

INTERNATIONAL CRIMINAL TRIBUNAL  
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POUR L'EX-YOUGOSLAVIECHURCHILLPLEIN, 1,  
2501 EW LA HAYE, PAYS-BAS  
TÉLÉPHONE: 31 70 512-5000  
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**CONSIDERING** the Statute of the Tribunal as adopted by the Security Council under Resolution 827 (1993) of 25 May 1993, as subsequently amended;

**CONSIDERING** the Rules of Procedure and Evidence as adopted by the Tribunal on 11 February 1994, as subsequently amended;

**CONSIDERING** the Rules Governing the Detention of Persons Awaiting Trial or Appeal Before the Tribunal or Otherwise Detained on the Authority of the Tribunal as adopted by the Tribunal on 5 May 1994 and subsequently amended, and in particular Rule 80 thereof;

**CONSIDERING** the Regulations for the Establishment of a Complaints Procedure for Detainees, issued in April 1995 (IT/96) ("Complaints Procedure"); and

**HAVING CONSULTED** the President of the Tribunal on the proposed revisions to the Complaints Procedure;

**HEREBY ISSUES** revision one of the Complaints Procedure, as attached.



John Hocking  
Registrar

Dated this 14<sup>th</sup> day of December 2016  
At The Hague  
The Netherlands

**UNITED NATIONS DETENTION UNIT**  
**COMPLAINTS PROCEDURE FOR DETAINEES**  
**(ISSUED APRIL 1995)**  
**(AS AMENDED 14 DECEMBER 2016)**  
**(IT/96/REV.1)**

**Complaints Procedure for Detainees**

Issued by the Registrar, pursuant to Rules 80-84 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”).

In this Complaints Procedure, the masculine shall include the feminine and the singular the plural, and *vice versa*.

**Regulation 1**

**Procedure before the Commanding Officer**

- A) A Detainee may submit a complaint concerning the conditions of his detention to the Commanding Officer of the United Nations Detention Unit (“Detention Unit”) or his representative at any time. This includes complaints concerning an alleged breach of the Rules of Detention or of any regulations adopted there under.
- B) The Staff of the UNDU shall keep a daily log of all complaints and of the action taken in respect thereof.
- C) If the Commanding Officer decides that 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.
- D) If the Commanding Officer decides that the complaint is justified, but the power to rectify it does not lie with the Commanding Officer, the Commanding Officer shall transmit the complaint to the Registrar, and inform the Detainee accordingly. Such

complaints will be handled by the Registrar in accordance with this Complaints Procedure.

- E) If the Commanding Officer decides that the complaint is not justified, he shall inform the Detainee accordingly, providing reasons for his decision. The Commanding Officer shall advise the Detainee that he has the right to make a complaint to the Registrar in accordance with this Complaints Procedure.
- F) The Commanding Officer shall take a decision under these Regulations within seven (7) calendar days of receipt of the complaint in English or French.

## **Regulation 2**

### **Procedure before the Registrar**

- A) If a Detainee is not satisfied with the decision taken by the Commanding Officer, he may make a complaint to the Registrar within fourteen (14) calendar days of notification of the Commanding Officer's decision in a language that he understands.
- B) If no decision is taken by the Commanding Officer on a complaint submitted by a Detainee within seven (7) calendar days as provided for under Regulation 1(F), the Detainee may make a complaint to the Registrar within the next fourteen (14) calendar days.
- C) A Detainee may exceptionally seise the Registrar of a complaint directly, without first seeking review by the Commanding Officer, where the subject matter of the complaint concerns disciplinary measures imposed by the Commanding Officer, where the Commanding Officer's determination of a matter places him in a conflict of interest or where the Registrar determines that the subject matter of the complaint is time-sensitive. The deadline prescribed in Regulation 1(A) applies. Should the Registrar determine that the subject matter of the complaint is not time-sensitive, the Detainee may submit the complaint to the Commanding Officer within fourteen (14) calendar days from the Registrar's determination.

- D) The Detainee may deliver the complaint to the Detention Unit's administration office, for transmission to the Registrar. The Detainee may also submit the complaint by mail or through other means, including counsel or family members, directly to the Registrar. The complaint shall not be censored by the Staff of the Detention Unit and shall be transmitted to the Registrar without delay.
- E) The Registrar shall acknowledge receipt of all complaints within twenty-four (24) hours of receipt of the complaint. The Registrar shall forward a copy of each and every complaint to the President.
- F) A complaint shall be investigated promptly and efficiently, seeking 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. The Registrar shall where appropriate, pass all such communications to the President without delay.
- G) The Registrar shall provide to the Detainee an update on the status of the complaint within seven (7) calendar days of receipt of the complaint in English or French, and shall issue a reasoned written decision on the complaint as soon as possible, or at the latest, within fourteen (14) calendar days of receipt of the complaint in English or French. The Registrar shall inform the President of his decision.
- H) If the Registrar finds the complaint to be justified, he will take action to address the complaint as soon as possible and will inform the Detainee of both the action to be taken and the timeline for implementation. If the Registrar finds the complaint to be unfounded, the Registrar shall notify the Detainee in writing, giving reasons for rejection of the complaint.
- I) The Registrar shall advise the Detainee that he has the right to make a complaint to the President challenging his decision, in accordance with this Complaints Procedure.

**Regulation 3**  
**Procedure before the President**

- A) If a Detainee is not satisfied with the decision taken by the Registrar, the Detainee may make a complaint to the President challenging the Registrar's decision within fourteen (14) calendar days of notification of the Registrar's decision in a language that he understands.
  
- B) The Detainee may deliver the complaint to the Detention Unit's administration office for transmission to the Registrar, who shall forward the complaint to the President. The Detainee may also submit the complaint to the President by mail or by other means, including counsel or family members. The complaint shall not be censored by Staff of the Detention Unit or any person, and shall be transmitted to the President without delay.
  
- C) The Registrar shall transmit to the President all relevant information obtained in the course of the investigation of the complaint.

**Regulation 4**  
**Subsequent Complaint**

- A) Rejection of a complaint by the Commanding Officer, Registrar or President, does not prevent the Detainee from raising the complaint again.
  
- B) If the substance of the complaint concerns a complaint that has been rejected on a previous occasion, the Commanding Officer, the Registrar or the President, may reject the complaint without further investigation if it does not reveal additional matters not already considered.

**Regulation 5**  
**Assistance by Counsel**

A Detainee may be assisted by his counsel in connection with any complaint.

**Regulation 6**  
**Inspecting Authority**

Nothing in this Complaints Procedure affects the right of all Detainees to raise a complaint concerning the conditions of their detention at any time with the competent Inspecting Authority, whose duty it is to examine the manner in which Detainees are treated. In addition, at any time during an inspection of the Detention Unit by the competent inspecting authority, Detainees shall be entitled to talk freely with such inspectors out of the sight and hearing of the Staff of the Detention Unit.