

# INSIDE THE CAMBODIAN CORRECTIONAL SYSTEM

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## Abstract

Little is known about how Cambodia's correctional system functions and the problems it encounters. This paper draws from the first author's doctoral research in Cambodia, in which he interviewed 91 detained human traffickers, 200 prisoners convicted of other crimes, and 55 prison officers in eight prisons. In addition, Cambodian attitudes to crime and punishment are discussed in the light of three sweeps of the United Nations International Crime Victim Survey (UNICVS). This paper provides insights into the correctional system, focusing on three aspects: operation, irregularities and life in prisons. Cambodian prisons are more than just places of punishment and rehabilitation. Each one is a society within the larger society, characterised by inequality, inequity, hierarchy and other aspects of life observed in Cambodian society, such as corruption and abuses of power. They are primarily places for the poor where most prisoners said they were treated as if they were 'less than human'.

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## Introduction

*It is hell on earth, we are between animal and human. (A prisoner)*

*With a salary of about \$50 a month, we are prisoners without a verdict. (A guard)*

Academic research on Cambodia's correctional system is scarce. The prison system forms a significant part of the country's criminal justice system, yet little is known about its operation and problems. This paper draws from the first author's visit, between 2007 and 2008, to eight Cambodian prisons. As part of his doctoral research on human traffickers, he interviewed 91 convicted traffickers, 200 prisoners convicted of other crimes, 5 prison directors, 10 deputy directors and 40 guards. In addition, Cambodian attitudes to crime and punishment are discussed, drawing from three sweeps of the United Nations International Crime Victim Survey (UNICVS) conducted in 2001, 2006 and 2007.

We provide insights into the correctional system by focusing on three aspects: operation, irregularities and life in prisons, to show that Cambodian prisons are more than just

places of punishment. Each one is a society within the larger society, characterised by inequality, inequity, hierarchy and other aspects of life observed in Cambodian society. For instance, corrupt practices and abuse of power were reported by both prisoners and guards. Cambodian prisons are filled by the poor, the powerless, the poorly-educated and those with few connections. Most detainees complained that they were treated as if they were 'less than human'. Whilst not all officers were corrupt, our data reveals that a majority of them engaged in various corrupt practices.

## Methods

A two-step technique was used for the prisons visits. During a pilot study between November 2007 and January 2008, six of the eight prisons in the sample were visited. It provided an opportunity to talk to prison officers and detainees so as to assess the feasibility of future interviews, build relationships with potential participants, and obtain approval of the Ministry of the Interior. The approval of a detailed research ethics submission (to the relevant University ethics committee) in relation to the main task of (semi-structured) interviewing those incarcerated for human trafficking was required before commencing the interviews. Formal consent was required from each participant and particular attention was given to the problems of interviewing in a closed institutional setting\*. Fieldwork in the eight prisons took place between July 2008 and June 2009. Depending on the number of interviews, 3 to 28 days were spent at each prison, while other information and statistics were also collected.

Table 1: Profile of prisons visited

Prison	Detainee	Remandee	Staff
	Total	Total	(Appr.)
Banteay Meanchey <sup>1</sup>	509 (27F)	185 (20F)	80 (6F)
Battambang <sup>1</sup>	800 (33F)	43 (-F)	100 (5F)
CC1 <sup>2</sup>	2,400 (-F)	600 (-F)	200 (4F)
CC2 <sup>3</sup>	572(221F)	85 (44F)	100 (27F)
CC3 <sup>2</sup>	1,337 (-F)	-	170 (15F)
Kompong Cham <sup>1</sup>	560 (27F)	139 (-F)	87 (5F)
Koh Kong <sup>2</sup>	120 (8F)	40 (4F)	40 (3F)
Svay Rieng <sup>1</sup>	246 (14F)	63 (4F)	49 (4F)
<b>Total</b>	<b>6,544 (330F)</b>	<b>1,155 (72F)</b>	<b>826 (64F)</b>

Note: F= Female; CC= Correctional Centre; 1= As of Nov/Dec 07; 2= As of Aug/Oct 08; 3= As of Feb 2009.

\* Griffith University Ethics Committee approved the research process in July 2008, including the provision of an honorarium for each of those interviewed. A gift to the value of 1,000 riels (about US\$0.25) was provided in kind, usually items such as toiletries or food.

Overall 346 individuals (176 males and 170 females) were interviewed, including inmates convicted or awaiting trial for human trafficking and other crimes, and prison officers of varying ranks (see ‘Table 2’). Most of the interviews were in Khmer (Cambodia’s official language). Some interviews with Vietnamese detainees were in Vietnamese as they felt more comfortable conversing in their native language. In three prisons, the interviews occurred under the scrutiny of a guard. In one prison only interviews conducted in Khmer were allowed. No camera or voice recorder was allowed in any prison.

The first\* author set out to immerse himself into prison life by walking around the prison compound, observing activities, having lunch with officers and inmates inside the prison, and visiting detainees’ cells. This allowed him to establish a rapport with detainees and officers, and he found most participants friendly and cooperative.

**Table 2: Sample size**

Participant	Gender		Total
	Male	Female	
Imprisoned traffickers	42	49	91
Other prisoners	80	120	200
Prison guards	39	1	40
Prison deputy directors	10	0	10
Prison director	5	0	5
<b>Total</b>	<b>176</b>	<b>170</b>	<b>346</b>

## Overview

The national number of recorded criminal events\*\* has fallen from 5,691 to 2,881 between 2003 and 2008 (NPC, 2004; NPC, 2005; NPC, 2006; NPC, 2007; NPC, 2008; NPC, 2009). However, the prison population over the last 16 years has grown by 435%, from 2,490 (969 on remand) in 1995 (APCCA cited in Egger, 2005) to 13,325 (over 4,000 on remand) in March 2010. The prison system is currently at 167% of its 8,000-inmates capacity (Khoun, 2010; LICADHO, 2010:1). Yet in 2005, Cambodia had the second lowest rate of imprisonment among Southeast Asian nations. In 2008, 1,661 custodial staff were employed; a ratio of staff to prisoners of 1:6.7 (Morgan and Morgan, 2008:146).

\* The second author also visited prisons in Phnom Penh and in the provinces in the 1990s and with the first author visited CC3 in November 2008

\*\* Each event may involve more than one offender or victim.

**Table 3: Ratio of prison population to national population**

Country	Prison pop.	Estimated national pop.	Imprisonment ratio to national pop. (1:100,000)
Indonesia	999,461a	222.8m	45
Cambodia	81,601a	14.1m	58
Laos	40,202b	5.6m	69
Vietnam	884,141a	84.2m	105
Philippines	896,391a	83.1m	108
Singapore	150,381a	4.3m	108
Myanmar	600,002b	50.1m	120
Brunei	5,291a	377,000	140
Malaysia	356,441a	25.3m	141
Thailand	1,644,431a	64.3m	256

Note: a: Statistics as of 2005; b: Statistics as of 2004.

Source: Redeveloped based on (Walmsley 2007)

Most prisons were built around 1920. In addition, some former civilian buildings have been converted into correctional facilities. Many prisons are therefore old and in a poor state of repair. To improve prison conditions, the government employs two strategies. First, it sought financial support from donor communities (e.g. the Australian-funded Cambodian Criminal Justice Assistance Project [CCJAP], which helped build or refurbish the new Correctional Centres in Phnom Penh) for the construction or renovation of prison facilities. In a second strategy, urban land is swapped for new prisons located far away from town. This strategy has not worked everywhere because the property value of urban land in some provinces remains low, resulting in a lack of interest from investors (General Directorate of Prisons [GDOP], 2003).

In January 2011, there were 27 prisons throughout Cambodia, including four national prisons (Correctional Centre [CC] 1, 2, 3, and 4\*) and 23 municipal/provincial prisons. National prisons are directly under the GDOP authority, whereas other prisons are under the authority of their respective deputy provincial or municipal governors. They house specific types of prisoners, for instance, CC1 only holds convicted adult male prisoners and those on remand, and CC2 only minors (under 18) and female detainees, while provincial and municipal prisons accommodate a mixture of detainees. Each prison population varies significantly from one prison to another. Presently, CC1 has the largest population.

\*CC4 was opened in January 2010 with a capacity to accommodate 2,500 detainees. For details about CC4 see (LICADHO 2010).

According to the Prison Procedures developed by the GDOP, 28 offences are punishable by imprisonment (GDOP, 2003). Gambling is not included, although the 1996 gambling law prohibits all sorts of unauthorised gambling, which may incur a fine or short prison term (The gambling law, 1996).

**Table 4: Offences punishable by imprisonment**

Category	Detailed Offence
Robbery	Robbery-Murder, Attempt robbery, Robbery-Rape
Theft	Theft, Theft and sale of assets, Benefiting from theft
Sexual harassment	Rape, Sexual harassment, Child sex, Procuring for prostitution
Human trafficking	Human trafficking/abduction, Kidnap, Illegal custody of people
Drug	Drug trafficking, Drug distribution, Drug use, Provision of place for drug use
Deceiving	Faking public document, Cheating, Faking license plate, Violation of confidence
Others	Attempt/murder, Terrorism, Armed group, Causing fire, Illegal possession of weapon, Cause injury to someone, Vandalism.

Source: (GDOP 2003)

## Management

Each prison has a director and 3 to 5 deputies in charge of various departments. All the sampled prisons employed a centralised decision-making process, whereby the director makes all the decisions concerning both routine and important or sensitive matters (Koh Santeapheap, 2008). Officers appeared to obey the director’s orders unquestioningly. Commonly, there are four departments: Departments of Finance and Administration; Logistics and Means; Education; and Protection. The latter is the largest, managing all the guards or warders in each prison. Each prison had a small clinic, whose staff are not medical doctors but staff who had attended basic health/first aid training, to provide treatment for minor problems and make referrals to public hospitals.

Low-ranking warders earned a monthly salary of \$45-50. While a guard’s situation differed according to their workstation and boss, most were obliged to stay at the prison seven days a week, 24 hours a day. Consequently, many called themselves a ‘prisoner without a verdict’. Some prisons applied working shifts, for example, a full day break follows after every one or two days of work. This provided opportunities for some of them to ‘moonlight’ (e.g. to work as a motor-taxi driver). Some prisons required guards to sleep at the prisons even on their days off. At CC3, everyone was supposed to be on duty all the time.

When visiting the prison, the first author joined lunches with prison officers in an interior compound. The foods were prepared and served by male and female detainees. Each lunch included 4 to 7 courses of food. The service provided by those prisoners was excellent. However, it would be wrong to generalise such an instance for all the guards; for most of them, the meals were just as poor as for the prisoners. A group of guards had only a bowl of boiled rice and instant noodles, with no meat or vegetables, each. They claimed that it was their normal meal; all they could afford. CC2 was the only prison providing free lunch to guards but the latter reported that it was of poor quality.

One male guard was observed sharing a bed (1.8m by 0.7m) with his 10 year old son. Some guards have to skip their duty for a short period of time to forage for edibles such as snakes, fish and vegetables. Despite such poor working conditions, most senior officers have been working in prisons for well over two decades and most guards have, on average, been employed for more than five years.

## **Documentation system**

CC1 was the only prison with a computerised database. In other prisons there were paper records, but they were difficult to locate and retrieve due to damage caused by pests, natural decay and human errors. In 2008, for example, the roof of the documentation office of Koh Kong prison was blown away during a rain storm, damaging most of the records. CC1, Koh Kong, Battambang, Kompong Cham and Banteay Meanchhey prisons are new. They were relocated from old prison compounds and this rehousing, together with poor management of records, resulted in loss of data. A long-serving deputy director explained that the main directorial responsibilities were to prevent riot or escape and make sure that no death occurred in custody. Whether or not the records were properly developed, stored and maintained mattered less.

Lack of electricity and adequate training in computers were the main reasons behind the absence of a computer-based recording system. Svay Rieng and CC3 were the only prisons with access to the public power grid, albeit with some interruptions. Other prisons relied on generators, but financial constraints forced most of them, except CC1, to run the generator for only a limited time to light up at night. Some officers alleged that, although the GDOP allocated sufficient budget for gasoline, part of the money went into private use.

## **Classification and parole system**

Each prison has a Security Classification Committee, chaired by the warden, whose role is to classify prisoners into high, medium or low security categories (1988; GDOP, 2003, Procedure 2). The main criteria for High Security are a long prison term; a new offence in prison; posing a threat to others, to good order, or to prison management; and having a strong tendency to escape. However, all those on remand are placed in this category. Prisoners in the high security group have limited freedom. They must remain in the prison compound under strict security. They are prohibited from leaving the compound unless they are being taken to the court, hospital or transferred to another prison. Medium Security is for prisoners who are

seen as posing little risk to security, but still in need of oversight. Depending on the area of the prison where security could be ensured, they may be allowed to labour outside the prison under the control of guards. Low Security includes those who show good behaviour; are helpful to guards; have a short prison term; have never committed any offence in detention; and are reliable. As only limited custodial control is required, they can be authorised to work outside the prison compound. They can perform general or specific work duties with little or no supervision, and be placed in low security cells. They, therefore, have more opportunities to leave their cell.

The committee is supposed to review a detainee's classification once every quarter. According to prison procedure (27), all convicts who have served two thirds of their term or 15 years of their life sentence can request a partial or full pardon. Eligible convicts can ask the King, who has constitutional authority to grant partial or complete amnesty (Constitution, 1993: Article 27), for a sentence reduction each year through the correctional system.

## Prison outbreaks

Two large prison outbreaks occurred in 2005 and 2006, which exposed some of the inherent problems in the correctional service. On 23 March 2005, a group of prisoners attempted to escape from CC3 by taking the director and his two deputies hostage. The incident resulted in the death of the director and 20 prisoners, after the incident was ended by armed military police (Kyodo News Int., 23 March 2008; AFP 24 March, 2005; LICADHO, 2007). Officers blamed the warden for his over-confidence and inaction. Spy prisoners had informed the prison management about a plot to seize hostages but the warden failed to take any preventative action, which eventually cost him his life. In June 2006, Battambang prison was also under siege by eight young prisoners who, equipped with a gun and a grenade, took a guard hostage. The standoff lasted for one day. Eventually the eight prisoners were shot dead. The hostage died in the explosion of the grenade that the prisoners tied to his hands behind his back (Prak, 2006). In these cases, hostage negotiations failed due to a lack of training and adequate command, and the absence of control at critical times.

## Vocational training

Very few vocational training programmes are implemented, and some prisons did not have any. These programmes were small, of low quality and unsystematically delivered. For instance, due to lack of electricity, the computer-training programme at CC2 was not running smoothly. Most prisons included income generation activities for the prison (for example, market gardening, tailoring and other 'industry'), yet these were presented as vocational training programmes when no training was provided. The lack of genuine vocational training programmes may have a number of undesirable consequences. First, it is possible that boredom pushed some detainees to engage in prohibited activities, especially gambling

\* *Today, there is no life sentence in Cambodia.*

*A Video footage about the siege, apparently taken by a mobile phone, was on sale a few months later.*

\*\* *It is also available at YouTube's website (<http://www.youtube.com/watch?v=jw9xxyQuoQU>).*

(often observed in visits by the first author). Second, in the absence of skills training and

with only limited labour activities to offer, directors, who worry about potential escapes, may be compelled to keep the majority of detainees in their cell for most of the time; this not only restricts the already limited freedom of prisoners, possibly damaging their health, but also breeds corrupt practices, as those who wanted more time out had to collude with prison authorities. Third, the inability of acquiring any vocational skills may leave former detainees with no other alternative but to engage in crime as a survival strategy upon release.

Finally, the absence of training affected the income generation capacity of both the detainees and the prison. Income generation activities allow prisoners to earn an income and use it as a start-up capital after release; the prison too can generate revenue to support prison operations and benefit staff. Low-level corruption often appears to stem from the need for significant supplementary income to run the prisons. Senior officers complained that it was challenging to ensure discipline among the lowly-paid officers. Some directors ignored the fact that some guards preyed on the detainees.

## **General aspects**

### **Prison routine**

Variations in prison rules depended on directors. In most prisons, inmates were allowed to leave their cell during the daytime, except on Sundays. They could, therefore, exercise, labour, socialise, play sport, do laundry, and cook their own food. Prisoners enjoyed important traditional ceremonies and national holidays. At such times, they were allowed to stay outside their cell for most of the day, socialising, drinking, eating, dancing and playing traditional games. In a typical day, depending on their means, prisoners could smoke, eat any kind of food, and have soft drinks and coffee. Fresh drinks were also available at prison outlets, or sold by prisoners and officers' wives. Playing card games, drinking alcohol and using drugs were strictly prohibited, but not impossible. Such contraband were allegedly sold to prisoners by poorly-paid guards, or were hidden in gifts/supplies families gave to prisoners during visits.

Prison uniforms (light blue shirt and trousers) were supplied, but detainees were also allowed to wear casual clothes as long as they were clean and not too good or 'sexy'. During timeout, most detainees wore the uniform but many also wore clean and ironed casual clothes. Low risk detainees are also entrusted with various tasks. Administrative tasks include bookkeeping and library management but can also involve monitoring and spying on other prisoners. Labour assignments included crop cultivation, cleaning, cooking and distributing food to prisoners and guards, gardening, fetching water, washing guards' clothes, working at carpentry workshops, and other income-generation activities run by the prison (see also LICADHO, 2009).

Some prisoners were required to labour outside the prison compound, for example, a large group of prisoners in a province were ordered to clear a sizeable plot of private land. Exploitation of prisoners' labour, as LICADHO (2010:15) remarks, is against prison procedures and the ILO Forced Labour Convention (ILO Convention, 1930). However, those who had the opportunity to serve guards or to assist the prison, considered themselves lucky



because it meant more freedom outside the cell, better treatment, having more and better food, earning an income, getting a new uniform, and a chance of having their name on a pardon request.

Cambodians have a saying: 'With money, one can ask ghosts to work'. It seems to be the case in Cambodian prisons, where everyone is supposed to be treated equally. An affluent person becomes an affluent prisoner (see also, LICADHO, 2008:8); while many poor inmates were badly treated, some guards appeared to 'bow' down to affluent and influential detainees.

## Food and drink

Since 2007, the government allocates 1,500R\*(\$0.38) per prisoner per day. In 2003, it was only 1,000R (\$0.25(GDOP 2003:4)).\*\* LICADHO (2007:8) reported that, to purchase one person's daily food requirement in 2007, at least 1,700R was needed. The government promised to increase the allocation to 2,800R (\$0.7) but it has not yet done so (LICADHO, 2010:5). Interviewed prisoners were getting two meals (lunch and dinner) a day, comprising one portion of meat/fish/vegetables with rationed rice. None of the informants were satisfied with the ration, which they regarded as insufficient to sustain life (see LICADHO, 2008:6). In fact, many detainees did not consume their ration; they preferred to cook their own foods, purchase foods sold by the prison or by a guard's wife, or pay for a monthly meal service.\*\*\* A wide variety of foods was available for those with money. For items unavailable at the prison store,\*\*\*\* inmates could ask cooks, guards, or their family members to buy them outside. Prisoners could also seek the favour of guards, cooks or colleagues to cook for them when they were not allowed to do their own cooking.

Prisoners who could buy goods and share them with their poorer cellmates were served by the latter like princes. However, none of the poor prisoners expressed resentment over this unequal situation. They seemed to be happy to be able to serve well-off prisoners in exchange of better prison-life conditions. They reported that their life would be worse if they did not have such an opportunity.

\* R stands for Riel (the Cambodian currency). 4 000R = \$1.

\*\* On 31 March 2009, a kg of white rice was 2460R, tomato 1640R, beef 23600R, pork 16000R, fish 11400R, a chicken egg 410R. Koh Santeaphap (2009). Consumer Price Index as of 31 March 2009. Koh Santeaphap Daily Khmer Newspaper. Phnom Penh, Cambodia. Year 42nd, No. 6617 8.

\*\*\* The idea is to pay a fixed amount of money every month to a food seller to have meals for a month (breakfast, lunch, and/or dinner). It is very common among students, office workers, and those preferring to eat at the same place for a certain period of time. Commonly, the price and the type of food are negotiable between the service provider and the consumers. It was a surprise to realise that such a practice also existed in prisons where everybody is supposed to consume the same food.

\*\*\*\* Like most prisons, CC2 has a store in the interior compound. It is called 'Lucky Market' which is named after the biggest chain store in Cambodia. Items on sale at the outlet included groceries, soft drinks, meat, fish, vegetables, fruits, and other basic goods. It was operated by the prison, and managed by a female Vietnamese who could communicate in Khmer. Prices were rather expensive compared to the normal market. However, detainees appeared to be happy with the store.

## Discipline

Senior officers acknowledged that before 1990, prison management assigned some prisoners who had formed gangs as ‘trustees’ to discipline other prisoners, especially newcomers, on behalf of guards (i.e. in the shared cells). These prisoner gangs participated in the policing of the prisons. Also, some directors and guards abused their power and treated prisoners as they wished; for instance, some female detainees had claimed to be sexually abused.

Since then, fighting among inmates and the mistreatment of prisoners by officers had significantly reduced. Under the new system, instead of prison gangs, trusted prisoners are assigned as head of the cell or building. Some are recruited and trained to become ‘prison spies’. They observe other prisoners’ activities and report to the guards, particularly about plots to escape and any attempts to organise riots or planned attacks on individuals or groups of prisoners. Normally, guards discipline prisoners’ misconduct in line with prison regulations, yet different forms of unlawful corporal punishments continue to be reported, although less than before (see, Chhay, 2010; Keo, 2010). Punishments may include extension of prison term, temporary deprivation of time out and/or family visits, security-class re-categorisation (i.e. to a higher security class), and disqualification from inclusion in a pardon request.

## Sexual relations

Intimate relationships between male detainees or guards and female detainees occasionally occurred in the visited prisons. A young, attractive female detainee, who had already been serving seven years in different prisons, confessed that she had been financially supported by a male prisoner and that in return, she allowed the man to sexually touch her when the opportunity emerged. Well-off detainees also took turns to support her. Some guards were allegedly financially supported by female inmates who earned extra income in this way.

Kandal provincial prison is the only correctional facility in Cambodia that attempted to break the taboo against sex in detention. Under a pilot project, the prison allowed conjugal visits in a special building inside the prison called ‘House of Happiness’.

There are very few reports of sexual intercourse among prisoners; LICADHO (2009:11) reported the case of a female prisoner who admitted having sex with male prisoners, but it was a rare incident. There has been no new report of guards’ sexual harassment of female detainees. Guards were strictly prohibited from any sexual misconduct towards prisoners. LICADHO (2008:9) reported that several women became pregnant while in prison, but the NGO was unsure if such pregnancies were the result of consensual sex or rapes.

## Health

Prisoners’ physical and mental health remains a serious concern. None of the eight prisons had running water; water supplies came from roof-catchment, ponds and/or wells. Prisoners were often suffering from common cold, respiratory infection, beriberi, diarrhoea, skin disease and tuberculosis. The majority of deaths in custody were attributed to diseases such as HIV/AIDS (LICADHO, 2009:19-20). LICADHO has been monitoring 18 prisons in Cambodia, including the eight prisons in the sample, and reported 69 deaths (5 females) in 2006, 57 (5 females) in

2007 and 39 (0 female) in 2008 (2009:20). While prison population morbidity is declining, there is much room for improvement, as a proper prison health care system is still lacking.

### **Making a living**

Some prisoners were able to improve their condition in a number of ways, such as laundering; assisting well-off cellmates, guards and officers; helping visitors to forward gifts to prisoners; trading authorised and prohibited commodities; growing vegetables; and producing goods for sale. Destitute inmates offered cheap laundry and ironing services and other types of assistance to prison-mates and guards in return for small cash, food, toiletry supplies, cigarettes and/or better treatment.

Some prisoners were able to do business, covertly selling imported consumables and contrabands (i.e., alcohol and card games) in the prison. Most prisons cultivated crops and CC<sup>3</sup> ran the largest agricultural programme. Crops were used for prison consumption and also sold on the market with a fraction of the revenue going to the prisoners assigned to their production. This activity was also intended to be part of a training programme.

Battambang prison, Svay Rieng prison and CC<sup>3</sup> had small carpentry workshops, which were components of training programmes to produce furniture that was sold so the carpenters pocketed a small part of the revenue. CC<sup>1</sup> had large garment workshops operated in partnership with private businesses, which employed hundreds of selected prisoners engaged in this work. While production and profit was modest, it is an excellent example of the combination of skills training and income generation activities that may be possible.

CC<sup>2</sup> was sub-contracted by a garment company for the provision of finishing services (removing sewing stitches from garments). Female prisoners were 'invited' to work. They reported earning an average monthly income of \$1. Yet, prison procedure #37 states that 25% of the revenue from the sale must be given to working prisoners who must receive between \$0.25 and \$0.5 per day (GDOP, 2003). The women who had agreed to work had more time out, but those who did not reported maltreatment by prison authorities.

### **Corruption**

Cambodia remains one of the poorest countries in the world, 137th out of 182 ranked countries (UNDP, 2009:145). Corruption is endemic and severe. Calavan, Briquets et al. (2004:12) reported that hundreds of millions of US dollars are lost annually to corruption. Although corruption has long been seen as a major hurdle to the country's development (Hughes, 2008), the government only enacted an anti-corruption law in 2010 (Anti-Corruption Law, 2010). While corruption in the public sector and judiciary has been documented, little is known about corrupt practices in correctional institutions. Our study of eight prisons suggests that corrupt practices are widespread. In the following sections we document a number of ways in which corrupt practices occurred.

### **Room allocation**

In general, prison cells were cramped, with each inmate having less than 1.5m<sup>2</sup> of space. Well-off prisoners could bribe the prison director to be placed in a better cell with fewer inmates (see also LICADHO, 2008:5). For instance, a case was reported of a cell which had

been renovated by and for an affluent prisoner. The renovated cell housed the renovator and few poor prisoners. The latter were allowed to join the cell as ‘servants’ of the renovator. Similar reports were obtained from many other prisons.

### **Treatment by guards/officers**

There were stories of well-off prisoners bribing directors and guards for good treatment such as more time out, being placed in a more spacious cell, no labour requirement, permission to consume any food and drink, being authorised to undertake medical care outside the prison, access to media and entertainment and even the permission to boss some guards around. Many prisoners claimed that they were prohibited from enjoying radio and TV, even though prison procedures did not ban such recreation. The cells of a few well-off prisoners were allegedly equipped with new TVs, fridges, laptops, music/video players, and such exceptional cells were observed on visit. Other allegations included affluent detainees paying to be in the Low Security Class. In one prison, poor inmates were only allowed a short time out once a week or fortnight, but those who could bribe guards with \$10-20 were permitted to leave their cell daily to work. Officers’ involvement in the escape of prisoners might be substantiated; for instance, on 1st May 2009, the prosecutor of Preah Vihear province issued arrest warrants against the director and two officials of Phear Vihear provincial prison, accusing them of allowing the escape of seven convicts (Koh Santeapheap, 2009).

### **Prisoners’ food rations**

The prison’s budget, which varies with the number of inmates and is, as previously discussed, insufficient was reported to be the biggest source of ‘illegal income’. Money could be saved by reducing expenses on food purchases; for instance, well-off inmates did not normally eat their portions, so the saving could be privately pocketed. The number of actual prisoners was inflated to attract more funds. Some officers admitted that they sometimes obtained a small share from this corrupt practice but it was the director who got the lion’s share. The lack of accountability systems and the absence of computerised filling systems seems likely to facilitate such practices.

### **Family visits**

Each prison set its own schedule regarding an official day for family visits. However, all allowed unofficial visits. An official visit cost \$1.25 to \$2.5 and an unofficial visit twice as much or more. The price varied according to the venue and the length of the visit and a visit usually lasted between 15 to 20 minutes. To extend the time, visitors had to pay more (see also LICADHO, 2008:10). Guards reported that the income from the visits was not well accounted for; money was collected and handed over, on a daily basis, to the director rather than the administrative or finance units. According to Procedure 8, all prisoners shall have the right to meet family or friends at least an hour a week, depending on the schedule prepared by the director. In addition, officers are prohibited from soliciting money or other items from visitors and those found guilty will be disciplined (GDOP, 2003).

### **Pardon request**

Prisoners could offer bribes to have their name proposed for amnesty. An officer with a long experience preparing pardon requests confided that, regardless of their performance, convicts

wishing to have their names in the request must pay \$100-200 to the director. Dozen of prisoners in various prisons confirmed the allegation. Some reported that officers, including deputy directors and directors, have approached them soliciting between \$1,000 and \$1,500 for them to be proposed for a full amnesty.\* A former prison director claimed that there were cases where prison directors sought the favour of judges to reduce a sentence or to acquit some misdemeanour or felony suspects. Then, prison authorities would solicit money from the prisoners or suspects in question.

In principle, prison directors must issue a release letter to prisoners immediately upon receiving their release verdict (GDOP, 2003: Procedure 28). In practice, such prisoners have to 'oil the process' when the end of their sentence is approaching. The release process is not automatic; prisoners have to pay or conclude a deal with relevant officers to expedite the process.

## National attitudes toward punishment

As part of our study on crime, policing and justice in Cambodia, we conducted three sweeps of the United Nations International Crime Victim Survey (UNICVS) in 2001,\*\* 2006,\*\*\* and 2007\*\*\*\* (Broadhurst and Bouhours, 2009). A section of the UNICVS focuses on respondents' attitudes toward the punishment of offenders. Initially, a large majority of respondents favoured imprisonment when they were asked how a 20-year old man found guilty of burglary for the second time should be punished. In 2001, 68.1% of the respondents suggested sentences ranging from one-month imprisonment to life sentence and death penalty. Although the death penalty does not exist in Cambodia and was not included in the UNICVS list of sentence options it was frequently volunteered under 'other' responses. The preference for imprisonment and the death penalty declined to 60.7% in 2006 and to 56.6% in 2007.

Cambodians' preference for imprisonment in the sentencing of offenders has declined steadily. However, respondents from rural areas had more punitive attitudes than respondents from urban areas. The younger age groups (18-34) were more punitive than the older groups (50-64). Respondents with full secondary and tertiary education were less punitive than respondents with lower education. In 2001, high-income respondents were significantly more punitive than all other income status respondents. This reversed in 2006, as low-income respondents expressed more punitive attitudes than high-income respondents. The decreasing preference for imprisonment to punish offenders might be related to changes in the penal code. Before the new criminal code entered into force in late 2010, there were only two forms of punishment: fine and imprisonment. The 2009 Penal Code offers alternatives to incarceration, including community services and suspended sentence (The Penal Code, 2009).

\* An officer shared with the first author an approved request in which 57% of the prisoners on the request were granted partial or complete pardon.

\*\* 3,062 households in six Cambodian provinces (1177 in Phnom Penh, 572 in Kandal, 551 in Kampong Cham, 303 in Kampong Speueu, 211 in Kampong Chhnang, and 248 in Kampot)

\*\*\* 1,727 households (1,092 in Phnom Penh and 635 in Kandal).

\*\*\*\*790 households in Kampong Cham.

However, there has been only limited application of these new options. Given the sharp

decline in reported crimes (Broadhurst and Bouhours, 2009), the growing prison population is also the consequence of a lack of sentencing alternatives. In 2010, the government would have spent at least \$2,970,177 as the operating cost to maintain 13,325 prisoners.\* If the increase in prison population is in part due to the lack of alternatives to imprisonment, and mechanisms to ensure their application, then policy development should focus more on this matter as potential rehabilitative measures and resource-saving strategies.

## Conclusion

The Cambodian correctional system is more than a place for punishment but has no capacity as a place for rehabilitation. A lack of resources plays a role in this situation but there are also managerial problems. For example, concurrent with prison authorities' complaints of being understaffed, many instances of staff underemployment were observed. Prison procedures and the UN Standard Minimum Rules for the Treatment of Prisoners were not strictly adhered to and overcrowding appeared normal (1977; GDOP, 2003). Cambodian prisons are the reflection of what can be observed in the larger Cambodian society, a society that is still struggling with issues of blatant inequalities, injustices, cronyism and corruption. As in Cambodian society in general, the correctional system needs to be significantly improved. Officers need to be properly paid, trained, and disciplined. Accountability and transparency, in short, better governance, are necessary steps to reduce opportunities for malpractice. More resources are needed, including staff, discretionary budgets, equipment/materials and infrastructure, but also a better management of existing resources. Intensive vocational training programmes need to be created, taking into account future markets and detainees' age, sex and goals, without neglecting safety and security in prison. Alternatives to imprisonment need to be further developed and rapidly implemented. Although not without cost, these alternatives can help fulfil both resource savings and rehabilitative goals.

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\*The annual government budget to run the correctional system is not known. We attempted to make a simple, but conservative estimation of the operation cost to maintain 13,325 prisoners in 2010. The Government allocated \$0.38 per prisoner per day. The annual expense on prisoners is \$1,848,177 (13,325 prisoners \* \$0.38/day \* 365days). It is assumed that in 2010, GDOP had 1,700 staff: 1,530 were guards and received a monthly salary of \$50 and 170 were officers and got an average salary of \$100 per month. The annual expense on guards' salary is \$918,000(1,530 junior officers \* \$50/month \* 12 months). Annual salary for senior officers is \$204,000 (170 officers \* \$100/month \* 12 months). The operational cost, excluding other admin cost, of the GDOP is therefore estimated at \$1,848,177+ \$918,000+ \$204,000 = \$2,970,177.

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