

**RULES GOVERNING THE DETENTION OF PERSONS AWAITING TRIAL OR APPEAL  
BEFORE THE MECHANISM OR OTHERWISE DETAINED ON THE AUTHORITY OF  
THE MECHANISM**

**(ADOPTED ON 5 NOVEMBER 2018)**

**PREAMBLE**

The purpose of these Rules of Detention is to govern the administration of the Detention Units for persons detained in the Detention Units awaiting trial or appeal before the Mechanism or otherwise detained on the authority of the Mechanism, and to ensure the continued application and protection of their individual rights while in detention.

These Rules of Detention draw from the International Criminal Tribunal for Rwanda's Rules Covering the Detention of Persons awaiting Trial or Appeal before the Tribunal or otherwise Detained on the Authority of the Tribunal, adopted on 9 January 1996, and the International Criminal Tribunal for the former Yugoslavia's Rules Governing the Detention of Persons awaiting Trial or Appeal before the Tribunal or otherwise Detained on the Authority of the Tribunal, as last amended on 24 November 2016, and from the practice of each Tribunal in managing the detention of individuals detained under its authority.

These Rules of Detention are guided by the overriding principles of humanity and respect for human dignity. The Rules of Detention are based on international human rights law and internationally-accepted principles and standards for the treatment of persons deprived of their liberty, as embodied in such instruments as the Mandela Rules, the Body of Principles for the Protection of all Persons Under any Form of Detention or Imprisonment, and the Basic Principles for the Treatment of Prisoners.

In particular, these Rules of Detention are intended to regulate, in general terms, the rights and obligations of Detainees at all stages from admission to discharge and to provide the basic criteria for management of the Detention Units.

**GENERAL PROVISIONS**

**Entry Into Force**

**Rule 1**

These Rules, having been adopted by the President on 5 November 2018, shall enter into force on 5 December 2018.

## Definitions

### Rule 2

1. For the purposes of these Rules of Detention, the following terms shall mean:

<b>Basic Principles for the Treatment of Prisoners</b>	The Basic Principles for the Treatment of Prisoners, affirmed by United Nations General Assembly resolution 45/111 of 14 December 1990
<b>Body of Principles for the Protection of all Persons Under any Form of Detention or Imprisonment</b>	The Body of Principles for the Protection of all Persons Under any Form of Detention or Imprisonment, approved by United Nations General Assembly resolution 47/173 of 9 December 1988
<b>Chamber</b>	A Chamber of the Mechanism, or a Single Judge, in accordance with Article 12 of the Statute
<b>Commanding Officer</b>	The official of the United Nations appointed as head of the staff responsible for the administration of each Detention Unit or any person authorized by him or her or acting under his or her direction
<b>Designated Official</b>	An official of the United Nations authorized by the President, Prosecutor or Registrar of the Mechanism to undertake specific responsibilities
<b>Detainee</b>	Any person detained in the Detention Unit awaiting trial or appeal before the Mechanism or otherwise detained on the authority of the Mechanism
<b>Detention Unit</b>	The unit within the grounds of each Host Prison where Detainees are held
<b>Full body search</b>	A body search involving the removal or moving of clothing
<b>Host Prison Director</b>	The head of the Host Prison appointed by the authorities of the Host State
<b>Headquarters Agreement</b>	Agreement between the United Nations and the United Republic of Tanzania concerning the Headquarters of the International Residual Mechanism for Criminal Tribunals, 26 November 2013 or Agreement between the United Nations and the Kingdom of the Netherlands concerning the Headquarters of the International Residual Mechanism for Criminal Tribunals, 1 September 2016
<b>Host Prison</b>	The penitentiary complex maintained by the authorities of each Host State in Arusha and The Hague within which the Detention Units are located
<b>Host State</b>	The United Republic of Tanzania or the Kingdom of The Netherlands
<b>Independent</b>	The authority appointed by the President to conduct independent inspections

<b>Monitoring Body</b>	of each Detention Unit
<b>Judge</b>	A Judge of the Mechanism elected or appointed pursuant to Article 10 of the Statute
<b>Legal Representative</b>	Any person who: (a) has been appointed or assigned to represent or advise a Detainee in trial or appeal proceedings before the Mechanism; (b) has been appointed or assigned to represent or advise the Detainee in post-conviction proceedings before the Mechanism; or (c) has been engaged by the Detainee to advise or represent him or her in legal matters other than those before the Mechanism
<b>Mandela Rules</b>	The United Nations Standard Minimum Rules for the Treatment of Prisoners, adopted by United Nations General Assembly resolution 70/175 of 17 December 2015
<b>Mechanism</b>	The International Residual Mechanism for Criminal Tribunals, established by United Nations Security Council resolution 1966 of 22 December 2010
<b>Medical Officer</b>	The medical officer or deputy medical officer at each Detention Unit responsible for the management of the health care of Detainees in that Detention Unit
<b>President</b>	The President of the Mechanism appointed pursuant to Article 11 of the Statute or an authorized Designated Official
<b>Prosecutor</b>	The Prosecutor of the Mechanism appointed pursuant to Article 14 of the Statute, or an authorized Designated Official
<b>Registrar</b>	The Registrar of the Mechanism appointed pursuant to Article 15 of the Statute, or an authorized Designated Official
<b>Registry</b>	The organ of the Mechanism responsible for the administration and servicing of the Mechanism pursuant to Article 15 of the Statute
<b>Regulations</b>	Regulations issued pursuant to these Rules, or regulations applying <i>mutatis mutandis</i> pursuant to an express statement by the President or the Registrar
<b>Rub down body search</b>	A body search which does not involve the removal of clothing
<b>Rules of Procedure and Evidence</b>	The Rules of Procedure and Evidence of the Mechanism, adopted on 8 June 2012, and as subsequently amended
<b>Rules of Detention</b>	Rules Governing the Detention of Persons Awaiting Trial or Appeal Before the Mechanism or Otherwise Detained on the Authority of the Mechanism
<b>Staff of the Detention Unit</b>	Staff employed by or seconded to the United Nations to operate each Detention Unit

<b>Statute</b>	The Statute of the Mechanism annexed to United Nations Security Council resolution 1966 of 22 December 2010, and as subsequently amended
<b>Tribunal</b>	The International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan citizens responsible for Genocide and other such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994, established by United Nations Security Council resolution 955 of 8 November 1994, or the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991, established by United Nations Security Council resolution 827 of 25 May 1993

2. Any reference to “Rules” is a reference to these Rules of Detention unless otherwise stated.

### **Amendment of the Rules**

#### **Rule 3**

Proposals for amendment of the Rules may be made by a Judge, the Prosecutor, the Registrar or an association of counsel practicing at the Mechanism recognised by the Registrar. Consultations with other organizations may take place, as appropriate. The proposed amendment of the Rules shall be adopted by the President at his or her discretion.

### **Authentic Texts**

#### **Rule 4**

The English and French texts of the Rules shall be equally authentic. In case of discrepancy, the version that is more consonant with the spirit of the Statute and the Rules of Procedure and Evidence shall prevail.

### **Interpretation**

#### **Rule 5**

Where any doubt arises in relation to the interpretation of a provision of these Rules that cannot be resolved by reference to the Statute or the Rules of Procedure and Evidence, the relevant provision shall be interpreted in accordance with international human rights law and internationally-accepted principles and standards for the treatment of persons deprived of their liberty, as embodied in such instruments as the Mandela Rules, the Body of Principles for the Protection of all Persons Under any Form of Detention or Imprisonment, and the Basic Principles for the Treatment of Prisoners.

### **Application**

#### **Rule 6**

1. These Rules are to be applied in conjunction with the relevant provisions of the Statute, the Rules of Procedure and Evidence, the Headquarters Agreement, as applicable at the respective branch of

the Mechanism, and any other agreements between the United Nations or the Mechanism and the Host State relating to detention management.

2. These Rules shall continue to apply, where relevant, to Detainees at all times they are detained on the authority of the Mechanism and remain in its custody, even when temporarily physically absent from the Detention Unit.

### **Accessibility**

#### **Rule 7**

1. These Rules and any Regulations in force shall be made readily available to each Detainee in a language he or she understands and in the language of the Host State.

2. These Rules and any Regulations in force shall be made readily available to the Staff of the Detention Unit in the working languages of the Mechanism and in the language of the Host State.

3. Any rules or regulations of the Host Prison that are applicable to Detainees pursuant to Rule 13(3), shall be made available to the Detainees in a language they understand. These rules or regulations shall also be made available to the Staff of the Detention Unit in the working languages of the Mechanism.

### **Regulations**

#### **Rule 8**

Following consultation with the President, the Registrar may issue or adopt Regulations in order to provide additional guidance or direction on any matter covered in these Rules.

## **BASIC PRINCIPLES ON THE TREATMENT OF DETAINEES**

#### **Rule 9**

All Detainees, other than those who have been convicted by the Mechanism or the Tribunal, are presumed to be innocent.

#### **Rule 10**

1. All Detainees shall be treated with humanity and with respect for the inherent dignity of the human person.

2. No Detainee shall be subjected to, and all Detainees shall be protected from, torture and other cruel, inhuman, or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification.

#### **Rule 11**

1. There shall be no discrimination against Detainees on the grounds of race, ethnicity, nationality, colour, sex, age, language, religion, political or other opinion, national or social origin, gender identity or expression, sexual orientation, class or economic status, the type of offence alleged to

have been committed or committed by the Detainee, mental or physical health, physical, mental or sensory disability, or any other status or condition.

2. In order for the principle of non-discrimination to be effectively put into practice, the individual needs of Detainees, particularly the most vulnerable, shall be taken into account. Measures designed and implemented exclusively in order to protect and promote the rights of vulnerable Detainees with special needs and to ensure that they enjoy the same privileges as other categories of the Detainee population shall not be deemed to be discriminatory.

### **Rule 12**

The detention regime and the application of these Rules shall not unnecessarily aggravate the suffering inherent in deprivation of liberty and separation from the public at large.

## **MANAGEMENT OF THE DETENTION UNIT**

### **Responsibility for Detainees and Detention Facilities**

#### **Rule 13**

1. The Mechanism shall retain ultimate responsibility for all aspects of detention pursuant to the Rules.

2. Under the authority of the Registrar, the Commanding Officer shall be responsible for all aspects of the daily management of the Detention Unit, including the health and safety of all persons present in the Detention Unit, and may make all decisions relating thereto, except where otherwise provided in the Rules. The Commanding Officer may issue instructions to govern any aspect of the management of the Detention Unit.

3. Any rules or regulations of the Host Prison shall be applicable to Detainees only where specifically provided for in these Rules or in the Regulations in force, or in agreements concluded between the United Nations or the Mechanism and the Host State.

### **Internal and External Inspections**

#### **Rule 14**

1. The President may, at any time, appoint a Judge, the Registrar or an independent person or body to inspect the Detention Unit and to report to the President on the implementation of these Rules or of any particular aspect thereof to ensure that the Detention Unit is managed in accordance with the Rules and that the rights of Detainees are protected.

2. The President will consider and act upon the reports and the recommendations contained therein as appropriate, in consultation with the Registrar and, where necessary, the relevant authorities of the Host State.

## **Rule 15**

1. The President shall appoint an Independent Monitoring Body.
2. The Independent Monitoring Body shall conduct regular and unannounced inspections of the Detention Unit in order to inspect and report upon all aspects of conditions of detention, including the treatment of Detainees, to ensure their compliance with internationally-accepted principles and standards for the treatment of persons deprived of their liberty.
3. The Independent Monitoring Body shall be permitted to access information on the numbers and locations of Detainees, as well as all information relevant to the treatment of Detainees and their conditions of detention. It shall also be permitted to conduct private and confidential interviews with Detainees and Staff of the Detention Unit in the course of their inspections.
4. The Independent Monitoring Body shall report on its inspections to the President and shall include in its reports any relevant recommendations regarding conditions of detention and treatment of Detainees.
5. The President, in consultation with the Registrar, shall consider the recommendations made by the Independent Monitoring Body and shall take steps to implement those recommendations as appropriate. The President shall indicate to the Independent Monitoring Body, within a reasonable timeframe, whether the Mechanism has implemented or will implement its recommendations.

## **Staff of the Detention Unit**

### **Rule 16**

The Staff of the Detention Unit shall be carefully selected, since the proper administration of the Detention Unit depends on their integrity, humanity, professional capacity, and personal suitability for the work.

### **Rule 17**

1. All Staff of the Detention Unit shall possess an adequate standard of education.
2. Before commencing duty, all Staff of the Detention Unit shall be provided with training tailored to their general and specific duties. Such training shall include the conduct of searches, the use of force and instruments of restraint, and the absolute prohibition on torture and other cruel, inhuman, or degrading treatment or punishment.
3. Continuous provision of in-service training courses shall be ensured with a view to maintaining and improving the knowledge and professional capacity of the Staff of the Detention Unit.

### **Rule 18**

1. In the course of their duties, Staff of the Detention Unit shall at all times maintain and promote the highest standards of integrity and professionalism.
2. Staff of the Detention Unit shall not allow their private, financial, or other personal interests to conflict with their position. It is the responsibility of all Staff of the Detention Unit to ensure that no

conflict of interest arises and to consult with the management of the Detention Unit in case of any doubt.

3. At all times Staff of the Detention Unit shall maintain strictly professional relationships with Detainees and shall not under any circumstances enter into inappropriate relationships, including relationships of exploitation, such as those of a sexual nature. They shall further not conduct any commercial transactions with Detainees or bring contraband in or out of the Unit.

### **Admission of Detainees**

#### **Rule 19**

No Detainee shall be admitted to the Detention Unit without a warrant of arrest or an order for detention issued by a Judge or a Chamber of the Mechanism.

#### **Rule 20**

Upon arrival of a Detainee in the Host State, the relevant arresting authority shall transmit directly to the Registrar all of the Detainee's personal items, together with an inventory of the personal items that were in the possession of the Detainee when he or she was arrested. The Registrar shall transmit the Detainee's personal items to the Commanding Officer at the earliest opportunity.

#### **Rule 21**

1. Upon arrival of a Detainee at the Detention Unit, the Commanding Officer shall order that the Detainee's body and clothes be searched for items that may constitute a danger to the security or good order of the Detention Unit or the Host Prison, or to the health or safety of any person therein. Any such articles shall be removed.

2. Such searches shall be carried out in accordance with the principles set out in Rule 55(1).

#### **Rule 22**

1. The Commanding Officer shall take an inventory and record all money, valuables, and other items belonging to a Detainee that, under these Rules, he or she is not permitted to retain. The inventory shall be signed by the Detainee.

2. The Commanding Officer shall place all such items in safe custody or, at the request and expense of the Detainee, send them to an address provided by the Detainee. If the items are retained in the Detention Unit, all reasonable steps shall be taken by the Staff of the Detention Unit to keep them in good order.

3. If it is found necessary to destroy an item, the Detainee shall be informed in advance and the destruction of the item shall be recorded.

4. An item belonging to a Detainee may only be transmitted to another person or entity with the express consent in writing of the Detainee or pursuant to an order of a Judge or Chamber of the Mechanism. In the case of death of a Detainee, the Detainee's items may be returned to the person or persons previously designated by the Detainee, pursuant to Rule 32(b).

### **Rule 23**

Upon the admission of a Detainee to the Detention Unit, the Commanding Officer shall obtain the photograph and fingerprints of the Detainee and any other information necessary to maintain the security and good order of the Detention Unit.

### **Rule 24**

The Commanding Officer shall conduct an admission interview with each Detainee as soon as practicable after admission, and shall ensure that any relevant matters to which the Detainee may draw attention, such as particular needs or vulnerabilities, are noted and addressed as appropriate.

### **Rule 25**

The Medical Officer shall examine each Detainee on the day of admission for the purpose of establishing the physical and mental condition of the Detainee and any indication or evidence of mistreatment in order to take necessary measures for medical treatment and for the segregation of those Detainees suspected of infectious or contagious diseases.

### **Rule 26**

Every Detainee shall have the right, and shall be given the ability and means, to inform as soon as possible after admission his or her family or any other person designated as a contact person about his or her detention, at the expense of the Mechanism.

## **Notifications and Information to Detainees**

### **Rule 27**

1. As soon as possible after admission, the Commanding Officer shall provide each Detainee with information concerning the legal, diplomatic, and consular representation available to him or her.
2. At this time, the Commanding Officer shall give the Detainee the opportunity to notify a lawyer of the Detainee's choice and the appropriate diplomatic or consular representative of his or her whereabouts, at the expense of the Mechanism.

### **Rule 28**

1. In addition to the Rules and Regulations, which are to be provided to each Detainee pursuant to Rule 7(1), each Detainee shall on admission be provided with oral and written information in a language he or she understands concerning:
  - (a) His or her rights, including authorized methods of seeking information, access to legal advice, including through legal aid schemes, and procedures for making requests or complaints;
  - (b) His or her obligations, including the applicable disciplinary regime and disciplinary sanctions; and
  - (c) General information necessary to enable the Detainee to adapt to the life of the Detention Unit.

2. If a Detainee is illiterate, the information shall be conveyed to the Detainee orally in a language he or she understands. Detainees with sensory disabilities shall be provided with information in a manner appropriate to their needs.

3. A copy of the information shall be available in the common areas of the Detention Unit.

### **Rule 29**

The Commanding Officer shall immediately inform a Detainee of the death or serious illness of a near relative or significant other.

### **Rule 30**

If there is a Detainee in the Detention Unit who speaks and understands neither of the working languages of the Mechanism, nor those spoken by any of the Staff of the Detention Unit, arrangements shall be made for an interpreter to be available on reasonable notice to permit the Detainee to communicate freely with the Staff of the Detention Unit.

## **Detainee File Management System**

### **Rule 31**

1. There shall be a Detainee file management system in place at each Detention Unit. This rule does not apply to medical information regulated under Rules 53 and 54.

2. The collection, storage and use of a Detainee's personal data by the Registry, including by the Commanding Officer and Staff of the Detention Unit, shall be carried out in accordance with the United Nations' data protection principles and, in particular, shall be limited to the extent necessary for the performance of lawful, legitimate and specific purposes.

3. All personal information in the Detainee file management system shall be considered as sensitive and classified as confidential or strictly confidential. The United Nations' principles on classification, handling and access shall apply. Procedures shall be in place to ensure the security of the information and to prevent unauthorized access.

4. Information concerning a Detainee shall be accessible only to the Commanding Officer and other persons designated by the Registrar or the Commanding Officer who require the information to fulfill their functions. The Detainee shall be informed of this fact upon his or her arrival at the Detention Unit. A Detainee shall have the right to access information held in his or her file subject to considerations of security and good order and the interests of justice.

### **Rule 32**

The Commanding Officer shall enter the following information in the Detainee file management system upon the admission of a Detainee or as soon as possible thereafter:

- (a) Precise information enabling the determination of the Detainee's unique identity, respecting his or her self-perceived gender;
- (b) Emergency contact details and information on the Detainee's next of kin or any other person to be notified in the event of any serious illness, serious injury, or death;

- (c) The names of the Detainee's family members, including, where applicable, his or her children, the children's ages, location and custody or guardianship status;
- (d) The date, time, and place of arrest;
- (e) The date of issue of the indictment against the Detainee and of the warrant of arrest or order for detention;
- (f) The date and time of admission;
- (g) The name of his or her Legal Representative, if known;
- (h) Any visible injuries and complaints about prior ill-treatment; and
- (i) An inventory of his or her personal property, taken pursuant to Rule 22.

### **Rule 33**

The following shall be entered in the Detainee file management system during the course of detention, where applicable:

- (a) Information related to the judicial process, including legal representation and dates of court hearings;
- (b) Assessment reports;
- (c) Information related to behaviour, discipline, and the imposition of disciplinary sanctions;
- (d) Requests and complaints, including allegations of torture or other cruel, inhuman or degrading treatment or punishment;
- (e) Information on the circumstances and causes of any injuries or death and, in the case of the latter, the destination of the remains; and
- (f) The date, time and reason for all absences from the Detention Unit, whether to attend a hearing at the Mechanism, for medical or other approved reasons, or on final release or transfer to another institution.

### **Accommodation**

#### **Rule 34**

Each Detainee shall occupy a cell by himself or herself, except in exceptional circumstances and with the approval of the Registrar.

#### **Rule 35**

Each Detainee shall be provided with a separate bed and with appropriate bedding, which shall be kept in good order and changed on a regular basis so as to ensure its cleanliness.

#### **Rule 36**

The Detention Unit shall, at all times, meet all requirements of health and hygiene, with due regard paid to climatic conditions, minimum floor space, lighting, heating and ventilation.

#### **Rule 37**

All parts of the Detention Unit shall be properly maintained and kept clean at all times. In particular, each Detainee shall be expected to keep his or her cell clean and tidy at all times, and shall be given the means to do so.

## **Personal Hygiene**

### **Rule 38**

Detainees shall have ready access to appropriate facilities, which are hygienic and which respect privacy, and to all such items as are necessary to maintain personal hygiene and cleanliness.

## **Clothing**

### **Rule 39**

1. Detainees may wear their own civilian clothing if, in the opinion of the Commanding Officer, it is clean and suitable.
2. Detainees without financial means shall be provided with suitable and sufficient civilian clothing at the cost of the Mechanism.

### **Rule 40**

All clothing shall be kept clean and in proper condition. Underclothing shall be changed and washed as often as necessary for the maintenance of hygiene.

## **Food and Drinking Water**

### **Rule 41**

Each Detainee shall, at appropriate times, be provided with food, which is suitably prepared and presented, and which satisfies in quality and quantity the standards of dietetics and modern hygiene, and which takes into account the age, health, religious, and, as far as possible, cultural requirements of the Detainee.

### **Rule 42**

Clean drinking water shall be available to Detainees at all times.

## **Physical Exercise and Sport and Recreational Opportunities**

### **Rule 43**

1. Each Detainee shall be allowed at least one hour of exercise in the open air daily, if the weather permits.
2. Where possible, arrangements may be made with the Host Prison Director for use by Detainees of indoor and outdoor sporting facilities outside the Detention Unit but within the Host Prison.

#### **Rule 44**

1. A properly organized programme of physical education, sport and other recreational activities shall be arranged by the Commanding Officer to ensure adequate opportunities for physical fitness, exercise and recreation.
2. The Commanding Officer shall consult with the Medical Officer to ensure that the programme is suited to the age and physique of each Detainee.
3. Special arrangements shall be made, under medical direction, for remedial or therapeutic treatment for any Detainee who is unable to participate in the regular programme.

#### **Medical Officer's Advice on Conditions of Detention**

#### **Rule 45**

The Medical Officer shall advise the Commanding Officer on:

- (a) The quantity, quality, preparation, and service of food and water;
- (b) The hygiene and cleanliness of the Detention Unit and the Detainees;
- (c) The sanitation, temperature, lighting, and ventilation of the Detention Unit;
- (d) The suitability and cleanliness of the Detainees' clothing and bedding; and
- (e) The observance of the Rules concerning physical education, sports, and other recreational activities in cases where there are no personnel in charge of these activities.

#### **Medical Services**

#### **Rule 46**

1. The Medical Officer shall be responsible for managing the care of the physical and mental health of Detainees.
2. Medical decisions may only be taken by the Medical Officer or other medical official designated by him or her. Non-medical personnel may not take decisions or implement measures on medical grounds, unless acting on the advice of the Medical Officer or his or her designate.
3. Any recommendation made by the Medical Officer relating to a Detainee's physical or mental health should be given due consideration by the Commanding Officer. If the Commanding Officer does not implement a recommendation of the Medical Officer, he or she shall report this to the Registrar who shall report to the President.

#### **Rule 47**

1. Detainees shall enjoy at least the same standard of health care as is available in the community.
2. Detainees shall have access to all medical services prescribed by the Medical Officer, free of charge and without undue delay, including mental health, dental, and specialist services and urgent medical attention.

3. Detainees shall be treated within the Detention Unit or the Host Prison, or, if services prescribed by the Medical Officer are unavailable in either, shall be transferred to an external medical facility.

#### **Rule 48**

1. Detainees shall be permitted to consult with and receive visits from a doctor or dentist of their choice, at their own expense.

2. All such visits shall be subject to the provisions of Rules 51 and 71(2).

3. A visiting doctor or dentist shall report to the Medical Officer if he or she wishes to make recommendations for medication or treatment. The Medical Officer will consider the recommendations and decide whether they should be followed.

#### **Rule 49**

1. Without prejudice to Rules 51(c) and 53(3), the Medical Officer shall advise the Commanding Officer where the medical condition of a Detainee or the treatment necessary for that condition may require adjustments to the management regime of the Detention Unit. Particular attention shall be paid to the treatment of serious illnesses, psychiatric conditions, and risk of suicide, self-harm, or harm to others.

2. Without prejudice to Rules 51(c) and 53(3), the Medical Officer shall report to the Commanding Officer whenever he or she considers that the physical or mental health of a Detainee has been, or will be, adversely affected by continued detention or any particular condition of his or her detention. The Commanding Officer shall immediately submit a report to the Registrar who, after consultation with the President, shall take all necessary action. In cases where the physical or mental health concerns relate to the effects of an order under Rule 61(3), the Registrar shall bring the matter to the attention of the relevant Judge or Chamber.

3. If, in the course of examining a Detainee upon admission or in providing treatment at any point thereafter, the Medical Officer becomes aware of any signs of torture or other cruel, inhuman, or degrading treatment or punishment, he or she shall document and report the matter to the Commanding Officer. The Commanding Officer shall immediately submit the report to the Registrar who, after consultation with the President, shall take all necessary action.

#### **Rule 50**

1. The Commanding Officer shall inform the Registrar upon the serious illness, injury, or death of a Detainee. The Registrar shall immediately inform the person or persons previously designated by the Detainee, pursuant to Rule 32(b).

2. In the event of the death of a Detainee, the Host State may conduct an investigation in accordance with its legal requirements.

3. The President may also order an internal inquiry into the circumstances surrounding the death or serious injury of any Detainee.

## **Rule 51**

The relationship between the Medical Officer and/or other health-care professionals and Detainees shall be governed by the same ethical principles and professional standards as those applicable to relationships between doctors and patients in the community. In particular, the Medical Officer and other health-care professionals shall always respect the following:

- (a) The duty to protect Detainees' physical and mental health, and to prevent and treat disease on the basis of clinical grounds only;
- (b) Detainees' autonomy with regard to their own health and the requirement of informed consent to treatment;
- (c) The confidentiality of medical information;
- (d) The absolute prohibition on engaging, actively or passively, in acts that may constitute torture or other cruel, inhuman, or degrading treatment or punishment; and
- (e) The duty to abstain from any relationship with a Detainee, the purpose of which is not solely to evaluate, protect, or improve his or her physical or mental health.

## **Rule 52**

1. The Medical Officer and other health-care personnel shall have no role in the imposition of disciplinary sanctions or other restrictive measures on non-medical grounds. They shall, however, pay particular attention to the health of Detainees held under any form of involuntary separation, such as solitary confinement or segregation, including by visiting such Detainees on a daily basis, or more often if deemed necessary, and providing prompt medical assistance and treatment at the request of such Detainees.

2. The Medical Officer and other health-care personnel shall report to the Commanding Officer, without delay, any adverse effect of disciplinary sanctions or other restrictive measures on the physical or mental health of a Detainee and shall advise the Commanding Officer if they consider it necessary to terminate or alter the disciplinary sanctions or other restrictive measures for physical or mental health reasons.

3. The Medical Officer and other health-care personnel shall have the authority to review and recommend changes to the involuntary separation of a Detainee in order to ensure that such separation does not exacerbate the medical condition or mental or physical disability of a Detainee.

## **Rule 53**

1. The Medical Officer shall prepare and maintain an accurate, up-to-date, and confidential medical file for each Detainee, which shall be appropriately and securely stored.

2. Copies of the medical file shall be transferred to the health-care service of the receiving institution upon the transfer of a Detainee.

3. The medical file and the information contained therein shall be subject to the principle of medical confidentiality. In particular, the Medical Officer may only disclose the information to persons outside the treating medical team:

- (a) With the Detainee's informed consent; or

- (b) If the Medical Officer determines that there is a real and imminent threat of harm to the Detainee or to others and this threat can only be removed through the disclosure of the information; in all such cases, the disclosure of information shall be strictly proportionate to the objective of preventing the harm, and the Detainee shall be informed of the disclosure.

#### **Rule 54**

1. A Detainee shall have the right to access all information contained in his or her medical file upon request, except in the exceptional circumstance where the Medical Officer decides that:
  - (a) There is good reason to believe that the disclosure of certain information to the Detainee could cause serious physical or mental harm to the Detainee; or
  - (b) There is information contained in the file concerning a third party and that third party has not consented to the release of his or her information.
2. In any case where the Medical Officer decides to refuse or restrict access to particular information, the Detainee shall be informed of that refusal or restriction, and the remainder of the information in the Detainee's medical file shall be made available to the Detainee.
3. The Medical Officer shall document in the medical file any refusal of or restriction on access to information and the reasons for that refusal or restriction.
4. A Detainee may authorize a third party to access his or her medical file on his or her behalf.

#### **Searches and Monitoring**

#### **Rule 55**

1. All searches and monitoring shall be conducted in a manner that respects the principles of proportionality, legality and necessity. Searches and monitoring shall not be used to harass, intimidate or unnecessarily intrude upon a Detainee's privacy. They shall not be degrading and the dignity of Detainees shall be respected at all times.
2. The Commanding Officer may, at any time, conduct a rub down body search.
3. The Commanding Officer may, when a Detainee enters into the custody of the Detention Unit, or where the Commanding Officer has reason to suspect that the Detainee has an item that constitutes a threat to the security or good order of the Detention Unit or the Host Prison, or to the health and safety of any person therein, decide to order the full body search of a Detainee.
4. Full body searches shall be carried out only if absolutely necessary and only in private and by staff of the same sex as the Detainee.
5. Invasive body cavity searches shall not be conducted.
6. Any item that constitutes a threat to the security or good order of the Detention Unit or the Host Prison, or to the health or safety of any person therein, shall be confiscated pursuant to Rule 85.
7. The Commanding Officer shall maintain appropriate records of full body searches, including the reasons for the search, the identity of those conducting it, and any results of the search. Where an

item is confiscated, the Commanding Officer must retain the item in accordance with Rule 22 pending any appeal by the Detainee and shall inform the Detainee in writing. A copy of the letter shall be forwarded to the Registrar.

#### **Rule 56**

1. The Commanding Officer may order a search of a Detainee's cell where he or she has reason to suspect that the Detainee's cell contains an item that constitutes a threat to the security or good order of the Detention Unit or the Host Prison, or to the health and safety of any person therein.
2. In order to enhance the security and good order of the Detention Unit and to protect the health and safety of all persons therein, the Commanding Officer may order random cell searches to be conducted at a frequency not exceeding two per wing each calendar month. Such searches shall not target any specific Detainee.
3. Detainees shall be given the opportunity to be present during searches.
4. Any item that constitutes a threat to the security or good order of the Detention Unit or the Host Prison, or to the health or safety of any person therein, shall be confiscated pursuant to Rule 85.
5. The Commanding Officer shall keep a record of the reasons for the search, the identity of those conducting it, and any results of the search. Where an item is confiscated, the Commanding Officer must retain the item in accordance with Rule 22 pending any appeal by the Detainee and shall inform the Detainee in writing. A copy of the letter shall be forwarded to the Registrar.

#### **Rule 57**

1. In order to protect the health and safety of a Detainee, the Registrar may order that the cell of the Detainee be monitored by video-surveillance for a period not exceeding 30 days.
2. Renewals shall not exceed a period of 30 days.
3. The Detainee shall be notified of the Registrar's decision prior to its implementation and may, at any time, request the President to review the decision by the Registrar in accordance with Rule 94(1)(b).

### **Discipline**

#### **Rule 58**

1. The Detention Unit shall use, to the extent possible, conflict prevention, mediation or any other alternative dispute resolution mechanism to prevent disciplinary offences or to resolve conflicts.
2. Discipline and order shall be maintained by the Staff of the Detention Unit with no more restriction than is necessary to ensure the security and good order of the Detention Unit and the health and safety of all persons therein.

## **Rule 59**

1. Following consultation with the President and the Commanding Officer, the Registrar shall adopt regulations:

- (a) Defining conduct constituting a disciplinary offence;
- (b) Regulating the type of sanction that can be imposed;
- (c) Specifying the authority that can impose such sanction;
- (d) Providing Detainees with the right to be heard on the subject of any offence alleged; and
- (e) Providing for a right of appeal to the President against both the determination of the offence and the sanction imposed.

2. In no circumstances may disciplinary sanctions amount to torture or other cruel, inhuman, or degrading treatment or punishment. The following practices, in particular, shall be prohibited:

- (a) Placement of a Detainee in a dark or constantly lit cell;
- (b) Corporal punishment;
- (c) The reduction of a Detainee's diet or drinking water; or
- (d) Collective punishment.

3. Segregation, solitary confinement, and instruments of restraint shall not be applied as a sanction for disciplinary offences.

4. Disciplinary sanctions shall not include the prohibition of family contact.

## **Segregation**

### **Rule 60**

For the purposes of these Rules, "segregation" shall refer to the voluntary or involuntary separation of a Detainee from all or part of the Detainee population within the Detention Unit. Segregation ordered pursuant to Rule 61 shall not amount to solitary confinement, as defined in Rule 63.

### **Rule 61**

1. The Commanding Officer may order that a Detainee be segregated from all or part of the Detainee population:

- (a) To ensure the preservation of security and good order in the Detention Unit or the safety of any person therein;
- (b) For medical reasons, including but not limited to the control of infectious or contagious diseases, upon the advice of the Medical Officer; or
- (c) Upon the request of a Detainee.

2. Where a Detainee requests to be segregated from all other Detainees, the Commanding Officer shall report the request to the Medical Officer, who shall make the Detainee aware of the potential risks that segregation entails to physical and mental health.

3. A Judge or Chamber may order that a Detainee be segregated from all or part of the Detainee population to protect the interests of justice. No such order will be issued prior to a Judge or Chamber having heard from the Registrar in relation thereto.

### **Rule 62**

1. The Commanding Officer shall report all cases of segregation to the Registrar.
2. In all cases where segregation is ordered, the Commanding Officer shall inform the Medical Officer as soon as possible thereafter so that the Medical Officer may fulfill his or her obligations under Rules 49 and 52.
3. In all cases where segregation is ordered, every effort shall be made to ensure that the potentially harmful effects of segregation are mitigated through increasing meaningful social contact for Detainees, and ensuring ready access to recreational facilities and purposeful activities.
4. The Commanding Officer shall keep a record of all events concerning segregation and shall review all cases of segregation ordered under Rule 61(1) at least once a week in order to ensure that the conditions for segregation continue to be met.
5. Except where segregation was ordered pursuant to Rule 61(3), a Detainee may appeal any decision to order him or her to be segregated directly to the President.
6. Where segregation is ordered pursuant to Rule 61(3), a Detainee may appeal any decision to order him or her to be segregated to the Appeals Chamber.

### **Solitary Confinement**

#### **Rule 63**

For the purpose of these Rules, “solitary confinement” shall refer to the confinement of Detainees for 22 hours or more a day without meaningful human contact. “Prolonged solitary confinement” shall refer to solitary confinement for a time period in excess of 15 consecutive days.

#### **Rule 64**

1. Solitary confinement shall be used only in exceptional cases as set out in paragraph 2 of this Rule, as a last resort, and for as short a time as possible. Prolonged solitary confinement and indefinite solitary confinement are prohibited.
2. A Detainee may only be committed to solitary confinement by order of the Commanding Officer and in circumstances where the Detainee in question poses an immediate and serious threat of harm to others and where that threat of harm cannot be removed through any less restrictive measures, such as segregation.
3. Solitary confinement shall not be used in the case of Detainees with mental or physical disabilities when, on the advice of the Medical Officer, their conditions would be exacerbated by such measures.

## **Rule 65**

1. The Commanding Officer shall report all cases of solitary confinement immediately to the Registrar who shall report the matter to the President.
2. In all cases where solitary confinement is ordered, the Commanding Officer shall inform the Medical Officer as soon as possible thereafter so that the Medical Officer is able to fulfill his or her obligations under Rules 49 and 52.
3. The Commanding Officer shall keep a record of all events concerning a Detainee committed to solitary confinement and shall review each case every 24 hours to ensure that the requirements of Rule 64 continue to be met.
4. A Detainee may appeal any decision to order him or her into solitary confinement directly to the President.
5. The President may order the release of a Detainee from solitary confinement at any time.

## **Measures of Control and Restraint**

### **Rule 66**

1. Instruments of restraint that are inherently degrading or painful shall be prohibited.
2. Instruments of restraint, such as handcuffs, shall only be used if considered by the Commanding Officer as necessary and proportionate, in the following circumstances:
  - (a) As a precaution against escape during transfer between the Detention Unit and any other place, including the premises of the Host Prison; or
  - (b) By order of the Commanding Officer, if other methods of control fail, in order to prevent a Detainee from injuring himself, herself or others or from damaging property; in such instances, the Commanding Officer shall immediately alert the Medical Officer and shall report the incident to the Registrar, who shall report it to the President.
3. When the use of instruments of restraint is authorized, the following principles shall apply:
  - (a) The method of restraint shall be the least intrusive method that is necessary and reasonably available to control the Detainee's movement, based on the level and nature of the risks posed; and
  - (b) Instruments of restraint shall be imposed only for the time period required, and they are to be removed immediately after the risks posed by unrestricted movement are no longer present.
4. The Medical Officer and other health-care professionals shall not conduct medical consultations with or provide medical treatment to a Detainee while the Detainee is under any form of restraint other than in exceptional circumstances.
5. Any Detainee subject to the use of restraints shall be kept under constant and adequate supervision to ensure that the Detainee does not suffer harm and that the instruments of restraint are removed in accordance with paragraph 3(b) of this Rule.

### **Rule 67**

1. The Staff of the Detention Unit shall not use force against a Detainee except in self-defence, in case of attempted escape, or in case of active or passive resistance to an order based upon the Rules or Regulations, and only as a last resort.
2. Staff of the Detention Unit who have recourse to force must use no more force than is strictly necessary and must report the incident immediately to the Commanding Officer, who shall record the instance of the use of force, and shall provide a report on the matter to the Registrar, who shall report to the President.
3. A Detainee against whom force has been used shall have the right to be examined immediately by the Medical Officer or another qualified health-care professional and to receive any necessary treatment.
4. The Registrar shall investigate any complaint about the use of force. The Registrar shall inform the President as soon as possible of any complaint regarding the use of force and of the investigation and results thereof.

### **Disturbances**

#### **Rule 68**

1. If the Commanding Officer considers that a situation exists or is developing that threatens the security or good order of the Detention Unit, the Commanding Officer may contact the Host Prison Director to request the immediate assistance of the authorities of the Host State to maintain control within the Detention Unit.
2. The Commanding Officer shall report such requests to the Registrar as soon as possible, who shall report it to the President.

### **Suspension of the Rules**

#### **Rule 69**

1. If the Commanding Officer considers that a situation exists or is developing within the Detention Unit or the Host Prison that constitutes a serious and imminent threat to human life or safety, he or she may temporarily suspend the operation of these Rules, to the extent that it is necessary to address the situation.
2. Such a suspension may occur for a maximum period of 48 hours.
3. The Commanding Officer must as soon as possible report any suspension to the Registrar, together with a description of the nature of the situation that constitutes a serious and imminent threat to human life or safety, the reasons why suspension of the Rules is necessary to address the situation, and the criteria that would permit the application of the Rules to resume. The Registrar shall submit the report to the President.

4. Thereupon, the President shall take such action in connection therewith as may be seen fit at the time.
5. At all times during a suspension of the Rules, Staff of the Detention Unit shall treat Detainees with humanity and with respect for the inherent dignity of the human person. Under no circumstances may Staff of the Detention Unit subject a Detainee to torture or other cruel, inhuman, or degrading treatment or punishment.

### **Contact with the Outside World**

#### **Rule 70**

1. Detainees shall have the right to receive visits from and to communicate with family, friends and others, subject to Rule 71.
2. Detainees shall have the right to receive visits from and communicate with the diplomatic and consular representatives of the state(s) of which they are a national, subject to Rule 72.
3. Detainees shall have the right to receive visits from and communicate with their Legal Representatives, subject to Rule 73.
4. Following consultation with the President and the Commanding Officer, the Registrar shall adopt Regulations to govern the supervision of visits and communications.

#### **Rule 71**

1. Detainees shall have the right to receive visits from and to communicate with family, friends and others by letter, telephone, or other means on a regular basis.
2. Detainees shall request approval for visits under paragraph 1 of this Rule. The Commanding Officer, in consultation with the Registrar, may refuse permission for visits, or may impose restrictions or conditions including monitoring on visits or communications, if he or she considers that this is necessary for the administration of justice, the security and good order of the Detention Unit or the health or safety of any person.

#### **Rule 72**

1. Detainees shall have the right to receive visits from and communicate with the diplomatic and consular representatives of the state(s) of which they are a national, accredited to the Host State.
2. Detainees who are nationals of a state without diplomatic or consular representation in the Host State shall be permitted to receive visits from and communicate with:
  - (a) The diplomatic representatives of the state of nationality accredited in another state and serving the state of nationality's interests in the Host State; and
  - (b) The diplomatic representatives of a third state who are accredited to the Host State and who are authorized to represent the interests of nationals of the state of which the Detainee is a national in the Host State.

3. Detainees who are asylum seekers, refugees, or stateless shall be permitted to receive visits from and communicate with:

- (a) The diplomatic representatives of a state in which they possess legal rights who are accredited to the Host State; and
- (b) A national or international organization or authority mandated to represent the interests of such persons.

4. All such visits and communications shall be within sight but not hearing either direct or indirect of the staff of the Detention Unit. In exceptional circumstances, the Registrar may order that such visits and communications be monitored if he or she has reasonable grounds to believe that the privilege is being abused in order to:

- (a) Interfere with the administration of justice, including by breaching an order of the Mechanism or the Tribunal or interfering with or intimidating witnesses;
- (b) Endanger the security or good order of the Detention Unit;
- (c) Endanger the health or safety of any person; or
- (d) Attempt any of the above.

5. Prior to such visits and communications being monitored, the Registrar shall notify the Detainee and the diplomatic and consular representatives of the reasons for monitoring unless the Registrar determines that informing the Detainee and the diplomatic and consular representatives is likely to interfere with the investigation in relation to the acts referred to in paragraph 4 of this Rule. The President shall be advised as soon as possible if the Detainee and the diplomatic and consular representatives have not been notified. The Detainee may at any time request the President to review any decision made by the Registrar under this Rule in accordance with Rule 94(1)(b).

### **Rule 73**

1. Detainees shall have the right to receive visits from and to communicate with their Legal Representatives, with the assistance of an interpreter where necessary.

2. All such visits and communications shall be privileged. In exceptional circumstances, the Registrar may order that such visits and communications be monitored if he or she has reasonable grounds to believe that the privilege is being abused in order to:

- (a) Interfere with the administration of justice, including by breaching an order of the Mechanism or the Tribunal or interfering with or intimidating witnesses;
- (b) Endanger the security or good order of the Detention Unit;
- (c) Endanger the health or safety of any person; or
- (d) Attempt any of the above.

3. Prior to such visits and communications being monitored, the Registrar shall notify the Detainee and his or her Legal Representative of the reasons for monitoring unless the Registrar determines that informing the Detainee and his or her Legal Representative is likely to interfere with the investigation in relation to the acts referred to in paragraph 2 of this Rule. The President shall be advised as soon as possible if the Detainee and his or her Legal Representative have not been informed. The Detainee may at any time request the President to review any decision made by the Registrar under this Rule in accordance with Rule 94(1)(b).

#### **Rule 74**

1. A Detainee who wishes to receive a visit or use the communication facilities shall inform the Commanding Officer and request prior approval if it is likely that the visit or communication will result in the public dissemination of information in any form.
2. In his or her decision the Commanding Officer, in consultation with the Registrar, shall consider whether there are reasonable grounds to believe that the dissemination of information could:
  - (a) Interfere with the administration of justice, including by breaching an order of the Mechanism or the Tribunal, or interfering with or intimidating witnesses;
  - (b) Endanger the security or good order of the Detention Unit; or
  - (c) Endanger the safety of any person.

#### **Rule 75**

A Detainee must be informed of the identity of each visitor wishing to see him or her and may refuse to see any visitor other than a representative of the Registrar.

#### **Rule 76**

1. All incoming and outgoing mail shall be subject to the inspection and the security controls provided for by the Detention Unit and, where applicable, by the Host Prison, including the use of X-ray machines and other detectors.
2. The Commanding Officer, in consultation with the Registrar, shall establish procedures for the inspection of mail and packages.

#### **Rule 77**

1. All visitors must comply with the security requirements of the visiting regime of the Detention Unit and, where applicable, of the Host Prison. These requirements may include personal searches of clothing and X-ray examination of possessions on entry to either or both the Detention Unit and the Host Prison.
2. Any person, including a Legal Representative of a Detainee or a diplomatic or consular representative, who refuses to comply with security requirements, whether of the Detention Unit or of the Host Prison, will be refused access. A visitor may withdraw his or her consent to a search at any time in which case access will be refused.

### **Spiritual Welfare**

#### **Rule 78**

1. The religious or spiritual beliefs of all Detainees shall be respected.
2. A Detainee shall be entitled to observe his or her religion or spiritual beliefs subject only to such limitations as are necessary to protect the security and good order of the Detention Unit and the health or safety of any person therein, and the rights of other Detainees.

### **Rule 79**

1. Each Detainee shall be entitled to indicate, on arrival at the Detention Unit or at any time thereafter, his or her religion and whether he or she wishes to communicate with and to receive visits from a religious adviser.
2. Detainees shall have the right to access a religious adviser, subject to Rule 79(4) governing permission for spiritual welfare visits and communications.
3. The Registrar may appoint a qualified representative of a religion or system of spiritual beliefs. Such representative shall be permitted to hold regular services and activities within the Detention Unit and to pay visits to Detainees.
4. The Commanding Officer, in consultation with the Registrar, may refuse permission for spiritual welfare visits and communications, and may impose restrictions or conditions on spiritual welfare visits and communications, including monitoring on visits or communications, if he or she considers that this is necessary for the administration of justice, the security and good order of the Detention Unit or the health or safety of any person.

### **Work**

#### **Rule 80**

The Commanding Officer, after consultation with the Host Prison Director, and insofar as is practicable, shall offer work opportunities to be performed by Detainees either in the individual cells or in the communal areas of the Detention Unit.

#### **Rule 81**

1. Detainees shall be offered the opportunity to work but shall not be required to work.
2. A Detainee who chooses to work shall be paid for his or her work at equitable rates of remuneration to be established by the Commanding Officer, in consultation with the Registrar, and may use part of his or her earnings to purchase articles for his or her own use pursuant to Rule 89. The balance of any monies earned shall be held in his or her account.

### **Recreational Activities**

#### **Rule 82**

Detainees shall be allowed to procure at their own expense books, newspapers, reading and writing materials, and other means of occupation as are compatible with the administration of justice and the security and good order of the Detention Unit and of the Host Prison.

#### **Rule 83**

Detainees shall be entitled to keep themselves regularly informed of the news by reading newspapers, periodicals, and other publications and by radio and television broadcasts.

#### **Rule 84**

Detainees may use the library and such vocational or other facilities of the Detention Unit or of the Host Prison as may be available and by arrangement with the Host Prison Director.

#### **Personal Possessions of Detainees**

#### **Rule 85**

1. A Detainee may keep in his or her possession all clothing and personal items for his or her own use or consumption unless, in the opinion of the Commanding Officer, such items constitute a threat to the security or good order of the Detention Unit or the Host Prison, or to the health or safety of any person therein.

2. All items so removed shall be retained by the Staff of the Detention Unit as provided for in Rule 22.

#### **Rule 86**

Detainees shall be permitted to keep in their possession documents relating to their legal proceedings. Privileged legal documents may be subject to cursory inspection during cell searches but shall not be read by Staff of the Detention Unit.

#### **Rule 87**

1. Any item received from outside, including any item introduced by any visitor to a Detainee, shall be subject to the separate security controls provided for by the Detention Unit and the Host Prison, where applicable, and may be transported through the Host Prison to the Detention Unit by Staff of the Detention Unit or staff of the Host Prison.

2. The Host Prison Director may refuse to admit any item that constitutes a threat to the security and good order of the Host Prison or to the health or safety of any person therein.

3. The Commanding Officer may refuse to admit any item that constitutes a threat to the security and good order of the Detention Unit or to the health or safety of any person therein.

#### **Rule 88**

1. The possession and use of any medication shall be subject to the control and supervision of the Medical Officer.

2. Detainees may possess cigarettes and smoke them at such times and places as the Commanding Officer permits.

3. The production, possession, or consumption of alcohol is not permitted.

4. The possession of cash by Detainees within the Detention Unit is not permitted. Each Detainee shall have an account for the retention of funds to be used for all financial transactions within the Detention Unit, and, if applicable, the Host Prison.

### **Rule 89**

Each Detainee shall be permitted to spend his or her funds to purchase items of a personal nature from the shop operated by the Host Prison or, where no Host Prison shop is available, from outside the Host Prison as authorized by the Commanding Officer. In the case of a Detainee without financial means, the Registrar may authorize the purchase of personal items, within reason, from the account of the Mechanism.

### **Rule 90**

1. On release of the Detainee from the Detention Unit or transfer to another institution, all possessions and funds of the Detainee retained within the Detention Unit shall be returned to the Detainee.
2. The Detainee shall sign a receipt for the possessions and funds returned to him or her.
3. In the case of death of a Detainee, all items and funds retained within the Detention Unit shall be returned to the person or persons previously designated by the Detainee, pursuant to Rule 32(b).

## **Requests and Complaints**

### **Rule 91**

1. A Detainee may make a request to the Commanding Officer or his or her representative at any time.
2. Every request shall be promptly dealt with and replied to without undue delay.

### **Rule 92**

1. A Detainee may make a complaint to the Commanding Officer or his or her representative at any time.
2. Every complaint shall be promptly dealt with and replied to without undue delay.

### **Rule 93**

1. A Detainee has the right to make a complaint, without censorship, to the Registrar against:
  - (a) The response from the Commanding Officer to a complaint pursuant to Rule 92; or
  - (b) A decision by the Commanding Officer.
2. Complaints made to the Registrar shall be acknowledged within 72 hours. Each complaint shall be dealt with promptly and replied to without undue delay.

#### **Rule 94**

1. A Detainee has the right to make a complaint, without censorship, to the President against:
  - (a) The response from the Registrar to a complaint pursuant to Rule 93; or
  - (b) A decision by the Registrar.
2. Complaints made to the President shall be acknowledged within 72 hours. Each complaint shall be dealt with promptly and replied to without undue delay.

#### **Rule 95**

Detainees may freely communicate with the Independent Monitoring Body. During an inspection of the Detention Unit, Detainees shall have the opportunity to talk to the representatives of the Independent Monitoring Body out of the sight and hearing of the Staff of the Detention Unit.

#### **Rule 96**

The Commanding Officer shall ensure that safeguards are in place so that Detainees can make requests and complaints safely and, if so requested by a Detainee, in a confidential manner. A Detainee must not be subject to retaliation, intimidation, or other negative consequence as a result of having submitted a request or a complaint.

#### **Rule 97**

The rights under Rules 91 to 94 shall extend to the Legal Representative of the Detainee. In those cases where neither the Detainee nor his or her Legal Representative has the possibility of exercising such rights, a member of the Detainee's family or any other person who has knowledge of the case may do so.

### **TRANSPORT AND DISCHARGE OF DETAINEES**

#### **Rule 98**

When Detainees are being moved to or from the Detention Unit, they shall be exposed to public view as little as possible, and all proper safeguards shall be adopted to protect them from insult, injury, curiosity, and publicity in any form.

#### **Rule 99**

Detainees shall at all times be transported in vehicles with adequate ventilation and light and in such a way as will not subject them to unnecessary physical hardship or indignity.

#### **Rule 100**

The transport of Detainees through the Host Prison shall be conducted jointly by personnel of the Detention Unit and of the Host Prison.

### **Rule 101**

As soon as practicable after the transfer of a Detainee to another institution, the Registrar shall inform the Detainee's family or any other person designated as a contact person.