

## The Illegal Arrest, Arbitrary Detention and Torture of People Who Use Drugs in Cambodia

[A staff member] would use the cable to beat people... On each whip the person's skin would come off and stick on the cable...

—M'noh, age 16, describing whippings he witnessed in the Social Affairs "Youth Rehabilitation Center" in Choam Chao<sup>1</sup>

In Cambodia, "undesirable" people such as the homeless, beggars, street children and sex workers are often arrested and detained in government centers. The upcoming Human Rights Watch report *"Skin on the Cable": The Illegal Arrest, Arbitrary Detention and Torture of People Who Use Drugs in Cambodia* documents the treatment of one such "undesirable" group—people who use drugs—by law enforcement officials and staff working at government drug detention centers. This briefing paper draws from *"Skin on the Cable"* in summarizing key instances when torture and cruel, inhuman, or degrading treatment or punishment take place during arrest, detention and treatment in these centers.

Human Rights Watch found that the mainstays of treatment in Cambodia's drug detention centers were forced physical exercise and labor. Those in charge of the centers were determined to make the detainees sweat with the stated aim of removing drugs from the body.

Compounding the therapeutic ineffectiveness of detention is the extreme cruelty experienced at the hands—and boots, truncheons and electric batons—of staff in these centers. Former detainees told Human Rights Watch they were shocked with electric batons, whipped with twisted electrical wire, beaten, forced to perform painful physical exercises such as rolling along the ground, and were chained while standing in the sun. They reported rapes by center staff, while others told Human Rights Watch they were coerced into donating their blood. Former detainees reported suffering symptoms of

The Human Rights Watch report *"Skin on the Cable"* documents the treatment of people who use drugs by law enforcement officials and staff working at government drug detention centers in Cambodia.

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<sup>1</sup> Human Rights Watch interview with M'noh, Phnom Penh, June 2009. The identity of interviewees has been disguised with randomly-selected pseudonyms and in some cases certain other identifying information has been withheld, to protect their privacy and safety.

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diseases consistent with nutritional deficiencies.

## Background

Cambodia witnessed a marked increase in “ya ma” (methamphetamine) use in the last decade. Currently, the main illicit substances used in Cambodia appear to be “ya ma” and “ice” (methamphetamine in crystal form). People who inject drugs are most likely to inject heroin. Solvents such as glue are commonly inhaled, especially by street children. The majority of people who use drugs are between 18 and 25 years old, and few are female. The use of two or more drugs is very common.<sup>2</sup>

A 2007 study undertaken by the National HIV/AIDS Program (NCHADS) estimates there to be between 9,100 and 20,100 people who use drugs in Cambodia.

Estimates of the absolute number of people who use drugs in Cambodia differ widely. The official government figure for 2008 put the number of people who use drugs at 5896, a figure very close to the 5797 for 2007.<sup>3</sup> However, this number is widely considered an underestimation. A 2007 study undertaken by the National HIV/AIDS Program (NCHADS) estimates there to be between 9,100 and 20,100 people who use drugs in Cambodia, of whom approximately 1,100 to 3,000 are people who inject drugs.<sup>4</sup>

In 2008, the National Authority for Combating Drugs [NACD] reported that there were 2,382 people detained in government drug detention centers.<sup>5</sup> This figure is a 40 percent increase from the number of people detained in 2007 (1,719).<sup>6</sup> According to the NACD’s data, the majority of individuals

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<sup>2</sup> National Authority for Combating Drugs, “Report on Illicit Drug Data and Routine Surveillance Systems in Cambodia 2007,” June 2008, pp. 52-54; UNODC/UNAIDS, “Cambodia Country Advocacy Brief: Injecting Drug Use and HIV,” 2009, p. 2.

<sup>3</sup> Drug Information Center, Secretariat General, National Authority for Combating Drugs, “Summary Report of Drug Data, 2008,” Phnom Penh, April 2009, unpublished (copy on file at Human Rights Watch); National Authority for Combating Drugs, “Report on Illicit Drug Data and Routine Surveillance Systems in Cambodia 2007,” June 2008, p. 52.

<sup>4</sup> “Drug User Population Size Estimates 2007,” Surveillance Unit, National Centre for HIV/AIDS, Dermatology and STD’s (NCHADS), Ministry of Health, 2008, unpublished (copy on file at Human Rights Watch).

<sup>5</sup> “Report from the National Residential Treatment Center Minimum Dataset: 2008,” Drug Information Center, National Authority for Combating Drugs, presented at DHA Technical Working Group Meeting, NAGA World Hotel, June 4, 2009 (copy on file at Human Rights Watch). “Treatment,” as used in this briefing paper, is defined as “the process that begins when psychoactive substance users come into contact with a health provider or other community service, and may continue through a succession of specific interventions until the highest attainable level of health and well-being is reached. Treatment and rehabilitation are defined as a comprehensive approach to identification, assistance, health care, and social integration with regards to persons presenting problems caused by the use of any psychoactive substance. These definitions include the notion that substance users are entitled to be treated with humanity and respect.” (WHO Expert Committee on Drug Dependence, Thirtieth Report: WHO Technical Report Series 873, 1998, [http://whqlibdoc.who.int/trs/WHO\\_TRS\\_873.pdf](http://whqlibdoc.who.int/trs/WHO_TRS_873.pdf).) In Cambodia, because detainees do not come into contact with a health provider and there is little or no “identification, assistance, health care, and social integration” inside such centers, it would be misleading to refer to Cambodia’s centers as either treatment or rehabilitation centers. This paper refers to Cambodia’s centers as “drug detention centers”.

<sup>6</sup> Given that the NACD has published inconsistent lists of the number of government drug detention centers, these figures may be unreliable and the actual number of detainees might be higher. Drug Information Center, Secretariat General, National Authority for Combating Drugs, “Summary Report of Drug Data, 2008,” Phnom Penh, April 2009, unpublished (copy on file at Human Rights Watch);

(1,483 or 62 percent) were aged between 19 and 25 years. Just 15 individuals (or 0.6 percent) were female. The NACD also reports that just 1 percent of admissions in 2008 were voluntary, with 61 percent via the “family” and 38 percent “judicial”.<sup>7</sup> The category of “judicial” is a misnomer, given that detainees are not detained on the basis of a valid court order or with any judicial oversight. Thus “judicial” means here those who were arrested by the police without the request and/or payment of parents or relatives.

The government data also reveals that in 2008, 563 detainees (or 24 percent) were aged 18 or below. 104 detainees (or 4 percent) were children less than 15 years of age. 116 detainees (or 5 percent) were classified as “street children”.<sup>8</sup>

Cambodia’s 11 government drug detention centers are operated by various government entities: the Military Police of the Royal Cambodian Armed Forces (under the Ministry of National Defense), the Commissariat-General of the National Police, also known as the civilian or penal police (under the Ministry of the Interior), the Ministry of Social Affairs, Veterans and Youth Rehabilitation (also known as Social Affairs) and the Department of Social Affairs of the Municipality of Phnom Penh.<sup>9</sup> Cambodia also has a small number of privately run and NGO run drug treatment centers.

There are indications that the number of government drug detention centers in Cambodia will rise in the near future; instead, all such centers should be permanently closed. The Cambodia government should expand access to voluntary, community-based drug dependency treatment that is medically appropriate and comports with international standards

### Abuses During Arrest

Police inflict serious abuse on detainees, rising to at least the level of cruel, inhuman, or degrading treatment or punishment, and often torture.<sup>10</sup> Police use torture to coerce confessions and testimony from detainees. Teap, who is

In terms of the ethical standards applicable to treatment, WHO and UNDOC advise that drug dependence should be considered as any other health-care condition.

Compounding the therapeutic ineffectiveness of detention is the extreme cruelty experienced at the hands—and boots, truncheons and electric batons—of staff in these centers.

<sup>7</sup> “Report from the National Residential Treatment Center Minimum Dataset: 2008,” Drug Information Center, National Authority for Combating Drugs, presented at DHA Technical Working Group Meeting, NAGA World Hotel, June 4, 2009 (copy on file at Human Rights Watch).

<sup>8</sup> Drug Information Center, Secretariat General, National Authority for Combating Drugs, “Summary Report of Drug Data, 2008,” Phnom Penh, April 2009, unpublished (copy on file at Human Rights Watch).

<sup>9</sup> Note that the Ministry of Health is not involved in any aspect of Cambodia’s drug detention centers.

<sup>10</sup> Cambodia ratified the Convention Against Torture on October 15, 1992.

14, reported being beaten and electrocuted in police custody in order to extract a confession.

I was sleeping inside the pagoda compound in the open air... The police asked me, 'Did you steal someone's car mirror?' I said, 'No, I didn't.' Then they arrested me and beat me. Because they beat me I lied and said I stole the mirror. They shocked me with electrical shocks and beat me with 'the ox's penis' [a police baton]... It was the police who shocked me: a tall colonel with a walkie talkie. At first I told him I didn't know anything and he said 'This boy's so stubborn!' and grabbed an electric shock baton. Then I told him I had stolen it: actually I hadn't stolen it, I was just scared...<sup>11</sup>

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Kronhong, age 18, described being abused by military police, after smoking "ya ma" with a friend, to extract information about who supplied him with drugs.

They brought us to an interrogation center and started questioning, like 'Who are the sellers [drug dealers]?' It was inside the military police station. They questioned me for two hours... I did not tell them who are the buyers then they beat me. They kicked me in the face six times, also on my spine and my ribs. They kicked me till I fell over then they lifted me up and smashed me with an AK47 butt.<sup>12</sup>

Currently, there are no detention facilities specifically for women and girls who use drugs in Cambodia. Cambodian government officials have told the media that they plan to build facilities specifically for women.<sup>13</sup> Although rarely detained in drug detention centers, women and girls who use drugs are frequently arrested and face detention in centers (such as Social Affairs centers, but not these exclusively) because they are homeless, beggars, sex workers or members of other "undesirable" groups.

Women who use drugs may be forced to secure their release from police custody following arrest via bribery or in exchange for sex. Minea, a woman in her mid 20's who uses drugs, explained how she was raped by two police officers.

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<sup>11</sup> Human Rights Watch interview with Teap, Cambodia, June 2009.

<sup>12</sup> Human Rights Watch interview with Kronhong, Cambodia, June 2009.

<sup>13</sup> For example, Kep Chuktema, Phnom Penh governor, was quoted in August 2009 as saying "We will establish a new drug-rehabilitation center for women in Phnom Penh". "Over 100,000 pills of drug substances destroyed in Cambodia," *Xinhua News Agency*, August 20, 2009. The Municipality of Phnom Penh currently runs the Orgkas Khnom center on the outskirts of Phnom Penh.

[After arrest] the police search my body, they take my money, they also keep my drugs... They know I never have money, they don't even ask me [for a bribe]... They say, 'If you don't have money, why don't you go for a walk with me? Then I'll set you free.' This happened to me once... They [the police] drove me to a guest house.... How can you refuse to give him sex? You must do it. There were two officers, [I had sex with] each one time. After that they let me go home.<sup>14</sup>

Women who use drugs may be forced to secure their release from police custody following arrest via bribery or in exchange for sex.

## Abuses in Detention

Sadistic violence, experienced as spontaneous and capricious, is integral to the way in which drug detention centers operate. The overwhelming majority of those interviewed for the report had either experienced the cruel and inhuman treatment described below or seen it first-hand. Cruel and inhuman treatment was reported in all centers covered by the Human Rights Watch report. Sometimes abuses occurred as apparent punishment for breaking internal regulations of the centers, such as prohibitions on smoking, quarrelling with other detainees and escaping. However, cruel and inhuman treatment is often meted out without explanation or ostensible justification.

### *Ill-treatment*

Thouren described being shocked with an electric baton by staff on a number of occasions, such as when he was caught smoking inside the Orgkas Khnom center.

On one occasion, I got shocked by a [electric] baton. It made me faint for a minute. It was the staff [who shocked me]. They said 'You know you aren't allowed to smoke.' It's like a burning sensation, real pain, you are shaking. It made me fall down to the ground.... I've been shocked three or four times. You get it for smoking, arguing, fighting. They have a couple of batons they leave on a wall charging.<sup>15</sup>

Sadistic violence, experienced as spontaneous and capricious, is integral to the way in which drug detention centers operate.

In addition to administering electric shocks, staff also use whips made out of cords of electrical wire twisted together. Kakada, 28, tells of being whipped with electrical wire in the Social Affairs "Youth Rehabilitation Center" in Choam Chao:

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<sup>14</sup> Human Rights Watch with Minea, Phnom Penh, May 2009.

<sup>15</sup> Human Rights Watch interview with Thouren, Phnom Penh, May 2009.

The guard beat me with a whip of eight twists of electrical wire. He asked me to kneel down and cover my genitals.... Then he started to whip me on my back with twisted electrical wire. It was about my wrist's size. He beat me many times, about 10 times. I was in such pain. Sometimes I cry alone, after the beating, because it was so painful. I did not commit any mistake: why did they beat me like this? After whipping, they slapped me in the face. My mouth was bleeding, my back was bleeding...<sup>16</sup>

Srokaneak described his punishment in the Social Affairs “Youth Rehabilitation Center” in Choam Chao. After being recaptured after a failed escape attempt,

They tortured me... the guards gave an order to kneel down. I had to walk on my knees about 15 meters, 50 times. This was in front of the center, where we did exercises. It was so painful. When I did not complete it, I had to do something else. I did only about 20 times. [My knees] were bleeding and the skin was off the knees. Then I ‘rolled like a barrel’: you roll forward on the ground, then back, about 50 or 70 meters. It hurt my back bone and my shoulder bone. Some skin came off and it cut my skin. I had to do it one time, back and forth. After this they asked me to clench my jaw and slapped me on the face.<sup>17</sup>

Sexual abuse of detainees by staff documented in the report involve staff members who use force, the threat of force, or other means of coercion to compel a detainee to engage in sexual activities. One former male detainee, Kronhong, age 18, reported being forced to perform oral sex on the commander of the military police center in which he was detained:

Because I was a newcomer I had to do massage for all the others. Sometimes I had to give massages to the military police and sometimes the commander... He asked me to press his hands, his feet, to step on him, to pound him a long time, to pull his hair, until he fell asleep. This was... the big director [of the center]. After him, I had to do massage for his subordinates too... You know, the massages were both normal and sexual... Some massages I had to give were sexual... If I did not do this, he would beat me. The commander asked me to ‘eat ice cream’ [perform oral sex]. I refused and he slapped me... Performing oral sex happened many times...

Cruel and inhuman treatment was reported in all centers covered by the Human Rights Watch report. Sometimes abuses occurred as apparent punishment; however, cruel and inhuman treatment is often meted out without explanation or ostensible justification.

Rape and other forms of sexual assault in detention are torture.

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<sup>16</sup> Human Rights Watch interview with Kakada, Phnom Penh, May 2009.

<sup>17</sup> Human Rights Watch interview with Srokaneak, Phnom Penh, June 2009.

how could I refuse?<sup>18</sup>

People in the centers pass much of their time clearing grass, growing vegetables, or tending to animals in the center. The consequences of not performing such labor are serious. This is particularly the case for detainees who report being sick inside the center. Mesa, 24 years old, described being shocked with an electric baton by a staff member of the Orgkas Khnom center to force him to work when he was sick:

One day I was under the blanket with a fever and a headache and my body was weak. I was shivering on the floor... The group chief came in by the order of the room captain to get me out, twice. I told the group chief I could not. Then [a staff member], the military trainer, said, 'Let me see the sick man!' He came in with an electric baton and shocked me.<sup>19</sup>

### *Abuses by detainees*

Many abuses that occur in the centers are committed by detainees against other detainees. However, to characterize these abuses as spontaneous acts of detainee-on-detainee violence would be profoundly misleading. Rather, center staff delegate authority to trusted detainees. These detainees carry out the majority of the day-to-day control of other detainees and enforce the rules of the center. As Proveuk explained, "I hardly saw the [actual] guards: the inmates who were there before me were running the place."<sup>20</sup> The authority delegated to these detainees extends to the power to enforce discipline and punish detainees. Extreme physical cruelty by these detainees, sometimes on the direct orders of regular staff, is commonplace.

All of the forms of ill treatment described in this report are strictly prohibited under international law.

The closeness of the relationship between the actual staff and the detainees who enforce rules makes any reporting of abuses by detainees impossible; they enjoy the same level of impunity as actual staff. Proveuk said that he was beaten by detainees on arrival. He explained, "If you tell the guards it will be more difficult for you. You can't tell the guards because [if you do], once the door is closed, you are beaten again."<sup>21</sup>

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<sup>18</sup> Human Rights Watch interview with Kronhong, Cambodia, June 2009.

<sup>19</sup> Human Rights Watch interview with Mesa, Phnom Penh, May 2009.

<sup>20</sup> Human Rights Watch interview with Proveuk, Phnom Penh, April 2009.

<sup>21</sup> Human Rights Watch interview with Proveuk, Phnom Penh, April 2009.

## Abuses During Drug Treatment and Poor Living Conditions

Human Rights Watch found that the mainstays of treatment in Cambodia’s drug detention centers were forced physical exercise and labor. Sweating while exercising or laboring appears to be the main means for treating drug dependence in the centers. In some centers, this regime of physical exercise is augmented by military drills, group classes on drug issues and supposed vocational training. As with all activities in the centers, participation is frequently enforced by physical brutality on the part of center staff or detainees.

Detainees are used by staff to carry out physical abuse and other disciplinary measures against other detainees.

### *Rigorous physical exercise, military drills and group classes*

Across the centers covered in the report, former detainees reported having to perform rigorous physical exercises on a regular basis. Often these sessions begin early in the morning—at 6 or 7 o’clock—and might be followed by an equally grueling session in the afternoon. Exercises might involve running, calisthenics and training exercises such as push-ups. The declared goal of such exercises is to make detainees “sweat out” the drugs from their bodies in order to “cure” them of their addiction.

M’noh, age 16, explained the exercises in the Social Affairs “Youth Rehabilitation Center” in Choam Chao:

There were 12 kinds of exercises, including ‘push ups’. [In a session] we had to do 50-100 ‘push ups’. If you dared to rest on the ground, you had to do an additional 20. If you couldn’t do this you were beaten. We also had to cross our legs, do arm exercises, sit-ups, raising your hand and touching the ground, stand on one foot with two hands straight in front... [The exercises] would last for 1 hour once a day, sometimes less. It was 5 days a week. They said it was detoxifying to the addictive substances. The big boss [of the center] said... ‘Doing exercise will make you sweat and the addictive substances will come out through the sweat.’<sup>22</sup>

Despite the physical demands of these exercises, former detainees report being beaten if they were unable to complete them or made a slight mistake in performing them. According to Veary, “I was beaten when I did something wrong like [a mistake] in doing the exercises or falling in line... Sometimes

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<sup>22</sup> Human Rights Watch interview with M’noh, Phnom Penh, June 2009.

they used the slat from the bed or a branch from a tree.”<sup>23</sup>

In addition to a strict regime of physical exercises and laboring, former detainees also report that they are drilled to march in military formations. Puth described the military exercises in the Orgkas Khnom center:

We had to stand at attention, stand at ease, turn left, turn right, march like on parade, salute the officers. If you turn the wrong way then you are slapped on the face... [or] if they called ‘Attention’ and you turned, then you are slapped.<sup>24</sup>

Detainees may also attend group classes: in some centers this is once a day, in other centers it may be twice a day (a “Good Morning” class and a “Good Afternoon” class) while in others the classes are much less regular. The classes cover education on drug issues, lectures demanding that detainees should change their behavior, as well as self-criticism and criticism of others. Kanha describes the classes he attended in the Orgkas Khnom center. The “Good Morning” class was led by a staff member, while the “Good Afternoon” class was led by a room captain. Both talked about the effects of drugs and the need for detainees to “correct” themselves.

In the ‘Good Afternoon’ class the room captains tell the new people [the same information as in the ‘Good Morning’ class]. If someone keeps silent and concentrates on what he says, then it’s ok. If someone does not listen and concentrate, he could be beaten. [The room captain] would repeat what [the staff] said, like ‘Outside you used drugs, now you should stop. You should find a job and not beat your family.’ He said the same thing every day... those who did not listen to him would be beaten.<sup>25</sup>

The UN special rapporteur on torture has stated that the re-education through labor system in China and similar methods of re-education in prisons, pretrial detention centres, and other institutions... can also be considered as a form of inhuman or degrading treatment or punishment, if not mental torture.<sup>26</sup>

As with all activities in the centers, participation in physical exercise, drills and classes is frequently enforced by physical brutality on the part of center staff or detainees.

In addition to a strict regime of physical exercises and laboring, former detainees also report that they are drilled to march in military formations.

<sup>23</sup> Human Rights Watch interview with Veary, Phnom Penh, July 2009.

<sup>24</sup> Human Rights Watch interview with Puth, Phnom Penh, April 2009.

<sup>25</sup> Human Rights Watch interview with Kanha, Phnom Penh, May 2009.

<sup>26</sup> U.N. Commission on Human Rights, “Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment: mission to China,” E/CN.4/2006/6/Add.6, March 10, 2006, paras 64, 82 (u).

## Food

Former detainees complained to Human Rights Watch about the quality and quantity of the food provided to them. Detainees generally were given food three times per day, but several detainees reported they were provided insufficient amounts of food and that they were often hungry. The food provided was sometimes rotten or insect-ridden. It also appears to have been grossly deficient both in nutritional and caloric content. Detainees reported symptoms such as numbness and swelling, which are consistent with diseases caused by nutritional deficiencies.

Sarika described the food as “awful. We had porridge in the morning, mixed with fly’s eggs, even some worms....”<sup>27</sup> In Srokaneak’s words,

Once or twice a week they would make porridge [for breakfast]. Then there was rice and soup... We had this for lunch and dinner. It was tasteless, more liquid than vegetables. I could never get full. You were full for a short period of time then you start starving again.<sup>28</sup>

A number of former detainees mentioned symptoms of “numbness and swelling” among detainees.<sup>29</sup> Atith explained how it was at the Orgkas Khnom center:

My leg was swollen, all my body swelled up, even my face. This was because of tasteless food... Those who have family to bring them food, they have no swelling. But without food from the family, people swell up... You know the food is vegetable soup every day... Because I had no other food to eat [from my parents], I had only soup. Many people like me, who have no family, swell up. With so much swelling, I could not walk. I felt tired.<sup>30</sup>

Forced physical exercise as part of the supposed “treatment” and “rehabilitation” may also constitute inhuman or degrading treatment or punishment.

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<sup>27</sup> Human Rights Watch interview with Sarika, Phnom Penh, June 2009.

<sup>28</sup> Human Rights Watch interview with Srokaneak, Phnom Penh, June 2009.

<sup>29</sup> One hypothesis is that these symptoms of “numbness and swelling” indicate cases of beri-beri. Beri-beri is a disease affecting the nervous system caused by a lack of thiamine (vitamin B<sub>1</sub>). Advanced cases may cause death. A doctor working with a UN agency visited three centers in mid 2008. The doctor said that some 10-25 percent of detainees in all three centers he visited self-reported ‘numbness and swelling’, which in some cases was severe enough to interfere with the abilities to walk and to stand upright. The doctor hypothesized that the numbness and swelling might be beri-beri.<sup>29</sup> Although a clinical diagnosis of beri-beri was not possible in the circumstances, he told Human Rights Watch: “I observed high rates of reported ‘numbness and swelling’ which seems consistent with thiamine deficiency and is a plausible cause given the [poor] dietary provision in the centers.” Human Rights Watch interview with UN agency worker, March 2009.

<sup>30</sup> Human Rights Watch interview with Atith, Phnom Penh, April 2009.

## Specific Populations

### *Children*

Cambodia's drug detention centers hold a large number of children. Indeed, some of the designated drug detention centers—the Social Affairs centers at Choam Chao and in Kandal province—are nominally “Youth Rehabilitation Centers.” As noted above, in 2008 just under one quarter of detainees in government drug detention centers were aged 18 or below. Of these, 104 children were less than 15. In 2008, 116 detained people were classified as “street children.”<sup>31</sup> Children are arrested and detained without legal authority. There is an absence of appropriate treatment, education and recreation services at the centers. Human Rights Watch was told that detainees of the Choam Chao “Youth Rehabilitation Center” were given electrical shocks, beaten and forced by “cats” to dance naked.

Children and adults are commonly detained together. In the course of researching this report, Human Rights Watch interviewed six adults (i.e. over 18 years old) who had been detained in the Social Affairs “Youth Rehabilitation Center” in Choam Chao. Other centers also detain children and adults together. According to Sao, age 24, and a former detainee of Orgkas Khnom center:

In my room, there were about four children, 13-15 years old. They were there for sniffing glue. They were arrested. They work like us. They do military drills like us. They sleep in rooms with adults.<sup>32</sup>

Much of the torture and physical abuse by staff described above were reported to Human Rights Watch by children. Kakada, 28 years old and a former detainee of the “Youth Rehabilitation Center” in Choam Chao, witnessed a fellow detainee in that center being shocked as punishment for attempting to escape:

The guards outside the center have electrical batons. When someone tries to escape the ‘cats’ [i.e. other detainees] scream out to those guards with electrical batons.... One man ran and a guard shocked him until he fell on the ground. He lost consciousness.... In that place they think only of beating.<sup>33</sup>

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<sup>31</sup> Drug Information Center, Secretariat General, National Authority for Combating Drugs, “Summary Report of Drug Data, 2008,” Phnom Penh, April 2009, unpublished (copy on file at Human Rights Watch).

<sup>32</sup> Human Rights Watch interview with Sao, Phnom Penh, April 2009.

<sup>33</sup> Human Rights Watch interview with Seiha, Phnom Penh, May 2009.

Particularly harsh conditions of detention, including deprivation of food, constitute inhuman conditions of detention in violation of the ICCPR.

Abuses against children were reported to Human Rights Watch in centers other than the Social Affairs center in Choam Chao. A former detainee, Russey, 17 years old, describes being beaten by the military police in the center in Battambang to mark his release from the center:

The military police beat me. They used the black 'ox's penis' [a police baton] on my bum... The trainer said 'This kid is released today so let me give you a beating.' [Then he asked] 'Will you rehabilitate yourself? Will you stop [using drugs]? Do you have work?' Then he gave [me] another beating.<sup>34</sup>

There is an absolute prohibition on subjecting a child to torture or to cruel, inhuman or degrading treatment or punishment.

Just as with adults, all children detained must be treated with dignity and there is an absolute prohibition on subjecting a child to torture or to cruel, inhuman or degrading treatment or punishment.<sup>35</sup> The Special Rapporteur on torture has noted:

...indeterminate confinement, particularly in institutions that severely restrict their freedom of movement, can in itself constitute cruel or inhuman treatment.<sup>36</sup>

### *The mentally ill*

In practice, the government drug detention centers also function as a convenient means of removing people with apparent mental illnesses from the general community. Human Rights Watch interviewed former detainees who described appalling physical violence against people who appeared to suffer mental illnesses.

Human Rights Watch received reports of cruel and inhuman treatment of people with apparent mental illness. Kakada witnessed one man with an apparent mental illness being severely beaten.

[The staff and other detainees] kick the crazy people because they [mentally ill people] don't know anything. One crazy man, the guard asked him to use the stick [as a shoulder pole] to carry the water, but the crazy man used the stick to beat someone else because he didn't know better. The guard snatched the stick and beat him all

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<sup>34</sup> Human Rights Watch interview with Russey, Battambang, June 2009.

<sup>35</sup> ICCPR art. 7; CRC art. 37(a).

<sup>36</sup> Special Rapporteur on torture and other cruel, inhuman or degrading treatment, Report to General Assembly 2000, A/55/290, paras. 11 and 12, <http://www.un.org/documents/ga/docs/55/a55290.pdf>.

over until he was seriously injured. We could not help the crazy man: if we tried to help him we would be beaten. The guard beat him too much, on the back, until he vomited blood. He beat him until the man fell on the ground and the stick was broken...<sup>37</sup>

Mesa said he witnessed the beating of a man with an apparent mental illness:

One [room captain] beat a man who was crazy.... He had two sticks he hid at the head of his bed. One stick was wooden, the other was cane. He asked people to take off the crazy man's pants and beat him. His buttocks were red. He was a crazy man: he was alone, so quiet. Outside the center he was a normal man but inside the center he became crazy: maybe people beat him a lot.<sup>38</sup>

## Key Recommendations Related to Torture and Ill-Treatment

*To the National Authority for Combating Drugs, the Ministry of National Defense, the Ministry of Interior, the Ministry of Social Affairs, Veterans and Youth Rehabilitation, and the Phnom Penh Municipality:*

- Permanently close Cambodia's drug detention centers and Social Affairs centers where people have been detained in violation of international and Cambodian law.
- Release current detainees in Cambodian drug detention centers, as their continued detention cannot be justified on legal or health grounds.
- Ensure a prompt, independent, thorough investigation and legal action (including criminal prosecution) of perpetrators of torture, cruel, inhuman or degrading treatment or punishment, arbitrary detention and other human rights abuses and criminal acts in police detention and in drug detention centers and Social Affairs centers.
- Stop the arbitrary arrest of people who use drugs and other "undesirables" such as homeless people, beggars, street children, sex workers, and mentally ill people.
- Establish an independent body to directly receive and investigate complaints of torture, cruel, inhuman or degrading treatment or punishment and other abuses committed by law enforcement officers

**Human Rights Watch interviewed former detainees who described appalling physical violence against people who appeared to suffer mental illnesses.**

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<sup>37</sup> Human Rights Watch interview with Kakada, Phnom Penh, May 2009.

<sup>38</sup> Human Rights Watch interview with Mesa, Phnom Penh, May 2009.

and staff at drug detention centers and Social Affairs centers.

- Permit independent legal and human rights organizations to routinely visit police stations to monitor detention conditions and interview detainees; until they are closed, permit independent legal and human rights organizations to routinely visit all drug detention centers and Social Affairs centers.

Cambodia has a clear legal obligation to investigate credible allegations of torture and cruel and inhuman treatment or punishment.

*To the National Assembly of Cambodia:*

- Remove the provisions in the current (and draft) drugs law allowing civil courts to force people into drug dependency treatment on the request of that person's spouse, parents, relatives, or a prosecutor.
- Provide that no one can be subject to detention and compulsory drug treatment except where strictly necessary subject to the following conditions:
  - On the basis of two clinical opinions by qualified healthcare professionals, where a person lacks the capacity to consent themselves, or is in imminent threat of danger to themselves, due to drug dependency;
  - Detention shall be no longer than strictly clinically necessary to return someone to a state of autonomy in which they can take decisions regarding their own welfare; in any event any detention shall be subject to a statutorily defined time limit to review for its continued necessity;
  - The person who is detained has the right to the best available health care: this means treatment on an individually prescribed plan (reviewed regularly) and the provision of evidence-based treatment (including, where opioid dependent, opioid substitution treatment); no one in detention and subject to compulsory treatment may be given experimental forms of treatment;
  - The detainee or their legal representative has a right to challenge the detention decision before an independent body of addiction experts.
- Reform the legal and policy framework for treatment of drug dependence, including the current *Law on Control of Drugs* and the draft drugs law currently under development. The process should include consultation with and input from human rights experts to advise on human rights compatible measures and safeguards which should form the basis of such reforms.

*To the Ministry of Health:*

- Expand access to voluntary, community-based drug dependency treatment and ensure that such treatment is medically appropriate and comports with international standards.

*To United Nations agencies:*

- Request the permanent closure of Cambodian drug detention centers and Social Affairs centers where people have been detained in violation of international and Cambodian law.
- Clearly communicate to the Royal Government of Cambodia that the system of compulsory drug treatment violates international human rights law and Cambodian law and is not supported by scientific evidence, nor international standards on what constitutes effective drug dependence treatment.
- Review all funding, programming and activities directed to assisting Cambodia's drug detention centers and Social Affairs centers to ensure no funding is supporting policies or programs which violate international human rights law, such as the prohibitions on arbitrary detention, torture and cruel, inhuman or degrading treatment or punishment.
- Actively encourage the Cambodian government to expand voluntary, community-based drug dependency treatment and ensure that such treatment is medically appropriate and comports with international standards.

*To the UN Special Rapporteur on the Human Rights Situation in Cambodia:*

- Clearly communicate to the Royal Government of Cambodia that the system of compulsory drug treatment violates international human rights law and Cambodian law and is not supported by scientific evidence, nor international standards on what constitutes effective drug dependence treatment.
- Recommend the permanent closure of Cambodian drug detention centers and Social Affairs centers where people have been detained in violation of international and Cambodian law.

*To the UN Special Rapporteur on Torture and the UN Working Group on Arbitrary Detention:*

- Raise concerns with the Royal Government of Cambodia regarding the allegations of arbitrary detention, torture, cruel, inhuman or degrading treatment or punishment, and other abuses committed against

people who use drugs (including children) by law enforcement officers and staff of drug detention centers in Cambodia.

- Request an invitation to visit Cambodia to investigate allegations of arbitrary detention, torture, cruel, inhuman or degrading treatment or punishment, and other abuses committed against people who use drugs, by law enforcement officers and staff of drug detention centers in Cambodia.

*To the UN Committee and Subcommittee Against Torture, the UN Committee on the Rights of the Child, the UN Committee on the Elimination of Discrimination Against Women:*

- Request further information from the Royal Government of Cambodia in its periodic reports on the detention and treatment of those detained in drug detention centers in Cambodia, including women and children.
- Include in Concluding Observations, follow up work and/or visits, recommendations on specific measures directed towards ending abuses against people who use drugs by law enforcement officers and staff at drug detention centers and Social Affairs centers, and holding perpetrators accountable.

*To bilateral and multilateral donors and NGOs providing assistance to Cambodia on drugs or HIV/AIDS issues in Cambodia:*

- Publically call for: i) an end to violations that occur in Cambodian drug detention centers, ii) an investigation into the allegations of such violations, and iii) holding to account those responsible for such violations.
- Review any funding, programming and activities which support the operation of Cambodia's drug detention centers to ensure that no funding is being used to implement policies or programs which violate international human rights law, such as the prohibitions on arbitrary detention, torture and cruel, inhuman or degrading treatment or punishment.
- Support the expansion of voluntary, community-based drug dependency treatment, including appropriate services for women and children.
- Direct support and capacity-building projects for drug dependence treatment to staff at the Ministry of Health and non-governmental organizations.