

UNITED NATIONS DETENTION UNIT
REGULATIONS FOR THE ESTABLISHMENT OF A COMPLAINTS PROCEDURE
FOR DETAINEES
(ISSUED APRIL 1995)
(IT/96)

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Issued by the Registrar
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Regulations for the Establishment of a Complaints Procedure for Detainees

Issued by the Registrar pursuant to Rules 84 - 88 of the Rules Governing the Detention of Persons Awaiting Trial or Appeal before the Tribunal or otherwise Detained on the Authority of the Tribunal ("Rules of Detention").

Complaints Procedure

1. A detainee may make an oral or written complaint or request concerning the conditions of his detention direct to the Commanding Officer or his representative at any time. A daily log shall be kept of all such complaints and of the action taken in respect thereof.
2. If, in the opinion of the Commanding Officer, the complaint is justified and it is within the power of the Commanding Officer to rectify the matter complained of, the Commanding Officer shall advise the detainee accordingly and shall take action to rectify the matter as soon as practicable.
3. If, in the opinion of the Commanding Officer, the complaint is justified but the power to rectify it does not lie with the Commanding Officer or the Commanding Officer does not believe the complaint is justified, the Commanding Officer shall advise the detainee accordingly. The detainee may then make a formal complaint to the Registrar in accordance with these Regulations.
4. A detainee may make a formal complaint concerning the conditions of his detention, including an alleged breach of the Rules of Detention or of any Regulations adopted thereunder, to the Registrar at any time, whether or not such complaint has already been raised with the Commanding Officer, provided that not more than two weeks have elapsed since the incident complained of. The complaint shall not be read or censored by the staff of the prison unit and shall be passed to the Registrar without delay.
5. Counsel for the detainee may assist the detainee in connection with any formal complaint.
6. The Registrar shall acknowledge receipt of all formal complaints within twenty-four hours of receipt.
7. The Registrar shall examine the substance of the complaint and determine whether it should be dealt with by the Registrar, being a complaint about an administrative matter or a matter of general concern, or whether it relates to an alleged breach of the rights of the individual detainee, in which case it shall be referred to the President for consideration. The Registrar shall, in any event, forward a copy of each and every complaint to the President. The Registrar shall advise the detainee of his decision and shall inform the detainee of the time-frame, being not more than two weeks, in which he may expect determination of the complaint. If the detainee is not satisfied with the Registrar's classification of the matter, he may, within one week of receipt of the Registrar's determination, request the Registrar to put the matter to the President for a final decision as to who should handle the complaint.
8. The Registrar or the President shall investigate the complaint promptly and efficiently and shall seek the views of all relevant persons or bodies, including the Commanding Officer. The detainee shall be permitted to communicate freely and without censorship on the matter with the Registrar during this period and the Registrar shall, where appropriate, pass all such communications to the President without delay.

9. The Registrar shall respond to the complaint on his own behalf or on behalf of the President within one week of receipt where possible and, in any event, not more than two weeks from receipt. If the complaint is justified, action to rectify it shall be taken within that two-week period if possible and the detainee advised accordingly. If the complaint is justified but will take longer than two weeks to rectify, the Registrar shall notify both the detainee and the President and shall keep them informed, on a weekly basis, of the action that is being taken.

10. If the complaint is found to be justified and is capable of rectification, the Registrar shall implement such rectification as soon as practicable. Rectification may include cancellation, reversal or revision of a previous decision relating to the conditions of detention of the detainee. If the complaint is found to be justified but is not susceptible to practical rectification, the Registrar may, in consultation with the President, take whatever action he sees fit and is empowered to exercise.

11. If the Registrar or the President finds the complaint to be unfounded, the Registrar shall notify the detainee in writing, giving reasons for rejection of the complaint.

12. Rejection of a complaint by the Registrar or the President does not bar the detainee from raising such complaint again. In such cases, the Registrar, in consultation with the President, may reject the complaint without further enquiry if it reveals no additional matters not already considered.

13. In addition to the above, a detainee may, at any time during an inspection of the detention unit by inspectors appointed by the Tribunal, raise a complaint concerning the conditions of his detention with the inspectors and shall be entitled to talk with such inspectors out of the sight and hearing of the staff of the detention unit.