF VIOLENCE IN PRISON

1. Were you subject to beatings, threats, or intimidation by other prisoners ?

Yes ____ No ____ If yes, describe :

2. Were you subject to sexual assault by other prisoners ? Yes ____ No ____

I. OTHER

Is there any other subject concerning your arrest or detention related to medical mental health problems which you think we should know about ? If so, describe :

J. PERTINENT MEDICAL HISTORY

K. PHYSICAL EXAMS

General :

VS : T ____ P ____ RR ____ BP ____ / ____ Wt ____ Ht ____

HEENT :

Neck :

Chest :

CV :

Abd :

GU :

Ext :

Skin :

Neuro :

Summary of physical findings :

The Internal Regulation of the Temporary Detention Center

For the purpose of maintaining the Internal Regulation of the Detention Center and implementing through the political guidelines of the State Law effectively, all detainees and prisoners shall strongly be advised by the following articles:

Article 1: Absolutely respect is required of the laws of the state and the orders issued from the cadres who work in the detention office.

Article 2: Shall give out statement precisely what one has committed and to impute any tricks, attitudes of partiality and the other concerned persons that one could know.

Article 3: It is strictly forbidden to take any action against political guidelines and State Law; to spread out propaganda against the State Law such as superstitious belief; to engage sexual practice in the prison, or to destroy property and try to escape from the jail.

Article 4: Detainees and prisoners are authorized to bring with them into the prison some necessary materials as follows: clothes, mosquito nets, blankets, mats, pillows, tobacco, soap, shoes, cotton scarf, plates and spoons. Gold and silver must be kept at the prison office. The cadres will deliver a receipt to the detainees or prisoners for such.

Article 5: It is forbidden to communicate or exchange information with other prisoners for the purpose of dissimulating his own crime or helping the others to hide the facts he knew about during the interrogation. All kind of communication shall have permission before hand from the head of the prison.

Article 6: It is forbidden to voluntary change place, to walk around according to one's desire. Particularly during the lock up time; every detainee and prisoner must strictly follow the schedule of the prison.

Article 7: It is forbidden to secretly send notes, letters or materials from prisoner to another one, even if these detainees or prisoners stay inside or outside of the cell; prisoners are forbidden to talk loudly by calling the name of other prisoners.

Article 8: It is forbidden to be arrogant, or to conspire with

Appendix VI

other prisoners in order to steal the public and prison properties.

Article 9: Every detainee and prisoner must keep his area clean and keep their properties in order. Prisoners are not allowed to draw, to paint on the walls, windows and are not allowed to cook in the cell. Every prisoner must respect the directives of the cadres.

Article 10: It is not allowed to drink alcohol, to talk loudly, to quarrel with each other, to sell things for gambling or to raise oneself to be respected or subdued by others.

Article 11: As regards to prison guards, detainees and prisoners must call them "Cadres", and between detainees and prisoners themselves, must call each other by the word "Uncle, Aunt or Brother". This depends on their ages and they must answer with the word "Yes".

Article 12: If any of the detainees or prisoners have promptly respected the articles stated above, will be considered and an award letter will be issued to them. Anyone who commits acts contrary to these regulations will be punished according to fault.

ព្រះបាទស្រីរាជេន្ទ្រវរ្ម័ន ក្នុងរាជ្យ

ជាតិ រោងចក្រ ព្រះមហាក្សត្រ

07 7 9 7 5 0 8

20/11/2019

55/100 2/2

អ្នកទទួល : ប្រធានិកសភា រដ្ឋបាល និងព្រះរាជអាជ្ញា ស្ថិតនៅ ភ្នំពេញ ។

អត្ថបទ : ព្រះករុណាលោកព្រះរាជព្រះបន្ទូលរបស់ព្រះបាទ នរោត្តម សីហនុ ព្រះមហាក្សត្រ

នៅពេលបុគ្គលិកមានចូលជាមួយសាក្សីដែលទៀត ។ ដូចនេះ កូនស្រីស្រី

ចម្លងទោល ៗ លើកលែងទោលមកក្របូងញុំត្រឹមជាបង្អាង ។

ឆ្នាំពេញ ថ្ងៃទី ១៦ ខែកក្កដា ១៩៩៤ ។ វិថីស្នង រដ្ឋមន្ត្រី ព្រះបាទព្រះបរមនរោត្តម ។



ថ្ងៃទី ១២ ឧសភា ១៩៩៥

सप्त. : ३४६१३

ឯនេះប្រធានមុន៖

පරිපූර්ණ 53-ක්

Ministry of Justice Kingdom of Cambodia
Number: 26 T.S Nation Religion and Kingdom

May 13, 1994

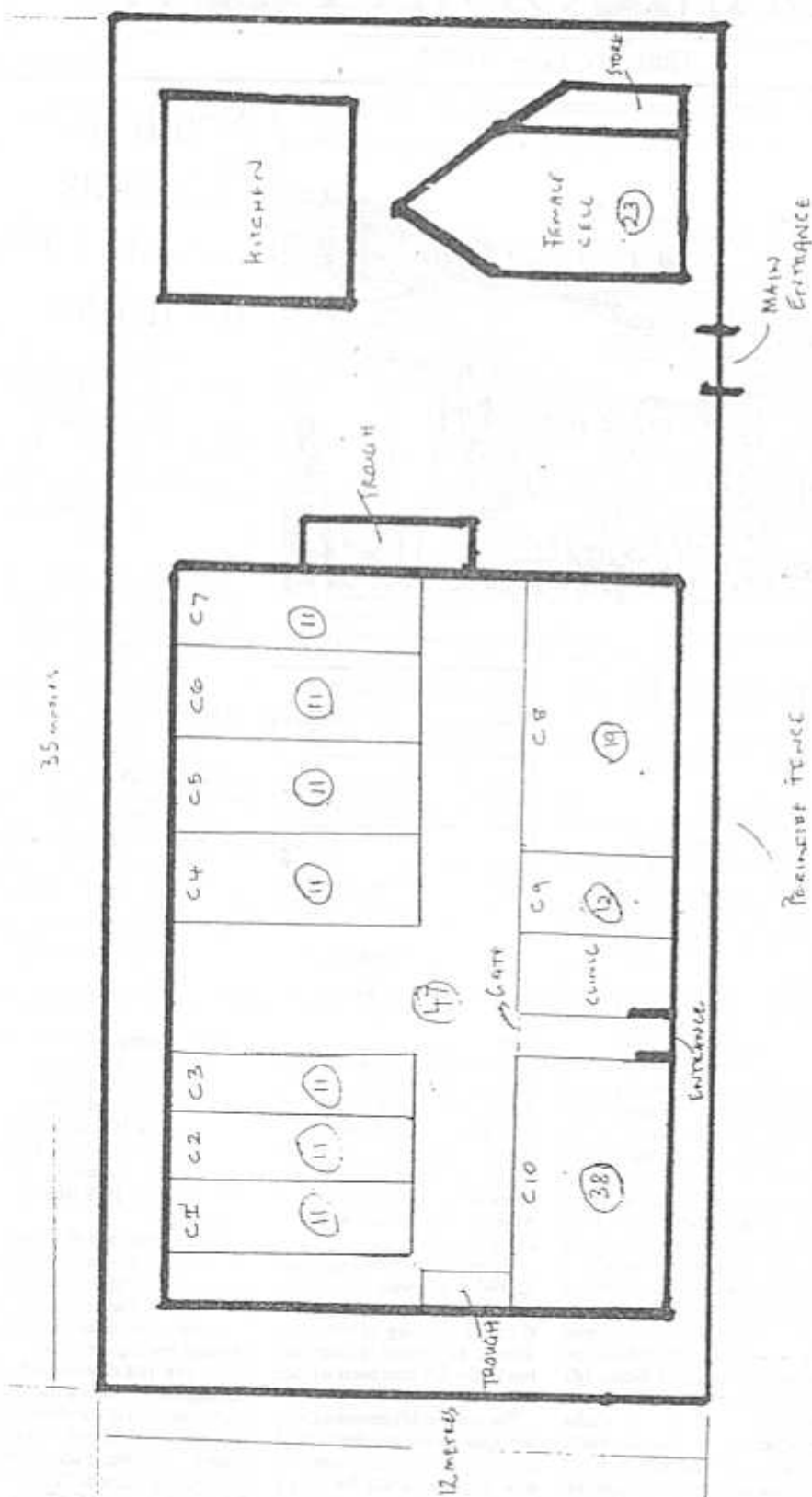
TELEGRAM

Receivers: The chief of the Court and the prosecutors of
Kompong Chhnang province.

Subject : His Majesty the King, satisfies to have
the prisoners sentences reduced or released
on parole once more in Pisak Buchea Ceremony.
So, please make a petition for the sentences be
reduced or released on parole and send it to
the Ministry of Justice as soon as possible.

Phnom Penh 12 May, 1994
For Minister

Vice-Department Director
Signed & sealed
TONG PIEV



PT PRISON

SKETCH PLAN NOT TO SCALE

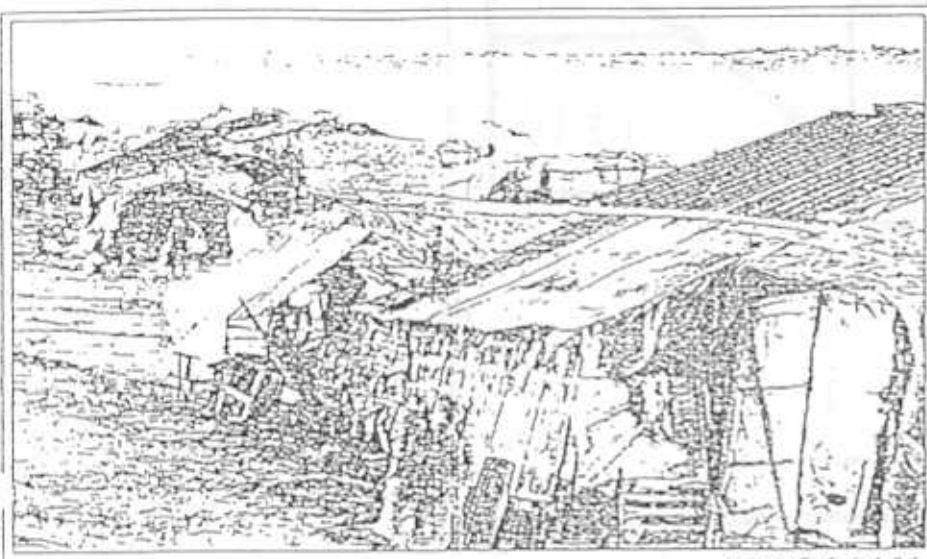
(11) = Number of prisoners in each cell

The CAMBODIA DAILY

Volume 2 Issue 94

Thursday, June 2, 1994

1000 riel/40 cents



FLOODING THREATENS riverside shanty villages during the rainy season (see page 5).

Human Rights Group Calls for Closing of Phnom Penh Prison

BY OLIN VORA
THE CAMBODIAN DAILY

A US group of health professionals is calling for the closure of Police judiciaire (PJ) prison in Phnom Penh, citing dangerous health conditions related to severe overcrowding, food and water shortages, and an extreme level of prisoner-on-prisoner violence.

"This is a public health calamity ready to happen," Dr. Gabriel Oberman of the NGO Physicians for Human Rights said.

Last week the UN Secretary General's Special Representative on Human Rights in Cambodia, Justice Michael Kirby, was in Cambodia for two days and visited PJ. He recommended closure or renovation of the prison so that it can serve as its intended

function as a short stay remand facility, according to a UN Center for Human Rights report.

The prison, which is located on Street 51 near the Central Market, was built in 1937 by the French as a medium sized police lock-up designed to hold 30 to 40

About Cambodia

- Military Action Scaled Up Following Round Table Talks
- Newly-Serious Remand Searches Face Eviction by Force
- US Denies Responsibility for Abductions
- Local Rights Group Receives \$50,000
- Australian Ambassador to Be Advisor

Page 5

short-term prisoners, according to the UN Center for Human Rights.

Continued on page 5

Non-Aligned Nations' Shift Focus to Economics

BY KIM MURPHY
LOS ANGELES TIMES

Cairo, Egypt—The world seemed to be sliding inexorably toward violent confrontation, if not nuclear disaster, that day in 1961 when the leaders of Egypt, Yugoslavia and India declared themselves officially out of the running of the Cold War, laying the groundwork for a network of nations that would be neither of the East nor the West.

The Berlin Crisis threatened superpower confrontation in the middle of Europe; an ill-fated US-backed attempt to topple the Marxist regime in Cuba foundered near America's southern shores; disputes broke out over nuclear testing around the globe; superpowers still extended their military and colonial influence in large areas of Africa and

Asia.

This week, the Non-Aligned Movement created by Yugoslavian leader Josip Tito, Egyptian President Gamal Abdul Nasser and Indian Prime Minister Jawaharlal Nehru convenes here for its 11th Council of Ministers in a dramatically changed world.

Not only is there no longer any East-West axis with which to be non-aligned, Yugoslavia, host of the first meeting of the Non-Aligned Movement in Belgrade, has for the first time been refused an invitation.

The new world's confrontations are erupting along religious and nationalist frontiers, and the new Yugoslavia will find itself competing for a chance to debate foreign ministers of break-away Croatia and Bosnia-Herzegovina

South 'Alerts' Forces as Korean Crisis Intensifies

COMPILED FROM WIRE SERVICES

SEOUL—South Korea put its armed forces and police on alert Tuesday as international pressure intensified on North Korea to allow UN inspectors to study its nuclear reactor. But the North's hard-line Communist government showed no sign of relenting.

The Wall Street Journal reported Tuesday that the UN Security Council could decide within days to impose economic sanctions on North Korea. The South Korean Foreign Minister, Han Sung Joo, confirmed Tuesday that chances for sanctions are high.

North Korea responded by renewing warnings that it would consider any sanctions an act of war.

South Korean officials said the military alert was part of preparations for President Kim Young-sang's weeklong visit to Russia beginning Wednesday.

Kim telephoned US President

Continued on page 2

over an appropriate response to the long-running Balkan civil war.

Iran, embroiled in mounting disputes with the Arab world over its support of Islamic fundamentalist militants, will send its foreign minister to Cairo for the first time since the 1979 Islamic revolution in Iran.

South Africa, one of whose first actions as a new black-majority-led government was to join the Non-Aligned Movement, will sit at the table with nations that spent decades reviling apartheid.

For the 108 disenfranchised, non-aligned countries that represent two-thirds of the world's people, the battles this week are more likely to shape up over trade policy than national liberation—the widely loathed GATT agreement, economic relief for debt-ridden

Continued on page 2

INSIDE

AND ALSO	2
INTERNATIONAL	3
REGIONAL	4
LOCAL	5
BUSINESS	6
OPINION	7
NEWS IN KHMER	8
NEWS FROM JAPAN	10
HEALTH	12

LOCAL

NEWS
BriefingKR Deny Responsibility
For Abductions: King

Khmer Rouge nominal leader Khieu Samphan told King Norodom Sihanouk that he knows nothing about the abduction and kidnapping of British citizens Dominic Chappell and Tina Dignity, and Australian Kelly Wilkinson, the king said in a telegram written to British Prime Minister John Major and released by the palace yesterday. King Sihanouk told the prime minister that he had long discussions with Khieu Samphan in North Korea over the weekend. The guerrilla leader is "absolutely not responsible" for the kidnapping or the disappearance of the three missing foreigners, Khieu Samphan told the king. King Sihanouk offered assurances to Prime Minister Major that the Royal government has been ordered to do everything possible to ensure the safe return of the three who have been missing since April 11. (Robin McDowell)

Local Human Rights
Group Receives \$50,000

The Khmer Kampuchea Krom Human Rights Association (KKKHRA) received a grant for over \$50,000 from the Asia Foundation and the US Embassy yesterday. Thuon Saren, the president of the organization, said. The main goal of the KKKHRA is to strengthen human rights in Cambodia, he said, especially for minorities and Vietnamese living in Cambodia. We have to finish the violence against these ethnic groups in Cambodia, he told The Cambodia Daily. (Ving Sakheng)

Australian Ambassador
To Become Gov't Aide

The Australian ambassador to Cambodia, John Holloway, will take up an assignment as senior advisor to Cambodian Foreign Minister Prince Norodom Sirivuth, embassy sources said Tuesday. Holloway, 51, who has been ambassador to Cambodia since 1991, will begin work for Prince Sirivuth on July 14 when his term as the Australian diplomatic representative comes to an end, the source said. (AFP)

By ROS SOKHET
THE CAMBODIA DAILY

Following unsuccessful round table talks in North Korea, the Royal government has increased its military activities with the Khmer Rouge, a Ministry of Information spokesman said.

"We have used helicopters to attack the Khmer Rouge guerrillas around Kampot and Kampong Som province," Seng Lapresse said at a press briefing yesterday.

Venting his anger at Khmer Rouge nominal leader Khieu Samphan—who rejected propos-

als put forth by King Norodom Sihanouk for a cease-fire—Seng Lapresse said:

"We must take all top Khmer Rouge leaders to trial."

As the government is stepping up fighting, the Khmer Rouge forces are starting to wane, he said. In the last week the rebellion has been relying increasingly on shelling, ambushes and hit and runs attacks.

"The Khmer Rouge are doing the same thing they had been doing during their rule of the country from 1975 to 1979," he said. "They continue to kill peo-

ple, students and monks."

In the meantime, government forces in northwestern provinces of Cambodia have taken control of Treng, he said.

Thirty-nine Khmer Rouge guerrillas were killed in the fighting in the provinces of Battambang and Banteay Meanchey, he said. The government seized 84 weapons from the guerrilla faction.

Casualty figures for the government remained low, he said. Five government soldiers were killed and seven were wounded in the fighting.

Resettled Squatters to be Evicted by Rain

By CHIEF SOTHIECHHEATH
THE CAMBODIA DAILY

Three weeks after the government chased squatters off a large, dusty plot of land behind the Hotel Cambodiana, Prum Sakun and several other families have re-built their homes on a dried-up riverbed.

"But in a month and a half it will be rainy season and this land will be flooded," Prum Sakun, 34, said.

In 1986, Prum Sakun and about sixty others were living on the land behind the luxury hotel. But many of the squatters who have been evicted in recent months from other settlements, came to his "village." Before long the swelling number of people living on the land drew the attention of local authorities, he said. Soldiers, police military, police came to force them to dismantle their makeshift homes.

Prum Sakun said that after the eviction many of the newer settlers returned to homes in the provinces or rented houses elsewhere.

"Myself, I don't know what to do anymore," he said. "It is up to destiny."

The vice governor of the Phnom Penh municipality, Khau Meng Heang, said that the eviction of squatters is part of an effort to beautify the capital.

"The squatters and homeless who are living in anarchy throughout the city are obstructing development," he said, adding that the number of homeless in Phnom Penh is not as high as it may appear.

"Many of the 'squatters' in Phnom Penh are actually officials or high ranking soldiers who

claim that they have no land," he said.

A woman, Ru Sambo, 53, also living on the riverbed, said that those who were not really homeless were only adding to the plight of the poor.

"In the last several months many officials, lieutenants, soldiers, and heads of communes came to occupy the land for the purpose of selling," said Sambo. "Those people marked off pieces of land for themselves and set up small houses where they lived during day. At night they went

back to their home."

The governor is cooperating with the government to set aside land for those who are legitimate homeowners, Khau Meng Heang said. "But the government is poor. It does not have money to buy land for the squatters."

A recent survey carried out by the city in cooperation with a local NGO, the Urban Sector Group, indicated that 77 percent of the squatters in Phnom Penh are willing to leave their sites voluntarily if another place to live could be found.

Call for Prison Closing...

CONTINUED FROM PAGE ONE

Instead, Srey Vantha, the Deputy Prison Officer at PJ, said 210 prisoners crowd the prison and many of them are there for up to a year.

"It is overcrowded, and everything is lacking—space, food, water, toilets," said Srey Vantha, who had not heard of the human rights group's call to close the prison yesterday, but welcomed a proposal by the PHR that prisoners be transferred to Prey Sar prison.

While conditions are bad in all five of the capital's prisons, conditions in PJ are by far the worst, Otterman said.

The director of LICADHO, (Cambodian League for the Promotion and Defense of Human Rights) Jean Turrel, expressed concern that if PJ is closed and prisoners are sent to Prey Sar prison or other local prisons, the problems will be transferred from one holding facility to another. Acknowledging the critical state of PJ, Turrel

suggested renovation of the prisons.

During a three month investigation conducted by PHR into prison conditions, one prisoner with "draining lymph nodes at his neck," according to Otterman who said the prisoner was treated for tuberculosis but never isolated.

Due to severe overcrowding and poor sanitation, prisoners at PJ are at particular risk of contracting tuberculosis, PHR said in a press release issued yesterday.

In addition, many prisoners said they were suffering from diarrhea, and skin disease such as scabies, fungal infections, and abscesses, according to the PHR report.

According to a report written by Peter Condliffe of the US Center for Human Rights, "The prison system reflects the problem confronting the whole legal system—too few resources, aging and dilapidated facilities and poorly trained staff."

Hockry moves to counter prison critics

By ANUGRAHA PALANI

INTERIOR Minister You Hockry said he has taken action in the wake of criticism from local NGOs and international human rights organizations over cramped and inhumane living conditions in Phnom Penh's prisons.

Hockry said temporary measures have been taken to relieve overcrowding and that 54 prisoners from P1 prison have been shifted to Prey Sar prison and to the T3 prison in Kompong Cham.

Hockry told the Post there are major plans to expand prison facilities at Prey Sar and to provide a separate prison for women. He also said there were plans to provide medical and sports facilities and vocational training for prisoners.

He said: "The expanded prison Prey Sar will relieve overcrowding in other prisons, especially P1 and T3."

Hockry said there are also plans to set up a separate prison for juvenile offenders near Pochentong airport. He said the much discussed demolition of T3 prison will not happen until Prey Sar has been expanded.

According to a press statement from The Physicians for Human Rights, limited renovations of Prey Sar, T3 and P1 have begun with assistance from the International Committee of the Red Cross (ICRC) and the UN Center for Human Rights. The statement also said the four juvenile prisoners in T3 have been shifted to T3 and segregated from adults.

The Ministry of Interior has also reportedly announced that the population at P1 will be limited to 1,000 by mid-July. Late last year the government introduced some improvements such as regular prison visits by prosecutors and a decrease in prisoners' daily allowance to 1,000 riel.

The flurry of activity was prompted by several NGO reports from NGOs. The one from the Physicians for Human Rights called for the closure of P1 prison citing "severe overcrowding, food and water shortages and an extreme level of prisoner on prisoner violence."

A UN Center for Human Rights report issued on June 1 found that P1 meant to be a temporary holding facility built for an estimated 40 persons awaiting trial, had in fact become a prison holding over 190 people by late May. As a result 47 prisoners lived in the corridors.

An ICRC one year study on 18 prisons observed "a lack of water, sanitation, food and medical supplies in most of the jails visited" and overcrowded conditions in the city prisons in Phnom Penh.

Batumbang and Siem Reap.

King Sihanouk in a statement issued earlier this month said: "Many defendants who are particularly impoverished, notably the women, have stagnated in preventive detention for months or even years."

The King asked for the release of very sick prisoners and those who have not committed very serious crimes to alleviate the overcrowding problem.

The extreme overcrowding in prisons is in part due to the fact that a majority of prisoners are still awaiting trial.

A study done by human rights NGO LICADHO in May found that 410 of the 532 prisoners held in P1, T3, Prey Sar and Taddi Mao prisons had received no trial, and 154 of these people had been in prison for more than six months awaiting trial. One prisoner held in T3 has been awaiting trial for 8 years. The study found 32 of the people in these prisons were women, and 19 prisoners were children under the age of 18.

Co-President-Minister Prince Norodom Ranariddh and Hun Sen have earlier this month reportedly instructed the Ministry of Justice to ensure that women and minor offenders are lodged in separate detention facilities, and that those prisoners awaiting trial be separated from those who have been tried.

Lary Chantal of the Cambodian Defenders Association says officials with his organization in the provinces have also reported that significant numbers of prisoners are being held without trial, but no statistics are available.

Peter Condliffe of the UN Center for Human Rights said: "The Ministry of Justice cannot be expected to ensure proper standards in the criminal justice system when it receives only 0.2 percent of the national budget."

The delays in holding trials are exacerbated by a lack of trained legal staff and resources. A press release issued by five Cambodian NGOs on June 27 called for the creation of a Cambodian Bar with professionally trained lawyers.

The statement said: "The shortage of lawyers has been a major obstacle to rebuilding the country's legal system. Many persons accused of crimes are tried without adequate legal representation."

The NGOs have requested that during this transitional period Cambodians who have been trained as defenders by the UN or NGOs be allowed to defend people in court. The suggested length of the transitional period is five years.

The question will be decided when the National Assembly considers a bill to set up a Cambodian Bar Association which is reportedly being drafted.



Photo: John W.

Culture exhibition comes to town

Women perform traditional dance routines to mark the opening in Phnom Penh of a to exhibition entitled "Cambodia: The People, The Culture." The exhibition at Wat Langka is late to preserve and revive Khmer tradition, arts and festivals. Organized by Krouasat Thmey, a Ph Cambodian NGO, it has already toured seven provinces and attracted more than 60,000 visitors. The NGO decided to mount the exhibition to combat ignorance of Khmer culture in children, is the result of the dislocating effect of two decades of warfare.

Spoilsports sour football final

By HANG SOX CANTON

WHILE football fans have been engrossed in the World Cup a mini-drama unfolded at the first national youth football tournament after the governor of Prey Veng withdrew his team home at the climax of the final because they could not juggle balls.

Youths aged between 11 and 14 were selected to represent their provinces in a knockout tournament running from June 9-11 which saw Prey Veng and the Phnom Penh-based World Trade team qualify for the final.

At the end of regular time the teams were tied and the organizer of the tournament Frey Diamill ordered a juggling competition. The winner would be the team able to keep the ball in the air

longest with their feet.

Senegalese Diamill said: "The governor of Prey Veng who managed the team realized they were no good at juggling. He wanted to change the regulations but was told this was impossible so rather than face defeat he simply took his team home in bad sportsmanship."

Diamill, who is an adviser to the National Olympic Committee, said thousands of disappointed fans, who took time and spent money to see Prey Veng, tore up their tickets and left the Olympic Stadium and went home in disgust.

He said: "This is the fourth time in six months teams have been bad sports and gone home halfway through tournaments. I am afraid this bad habit may happen again when a team is selected to play in the international matches

against Thailand very soon.

He suggested the Committee should take a ban any team who does not respect the rules and regulations.

Dr May Samedi, First Vice Minister of the National Olympic Committee of Cambodia, said the Committee would create rules which would stop the habit of teams walking out in the middle of tournaments. The committee can guarantee this thing won't happen in national tournaments.

The secretary general of the National Olympic Committee, Meas Sarin, said: "Due to financial problems it had to take responsibility for the tournaments. Sooner or later they could not afford to pay for tournaments. The committee wants their problems."



107 meters

