

**Kingdom of Cambodia**  
**Nation Religion King**



**ក្រសួងមហាផ្ទៃ**  
Ministry of Interior  
Ministère de l'intérieur  
**អគ្គនាយកដ្ឋាន ពន្ធនាគារ**  
General Department of Prisons  
Département général des prisons



**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**  
Extraordinary Chambers in the Courts of Cambodia  
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**Rules Governing the Detention of  
Persons Awaiting Trial or Appeal before  
the Extraordinary Chambers in the Courts of Cambodia**

**(“Detention Facility Rules”)**

**(Translation from Original Khmer Document)**

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## Preamble

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**Having considered** the Agreement between the United Nations and the Royal Government of Cambodia Concerning the Prosecution under Cambodian law of Crimes committed during the Period of Democratic Kampuchea, signed on 6 June 2003 (hereinafter referred to as ‘the Agreement’), and particularly Article 24 thereof,

**Having considered** the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia with inclusion of the amendments as promulgated on 27 October 2004 (hereinafter referred to as ‘the ECCC Law’), and particularly Article 33 new thereof,

**Having considered** the Supplementary Agreement between the United Nations and the Royal Government of Cambodia, Ancillary to the Agreement between the United Nations and the Royal Government of Cambodia Concerning the Prosecution under Cambodian Law of Crimes Committed during the Period of Democratic Kampuchea, Regarding Safety and Security, signed on 14 March 2006 (hereinafter referred to as ‘the Supplementary Agreement’), and particularly Article 9 thereof,

**Having considered** the Internal Rules of the ECCC, adopted by the Plenary Session of Judges on 12 June 2007 and signed into force on 19 June 2007 (hereinafter referred to as ‘the Internal Rules’), and particularly Rule 10(3) thereof,

**Having considered** Sub-Degree 148 (Anukret) of the Royal Government of Cambodia on the establishment of General Directorate of Prison under the authority of the Ministry of Interior, signed 19 of December 2006,

**Having considered** Prakas No. 217 on the Administration of Prisons, signed by the Co-Ministers of the Interior on 31 March 1998 (hereinafter referred to as ‘Prakas 217’),

**Having considered** Prakas 1537 Pro.Kor. on the Establishment of the Provisional Detention Facility for the Extraordinary Chambers in the Courts of Cambodia (hereinafter referred to as the ECCC Detention Facility), signed on 20 November 2006,

**Having considered** Circular No. 001 of the Ministry of the Interior on the Administration and Control of Civil Prisons in the Kingdom of Cambodia, Proclamation No. 217, signed on 31 March 1998,

**Having considered** the Prison Procedures issued by the Director of the Department of Prisons in the Ministry of the Interior on 20 May 2003 (hereinafter referred to as ‘Prison Procedures’),

**Having considered** the Prison Health Operating Manual of the Prison Department of the Ministry of Interior, dated 30 March 2003,

**Recognizing** the need for Rules governing the administration of the detention of detainees awaiting trial or appeal before the Extraordinary Chambers in the Courts of

Cambodia or otherwise detained on the authority of the Extraordinary Chambers in the Courts of Cambodia,

**Mindful** of the need to ensure respect for human rights and fundamental freedoms in accordance with the International Covenant on Civil and Political Rights, the United Nations Standard Minimum Rules for the Treatment of Detainees and the United Nations Basic Principles for the Treatment of Prisoners,

**Having acted in accordance** with Article 3(2) of Prakas No. 217 and Art. 4.1. of Prison Procedure No. 31, requiring each Prison Chief to draft local rules and regulations for their prison, and to submit these draft rules to the General Director of the General Department of Prisons in the Ministry of Interior for approval and signature,

**RULE 1****Scope of Application**

The application of these rules to individual cases may be varied by order of the ECCC Co-Investigating Judges or the ECCC Chambers.

## **RULE 2**

### **Admission of Detainees**

1. A suspect, charged person or detainee before the ECCC shall not be admitted into the ECCC Detention Facility except where an order for police custody has been issued by the Co-Prosecutors, the Co-Investigating Judges or an ECCC Chamber, as appropriate, or a detention order or arrest and detention order has been issued by the Co-Investigating Judges or Chambers.
2. The Chief of Detention or the person acting in that position during the absence of the Chief of Detention, hereafter together referred to as the “Chief of Detention”, shall maintain the Official Register of Detainees and is to record the admission of all detainees. Such record shall include:
  - the detainee’s official name, any other names used by the detainee, date of birth, the place of birth, gender, nationality, ethnicity and religion, picture of detainee, fingerprints of detainee;
  - the date of arrest, who issued the order for police custody, detention warrant or arrest and detention warrant, date of such order;
  - the date and time of admission to the ECCC Detention Facility;
  - The name of his or her lawyer or defence team, if known;
  - Relatives and next of kin;
3. The Chief of Detention supervising the admission of detainees into the ECCC Detention Facility is to:
  - 3.1 check that the lawful order referred to in Rule 2.1 relates to the person being admitted into the ECCC Detention Facility;
  - 3.2 open a personal file and a Personal Property file for the detainee by writing the detainee’s details in ink on the front of the new detainee’s file; in accordance with Rules 4 and 5.
  - 3.3 ensure the detainee is searched carefully before being admitted to the ECCC Detention Facility;
  - 3.4 search the detainee’s personal property and accurately write each item on the detainee’s Personal Property file and a receipt of retained materials, in accordance with Rule 15 (Property of Detainees). Ensure the detainee signs or finger prints his Personal Property file and the receipt to indicate that the property has been accurately recorded. Any medication is to be checked by the Medical Unit, who shall decide if it is to be given to the detainee;
  - 3.5 give a copy of the receipt of retained materials to the detainee;
  - 3.6 provide the detainee with the required cell equipment in accordance with Rule 6 (Cell Equipment);
  - 3.7 photograph the detainee, taking a left/front and right view of the detainee’s head and shoulders. Place the photographs in the detainee’s personal file;

- 3.8 check and record any obvious injuries to the detainee and report these to the Medical Unit;
  - 3.9 assign the detainee a cell and ensure that the detainee is escorted to this cell;
  - 3.10 write the new detainee's name in the Cell Count Record Book of the ECCC Detention Facility;
  - 3.11 ensure that male and female detainees are accommodated separately.
4. The Chief of Detention upon admission of a detainee, shall do the following:
- 4.1 ensure the Medical Unit of the ECCC (hereinafter referred to as the Medical Unit) sees and examines the detainee upon arrival at the Detention Facility. The Medical Unit shall prepare two reports, and submit them to the Chief of Detention, stating whether the detainee is fit to be held in detention;
    - 4.1.1 The first report shall include personal data on the detainee and, describe any visible injuries that he or she has. The injuries are to be described as fully as possible and the stage of healing estimated. A photo may be taken. A copy of the medical report is to be placed on the detainee's medical file.
    - 4.1.2 The second report shall be established after a medical examination carried out as soon as possible and in any event before the Initial Appearance, for medical conditions and past personal/family medical history.
  - 4.2 if requested by the detainee, he or she is allowed to see a lawyer, as soon as practicable, subject to the procedure on visit rights of lawyers;
  - 4.3 allow the detainee to inform his or her family or relatives of the detention as soon as practicable but within 48 hours.
  - 4.4 the detainee is immediately provided with information on his or her rights, a copy of the Detention Facility Rules, the authorised methods for seeking information or making complaints and a complaints form. Provision of such information can be verbal or written but must be in a form or language that the detainee understands;



### **RULE 3      Separation of Detainees**

- 1.1 When implementing orders of the Co-Investigating Judges or the Chambers, as appropriate, the Chief of Detention shall inform the General Director of the General Department of Prisons, and the ECCC Director and Deputy Director of the Office of Administration, who shall in turn inform the Co-Prosecutors and the assigned defence team, of the implementation of the order.
- 1.2 The Chief of Detention, in an emergency situation, may decide on the separation of a detainee from other detainees if he considers it necessary in the circumstances and shall inform the General Director of the General Department of Prisons, the ECCC Director and Deputy Director of the Office of Administration, who shall in turn inform the Co-Investigating Judges or the Chambers, as appropriate, as well as the Co-Prosecutors and the assigned defence team.
- 1.3 A separated detainee should be medically assessed on a daily basis. Should the medical assessment indicate that the separation should not continue, the Co-Investigating Judges or the Chambers, as appropriate, shall be informed and make a decision on the detainee's future detention conditions. The Chief of Detention shall inform the General Director of the General Department of Prisons, the Director and Deputy-Director of the Office of Administration, who shall in turn inform the Co-Prosecutors and the assigned defence team.
- 1.4 Detainees who have been separated are to retain their rights as stated in the Proclamation on the Administration of Prisons.

**RULE 4****Books and Records**

1. The Chief of Detention shall maintain the following books and records:
  - Cell Count Record Book;
  - Detention Register of Visits;
  - Official Visitor Record Book;
  - Defence Visit Record Book;
  - Official Register of Detainees;
  - Personal file for each detainee;
  - Medical file for each detainee;
  - Detention Health Report Book;
  - Register of Requests and Complaints;
  - Register of Letters and Parcels;
  - Personal Property file for each detainee;
  - Daily Detainee Record Book;
  - Manipulation of detainee's file register;
  - Report Incidents Form; and
  - Telephone call register.
  
2. The Chief of Detention will check all books and records periodically. The Co-Investigating Judges and the Chambers, as appropriate, can inspect these books and records and make copies as they consider necessary. Any confidential information copied from these books and records shall be destroyed after use or placed in the case file.

## **RULE 5**

### **Files of Detainees**

1. The Chief of Detention shall ensure that a personal file is kept for each detainee, and that all documentation relating to the detention of a person in the ECCC Detention Facility is placed on the detainee's personal file. Medical reports shall be placed on the detainee's separate Medical file. New file covers will be provided by the General Department of Prisons on request.
2. The Chief of Detention shall ensure that a detainee's personal details, behaviour in the ECCC Detention Facility and other relevant information is written in ink on the front cover of that detainee's personal file, and photographs of the detainee are fixed to the inside cover.
3. The Chief of Detention shall ensure that personal files of detainees of the ECCC Detention Facility are kept in a secure location at the ECCC Detention Facility. Medical files shall be kept in the premises of the Medical Unit. A record shall be kept of any file removed from the ECCC Detention Facility, other than files of detainees who are transferred, released or have died (Manipulation of detainee's file register). This record is to include the detainee's name, the name of the person taking the file, the reason for taking the file and the time and date. The person taking the file shall sign the record and the date of return shall be indicated in the record.
4. The Chief of Detention shall ensure that when a detainee is transferred to another detention facility, relevant file and medical reports are delivered to that detention facility by the officer in charge of the transfer.
5. The Chief of Detention shall ensure that when a detainee is released or if a detainee dies, the detainee's personal file and any medical reports are copied and forwarded to the Director and Deputy Director of the Office of Administration of the ECCC and the originals forwarded to the General Director of the General Department of Prisons for safe keeping.
6. Information contained in a detainee's personal file is confidential. They shall not be disclosed to any other person, except as provided below. In such circumstances, the detainee shall be informed of the disclosure of his or her personal file.
  - 6.1 persons with a statutory right to have the information;
  - 6.2 the Co-Prosecutors and the assigned defence team;
  - 6.3 the detainee concerned, unless the Co-Investigating Judges or the Chambers, as appropriate, consider that the information may endanger the safety of another person or unless the Chief of Detention considers that such access could affect the security and good order of the ECCC Detention Facility. Reasons for any denial of access shall be provided in writing to the detainee;
  - 6.4 the Chief of Detention and authorized detention guards;

- 6.5 the Co-Investigating Judges or the Chambers, as appropriate, and persons approved by them;
- 6.6 other persons approved by the General Director of the General Department of Prisons and the Director and Deputy Director of the Office of Administration.
- 7.
  - 7.1 Information contained in a detainee's medical file is strictly confidential. It shall not be disclosed to any person, except:
    - 7.1.1 The detainee concerned;
    - 7.1.2 The assigned defence team of a detainee, with the consent of the detainee concerned;
  - 7.2 Any other request to see information contained in a detainee's medical file should be submitted to the Co-Investigating Judges or the Chambers, as appropriate, who shall give reasons for any denial of access. The detainee shall be informed of the disclosure of his or her medical file.
- 8. Any officer of the ECCC Detention Facility who obtains information from any detainee's personal file, for his or her personal use or benefit, or for the use or benefit of any unauthorised person or organisation will be disciplined by the General Department of Prisons.
- 9. The Chief of Detention is to ensure that if a detainee's personal file is lost or accidentally destroyed, a written report is forwarded to the General Director of the General Department of Prisons and to the Director and Deputy Director of the Office of Administration, detailing the reason the file was lost or destroyed. A new file is to be made for the detainee, which is to contain as much of the original information as can be obtained from ECCC sources and others having had access to the file under this Rule. The Director or Deputy Director of the Office of Administration shall inform the Co-Investigating Judges or the Chambers, as appropriate, the Co-Prosecutors and the assigned defence team.

## **RULE 6**

### **Cell Equipment**

1. The Chief of Detention is to ensure that when a detainee is admitted to the ECCC Detention Facility, he or she be provided with the following cell equipment:
  - one mosquito net;
  - one sleeping mat;
  - one blanket;
  - one pillow;
  - one mattress;
  - sandals
  - one rice bowl;
  - one plate;
  - one drinking cup
  - one plastic water bottle, if detainees do not have access to drinking water when secured;
  - one spoon;
  - one piece of soap, tube of toothpaste, toothbrush and comb;
  - female detainees are also to receive female hygiene items.
2. Detainees who are transferred from one detention facility to another are to take with them all items of cell equipment issued.
3. Detainees are to keep all items of cell equipment issued to them, safe and in good condition. Items are to be kept clean and must not be altered or deliberately damaged.
4. The Chief of Detention shall ensure that sufficient quantities of cell equipment are kept at the ECCC Detention Facility and that items are replaced when they become worn out, damaged beyond repair or infested with vermin. Items infested with vermin are to be burnt.
5. The Chief of Detention shall ensure that items of cell equipment or other items, which are provided by the General Department of Prisons or donated by a non-governmental organisation or other source, are not sold or exchanged or given away.

**RULE 7 Provision of food**

1. The Chief of Detention shall ensure that every detainee is provided, on three occasions each day, with food of nutritional value which is adequate to maintain their health and well-being, and with adequate, clean drinking water at all times. The Chief of Detention is to determine the times at which meals will be provided, but this generally should be between 6:30 am and 6:30 pm each day.
2. The Chief of Detention is to ensure that every day, each detainee is provided with at least the following food allowance:
  - Rice: 600 gram
  - Fresh or salt fish / meat: 150 gram
  - Vegetables: 150 gram
  - Cooking oil: 10 ml
  - Salt or fish sauce: 10 gram
  - Soup ingredients: 20 gram
3. The Chief of Detention shall ensure that detainees are provided with meat, either pork, beef, chicken or mutton, as a replacement for fish, at least twice each week.
4. The Chief of Detention shall ensure that detainees are provided with special dietary food where:
  - 4.1 the Medical Unit considers that such food is necessary for medical or health reasons.
  - 4.2 the detainee requests such food due to his or her religious beliefs.
5. The Chief of Detention shall submit to the Director of the Office of Administration of the ECCC requests on a monthly basis or as required for the provision of money to purchase food for detainees.
6. The Chief of Detention shall ensure that sufficient pots and other items necessary for the preparation and cooking of food are available in the ECCC Detention Facility.

**RULE 8      Religious Support**

1. The Chief of Detention shall ensure that when a detainee is admitted to the ECCC Detention Facility, the detainee's religious beliefs, if any, are recorded in the detainee's personal file.
2. Detainees may practice the religion of their choice and, subject to Rule 3, may join with other detainees in the practice of that religion, if the Chief of Detention considers that it does not affect the security and good order of the ECCC Detention Facility.
3. With the approval of the Chief of Detention, detainees are permitted to have access to articles and books necessary for the practice of their religion.
4. With the written approval of the Director and Deputy Director of the Office of Administration, religious representatives may visit the Detention Facility to give religious advice and support to detainees. The frequency and purpose of such visits are to be agreed beforehand by the Director and Deputy Director of the Office of Administration and the religious representatives. A copy of the approval is to be given to the Chief of Detention and to Co-Investigating Judges or the Chambers, as appropriate, the Co-Prosecutors and the assigned defence team.
5. Detainees shall not be compelled to receive religious teachings or advice against their will.

## **RULE 9      Visits**

### General Provisions

1. Detainees have the right to receive visits from families or friends. In order to arrange such a visit, the visitor shall first write to the Chief of Detention indicating the date of the planned visit, explaining the relation with the detainee and the purpose of the visit, and attaching a copy of the visitor's identity document. The Chief of Detention shall forward the request to the Co-Investigating Judges or the Chambers, as appropriate, for decision, who shall inform the Chief of Detention, in writing, whether such a visitor is admissible and, if so, of any conditions attaching. The DOA and DDOA shall be copied with such requests and responses. The Chief of Detention shall keep such letter of admissibility in the detainee's file. Upon being admitted once, the visitor can visit again during regular hours by prior appointment with the Chief of Detention only, unless and until the Chief of Detention receives notice from the Co-Investigating Judges or the Chambers, copied to the Director and Deputy Director of the Office of Administration, that the visitor is no longer admissible. The Co-Investigating Judges or the Chambers, as appropriate, shall be informed of such visits on a monthly basis. Visitor(s) will be required to be in possession of a valid picture ID (pass) issued by of ECCC when visiting.
2. Persons under the age of 18 years are not permitted to visit a detainee, unless accompanied by an adult or approved by the Chief of Detention.
3. The Chief of Detention shall:
  - 3.1 from Monday to Friday, allow visits on a daily basis between 8.30 a.m. to 11.30 a.m. and between 2.00 p.m. and 4.00 p.m.;
  - 3.2 Determine the duration and type of visits from family and friends. Generally, each visit shall not exceed 120 minutes, unless otherwise approved by the Chief of Detention Facility;
  - 3.3 assign detention guards to supervise within sight and hearing of visits. This provision shall not apply to the visit to the detainee by a member of his or her defence team;
  - 3.4 determine the number of adults who may visit a detainee at any one time;
  - 3.5 ensure that only socially accepted physical contact and behaviour occurs during visits;
  - 3.6 determine what items may be passed from a visitor to a detainee and ensure that such items are searched and, if necessary, recorded in the Property register form of the detainee before being given to a detainee.
  - 3.7 determine the circumstances for allowing visits for compassionate reasons, where visitors have travelled long distances or where there has been a crisis in the detainee's family, e.g. death or injury.



4. The Chief of Detention may refuse entry to any visitor who is intoxicated or suspected of being intoxicated, or who may be under the influence of an unknown substance, or is abusive or displaying unruly behaviour.
5. The Chief of Detention may ban a visitor from visiting a detainee, if the Chief of Detention considers that the visitor is a threat to the security and good order of the ECCC Detention Facility. The length of time that a visitor may be banned is to be determined by the Chief of Detention. If a visitor is banned from visiting a detainee, the Chief of Detention is to submit a report to the Director and Deputy Director of the ECCC as well as to the General Director of the General Department of Prisons stating the names of the visitor and detainee, the reason for the ban and the length of the ban. Such report shall be forwarded by the Director or Deputy Director of the Office of Administration to the Co-Investigating Judges or the Chambers, as appropriate, the Co-Prosecutors and the assigned defence team. A record of this information is to be kept at the ECCC Detention Facility.
6. If the Chief of Detention believes that he has reasonable grounds for intervention, or that these Rules are being breached in any way, he may immediately terminate the visit. He shall inform the detainee and the visitor of his reasons for so doing. The visitor may be required to leave the detention unit and the Chief of Detention shall report the matter to the General Director of the General Department of Prisons, the Director or Deputy Director of the Office of Administration, which shall in turn inform the Co-Investigating Judges or the Chambers, as appropriate, the Co-Prosecutors and the assigned defence team.
7. Subject to Rule 9.21 below, no visitor may pass any item to a detainee during a visit, unless approved by the Chief of Detention. Any items intended for a detainee shall be handed to the guard of the detention on entry and shall be dealt with as provided for in Rule 14 of the Detention Facility Rules.
8. The Chief of Detention is to determine the circumstances for visits to detainees admitted to hospital. Visits granted to detainees in hospital are to be conducted, in accordance with this Rule, in so far as practicable and, in any event, in accordance with the hospital's normal visiting hours.
9. The Chief of Detention and detention guards shall under no circumstances collect money or gifts from visitors for the visit to a detainee.
10. During each visit, the following procedure shall apply:
  - 10.1. The Chief of Detention shall notify the Chief of the Security and Safety Section, using the Visitor Notification form, of any visit with 24 hours notice.
  - 10.2. Visitors shall access the ECCC Detention Facility through the ECCC Visitors Entrance.
  - 10.3. All visitors will be required to go through security screening in accordance with ECCC Security and Safety Section policies.

- 10.4. A log entry will be made in the Detention Register of Visits to include first and last names, date, time of arrival/departure and ID expiration date.
- 10.5. The visitor will be required to deposit his/her personal ID at the ECCC Security entry post and will be able to retrieve it on exit of the premises.
- 10.6. The ECCC Security entry post will inform the Chief of Detention of the visitor's arrival. An ECCC Security Officer will be assigned to escort the visitor(s) to the gate of the Detention Facility and hand the visitor (s) over to a detention guard. The Detention Facility will be responsible for the visitor(s) for the period of the visit.
- 10.7. At the end of the visit, the Detention Facility is required to inform ECCC security for an officer to proceed to the Detention Facility gate to escort the Visitor(s) back to the visitors' entrance.
- 10.8. The escort and responsibility ends only when the visitor(s) has departed the ECCC compound.
- 10.9. All documents and items collected from the visitor(s) during screening will be returned when the visitor(s) exits the ECCC compound.
- 10.10. At no time will a visitor(s) to the Detention Facility be granted unescorted access.

### ***Official Visitors***

11. The following persons are allowed to visit the ECCC Detention Facility:
- 11.1 a representative of the King;
  - 11.2 a member of the National Assembly/Senate;
  - 11.3 the Minister of the Interior
  - 11.4 the Minister of Justice;
  - 11.5 Authorised persons of the Ministry of Interior;
  - 11.6 ECCC Co-Prosecutors and Judges;
  - 11.7 Provincial - Municipal governors;
  - 11.8 Any other persons or organisation authorised in writing by the General Director of the General Department of Prisons, or by the Director and Deputy Director of the Office of Administration.
12. Where the official visit is to be made to the detainee rather than the ECCC Detention Facility:
- 12.1 the consent of the Co-Investigating judges or the Chambers, as appropriate, shall be obtained in accordance with Rule 9.1.

- 12.2 if the detainee is to be interviewed, the detainee's consent shall be sought before the interview. The detainee may refuse an interview. The detainee may choose to be assisted by his or her defence team.
13. In the interests of protocol, safety and security, senior government officials should give prior notification to the Director and Deputy Director of the Office of Administration of an intention to visit the ECCC Detention Facility so that appropriate arrangements can be made for their visit.
14. The ECCC Detention Facility shall keep an Official Visitor Record Book to record official visits and other approved visits to the ECCC Detention Facility.
- 14.1 The Official Visitor Record Book is to record the purpose of the visit, the name of the visitor or organisation the visitor represents, the name of any detainee interviewed or visited, the date and time of arrival at the ECCC Detention Facility and time of departure from the ECCC Detention Facility.
- 14.2 If the visiting organisation is to fill out an official report following its visit to the ECCC Detention Facility, a copy of the report is to be delivered to the Chief of Detention through the Director or the Deputy Director of the Office of Administration
- 14.3 The Chief of Detention is to place on file of official visits a copy of the official report for future reference.

#### ***Visits of the defence team***

- 15 Detainees have the right to receive visits from members of their defence team without delays, subject only to reasonable conditions to ensure security and good order of the ECCC Detention Facility. In order to be admitted into the ECCC Detention Facility to visit their client, members of a defence team shall present the Chief of Detention with an order by the Co-Investigating Judges or the Chambers, as appropriate, officially recognising him or her as a member of a defence team for a detainee. A copy of such order shall be kept on the detainee's file. The Chief of Detention shall make arrangements so that visits between the detainee and a member of his or her defence team can be held confidentially, as long as the guards can supervise the visits within sight only.
16. The Chief of Detention shall fix the daily visiting hours for all visitors, including members of defence teams, taking into account the demands of the early schedule of the detention unit and the facilities available.
17. Subject to the provisions below, the member of a defence team may make arrangements by telephone with the Chief of Detention to visit a detainee at any time form 8:00 a.m. – 05:00 p. m. A detainee may request a visit from a member of his or her defence team outside these hours. Such request shall be granted at the discretion of the Chief of Detention.

18. The Co-investigating Judges or the Chambers, as appropriate, shall automatically issue the defence team with a written authorisation for unlimited visits as soon as such team is assigned by the ECCC. The Co-Investigating Judges or the Chambers, as appropriate, may issue authorisations to the a member of the defence team for individual visits prior to the initial appearance of the detainee based on a written request from the detainee, identifying the member of the team in question.
19. Both the detainee and the visitor shall be notified in writing, by the Co-investigating Judges or the Chambers, as appropriate, of any denial of a request for permission to visit, giving reasons for such refusal, with copy to the General Director of the General Department of Prisons, the Director and Deputy Director of the Office of Administration, which shall in turn inform the Co-Prosecutors and the assigned defence team.
20. All persons, including defence teams and diplomatic representatives, are subject to personal searches of clothing and X-ray examination. The search and X-ray examination shall not extend to reading material or copied documents brought to the detention unit by defence teams.
21. Members of a defence team may pass papers to and from a detainee during a visit subject to judicial order. Any quantity of documents which is too large to be physically passed over by the defence team to the detainee at the visiting facility shall be handed to the Chief of Detention who shall pass them unopened and unread to the detainee. All such documents shall be treated as mail for the purposes of these regulations and, in particular, Rule 14 concerning incoming mail shall apply.
22. A defence Visit Record Book of all visits of the defence team shall be kept by the Chief of Detention, with details of the name of the detainee, time in/out and the name of the members of the defence team.
23. Defence teams will only be given access to their assigned client. They should respect this requirement and ensure that there is no contact with detainees other than their client, unless authorised by the Co-Investigating Judges or the Chambers, as appropriate. Any efforts to liaise with detainees other than their assigned clients will be reported to the Co-Investigating Judges or the Chambers, as appropriate. Visits may be terminated if members of the defence team persist in attempting to communicate with detainees other than their assigned client. Any breach of this sub-rule shall be reported in writing by the Chief of Detention to the Co-investigating Judges or the Chambers, as appropriate, for action under the Internal Rules.
24. The Defence Support Section shall obtain the consent from the Co-Investigating Judges or the Chambers, as appropriate, prior to each visit to a detainee.

## **RULE 10     Discipline of Detainees**

1. The Chief of Detention shall ensure that discipline is maintained for the security and good order of the ECCC Detention Facility.
2. The Chief of Detention shall ensure that:
  - 2.1 detainees are informed of the disciplinary regime;
  - 2.2 collective punishment of detainees does not occur;
  - 2.3 detainees are not disciplined twice for one breach of discipline;
  - 2.4 detainees are not disciplined before they are informed of the offence they are alleged to have committed and given an opportunity to provide an explanation.
  - 2.5 detainees are not subjected to shackling, solitary confinement, corporal punishment, placement in a dark cell, reduced food or water, sensory deprivation or any cruel, inhumane or degrading treatment as a form of discipline.
  - 2.6 detainees are not used to discipline other detainees.
3. If a detention guard suspects that a detainee has committed, or is about to commit an offence or breach of discipline, the guard shall take such action as is necessary to prevent or minimise the effects of the offence and report the matter to the Chief of Detention.
4. The Chief of Detention, on receiving a report of an alleged offence, shall deal with the matter as follows:
  - 4.1 refer any matter that is considered a serious breach of security or is an alleged crime to the General Director of the General Department of Prisons for further action, copying such correspondence to the Director and Deputy Director of the Office of Administration;
  - 4.2 deal with any other matter that is a breach of discipline himself.
5. The Chief of Detention may discipline the detainee by:
  - 5.1 counselling the detainee; and/or
  - 5.2 issuing an oral or written warning the detainee; and/or
  - 5.3 confining the detainee to their cell for a period not exceeding three (3) days with access to the open air under supervision, for one (1) hour each day; and/or
  - 5.4 confiscating of any offending item; and/or

- 5.5 removing or reducing privileges or use of personal possessions, e.g. television, radio, books, for a period not exceeding two weeks; and/or
  - 5.6 denying visits and access to incoming letters and parcels for a period not exceeding two weeks. Such disciplinary sanction shall not apply to communication between the detainee and his or her defence team.
- 6. If a breach of discipline involves damage to property or possessions, the Chief of Detention may direct the detainee to pay for all or part of the damage.
  - 7. All disciplinary decisions, including directions to pay for damage, are to be recorded in writing on the relevant Detention form, placed in the offending detainee's personal file, and copied to the Director and Deputy Director of the Office of Administration, who shall in turn inform the Co-Investigating Judges or the Chambers, as appropriate, the Co-Prosecutors and the assigned defence team.
  - 8. A detainee is in breach of detention discipline if he or she:
    - 8.1 gambles;
    - 8.2 consumes alcohol or any unauthorised drug or substance;
    - 8.3 possesses a firearm, ammunition, explosive, poison or unauthorised knife, axe, tool or other dangerous item;
    - 8.4 is found in a place where he or she is not authorised to be;
    - 8.5 refuses to obey an order or instruction from a person authorised by the Chief of Detention to give an order or instruction;
    - 8.6 has in his or her possession without approval, items belonging to the ECCC Detention Facility or another person;
    - 8.7 makes a false statement or threatens or insults another person;
    - 8.8 engages in sexual intercourse or other sexual activity with another person;
    - 8.9 tattoos him- or herself or another person or allows him- or herself to be tattooed;
    - 8.10 assaults or intentionally causes injury to another person;
    - 8.11 hinders a detention guard or other person to carry out their duties;
    - 8.12 starts a fire, without the permission of a detention guard;
    - 8.13 misuses authorised medication;
    - 8.14 acts in a disorderly manner which causes a disturbance or encourages others to act in a disorderly manner;
    - 8.15 instigates, encourages or participates in a riot;
    - 8.16 escapes, attempts to escape or conspires with others to escape from custody;

- 8.17 deliberately damages any item which is the property of the ECCC Detention Facility or another person;
- 8.18 is an accomplice to any of the above acts.
9. If a detainee believes that he has been wrongly found guilty of breaching discipline, the detainee may submit a written request to a committee composed of three members designated by the General Director of the General Department of Prisons, and the Director and Deputy Director of the Office of Administration, for the matter to be reviewed. The Director and Deputy Director of the Office of Administration shall inform the Co-Investigating Judges or the Chambers, as appropriate, the Co-Prosecutors and the assigned defence team of the review. Decisions of the committee shall be reached by consensus. If no unanimity is achieved, a decision shall be taken by simple majority. The detainee shall be notified of the decision of the committee, with copy to the assigned defence team and the Co-Prosecutors.

## **RULE 11 Health Care**

1. The ECCC Medical Unit shall provide health care to detainees.
2. The Chief of Detention shall ensure that access to all areas of the ECCC Detention Facility relevant to the maintenance of the health of detainees, is available to the ECCC Medical Unit.
3. The ECCC Medical Unit is responsible for administrating and maintaining the Detention Health Report Book and supplies in the ECCC Detention Facility.
4. The Chief of Detention shall ensure that when a detainee notifies a detention guard that he or she requires health care, this is immediately recorded in the Detention Health Report Book.
5. The Chief of Detention shall make the Detention Health Report Book available to the ECCC Medical Unit. In respect of a medical emergency, the Procedure for medical emergencies as provided in Rule 16 shall be implemented.
6. The ECCC Medical Unit shall provide a written report to the Chief of Detention, with a copy to the Director and Deputy Director of the Office of Administration the Co-Investigating Judges or the Chambers, as appropriate, on what action is necessary to rectify identified health problems and risks at the ECCC Detention Facility.
7. The Chief of Detention is responsible for the distribution and maintenance of cell kits and hygiene items in the ECCC Detention Facility.
8. The Chief of Detention is responsible for notifying the detainee's family when the detainee is seriously ill or injured or admitted to hospital. A copy of such correspondence shall be forwarded to the Director and Deputy Director of the Office of Administration, who shall in turn inform the Co-Investigating Judges or the Chambers, as appropriate, the Co-Prosecutors and the assigned defence team.
9. The Chief of Detention is responsible for providing supervision for detainees admitted to hospital, under the modalities detailed in Procedure for medical emergencies as provided in Rule 16.
10. The Chief of Detention shall notify the Director and the Deputy Director of Administration, who shall in turn inform the Co-Investigating Judges or the Chambers, as appropriate, the Co-Prosecutors, the assigned defence team, prior to a detainee's movement from the ECCC Detention Facility to hospital for non-urgent medical treatment. Such prior notification is not required in the case of a medical emergency as provided in Rule 16. The Chief of Detention shall subsequently keep the Director and the Deputy Director of the Office of Administration informed of the location of the detainee and, in particular, if there is anything significant to report as regards his or her medical condition. The Director and the Deputy Director of the Office of Administration shall inform the



Co-Investigating Judges or the Chambers, as appropriate, the Co-Prosecutors and the assigned defence team.

## **RULE 12     Rosters**

### **1.     Working Hours:**

- 1.1     Rosters shall provide for the efficient and effective allocation of detention guards over a twenty four (24) hours period seven (7) days per week on a rotating basis to provide for the safe, secure and humane control of detainees and the daily operational requirements of the Detention Facility.
- 1.2     Working hours for detention guards, their names and assigned duties shall appear on the Roster.
- 1.3     The number of hours a detention guard is required to work in 24 hours is to be decided by the Chief of Detention but should not be more than two periods of four (4) hours.

2.     **Preparation of Rosters:** The Chief of Detention shall decide who will prepare the roster, the priority and number of detention guards, security posts and the minimum number of detention guards to be on duty at each security post at any one time. The number of detention guard posts and the number of detention guards at those posts may vary from day to night, depending on operational requirements.

3.     **Rostering of Female detention guards:** Female detention guards are rostered on duty in the area where female detainees live and are available to report for duty in an emergency, when necessary.

4.     **Rest Days:** Rosters should allow for each detention guard to be off duty at least one day in each four days except in emergency situations arising at the ECCC Detention Facility.

5.     **Additional guards:** Rosters should allow for some additional detention guards to be available to replace any guard who does not report for work due to sickness or other reasons. If all the scheduled detention guards come to work, the additional detention guards can be sent home or given extra duties in the ECCC Detention Facility.

6.     **Availability of Roster:** Rosters are to be written out and kept in a place in the ECCC Detention Facility for all the detention guards to see at any time. Detention guards who do not come to work are to provide an explanation to the Chief of Detention. If the Chief of Detention is not satisfied with the explanation, the detention guard is to be warned in accordance with Article 8 of Proclamation number 006 on the Discipline of National Police forces.

7.     **Shortage of detention guards:** If the Chief of Detention considers not to have enough detention guards for security duties, he shall submit a written report to the General Director of the General Department of Prisons, with a copy to the

Director and Deputy Director of the Office of Administration. In an emergency the Chief of Detention may request assistance from the National Police through the Extraordinary Chambers Security Commission (ECSC).

8. **Change of Duties:** Detention guards wishing to change their duty hours or their tasks with other detention guards shall first get the permission of the Chief of Detention.
9. **Fairness:** The Detention Roster shall be fair to all detention guards and not favour one guard over another.
10. **Reporting to Work:** Detention guards coming to work are to request from the Chief of Detention or the guards going off duty any relevant information about the ECCC Detention Facility or detainees. Detention guards whilst at work are to be properly dressed in uniform and have the right equipment for their duty position.

## **RULE 13    Requests and complaints**

1. All detainees have the right to make requests or complaints to the Chief of Detention in regards to their treatment, well-being and matters of a personal nature.
2. On admission, every detainee shall be provided with information regarding the authorised methods for making requests and complaints.
3. Provision of such information can be verbal or written, but must be in a form or language that is understood by the detainee.
4. Detainees shall be given the opportunity each weekday to make requests or complaints to the Chief of Detention.
5. Requests or complaints from detainees shall be promptly dealt with and responded to by the Chief of Detention.
6. Requests or complaints from detainees are to be recorded by the Chief of Detention in the Register of Requests and Complaints with details of the detainees, the request or complaint, and what action, if any, was taken by the ECCC Detention Facility.
7. All detainees have the right to make requests or complaints, without censorship as to substance, to the Co-Investigating Judges or the Chambers, as appropriate, with copy to the General Department of Prisons, and the Director and Deputy Director of the Office of Administration. Foreign detainees shall be permitted to make written requests or complaints to their Embassy or Consulate or other authorised organisations representing their country or interest.
8. The Chief of Detention shall ensure that detainees wishing to make written requests or complaints are provided with the attached form and a pen. If requested, assistance is to be given to the detainee to complete the complaint. This is then to be forwarded to the appropriate authority;

## **RULE 14      Letters and Parcels**

1. All detainees have the right to send and receive letters and parcels, under the general control and supervision of the Co-Investigating Judges or the Chambers, as appropriate.
2. When a detainee sends/receives a letter or parcel, the Chief of Detention shall record the following details in the Register of Letters and Parcels:
  - 2.1 the name of the person and the address to which the letter or parcel was sent/received;
  - 2.2 the date on which the letter or parcel was sent/received.
3. If a detainee wishes to write a letter and does not have paper, envelope, stamp or a pen or pencil, the Chief of Detention shall provide these items.
4. Subject to sub-rule 5, upon receiving a letter or parcel sent or received by a detainee, and after clearing such letter or parcel following the appropriate security procedure, the Chief of Detention may, further to guidelines specified by the Co-Investigating Judges or Chambers, as appropriate, submit such unopened letter or parcel to the Co-Investigating Judges or Chambers, as appropriate. In such cases, the Co-Investigating Judge or Chambers, as appropriate, shall open the letter or parcel in the presence of the detainee, review its contents and decide whether to allow it to be handed over to the detainee, taking into account the necessity to maintain the good order in the Detention Facility and the proper conduct of the proceedings. The Co-investigating Judges or the Chambers, as appropriate, shall seek the Chief of Detention's view on whether any letter or parcel sent or received by a detainee may pose any threat to the security and good order of the ECCC Detention Facility. Letters written by a detainee containing offensive language shall be returned to the detainee who shall be told to rewrite the letter without such language.
5. Detainees are permitted to communicate in writing without censorship and with confidentiality with their assigned defence team subject only to reasonable conditions to ensure the security and good order of the ECCC Detention Facility. For example, the envelope containing a letter being sent out should be sealed by the detainee in the presence of a detention guard. A letter received at the ECCC Detention Facility from a defence team for a detainee should be opened by the detainee in the presence of a detention guard. Such correspondence shall be marked "Legal correspondence".
6. Subject to section 4. above, the letter or parcel shall be given to the relevant detainee and recorded in the Register of Letter and Parcels.
7. Any Letter or parcel containing a threat to the security and good order of the ECCC Detention Facility or any other content contrary to the good order of the Detention Facility or the proper conduct of the proceedings shall be retained by the Chief of

Detention or returned to the sender, depending on the nature of the correspondence and reason for confiscation. The letter or parcel shall be recorded in the Register of Letters and Parcels, with a mention that the letter or parcel was not delivered to the detainee and what action was taken. The Co-Investigating Judges or the Chambers, as appropriate, may instigate an investigation. The Director and Deputy-Director shall be informed

8. If money is found in a letter or parcel, the Chief of Detention shall secure the money and record the amount in the Personal Property File. The detainee shall be informed about any such action.
9. The Chief of Detention shall make arrangements with the Director and Deputy Director of the Office of Administration for the delivery of letters sent by detainees.
10. The Chief of Detention shall deal with letters or parcels sent or received for detainees without undue delay.

## **RULE 15      Property of Detainees**

1. The Chief of Detention shall determine what items of personal property a detainee may keep in the ECCC Detention Facility.
2. The Chief of Detention shall ensure that when a detainee is admitted to the ECCC Detention Facility, all material items and money belonging to the detainee are listed in the Personal Property File. The copy of receipt of materials retained shall be given to the detainee. Such receipt shall be signed by the Detainee. Those items which the detainee is not permitted to have shall be labelled with the detainee's name and securely stored, in particular valuable items and money.
3. If a detainee claims that an item of their personal property has been lost, damaged, stolen or destroyed, the Chief of Detention shall do an investigation. A report of the investigation shall be placed in the detainee's Personal Property File and the detainee shall be informed of the results of the investigation and of any compensation that may be paid.
4. The Chief of Detention shall ensure that if a detainee has any medication in their possession on admission to the ECCC Detention Facility, it is removed and given to the ECCC Medical Unit who will determine if it should be given to the detainee, and under what circumstances.
5. The Chief of Detention is to ensure that if any item of a detainee's personal clothing is infested with vermin or contaminated it is destroyed by burning and the detainee is notified. This action is to be noted in the Personal Property File. In such cases the detainee is to be examined by the ECCC Medical Unit as soon as possible.
6. The Chief of Detention shall ensure that when a detainee is transferred to another detention facility, all of the personal property belonging to that detainee is forwarded to the receiving detention facility.
7. The Chief of Detention shall ensure that when he receives a detainee from another detention facility, the personal property belonging to that detainee is checked before the detainee is allowed to take the property to his or her cell.
8. The Chief of Detention shall ensure that when a detainee is released from the ECCC Detention Facility, all items of the detainee's personal property are checked and accounted for and items which have been stored are returned to the detainee.
9. The Chief of Detention shall ensure that the detainee signs or marks the Personal Property File to indicate that all stored items have been given to the detainee.
10. Detainees' money includes money brought in by the detainee on admission, and money received from persons outside the ECCC Detention Facility. The Chief of Detention shall record all money transactions of detainees in their Personal Property

File by getting the detainee sign or mark the entry to indicate that the record is correct.

11. The Chief of Detention or detention guards shall not ask or demand detainees to pay money or to provide any other kind of benefit for items or services provided by the ECCC Detention Facility. If such demands are made, the detainee shall be entitled to bring the matter before the Chief of Detention or a committee composed of the General Director of the General Department of Prisons, the Director and Deputy Director of the Office of Administration
12. Detainees may make a request to the Chief of Detention to give all or part of their money or material items to a visitor. The Chief of Detention shall record the transaction in the Personal Property File and the detainee shall sign or mark the entry to indicate that the register is correct.



## **RULE 16      Emergency Procedures**

### ***1.      Medical Emergencies***

- 1.1      In case of a medical emergency concerning a detainee, the detention duty guard shall immediately notify the Medical Unit, as well as the Chief of the Detention Facility, depending who is on duty at the time. The Medical Unit shall take all first-aid measures that he or she considers appropriate, make an evaluation of the situation and decide whether immediate medical evacuation to a hospital has to be initiated.
- 1.2      If the Medical Unit determines that medical evacuation to a hospital is necessary, the Chief or Deputy Chief of Detention, depending who is on duty, shall immediately contact the national Protection Coordinator and the International Chief of the ECCC Security and Safety Section.
- 1.3      The national Protection Coordinator shall immediately activate the armed escort composed of police officers and military police officers posted at the ECCC.
- 1.4      The Chief or Deputy Chief of Detention shall immediately position the on-site ambulance at the Detention Facility and move the detainee to the ambulance.
- 1.5      Movement of the detainee out of the ECCC detention facility will proceed with the armed escort following the ambulance at all times. In addition, two detention guards in the ambulance will ensure physical control of the detainee throughout transit.
- 1.6      Immediately after the medical evacuation, the Medical Unit shall write a full report to the Chief of the Detention Facility and to the Director and Deputy Director of the Office of Administration of the ECCC, who shall provide a copy to the Co-Investigating Judges or Chambers, as appropriate, the Co-Prosecutors, and the assigned defence team. .
- 1.7      The hospital to be used for medical emergencies involving detainees is the Calmette hospital, where stand-by arrangements will be made for a separate room to be always available for treatment of an ECCC detainee, such room having been approved by the Chief of the Detention Facility.
- 1.8      Whilst in the hospital, detention guard will remain inside the designated hospital room and armed police officer will remain outside the detainee's hospital room at all times. Based on the threat, an outer cordon may be implemented by the national police.
- 1.9      The Chief of the Detention Facility shall forward to the Director and Deputy Director of the Office of Administration of the ECCC a report prepared by the treating physician on a daily basis on the health status of the accused, who shall

forward a copy to the Co-Investigating Judges or Chambers, as appropriate, the Co-Prosecutors, and the assigned defence team. .

- 1.10 Once treatment at the hospital has been completed, and the medical officer agrees that the detainee can return to the detention facility, the detainee will return to the detention facility under the physical control and responsibility of the Chief of Detention facility, and escorted by a designated armed response team provided by the national police and military. The Chief of Detention shall notify the return of detainee to the Director and Deputy Director of the Office of Administration of the ECCC, who shall provide a copy to the Co-Prosecutors, the assigned defence team and the Co-Investigating Judges or the Chambers, as appropriate.

### ***Escape or attempted Escape***

2. Any detention guard who discovers or observes an escape or attempted escape shall immediately ensure that the alarm is sounded and contact other guards and notify them of the incident and its location.
3. During an escape, detention guards shall give three warning shouts and order the detainee(s) to stop.
4. Whenever physical force is used, detention guards and/or national police officers shall and as per Rule 20:
  - 4.1 exercise restraint and act in proportion to the seriousness of the incident;
  - 4.2 minimize damage and injury, and respect and preserve human life.
5. National police officers shall secure the immediate area of the incident to prevent further escapes from the ECCC Detention Facility.
6. If a detainee or detainees escape while on escort outside the ECCC Detention Facility, the ECSC official supervising the escort shall immediately return with the remaining detainees to the ECCC Detention Facility and report the incident to the General Director of the General Department of Prisons and to the Director and Deputy Director of the Office of Administration, who shall inform the Co-Prosecutors, defence teams and the Co-Investigating Judges or the Chambers, as appropriate.

### ***Fire***

7. Detention guards who discover a fire at the ECCC Detention Facility shall immediately ensure that the alarm is sounded and inform other guards of the fire and its location.
8. Detention guards shall attempt to put out the fire, but should not place themselves or others at risk.

9. All detainees shall be directed away from the fire and any danger, to a safe and secure location, and counted.
10. The Chief of Detention, on being advised of a fire, is to investigate the extent of the fire and possible cause.
11. After the fire is under control the detainees shall be returned to their cells or secured in another location, if the cells are not useable, and counted and the Chief of Detention shall report the incident to the General Director of the General Department of Prisons and to the Director and Deputy Director of the Office of Administration who shall forward the information to the Co-Investigating Judges or the Chambers, as appropriate, the Co-Prosecutors, and the defence teams.

***Riot and Unrest***

12. Any detention guard discovering a riot or unrest by detainees shall immediately ensure that the alarm is sounded and notify the Chief of Detention of the incident and its location.
13. Detention guards shall attempt to prevent a riot or unrest by securing those detainees involved, using the minimum amount of force required.
14. Detention guards should not place themselves or others at risk.
15. The Chief of Detention, on being advised of a riot or unrest by detainees, is to immediately ascertain the extent of the riot or unrest, and the damaged incurred.
16. After the incident has been resolved and the ECCC Detention Facility is secure, the Chief of Detention shall conduct an investigation and report the findings to the General Director of the General Department of Prisons, to the Director and Deputy Director of the Office of Administration who shall provide a copy to the Co-Investigating Judges or the Chambers, as appropriate, the Co-Prosecutors and the defence teams. .

***Threat by Explosive***

17. Any detention guard discovering an object which they suspect may be an explosive is to immediately ensure that the alarm is sounded and notify the Chief of Detention of the object and its location.
18. Detention guards shall not touch the object.
19. The area around the object should be sealed off, all people removed from the area and no one should enter the area until the area is safe. The Chief of Detention shall conduct an investigation and report the findings to the General Director of the General Department of Prisons, to the Director and Deputy Director of the Office of Administration who shall provide a copy to the Co-Prosecutors, the defence teams and the Co-Investigating Judges or the Chambers, as appropriate

### ***Natural Disaster***

20. In the event of a natural disaster occurring, such as a major flood or storm etc., the Chief of Detention shall immediately notify permanent damage and any security risks the General Director of the General Department of Prisons and the Director and Deputy Director of the Office of Administration who shall in turn inform the Co-Prosecutors, the defence teams and the Co-Investigating Judges or the Chambers, as appropriate.

### ***Evacuation of Detainees***

21. The Chief of Detention may order the evacuation of detainees from any building or area of the ECCC Detention Facility in the event of any life-threatening emergency.
22. The Chief of Detention shall determine the safest and most secure location to place evacuated detainees, either inside or outside the ECCC Detention Facility. Detainees are to be counted before and after they are evacuated from their cells. Assistance from national Police through the ECSC may be requested to contain detainees, if necessary. The Chief of Detention shall immediately notify any evacuation to the General Director of the General Department of Prison and to the Director and Deputy Director of the Office of Administration who shall in turn inform the Co-Prosecutors, the defence teams and the Co-Investigating Judges or the Chambers, as appropriate

### ***Threat from Outside Attack***

23. Any detention guard who is threatened whilst on duty from outside the ECCC Detention Facility is to immediately notify the Chief of Detention. The detention guard is to provide details of the nature of the threat, the firearms, persons or vehicles involved, and the exact location of the threat.
24. The Chief of Detention, on being advised of a threat from outside attack, shall immediately inform the ECSC, and ensure that the ECCC Detention Facility is secure. The Chief of Detention shall notify the incident to the General Director of the General Department of Prison and to the Director and Deputy Director of Administration who shall inform the Co-Prosecutors, the defence teams and the Co-Investigating Judges or the Chambers, as appropriate
25. National police officers shall not discharge their firearms.
26. Any person carrying firearms and threatening the ECCC Detention Facility shall be ordered by detention guards and national police officers, as appropriate, to place their firearms on the ground and raise their hands above their heads.

27. If any person is injured, he or she is to be provided with medical assistance and transported to the hospital, if required.

### ***Hostage Incidents***

28. Any detention guard who finds that a detainee has taken staff of the ECCC Detention Facility, an official visitor, or another detainee hostage is to immediately notify the Chief of Detention, who shall seek assistance from ECSC.
29. Detention guards shall prevent other detainees or staff of the ECCC Detention Facility from entering the area, and shall attempt to prevent the hostage situation by securing the hostage taker, but shall not place themselves or the hostage/s at risk.
30. The Chief of Detention shall immediately contact the national and international ECCC Chief of Security, and the national police officers patrolling the perimeter. In the meantime, the Chief of Detention shall try to talk with the hostage taker by ascertaining the number and names of hostages and hostage takers, the type and number of weapons; the mental state of the hostage taker (quiet, hysterical, demanding, irrational, intoxicated, etc.) and any demands made by the hostage taker.
31. The Chief of Detention shall ensure that:
  - 31.1 detainees do not escape during the incident;
  - 31.2 the hostage taker is not allowed access to communications;
  - 31.3 weapons or alcohol are not provided to the hostage taker. Medication approved by the ECCC Detention Facility's health care provider may be provided;
  - 31.4 hostages are not exchanged for other persons;
  - 31.5 orders given by a hostage or hostage taker are disregarded by detention guards.

32. The Chief of Detention shall immediately notify the incident to the General Director of the General Department of Prisons and to the Director and Deputy Director of administration who shall inform the Co-Prosecutors, the defence teams and the Co-Investigating Judges or the Chambers, as appropriate.

### ***Action by the Chief of Detention in an Emergency***

33. The Chief of Detention shall undertake the following actions when an emergency of any nature occurs at the ECCC Detention Facility:
  - 33.1 ensure that all detainees are returned to their cells, if this does not place them in danger, and are counted. If securing detainees in their cells would place them in danger from the threat, the detainees are to be secured in a safe location and supervised;

- 33.2 ensure that all visitors are removed from the ECCC Detention Facility or are placed in a safe area;
- 33.3 request that the ECCC Medical Unit attend the ECCC Detention Facility;
- 33.4 notify the ECSC, and request assistance if necessary;
- 33.5 notify the General Director of the General Department of Prisons and the Director and Deputy Director of the Office of Administration, who shall inform the Co-Prosecutors, the defence teams and the Co-Investigating Judges or the Chambers, as appropriate.

***Emergency Alarm***

- 34. The Chief of Detention shall ensure that the ECCC Detention Facility has a bell, which is to be located in a prominent position and used for sounding the alarm in an emergency. On the sounding of the alarm all detention guards shall increase security by securing all gates and doors and allowing no movement of detainees except to their cells, if this is not a safety or security risk.

***Incident Report***

- 35. At the conclusion of the incident the Chief of Detention shall prepare a report in accordance with Detention Rule 17.

## **RULE 17      Report of Incidents**

1.      When any incident occurs the Chief of Detention is to:
  - 1.1     notify the General Director of the General Department of Prisons as well as the Director and Deputy Director of the Office of Administration who shall inform the Co-Investigating Judges or Chambers, as appropriate, the Co-Prosecutors and the assigned defence team as detailed in Rule 16 above; and
  - 1.2     within one (1) week, submit written report as per the attached form to the General Director of the General Department of Prisons and the Director and Deputy Director of Administration, who shall transmit a copy to the Co-Investigating Judges or Chambers, as appropriate, the Co-Prosecutors and the assigned defence team.
  
2.      The Chief of Detention shall ensure that the following information is provided in the incident report:
  - 2.1     the type of incident;
  - 2.2     the exact location of the incident;
  - 2.3     the time and date of the incident;
  - 2.4     the names of any detainee, detention guards and any other persons involved;
  - 2.5     details of how the incident occurred, what happened and the suspected cause of the incident;
  - 2.6     details of any investigation conducted by the appropriate authority;
  - 2.7     details of any injuries to detainees, detention guards or other persons;
  - 2.8     details of any damage to property of the ECCC Detention Facility and the estimated time and cost of repair;
  - 2.9     details of any action being taken against detainees, detention guards or other persons as a result of the incident;
  - 2.10    photographs, drawing or maps relating to the incident;
  - 2.11    comments on what action is being taken, or may be taken to prevent similar incidents from occurring.
  
3.      If an incident is to be investigated, the Chief of Detention shall ensure that no person enters the area where the incident occurred until the appropriate authority has finalized its investigation, unless this affects the security and good order of the ECCC Detention Facility.
  
4.      The Chief of Detention shall ensure that copies of all incident reports are kept at the ECCC Detention Facility.

## **RULE 18     Searches**

1. Searches of detainees, visitors and areas in the ECCC Detention Facility are to be conducted to ensure the safety and security of the ECCC Detention Facility by:
  - 1.1 preventing detainees from having weapons and other unauthorized items;
  - 1.2 detecting possible escape attempts and breaches of security;
  - 1.3 discouraging theft among detainees;
  - 1.4 minimizing damage to property of the ECCC Detention Facility.
  
2. The Chief of Detention shall record in the Detention Search Register all searches, and include:
  - 2.1 the area or name of the detainee or visitors searched;
  - 2.2 the name of the detention guard who conducted the search;
  - 2.3 the time and date of the search;
  - 2.4 any unauthorised items;
  - 2.5 damage to property of the ECCC Detention Facility;
  - 2.6 any action taken as a result of items or damage being found.
  
3. Detention guards who find an unauthorised item, other than suspected explosive devices, while conducting a search, are to immediately hand it to the Chief of Detention and inform that person of where the item was found and any other details relating to the search.
  
4. When a detainee or visitor is to be searched pursuant to paragraphs 7 and 14 of this Rule, the Chief of Detention shall ensure that:
  - 4.1 the detainee or visitor is not instructed to remove any items of clothing other than footwear;
  - 4.2 the search is conducted by a detention guard who is the same gender as the detainee or visitor;
  - 4.3 Detention guards only pass their hands over the visitor's outer clothing and hair and footwear;
  - 4.4 Detention guards search items carried by the visitor;
  - 4.5 the search is conducted out of sight of other persons.

### ***Searches of Detainees***

5. Detainees may be searched:



- 5.1 when being admitted or transferred to the ECCC Detention Facility;
  - 5.2 when moving from one part of the ECCC Detention Facility to another;
  - 5.3 after a visit;
  - 5.4 when leaving or returning to the ECCC Detention Facility on escort;
  - 5.5 when a detention guard has reason to suspect that the detainee is in possession of an unauthorised item;
  - 5.6 when directed by the Chief of Detention.
6. If a detainee refuses to be searched after being directed by a detention guard, this guard is to remain with the detainee and request that another detention guard notifies the Chief of Detention, who may order the use of force on the detainee, as is reasonably necessary to conduct the search.

#### ***Searches of Property of Detainees***

7. The Chief of Detention shall ensure that all items of a detainee's property are searched when:
- 7.1 a detainee is admitted or transferred to the ECCC Detention Facility;
  - 7.2 a search is conducted in a detainee's accommodation area;
  - 7.3 an item is provided by a visitor.
8. Detention guards shall ensure that when they search property of a detainee, they do not deliberately break any item, and only remove items which are not authorised by the Chief of Detention to be in the detainee's possession, or are considered a health hazard.

#### ***Searches of Areas in the Detention Facility***

9. The Chief of Detention shall ensure that all detention accommodation areas are searched at least once every week and that other areas in the ECCC Detention Facility are searched as required.
10. The Chief of Detention shall ensure that, in addition to the searches conducted in detention accommodation areas, these locations are also checked each day to ensure that detainees have not damaged walls, security bars or mesh, windows, doors and locks.
11. When conducting a search of a detention accommodation building, detention guards shall:
- 11.1 search all areas within the building;
  - 11.2 look for any damage to walls, security bars or mesh, windows, doors and locks;

11.3 search all items of property of detainees.

***Searching of Visitors***

12. Subject to Rule 9, paragraph 20, the Chief of Detention may authorise the search of a visitor or his or her possessions, when it is suspected that the visitor may interfere with the good order or security of the ECCC Detention Facility. The visitor is to be told what the search involves and shall agree to being searched before the search occurs.
13. If a visitor refuses to be searched, the Chief of Detention shall refuse the person's entry to the ECCC Detention Facility, and submit a written report to the General Director of the General Department of Prisons and the Director and Deputy Director of the Office of Administration.
14. Visitors are to be told what items are not permitted to be brought into the ECCC Detention Facility as per the attached list. A notice listing those items is to be displayed at the front gate of the ECCC Detention Facility or in a place where it can be seen by visitors before entering the ECCC Detention Facility.

**RULE 19      Death in Custody**

1. On being notified of the death of a detainee in the ECCC Detention Facility, the Chief of Detention shall immediately make sure that the scene is protected and sealed off, immediately inform the ECCC Medical Unit, the General Director of the General Department of Prisons, the Director and Deputy Director of the Office of Administration, who will inform the Co-Prosecutors, the assigned defence team, the Co-investigating Judges or the Chambers, as appropriate, and request the Co-Prosecutors to attend the ECCC Detention Facility. The Chief of Detention shall report the incident in accordance with Rule 17.
2. The Chief of Detention shall immediately inform the spouse or nearest relative of the detainee, and any other person previously designated by the detainee.
3. If a detainee dies in hospital, the Chief of Detention shall notify such information as soon as possible to the General Director of the General Department of Prisons and to Director and the Deputy Director of the Administration, who will inform the Co-Prosecutors, the assigned defence team and the Co-Investigating Judges or the Chambers, as appropriate.
4. The Co-Prosecutors shall determine the cause of death. In order to reach a determination they shall order an autopsy of the deceased and toxicology report in addition to enquiries the Co-Prosecutors deem necessary to determine the cause of death. For this purpose, the Chief of Detention shall provide full access and assistance to the Co-Prosecutors or any person designated by them to conduct an inquiry under this Rule. The family of the deceased may, at its own expense, appoint a medical expert to observe the autopsy. If it is determined that the death is not the result of natural causes, the Co-Prosecutors shall refer the case to the appropriate local prosecutor from the ordinary Cambodian Court system.
5. Within three (3) days after the death of a detainee, the Chief of Detention shall submit a written report of the death to the General Director of the General Department of Prisons and the Director and Deputy Director of the Office of Administration, who shall forward it immediately to the Co-Prosecutors, the assigned defence team and the Co-Investigating Judges or the Chamber, as appropriate.
6. In addition to the information required under Rule 17, the Chief of Detention shall include in the written report the following information:
  - 6.1 the name, age and last known place of residence of the deceased detainee;
  - 6.2 the place of death;
  - 6.3 the time and date of death;
  - 6.4 the cause of death, if known;

- 6.5 the location of the deceased's body;
  - 6.6 the circumstances leading to the death and if the death is suspicious, the status of the Co-Prosecutors' investigation of the death;
  - 6.7 the deceased detainee's date of admission to the ECCC Detention Facility and the reason for detention.
7. The Chief of Detention shall obtain a copy of the deceased detainee's Death Certificate and attach it to the report. If a copy of the Death Certificate is not available at the time of writing the report, the Chief of Detention shall forward the certificate when received to the General Director of the General Department of Prisons and to the Director and Deputy Director of the Office of Administration, who will forward it to the Co-Prosecutors, the assigned defence team, and the Co-Investigating Judges or the Chambers, as appropriate.
  8. If a detention guard finds a detainee has died in the ECCC Detention Facility from unnatural causes, and if the detention guard suspects that the death may have been caused by another detainee or detainees whose identity he or she knows or suspects, the detention guard shall immediately notify the Chief of Detention or his Deputy, who must secure and separate the suspected detainee(s) from other detainees until further notice.
  9. The Chief of Detention shall ensure that any personal property belonging to a deceased detainee is returned to the detainee's family, if known. If the deceased detainee was a foreign national, the personal property belonging to the detainee must be forwarded to the relevant Embassy or Consulate.
  10. The Chief of Detention shall ensure that the appropriate detainee registers and detainee's personal file are noted with the words "died in custody". The manner of disposing of the detainee's property is to be recorded. Copies of all reports are to be placed on the detainee's personal file before forwarding it to the General Department of Prisons for secure storage, with a copy to the Director and Deputy Director of the Office of Administration, who will copy it to the Co-Prosecutors, the assigned defence team and to the Co-Investigating Judges or the Chambers, as appropriate.
  11. The Chief of Detention shall cooperate with health authorities and the Director and Deputy Director of the Office of Administration in arranging for the funeral of a deceased detainee if:
    - 11.1 the deceased has no known family; or
    - 11.2 where requested to do so by the deceased's family.
  12. The Chief of Detention shall ensure all relevant documents are forwarded to the General Director of General Department of Prisons and to the Director and Deputy Director of the Office of Administration, who will forward it to the Co-Prosecutors, the assigned defence team, and the Co-Investigating Judges or the Chambers, as appropriate.

**RULE 20 Use of Physical Force by detention guards**

1. A detention guard may use reasonable physical force only where he or she believes that no other means of control is available. Physical force used shall be the minimum necessary to achieve the desired result.
2. Where a detention guard believes that no other means of control is available, the guard may use reasonable physical force to:
  - 2.1 compel a detainee to obey an order, which the detention guard believes necessary for the security, or good order of the ECCC Detention Facility or the safety or welfare of the detainee.
  - 2.2 to prevent any act which is threatening the safety or welfare of any person.
  - 2.3 to subdue unruly detainees;
  - 2.4 to separate detainees who are fighting;
  - 2.5 in self-defence;
  - 2.6 to defend other detention guards, detainees or other persons;
  - 2.7 to move detainees who fail to comply with lawful orders.
3. The amount of physical force to handle a detainee shall only be as much as is reasonable and necessary in the circumstance.
4. Whenever physical force is used, a detention guard shall:
  - 4.1 exercise restraint and act in proportion to the seriousness of the incident;
  - 4.2 minimize damage and injury, and respect and preserve human life.
5. If the use of physical force causes injury to any person, the Chief of Detention shall ensure that assistance and medical aid is provided to any injured or affected person, as soon as possible.
6. A detention guard shall not use arbitrary or abusive use of physical force against any detainee or other person.
7. The General Department of Prisons shall ensure that all detention guards are regularly trained in the appropriate uses of physical force.
8. When a detention guard uses physical force, this is to be reported to the Chief of Detention, including with the following details:
  - 8.1 the time and location of the incident;
  - 8.2 the type of physical force used and the reasons for its use;

- 8.3 the names of all detainees or other persons involved;
- 8.4 any injury or damage caused.

**RULE 21**

**Movement/Escort of the Detainee between the Detention Facility and the Court Building**

1. All transfers from the Detention Facility to ECCC Court Buildings, whether to attend for interview by the Co-Investigating Judges or the Chambers, to attend a hearing or for any other approved reasons shall be preceded by an Extraction order delivered by the Co-Investigating Judges or the Chambers, as appropriate, and shall be recorded in the Official Register of Detainees
2. Movements of detainees from the ECCC Detention Facility to the ECCC Courtrooms will generally be required:
  - 2.1 When the presence of the detainee is required for a court hearing
  - 2.2 When the presence of the detainee is required for interview by the Co-Investigating Judges, the Chambers or the Co-Prosecutors
3. The Chief of Detention and his staff are responsible at all times for the physical security, safety, welfare and control of detainees while on ECCC premises and in the Court building.
4. The Chief of Detention shall note in the Daily Detention Record Book any movement of the detainee to and from the ECCC Detention Facility before any such movement takes place.
5. The detainee shall be searched in accordance with Rule 18 before leaving the ECCC Detention Facility, and upon his or her return.
6. Before the detainee is moved, the Court Security Supervisor (CSS) shall:
  - 6.1 Ensure that an armoured vehicle and driver are arranged for transportation of the detainee and the driver is briefed;
  - 6.2 Liaise with Chief of Detention on the timing of movements;
  - 6.3 Ensure that all security personnel engaged in court security duties are fully briefed and trained;
  - 6.4 Ensure that court security personnel are tasked for duty to assigned posts;
  - 6.5 Ensure that medical staff is placed on standby during proceedings and are available to visit and administer medical aid to the detainee as and when required.
7. Before and during movement of the detainee:
  - 7.1 Security personnel are to be on post 30 minutes prior to movement.

- 7.2 Rooms to be used are to be unlocked and lights and air conditioning turned on.
  - 7.3 A security sweep is to be conducted of the rooms to be used, and of the route of the detainee.
  - 7.4 No movement is to take place until the CSS is satisfied that the premises and route are safe and secure
  - 7.5 The assigned court security post officer(s) shall stop all vehicular and pedestrian movements during the movement process.
  - 7.6 An international ECCC security officer shall monitor the physical movement of the detainee to the Courtrooms and back to the ECCC Detention Facility.
  - 7.7 The gate of the ECCC Detention Facility is secured by ECCC Detention Facility staff while the detainee and escorts enter the vehicle.
  - 7.8 The ECCC escorting guard notifies the court security and the ECCC Security Control Centre when the movement is to take place.
  - 7.9 The detainee is escorted by vehicle to the courtrooms and taken to the designated waiting room.
  - 7.10 The Security Control Centre is advised that the movement is completed.
  - 7.11 Access points to the area are secured by Court security personnel and only authorised persons are granted access.
8. On completion of the interview, court hearing or other procedures, as appropriate:
- 8.1 The designated driver and vehicle for the escort are put on standby by the Security Control Centre;
  - 8.2 The ECCC Detention Facility escort team leader and the Security Control Centre shall liaise over timing for moving the detainee back to the ECCC Detention Facility;
  - 8.3 A security sweep of the route by the escort of the ECCC Detention Facility is to be conducted prior to moving the detainee, and the area is to be secured and controlled;
  - 8.4 The Security Control Centre is notified of the movement of the detainee;
  - 8.5 Once the route is cleared the detainee is to be moved on the direction of the Security Control Centre, which shall monitor the physical movement of the detainee back to the ECCC Detention Facility;



- 8.6 The gate of the ECCC Detention Facility is to be secured by ECCC Detention Facility staff after the vehicle enters, and it shall remain secured until the detainee has entered the ECCC Detention Facility;
- 8.7 The Security Control Centre is notified of completion of the movement.

## **RULE 22      Security of the ECCC Detention Facility**

### ***Supervision***

1. Detention guards are to maintain a high level of supervision and observation of detainees at all times when detainees are unlocked from their cells. Detention guards are to look for and report any unusual or suspicious actions by detainees, so as to prevent criminal acts and breaches of these Rules.
2. Detention guards are to always be alert while on duty and shall ensure that they observe detainees from a position which gives a clear view of the detainees under their supervision. Detention guards are to patrol the area they are supervising.

### ***Key and Lock Control***

3. The Chief of Detention shall ensure that detainees do not at any time have access to keys or locks of the ECCC Detention Facility. When any keys issued to detention guards are not required for use they shall be returned immediately to the Chief of Detention. The Chief of Detention shall ensure all keys are kept in a secure location that is inaccessible to detainees. Duplicate keys are to be securely stored in a separate location.
4. The Chief of Detention shall ensure that all keys of the ECCC Detention Facility are marked to indicate which locks they belong to.
5. The Chief of Detention shall ensure that a register of all Detention keys and locks records:
  - 5.1 the use of each lock and its corresponding key;
  - 5.2 any lock or key which is lost or damaged;
  - 5.3 the signature and date of the detention guard issued with the keys and the date it was returned.
6. Detention guards shall immediately report any lost or damaged key or lock to the Chief of Detention.
7. The Chief of Detention shall ensure that all locks are maintained in a useable condition and oiled regularly.
8. When a detention guard unlocks a gate or door, the guard shall ensure that the lock cannot be removed by a detainee.

### ***Detention guard Patrols***

9. Detention guards are to patrol the entire area they are supervising at all times, both day and night.
10. Detention guards are to be alert when conducting a patrol and immediately report any unusual, suspicious or improper behaviour by detainees, any damage to property of the ECCC Detention Facility, or any emergency situation to the Chief of Detention.
11. Detention guards who find a person on the property of the ECCC Detention Facility when conducting a patrol, shall establish whether the person is authorised to be in the area, and if not direct the person to leave the property of the ECCC Detention Facility. The detention guard shall report the matter immediately to the Chief of Detention.
12. Detention guards shall patrol inside the ECCC Detention Facility at night. The Chief of Detention shall ensure that instructions are issued to ensure that patrols at night are conducted at regular intervals.

### ***Entry Security***

13. Detention guards who work at the entrance to the ECCC Detention Facility are to:
  - 13.1 be alert at all times;
  - 13.2 check the identity of all persons wishing to enter or leave the ECCC Detention Facility and only allow those persons who are authorised to enter or leave;
  - 13.3 ensure that the entry gate of the ECCC Detention Facility remains secure and is only opened to allow authorised persons to enter or leave;
  - 13.4 ensure that unauthorised detainees do not pass the perimeter fence;
  - 13.5 check and search the detainees before admission or discharge;

### ***Tool Control***

14. The Chief of Detention shall ensure that a list of tools is maintained for each work area.
15. The Chief of Detention shall ensure that all tools are securely stored when not being used and check or count tools at the conclusion of each work day in order to assess if any tools are missing.
16. Detention guards shall report any broken or damaged tools to the Chief of Detention.
17. Tools that belong to a detention guard may only be used in the ECCC Detention Facility with the approval of the Chief of Detention.

**RULE 23 Use of handcuffs**

1. Handcuffs are the only instrument of restraint which may be used on detainees and their use shall never be as a punishment.
2. Handcuffs shall be used exceptionally and only when authorised by the Chief of Detention and shall not be applied for any longer time than is strictly necessary. Detention guards shall not use handcuffs while they are off duty.
3. Handcuffs are only to be used to prevent a detainee from injuring him- or herself or others. Handcuffs shall be removed from a detainee being escorted if the detainee is appearing before a judicial or any other competent authority or for medical reasons.
4. When being escorted outside the ECCC Detention Facility, detainees may be handcuffed together. If only one detainee is being escorted, the detainee should be handcuffed to a detention guard.
5. When handcuffs are used, the detention guard supervising the detainee(s) is to check the security of the handcuffs regularly, to ensure that they have not been tampered with by the detainee(s) and that the blood circulation of the detainee(s) is not restricted.
6. Handcuffs are to be kept in good working order and placed in a secure location when not in use. All handcuffs are to be inspected and accounted for each week and checked prior to issue. Spare handcuff keys are to be kept in a separate secure location and issued if the original key is lost.
7. The Chief of Detention shall keep a record of all handcuffs and keys used at the ECCC Detention Facility, and include:
  - 7.1 the serial number and condition of each pair of handcuffs;
  - 7.2 the date of issue to a detention guard and the name of the guard;
  - 7.3 the reason for issue;
  - 7.4 the date of return.

**RULE 24      Transfer of Detainees to other detention facilities or prisons**

1. The Chief of Detention shall ensure that a detainee is not transferred to another detention facility or prison, unless so ordered by the Co-Investigating Judges or the Chambers, as appropriate.
2. The Chief of Detention shall ensure that when he receives a detainee who has been transferred from another detention facility or prison, he:
  - 2.1 issues a receipt for the detainee to the guard in charge of the transfer;
  - 2.2 ensures that the detainee is searched before being placed in a cell;
  - 2.3 writes the new detainee's name in the Detention cell Count Record Book;
  - 2.4 advise the detainee as soon as possible of the transfer, allows the detainee to inform his or her family, relatives, assigned defence team, Embassy or Consulate of his or her impending transfer;
  - 2.5 provides the detainee with these Rules and informs him of the authorised methods for seeking information or making complaints. Provision of such information can be verbal or written, but must be in a form or language that the detainee understands;
  - 2.6 informs the detainee of the work, education and vocational training opportunities available at the ECCC Detention Facility, as applicable.
3. The Chief of Detention shall ensure that when a detainee is transferred to another detention facility or prison, the detainee's personal file, medical reports, personal property and all items of uniform and cell equipment are forwarded to the detention facility where the detainee is being sent, and the Detention Cell Count Book is adjusted by removing the detainee's name. Detainees being transferred are to be given, where possible, 30 minutes notification of the transfer time so that they can use a toilet, if required.
4. When detainees are transferred, the escorting guards are to ensure that the detainees are not subject to unnecessary physical hardship and are:
  - 5.1 provided with clean drinking water;
  - 5.2 provided with food, as necessary;
  - 5.3 not left in the rain or hot sun for long periods;
  - 5.4 able to use a toilet:
5. In order to execute the transfer of a detainee to another detention or prison, the Chief of Detention shall have a written order as stated in par. 1. of this Rule.

**RULE 25****Release of Detainees**

1. The Chief of Detention shall ensure that a detainee is released in accordance with the Internal Rules, following receipt of an order from the Co-Investigating Judges or the Chambers, as appropriate, indicating that:
  - 1.1 the detainee has been granted bail, conditionally released (parole), temporarily released;
  - 1.2 the case against the detainee has been dismissed; or
  - 1.3 the detainee has been acquitted.
2. Upon receiving such an order, the Chief of Detention shall confirm with the Director and Deputy Director that the detainee shall be released before taking any action to that effect.
3. The Chief of Detention shall provide one release letter to the detainee being released and retain one release letter at the ECCC Detention Facility.
4. The detention guard supervising the release of a detainee is to:
  - 4.1 check and return the detainee's personal property and ensure that the detainee signs or marks the form to indicate that all the detainee's property has been returned;
  - 4.2 check that the detainee is not in possession of any property of the ECCC Detention Facility which he or she is not entitled to keep;
  - 4.3 remove the detainee's name from the Detention Count Cell Book;
  - 4.4 write down the new amount of detainees, by cell;
  - 4.5 ensure that the detainee's personal file is stored.

## **RULE 26      Inspections of the ECCC Detention Facility**

1.      Inspection of the ECCC Detention Facility
  - 1.1     The following persons are permitted to enter the ECCC Detention Facility for the purpose of inspection:
    - a representative of the King;
    - a member of the National Assembly/Senate;
    - the Minister of Interior;
    - the Minister of Justice;
    - authorised persons of the Ministry of Interior;
    - ECCC Judges or Co-Prosecutors;
    - Municipal/Provincial Governors;
    - any other person or organisation authorised in writing by the General Director of the General Department of Prisons;
    - the Director and Deputy Director of the Office of Administration
    - representatives of the International Committee of the Red Cross (ICRC);
    - representatives of the Office of the United Nations High Commissioner for Human Rights.
  - 1.2     In the interests of protocol, safety and security, senior government officials should give prior notification to the General Director of the General Department of Prisons and to the Director and Deputy Director of the Office of Administration of an intention to visit the ECCC Detention Facility so that appropriate arrangements can be made for their visit.
2.      Following any inspection, the senior person of the inspection group should advise the Chief of Detention and the Director and Deputy Director of the Office of Administration of their findings and, where appropriate, recommend any changes that may be required. They should also provide a written report of those findings and recommendations to the General Director of the General Department of Prisons and to the Director and Deputy Director of the Office of Administration.
3.      Inspection by General Department of Prisons Officials. The General Department of Prisons will arrange for the ECCC Detention Facility to be inspected on an annual basis by General Department of Prisons Officials. Officials conducting such inspection are to submit a written report to the General Director of the General Department of Prisons and the Director and Deputy Director of the Office of Administration within three (3) working days of completing such inspections.
4.      Inspections by non-governmental organisations

- 4.1 Officials from non-governmental organisations which provide support services to detainees and detention administrators may inspect the ECCC Detention Facility with the prior authorisation of the Director and Deputy Director of the Office of Administration
- 4.2 Subject to Rule 9, paragraph 1, the process for obtaining authorisation is as follows:
- 4.2.1 The non-Governmental organisation wishing to inspect the ECCC Detention Facility is to submit a written request with the following information:
- the name of the non-governmental organisation making the request;
  - the name of the contact person/s in regard to the request;
  - the purpose of the inspection;
  - the names and functions of those who will inspect the ECCC Detention Facility;
  - an itinerary of date/s, time/s, duration/s and location/s of the inspections,
  - any special needs or requirements. For example, the need to interview or take photographs of the ECCC Detention Facility, specified detainees or detention personnel, the need to view specified records etc.;
  - any special time constraints on the request.
- 4.2.2 The Director and Deputy Director of the Office of Administration shall notify the non-governmental organisation in writing of the decision.
- 4.2.3 An authorisation to inspect the ECCC Detention Facility may be granted with special provisions, conditions and/or responsibilities, which will be stipulated as per the visits. Where such provision, conditions and responsibilities are stipulated, the non-governmental organisation shall respect those conditions.
- 4.2.4 If the non-governmental organisation feels that such provisions, or conditions are not fair or are restrictive it may request further discussions with the Director and Deputy Director of the Office of Administration.
- 4.2.5 If an authorisation is not granted and the non-governmental organisation considers that the explanation given is unwarranted or unfair, it may request further discussions with the General Director of the General Department of Prisons.
- 4.3. The provisions under 4.2 shall not apply to inspections by the ICRC, which shall be arranged directly by the Director and Deputy Director of the Office of Administration, in consultation with the Chief of Detention.



## 5. General Conditions

- 5.1 During an inspection detainees may make requests or complaints to those persons permitted to enter the ECCC Detention Facility for inspection. The detainee shall, without the Chief of Detention or any detention guard being within hearing, have the opportunity to talk to persons inspecting the ECCC Detention Facility. To ensure safety and security the detainee shall be kept in sight by a detention guard at all times.
- 5.2 If a detainee is to be interviewed, the detainee's consent shall be sought before the interview. The detainee may refuse an interview. The detainee may choose to be assisted by his or her defence team.
- 5.3 Inspection groups shall comply with the reasonable directions of the detention guards or officials.
- 5.4 At any time the Chief of Detention may advise or temporarily remove a person whom they consider is creating, or may create, a safety or security risk to themselves or others within the ECCC Detention Facility. In such cases the Chief of Detention shall immediately advise the Director and Deputy Director of the Office of Administration and shall submit a written report within seven (7) working days.

## 6. Cancellation or Amendment of Authorisation

- 6.1 An authorisation to inspect the ECCC Detention Facility shall expire on the date stated on the letter of authority issued by the Director and Deputy Director of the Office of Administration.
- 6.2 An authority may be cancelled, suspended or amended where the person or organisation have breached the original conditions of the authorisation.

## 7. Responsibilities

- 7.1 The responsibilities of the Chief of Detention are:
  - to assist persons authorised to inspect the ECCC Detention Facility;
  - to validate the identity of persons authorised to inspect the ECCC Detention Facility.
  - to comply with all protocols and levels of access authorised by the Director and Deputy Director of the Office of Administration.
- 7.2 The responsibilities of the detention guards are:
  - to respond promptly to any request for assistance from persons authorised to inspect the ECCC Detention Facility;
  - to comply with any relevant protocols;

- to maintain security of the ECCC Detention Facility and all detainees during the inspection.

**RULE 27****Routine**

1. No detainee will be required to undergo any part of routine or training that in the opinion of the ECCC Medical Unit would be detrimental to his or her health. No detainee will be engaged in routine or training within view of persons outside the ECCC Detention Facility.
2. The following routine is designed to be flexible so as to meet the needs for feeding, washing, visits, education, medical and other requirements for detainees apart from addressing the basic rights for convicted and unconvicted persons based on the United Nations minimum standards for detainees. The ECCC Detention Facility Routine is as follows:
  - Wake up time: 06.00 a.m. week days and 07.30 a.m. weekend
  - Lockup times; 06.00 p.m.
  - Meal times; 08.00 a.m., 12.00hrs and 17.00hrs
  - Medical visits; 06.30hrs every day and as required by the detainees
  - Visit days and times; as per Visiting Rule 8
  - Exercise times; minimum of 2 hours a day
3. The Chief of Detention will ensure that all detention guards clearly understand the Routine.

## **RULE 28     The Media**

1. Any request from the media for access to the ECCC Detention Facility or detainees is to be referred as soon as possible to the Director and Deputy Director of the Office of Administration, through the Chief of Detention. The General Director of the General Department of Prisons shall be consulted before any decision is made on such requests.
2. The Chief of Detention shall ensure that any detainee is only interviewed by the media after the agreement of, and subject to any conditions imposed by the Co-Investigating Judges or the Chambers, as appropriate, and only in the presence of their assigned defence team, or after having had an opportunity to consult with their defence team.
3. The media shall send a letter to the Director and Deputy Director of the Office of Administration stating the date and purpose of the visit. The Director and Deputy Director of the Office of Administration shall reply either granting or refusing permission. If permission is granted the letter may stipulate conditions of the visit such as time, people who can be interviewed and regulations for the use of cameras and video equipment.
4. The Chief of Detention may consider initiating disciplinary action in accordance with Rule 29 if a detention guard knowingly provides any information relating to the ECCC, the ECCC Detention Facility or detainee, or access to the ECCC Detention Facility or detainees, to a member of the media without prior approval from the Director and Deputy Director of the Office of Administration.
5. The Chief of Detention shall ensure that the media is not provided with any opportunity which will make it possible to identify a detainee in the media, unless the detainee, as well as the Co-Investigating Judges or the Chambers as appropriate have agreed beforehand to the detainee being interviewed and/or photographed or identified in any other way as a detainee.
6. The Chief of Detention shall ensure that any detainee is only interviewed by the media after agreement of the Co-Investigating Judges or the Chambers, as appropriate, and only in the presence of their assigned defence team, or after an opportunity to consult with their defence team.

**RULE 29****Discipline of detention guards**

1. All detention guards working in the ECCC Detention Facility are under the direct supervision and control of, and are directly responsible to the General Department of Prisons.
2. Detention guards shall perform their Detention duties to a standard which ensures the security of the Detention Facility and the safety and security of detainees, other detention guards, and visitors to the Detention facility.
3. Detention guards are subject to the declaration on the discipline of the National Police forces (Prakas 006 issued on the 26 November 1995) which includes the following articles:
  - 3.1 Obligation, morals and behaviour;
  - 3.2 Uniform requirements;
  - 3.3 Salutations;
  - 3.4 Working hours and requests for leave;
  - 3.5 Communication with superiors;
  - 3.6 Use of weapons;
  - 3.7 Giving orders and executing an order;
  - 3.8 Sanctions;
  - 3.9 Procedures for imposing a punishment;
  - 3.10 Form and amount of the punishment.
4. In addition to the articles contained in the declaration on the discipline of the National Police forces, detention guards shall not:
  - 4.1 Use ECCC Detention Facility property or detainees' property for private purposes without approval of the Chief of Detention;
  - 4.2 Deliberately make a false or misleading statement or report about another guard, official, detainee or other person;
  - 4.3 Deliberately damage, alter, misuse or remove any item of ECCC Detention Facility property;

- 4.4 Accept or demand money or items or purchase any item from a detainee or sell any item to a detainee, without the approval of the Chief of Detention;
- 4.5 Use harsh or abusive language when speaking to detainees, or threaten or humiliate detainees;
- 4.6 Discipline a detainee, without the approval of the Chief of Detention;
- 4.7 Talk about Detention security, operation or management with, or in the presence of detainees;
- 4.8 Keep any item confiscated from a detainee or visitor;
- 4.9 Leave unsecured, in any part of the Detention, any item or piece of equipment which may be used by detainees to disrupt the security and good order of the Detention;
- 4.10 Act in an irresponsible or negligent manner with ECCC Detention Facility property or with a detainee;
- 4.11 Fail to return any items of equipment issued to them in the course of their duties, or remove any key from the Detention Facility, or leave security keys unattended, or permit a detainee to have a key, or fail to immediately report the loss of any key;
- 4.12 Fail to report an incident or tell their Chief of Detention of any information obtained in the course of their duties, which may affect the security and good order of the Detention Facility;
- 4.13 Engage in any sexual activity with a detainee;
- 4.14 Fail to take reasonable action to prevent a detainee from committing an offence or breach of the Detention Facility Rules;
- 4.15 Be absent from their place of duty without the approval of the Chief of Detention;
- 4.16 Be further than five (5) metres away from detainees when escorting them outside the Detention Facility;
- 4.18 Provide a benefit to a detainee, unless approved by the Chief of Detention;
- 4.19 Due to negligence, corruption or intentional disregard of his or her duties, allow any detainee to escape from the Detention Facility or lawful custody;
- 4.20 Commit an act that violates the good order and security of the Detention Facility.

4.21 Demand money or other items from the visitors.

5. Where a breach of discipline is committed by a detention guard, the procedures stated in the declaration of the discipline of the National Police forces are to be followed.
6. Where the Chief of Detention imposes a punishment of a detention guard under the form of a warning or reprimand a written report is to be submitted to the General Director of the General Department of Prisons, with a copy to the Director and Deputy Director of the Office of Administration.
7. Where a detention guard is alleged to have committed a breach of discipline or of the Detention Facility Rules for which punishment is other than a warning or reprimand, the Chief of Detention is to submit a written report detailing the circumstances to the General Director of the General Department of Prisons, with a copy to the Director and Deputy Director of the Office of Administration.
8. Breaches of discipline that may be subject to court prosecution will be referred in writing to the General Director of the General Department of Prisons for further action, with a copy to the Director and Deputy Director of the Office of Administration.
9. Where a detention guard is alleged to have committed a breach of discipline for which the punishment is other than a warning or a reprimand, the Chief of Detention shall decide whether the detention guard may continue to work at his or her normal place of work or be given other work until further notice.
10. Detention guards who are found guilty of a breach of discipline for which the punishment is other than a warning or reprimand, and who are not referred to court, shall be disciplined as directed by the General Director of the General Department of Prisons. The Director and Deputy Director of the Office of Administration shall be notified of such decisions.

## **RULE 30 Telephones Calls**

1. The Chief of Detention may, in consultation with the Co-Investigating Judges or the Chambers, as appropriate, and the Director and Deputy Director of the Office of the Administration of the ECCC, place such restrictions upon the time that a detainee may spend on any one telephone call as are reasonable for the good order of the detention unit.
2. All persons seeking to make or receive calls from detainees shall be pre-approved by the Co-Investigating Judges or the Chambers, as appropriate. The Chief of Detention shall keep a list of persons so authorised and repeat phone calls shall be allowed without further reference to the Co-Investigating Judges or Chambers, subject to further judicial order. The Co-Investigating Judges or the Chambers, as appropriate, shall be informed of such calls, on a monthly basis.
3. All incoming calls for a detainee shall be received by the Chief of Detention. Details of the call, including the name and contact telephone number of the caller and the time and date of the call shall be noted by the Chief of Detention and the call passed to the detainee. The Chief of Detention may, at his sole discretion, permit a detainee to receive an incoming call in an emergency.
4. Outgoing calls may be made by a detainee, on request to the Chief of Detention between 08.30 a.m. – 16.00 p.m., subject to the reasonable demands of the schedule of the detention facility. In exceptional circumstances, the Chief of Detention, at his sole discretion, may permit a detainee to make calls outside these times, unless the calls of the detainee are being monitored by order of the co-investigating judge or the chamber as appropriate in accordance with paragraph 7 of these Rules.
5. The cost of outgoing calls shall be borne by the detainee or, in case of an indigent detainee, upon confirmation from the Director/Deputy Director of the Office of Administration, by the office of Administration. The Director and Deputy Director, in consultation with the Defence Support Section, may impose reasonable limits on the number and duration of calls made by any indigent detainee. An indigent detainee may at any time request the Co-Investigating Judges or the Chambers, as appropriate, to vary any such restrictions.
6. If the Chief of Detention believes that he has reasonable grounds for intervention, he may immediately terminate a call and advise the detainee of his reasons for so doing. The Chief of Detention shall also report the matter to the Co-Investigating Judges or the Chambers, as appropriate, and the Director and Deputy Director of the Office of Administration.
7. Telephone conversations will not be recorded or monitored unless the



the Co-Investigating Judges or the Chambers, as appropriate, have reasonable grounds for believing that the detainee may be attempting to arrange escape, interfere with or intimidate a witness, make unauthorized media contact or otherwise disturb the proper conduct of the proceeding and/or otherwise disturb the maintenance of good order in the Detention Facility.

8. In such cases, the Co-Investigating Judges or the Chambers, as appropriate, may order all telephone calls to and from the detainee, other than with his or her assigned defence team, to be monitored for a period not exceeding one month. The detainee shall be notified of the Co-Investigating Judges or the Chambers' order, as appropriate, within twenty-four hours.
9. The detainee may at any time request the Pre-Trial Chamber to reverse any such decision by the Co-Investigating Judges or the Chambers.
10. A log of all such calls shall be kept by the Chief of Detention, with details of the name of the detainee, the number called the name of the other party if known, the reason for monitoring and the date on which the Co-Investigating Judges or the Chambers, as appropriate, made the relevant order. A copy of each entry shall be given to the detainee in a language he understands.
11. Details of all monitored calls shall be forwarded to the Co-Investigating Judges or the Chambers, as appropriate, within twenty-four hours, who shall make a determination whether to listen to, or have transcribed and read, each individual recorded call.
12. If, having reviewed a call, the Chief of Detention, Co-Investigating Judges or the Chambers, as appropriate, determine that there has been no breach of these Rules and the call does not provide any other reason for further action, the tape recording of the call shall be erased within forty-eight hours.
13. If the Chief of Detention, Co-Investigating Judges or the Chambers, appropriate, find there to have been a breach of these Rules or of an Order of the court, the offending call will be transcribed by the ECCC Office of Administration and, where necessary, translated into one of the working languages of the Tribunal. The Chief of Detention may notify the Director and Deputy Director of the Office of Administration and, if deemed necessary, the General Director of the General Department of Prisons of the nature of the breach.

**Hereby signed into force** the Rules Governing the Detention of Persons Awaiting Trial or Appeal before the Extraordinary Chambers in the Courts of Cambodia.

signed

17 December 2008

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H.E Lieutenant General Heng Hak  
General Director of the General Department of Prisons  
Ministry of Interior

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(Date)

*Seen and acknowledged the roles of ECCC as provided in the Rules Governing the Detention of Persons Awaiting Trial or Appeal before the Extraordinary Chambers in the Courts of Cambodia.*

Signed

17 December 2008

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H.E Mr. Tony Kranh  
Officer in Charge of the Office of Administration  
Extraordinary Chambers in the Courts of Cambodia

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(Date)