

**UNITED NATIONS DETENTION UNIT
REGULATIONS TO GOVERN THE SUPERVISION OF VISITS TO
AND COMMUNICATIONS WITH DETAINEES**

**(AS AMENDED JUNE 1995)
(AS AMENDED JANUARY 1997)
(AS AMENDED SEPTEMBER 1997)
(AS AMENDED NOVEMBER 1997)
(AS AMENDED JULY 1999)
(AS AMENDED AUGUST 2009)**

(IT/98/REV. 4)

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Issued by the Registrar

April 1995

Amended June 1995

Amended January 1997

Amended September 1997

Amended November 1997

Amended July 1999

Amended August 2009

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PREAMBLE

Issued by the Registrar of the Tribunal and the Commanding Officer pursuant to Rules 59 and 61 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").

These Regulations are subject to the provisions of the Rules of Detention of the Tribunal and, where applicable, to its Rules of Procedure and Evidence. In particular, the rights of a detainee in respect of visits or communications are subject to any order prohibiting contact between the detainee and any other person made pursuant to Rule 64 or Rule 64 *bis* of the Rules of Detention.

MAIL

Regulation 1

A detainee has the right to send and receive mail to or from any person, subject to the following Regulations.

Regulation 2

All mail entering or leaving the detention unit shall be inspected for explosives or irregular material by using X-ray and metal and explosives detectors.

Regulation 3

Incoming mail will be inspected on delivery to both the host prison and to the United Nations Detention Unit ("detention unit").

Regulation 4

- (A) The Commanding Officer may confiscate any item which, in his opinion, constitutes a threat to:
- (i) the security or good order of the detention unit or the host prison; or
 - (ii) the health or safety of any person therein.
- (B) Any such item confiscated by the Commanding Officer shall be retained or disposed of in accordance with Rule 14 of the Rules of Detention.

Regulation 5

- (A) Materials for outgoing mail, including postage, shall be for the cost of the detainee or, in the case of a detainee who lacks financial means as determined by the Registrar, shall be provided upon confirmation from the Registrar that such costs shall be borne by the Tribunal.
- (B) The Registrar may impose reasonable limits on the amount and weight of correspondence sent by any detainee who lacks financial means as determined by the Registrar.
- (C) A detainee who lacks financial means as determined by the Registrar may at any time request the President to vary any such restrictions imposed by the Registrar.

Regulation 6

- (A) All incoming and outgoing mail shall be subject to review by the Registrar, or a person authorised by him, other than items addressed to or sent by:
 - (i) counsel for the detainee;
 - (ii) the Tribunal;
 - (iii) the Inspecting Authority under Rule 6(A) of the Rules of Detention; or
 - (iv) the diplomatic or consular representative accredited to the Host State of the State to which the detainee belongs or which takes charge of his interests.
- (B) A log of all mail shall be kept by the Commanding Officer, with details (if known) of the name of the addressee, the name of the sender, the date of transmission and receipt and any other relevant information.

Regulation 7 – [deleted August 2009]

Regulation 8

- (A) The Registrar, or a person authorised by him, shall, within twenty-four hours of receipt, open and read, or have read, each item of mail.
- (B) Items of opened mail shall be delivered to the detainee or posted to the addressee immediately thereafter and the detainee informed accordingly unless the item:
 - (i) is in breach of:
 - (a) the Rules of Detention;
 - (b) these Regulations; or
 - (c) an order of the Tribunal; or
 - (ii) gives reasonable grounds to the Registrar, or a person authorised by him, to believe that the detainee may be attempting to:
 - (a) arrange escape;
 - (b) interfere with or intimidate a witness;
 - (c) interfere with the administration of justice; or
 - (d) otherwise disturb the maintenance of security and good order in the detention unit.

Regulation 9

- (A) If the Registrar, or a person authorised by him, finds there to have been a breach of the Rules of Detention, these Regulations or an order of the Tribunal, an offending item of:

- (i) outgoing mail shall be returned to the detainee together with a note from the Registrar, in a language the detainee understands, giving the reasons for refusal to post the offending item; and
 - (ii) incoming mail shall, in the sole discretion of the Registrar, either be returned to the sender or retained by the Registrar and the detainee shall be informed accordingly.
- (B) Detainees shall be given the opportunity to rewrite items of outgoing mail omitting the offending part.
- (C) A copy shall be kept by the Registrar of all offending items and any offending enclosure may be confiscated.
- (D) The Registrar may also notify the Prosecutor and, if deemed necessary, the Dutch authorities of the breach and of the nature of the offending item.

Regulation 10

A detainee may at any time request the President to reverse any decision taken under Regulation 9(A).

Regulation 11

- (A) Correspondence addressed to or from counsel for the detainee shall not be interfered with in any manner unless the Commanding Officer or the Registrar has reasonable grounds for believing that this facility is being abused in an attempt to:
- (i) arrange escape;
 - (ii) interfere with or intimidate a witness;
 - (iii) interfere with the administration of justice; or
 - (iv) otherwise disturb the maintenance of security and good order in the detention unit.
- (B) In any such case, the Commanding Officer shall immediately forward the item in question to the Registrar, unopened, and shall enter details of the interception in the log referred to above and notify the detainee accordingly.
- (C) The Registrar shall contact the counsel to whom the item is addressed or by whom it was sent and request counsel to open the item in his presence.
- (D) Counsel may be required to explain to the Registrar, in one of the working languages of the Tribunal, the nature of the item and to hand over any offending item or enclosure.

Regulation 12

- (A) Any item which is copied or confiscated under Regulation 9(C) shall be retained by the Registrar.
- (B) Such items shall not be handed over to the Prosecutor as evidence of contempt of the Tribunal pursuant to Rule 77(A) of the Rules of Procedure and Evidence without prior notice and disclosure to counsel for the detainee.

Regulation 13

A detainee whose mail has been intercepted or confiscated may make a formal complaint in accordance with the procedures in Rules 80 to 84 of the Rules of Detention (“Complaints Procedure”).

Regulation 14

- (A) A detainee may receive parcels which will also be inspected in accordance with these Regulations.

- (B) Limits may be imposed by the Registrar as to the quantity and weight of parcels received.
- (C) Parcels containing items that, in the sole discretion of the Commanding Officer, pose a threat to safety or to the maintenance of security and good order in the detention unit shall be confiscated and their contents retained or disposed of in accordance with Rule 14 of the Rules of Detention and the detainee informed accordingly.

TELEPHONE CALLS

Regulation 15

The Commanding Officer may, in consultation with the Registrar, 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.

Regulation 16

- (A) All incoming calls for a detainee shall be received by the Commanding Officer or a member of the staff of the detention unit. 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 Commanding Officer or member of staff and passed to the detainee.
- (B) The Commanding Officer may, at his sole discretion, permit a detainee to receive an incoming call in an emergency.

Regulation 17

- (A) Outgoing calls may be made by a detainee, on request to the Commanding Officer, at any time from 9 a.m. to 5 p.m. on working days, subject to the reasonable demands of the daily schedule of the detention unit.
- (B) In exceptional circumstances, the Commanding Officer, 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 Registrar made in accordance with Regulation 21.

Regulation 18

- (A) Outgoing calls shall be for the expense of the detainee or, in the case of a detainee who lacks financial means as determined by the Registrar, upon confirmation from the Registrar that such costs shall be borne by the Tribunal.
- (B) The Registrar may impose reasonable limits on the number and duration of calls made by any detainee who lacks financial means as determined by the Registrar.
- (C) A detainee who lacks financial means as determined by the Registrar may at any time request the President to vary any such restrictions imposed by the Registrar.

Regulation 19

If the Commanding Officer 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 Commanding Officer shall also report the matter to the Registrar.

Regulation 20

The Registrar may order that telephone conversations be recorded or monitored:

- (A) to ensure the detainee does not attempt to:
 - (i) arrange escape;
 - (ii) interfere with or intimidate a witness;
 - (iii) interfere with the administration of justice; or
 - (iv) otherwise disturb the maintenance of security and good order in the detention unit; or
- (B) if an order for non-disclosure has been made by a Judge or a Chamber pursuant to the Rules of Procedure and Evidence.

Regulation 21

- (A) If one of the situations listed in Regulation 20 arises, the Registrar may order all telephone calls to and from that detainee, other than with counsel and diplomatic representatives, to be recorded or monitored for a period not exceeding thirty days.
- (B) Renewals of the period, which shall not exceed thirty days, shall be reported to the President.
- (C) The detainee and his counsel shall be notified of the Registrar's decision within twenty-four hours.

Regulation 22

The detainee may at any time request the President to reverse any decision of the Registrar taken under Regulation 21.

Regulation 23

- (A) A log of all recorded or monitored calls shall be kept by the Commanding Officer, with details of the name of the detainee, the number called, the name of the other party if known, the reason for recording or monitoring and the date on which the Registrar made the relevant order.
- (B) A copy of each entry shall be given to the detainee in a language he understands.

Regulation 24

Details of all recorded or monitored calls shall be reviewed by the Commanding Officer within five working days, who shall then make a determination whether to listen to, or have transcribed and read, each individual recorded call.

Regulation 25

If, having reviewed a call, the Registrar, or a person authorised by him, determines that there has been no breach of the Rules of Detention, these Regulations or an order of the Tribunal and the call does not provide any other reason for further action, the recording of the call shall be erased within forty-eight hours.

Regulation 26

- (A) If the Registrar finds there to have been a breach of the Rules of Detention, these Regulations or an order of the Tribunal, the offending call will be transcribed by the Registry and, where necessary, translated

into one of the working languages of the Tribunal.

- (B) The Registrar may notify the Prosecutor, and, if deemed necessary, the Dutch authorities of the nature of the breach.

Regulation 27

- (A) Any offending call which is transcribed shall be retained by the Registrar.
- (B) Such transcriptions shall not be handed over to the Prosecutor as evidence of contempt of the Tribunal pursuant to Rule 77(A) of the Rules of Procedure and Evidence without prior notice and disclosure to counsel for the detainee.

Regulation 28

A detainee whose calls have been monitored may make a formal complaint in accordance with the Complaints Procedure.

VISITS

Regulation 29

The Commanding Officer shall, in consultation with the Registrar, fix the daily visiting hours for all visitors, taking into account the reasonable demands of the daily schedule of the detention unit and the facilities and staff available.

Regulation 30

- (A) Subject to the regulations below, counsel may make arrangements by telephone with the Commanding Officer to visit a detainee from Monday through Friday from 9 a.m. to 5 p.m.
- (B) A detainee may request a visit from his counsel outside these hours or at the weekend. Such a request shall be granted at the sole discretion of the Commanding Officer.

Regulation 31

- (A) The Registrar shall automatically issue defence counsel with a written regular permit as soon as such counsel is entered on the record or assigned by the Tribunal.
- (B) The Registrar may issue permits to counsel for one-time visits prior to the initial appearance of the detainee based on a written request from the detainee, identifying the counsel in question.

Regulation 32

- (A) All visitors, other than counsel or a representative of the Tribunal, shall first apply to the Registrar for permission to visit a named detainee.
- (B) Other than in exceptional circumstances, permission shall be applied for in writing in one of the working languages of the Tribunal not later than ten working days prior to the day a visit is requested.

Regulation 33

- (A) Permission shall be granted for such visits unless the Registrar or the Commanding Officer has reasonable grounds for believing that the detainee may be attempting to:
 - (i) arrange escape;
 - (ii) interfere with or intimidate a witness;
 - (iii) interfere with the administration of justice; or
 - (iv) otherwise disturb the maintenance of security and good order in the detention unit.
- (B) Permission may be denied if the Registrar has reason to believe that the purpose of the visit is to obtain information which may be subsequently reported in the media.
- (C) Where permission has been granted, the Registrar shall issue the visitor with a written permit for a one-time visit. At his discretion, the Registrar may issue a visitor with a written permit for regular visits.
- (D) The Commanding Officer shall be given a copy of all permits issued.

Regulation 34

Both the detainee and the visitor shall be notified in writing, by the Registrar, of any request for permission to visit which is denied, giving reasons for such refusal.

Regulation 35

The detainee may request the President to reverse any decision of the Registrar taken under paragraphs (A) and (B) of Regulation 33.

Regulation 36

The detainee must be informed of the identity of each visitor and may refuse to see any visitor other than a representative of the Registrar or a representative of the Prosecutor.

Regulation 37

The written permission of the Registrar, together with some official identification bearing a current photograph, must be produced by all visitors in order to gain access to the premises of the host prison and of the detention unit.

Regulation 38

All persons, including counsel and diplomatic representatives, are subject to the security requirements of the host prison, including personal searches of clothing and X-ray examination of possessions on entry, pursuant to the Agreement on Security and Order.

Regulation 39

- (A) All persons, including counsel and diplomatic representatives, are also subject to personal searches of clothing, X-ray examination of possessions and other security measures as determined by the Commanding Officer, on entry to the United Nations detention unit.
- (B) Searches of counsel shall not extend to reading or copying documents brought to the detention unit by

counsel.

Regulation 40

- (A) No visitor, other than counsel, may pass any item to a detainee during a visit.
- (B) Any items intended for a detainee must be handed to the staff of the detention unit on entry and shall be dealt with as provided for in Rules 75 and 76 of the Rules of Detention.

Regulation 41

- (A) Counsel may pass documents to and from a detainee during a visit. Any quantity of documents which is too large to be physically passed over by counsel to the detainee at the visiting facility shall be handed to the Commanding Officer who shall pass them unopened and unread to the detainee.
- (B) All documents passed to and from a detainee in this manner shall be treated as mail for the purposes of these regulations and, in particular, Regulation 11 concerning incoming mail shall apply.

Regulation 42

- (A) If the Commanding Officer believes that he has reasonable grounds for intervention, or that these Regulations are being breached in any way, he may immediately terminate the visit and advise the detainee and the visitor of his reasons for so doing.
- (B) The visitor may be required to leave the detention unit and the Commanding Officer shall report the matter to the Registrar.
- (C) This provision applies equally to visits by counsel.

Regulation 43

- (A) All visits shall be conducted within the sight of the staff of the detention unit, save in exceptional circumstances and at the discretion of the Commanding Officer in consultation with the Registrar.
- (B) The Registrar may order that discussions between the detainee and the visitor be recorded or monitored:
 - (i) to ensure the detainee does not attempt to:
 - (a) arrange escape;
 - (b) interfere with or intimidate a witness;
 - (c) interfere with the administration of justice; or
 - (d) otherwise disturb the maintenance of security and good order in the detention unit; or
 - (ii) if an order for non-disclosure has been made by a Judge or a Chamber pursuant to the Rules of Procedure and Evidence.

Regulation 44

- (A) If one of the situations listed in Regulation 43(B) arises, the Registrar may, at the request of the Commanding Officer or otherwise, order that all visits to that detainee, other than by counsel and diplomatic representatives, be recorded for a period not exceeding seven days.
- (B) Renewal of the period, which shall not exceed seven days, shall be reported to the President.

- (C) The detainee and his counsel shall be notified of the request and of the Registrar's decision within twenty-four hours.

Regulation 45

The detainee may at any time request the President to reverse any decision of the Registrar taken under Regulation 44.

Regulation 46

- (A) A log of all recorded and monitored visits shall be kept by the Commanding Officer, with details of the name of the detainee, the name and address of the visitor, the reason for recording or monitoring the visit and the date on which the Registrar made the relevant order.
- (B) A copy of each entry shall be given to the detainee in a language he understands.

Regulation 47

Details of all recorded visits shall be reviewed by the Commanding Officer within five working days, who shall then make a determination whether to listen to, or have transcribed and read, each individual recorded visit.

Regulation 48

If, having reviewed a recorded visit, the Registrar, or a person authorised by him, determines that there has been no breach of the Rules of Detention, these Regulations or an order of the Tribunal and the recorded visit does not provide any other reason for further action, the recording of the recorded visit shall be erased within forty-eight hours.

Regulation 49

- (A) If the Registrar finds there to have been a breach of the Rules of Detention, these Regulations or an order of the Tribunal, the offending conversation will be transcribed by the Registry and, where necessary, translated into one of the working languages of the Tribunal.
- (B) The Registrar may notify the Prosecutor and, if deemed necessary, the Dutch authorities of the nature of the breach.

Regulation 50

- (A) Any conversation which is transcribed under Regulation 49 shall be retained by the Registrar.
- (B) Such transcriptions shall not be handed over to the Prosecutor as evidence of contempt of the Tribunal pursuant to Rule 77(A) of the Rules of Procedure and Evidence without prior notice and disclosure to counsel for the defence.

Regulation 51

A detainee whose visits have been recorded or monitored by order of the Registrar may make a formal complaint in accordance with the Complaints Procedure.