

**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)
(AS AMENDED JUNE 2015)**

(IT/98/REV.7)

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Issued by the Registrar
April 1995
Amended June 1995
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PREAMBLE

The Registrar of the International Criminal Tribunal for the former Yugoslavia (“Tribunal”) issues these Regulations pursuant to 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”).

GENERAL PROVISIONS

Regulation 1

- (A) In accordance with Rules 58 to 65 of the Rules of Detention, these Regulations establish conditions for detainee Communications to safeguard the interests of the administration of justice and the security and good order of the Detention Unit, detainees, staff and visitors.
- (B) These Regulations apply to all detainees of the United Nations Detention Unit (“Detention Unit”) and are subject to the provisions of the Rules of Detention and, where applicable, the Rules of Procedure and Evidence of the Tribunal.

Regulation 2

- (A) Staff members authorised by the Registrar may exercise the Registrar’s powers and duties under these Regulations.
- (B) Staff members authorised by the Commanding Officer may exercise the Commanding Officer’s powers and duties under these Regulations.

Regulation 3

As used herein:

- (i) "Counsel" refers to defence counsel recognised by the Registrar for the detainee at issue.
- (ii) "Inspecting Authority" refers to an entity operating under Rules 6 or 36 of the Rules of Detention, including any representative of such entity.
- (iii) As used herein, "Communication" or "Communication Facilities" includes visits.

Regulation 4

It shall constitute an "Offence" under these Regulations to undertake or attempt to:

- (i) arrange escape;
- (ii) interfere with the administration of justice, including but not limited to breaching an order of the Tribunal or interfering with or intimidating a witness; or
- (iii) endanger the security, safety and good order of the Detention Unit or any person, including but not limited to importing contraband, such as mobile telephones and other communication devices, or breaching these Regulations, the Rules of Detention, or any other regulations, rules, or guidelines relating to detention matters issued by the Tribunal.

Regulation 5

(A) If the Commanding Officer has reasonable grounds to believe that a detainee, or person with whom the detainee wishes to communicate, may have committed or may be committing an Offence, the Commanding Officer may, as applicable and pending any further investigation:

- (i) immediately terminate any Communication with, to or from a detainee;
- (ii) temporarily confiscate any offending item;
- (iii) return any offending item to the sender or retain in accordance with Rule 14 of the Rules of Detention;
- (iv) require any visitor to leave the Detention Unit;
- (v) temporarily restrict the detainee's use of the Detention Unit's Communication Facilities; and/or
- (vi) take any other measures authorised under these Regulations.

(B) In such event, the Commanding Officer:

- (i) will advise the detainee, and the person with whom the detainee wishes to communicate, if applicable, in a language he understands and within three working days, of any action taken and the reasons therefor, unless the Commanding Officer determines that informing the detainee may impact the investigation of the matter;
- (ii) will offer the detainee, or person with whom the detainee wishes to communicate, an opportunity to comment on the potential Offence and any measures taken in response;

- (iii) will report the matter and any interim action taken to the Registrar; and
- (iv) may retain and provide the Registrar with any evidence of an Offence.

Regulation 6

- (A) If the Registrar, or the Commanding Officer in consultation with the Registrar, finds that a detainee or person with whom the detainee wishes to communicate has committed an Offence, he or she may:
 - (i) impose restrictions or conditions on the offender's future use of the Detention Unit's Communication Facilities;
 - (ii) impose sanctions under the Disciplinary Procedure; and
 - (iii) take any other measures authorised under these Regulations.
- (B) In such event, the Registrar or Commanding Officer:
 - (i) shall retain evidence of the Offence or, if necessary, dispose of it in accordance with Rule 14 of the Rules of Detention;
 - (ii) shall inform the detainee, Counsel and any other offending party of the finding and the reasons therefor; and
 - (iii) may notify the Prosecutor and, if necessary, state authorities of the Offence.
- (C) If the Offence could constitute contempt of the Tribunal or false testimony under Rules 77(A) and 91, respectively, of the Rules of Procedure and Evidence, the Registrar may provide evidence of the Offence to the Prosecutor after prior notice and disclosure to the detainee and Counsel.
- (D) If the Registrar or Commanding Officer finds that no Offence has been committed, he or she shall, if possible, reverse any interim measures taken under Regulation 5(A).

MAIL

Regulation 7

- (A) Subject to these Regulations, a detainee has the right to send and receive mail, including parcels.
- (B) The Commanding Officer, in consultation with the Registrar, may impose reasonable limits as to the quantity and weight of parcels received, and of mail when the cost is borne by the Tribunal.
- (C) Detainees shall be responsible for the cost of outgoing mail, including postage. A detainee without financial means to cover the cost of outgoing mail may seek permission from the Commanding Officer to send mail at the Tribunal's expense.

Regulation 8

- (A) All incoming and outgoing mail shall be subject to inspection and the security controls of both the Host Prison and the Detention Unit, including the use of X-ray machines and other detectors.
- (B) The Commanding Officer shall keep a log of all mail sent or received by a detainee, including the addressee, the sender (if known), the date of transmission or receipt, and any other information the Commanding Officer deems relevant.

Regulation 9

- (A) The Commanding Officer shall open and read all incoming and outgoing mail within two working days of receipt and, subject to Regulations 5 and 6, will deliver incoming mail to the detainee and post outgoing mail to the addressee without undue delay.
- (B) Mail addressed to or from Counsel containing only paper records related to Counsel's legal representation of the detainee shall only be opened in exceptional circumstances where the Commanding Officer or Registrar has reasonable grounds to believe that the detainee or Counsel may have committed or may be committing an Offence, in which case:
 - (i) the Commanding Officer shall note the interception in the Regulation 8(B) log, forward the unopened item in question to the Registrar without delay and notify the detainee within one working day;
 - (ii) the Registrar shall ask Counsel to open the item in the Registrar's presence;
 - (iii) the Registrar may require Counsel to explain the nature of the item in one of the working languages of the Tribunal; and
 - (iv) the Registrar will determine whether further action is necessary under Regulations 5 and 6.
- (C) Regulation 9(B) shall apply *mutatis mutandis* to mail addressed to or from staff members of the Tribunal, and diplomatic or consular representatives of the State to which the detainee belongs or which takes charge of his or her interests.
- (D) Outgoing mail to Counsel will be sent only to Counsel's address registered with the Registrar; otherwise, it will be returned unopened to the detainee.

TELEPHONE CALLS

Regulation 10

- (A) The Commanding Officer shall keep a log of all outgoing calls, including the name of the detainee, the telephone number dialed, the time and date of the call, and any other information the Commanding Officer deems relevant.
- (B) The Commanding Officer shall receive all incoming calls for a detainee and shall inform the detainee accordingly. At his or her sole discretion, the Commanding Officer

may permit a detainee to receive an incoming call in an emergency, in which case the details of the call shall be noted in the Regulation 10(A) log.

- (C) A detainee may make outgoing calls at any time detainees are unlocked from their cells, subject to the daily schedule of the Detention Unit and the availability of the telephone facilities. At his or her sole discretion, the Commanding Officer may permit a detainee to make calls outside these times.
- (D) To ensure the good order of the Detention Unit, the Commanding Officer, in consultation with the Registrar, may place reasonable restrictions on the time a detainee may spend on any one telephone call.

Regulation 11

- (A) The Tribunal shall bear the cost of a reasonable number of outgoing calls for each detainee, as determined by the Commanding Officer.
- (B) Detainees wishing to make additional calls must do so at their own expense. A detainee without financial means to cover the cost of such calls may seek permission from the Commanding Officer to make additional calls at the Tribunal's expense.

Regulation 12

- (A) Detainees have access to privileged and non-privileged telephone lines.
- (B) All telephone conversations on the non-privileged line shall be digitally recorded, but shall not be listened to except as provided under Regulation 13.
- (C) Detainees may only use the privileged telephone line to contact Counsel for the purposes of their legal representation by Counsel. The Commanding Officer must authorise all such numbers in advance. Telephone conversations on the privileged line shall not be recorded or listened to except as provided under Regulation 14.

Regulation 13

- (A) To ensure the security and good order of the Detention Unit and in the interests of the administration of justice, the Commanding Officer may listen to and summarise up to 10% of all calls on the non-privileged line, or recordings thereof, but shall not target any specific detainee.
- (B) If the Registrar has reasonable grounds to believe that a detainee, or person with whom the detainee wishes to communicate, may have committed or may be committing an Offence, he or she may order the Detention Unit to listen to and summarise a specific detainee's conversations on the non-privileged line, including:
 - (i) prior recordings; and/or
 - (ii) future telephone conversations, for a renewable period not exceeding 30 days.

- (C) The Registrar shall notify the detainee and Counsel of the reasons for the order within one working day.
- (D) The Registrar shall report renewals of the order, which shall not exceed 30 days, to the President.

Regulation 14

- (A) Telephone conversations conducted on the privileged line shall only be recorded or listened to in exceptional circumstances where the Registrar has reasonable grounds to believe the detainee, or person with whom the detainee wishes to communicate, may have committed or may be committing an Offence, in which case, he or she may order the Detention Unit to record, listen to and/or summarise the detainee's future telephone conversations on the privileged line for a renewable period not exceeding 30 days.
- (B) Prior to such communications being monitored, the Registrar shall notify the detainee and Counsel of the reasons for the order.
- (C) The Registrar shall report renewals of the order, which shall not exceed 30 days, to the President.

Regulation 15

Except where retained as evidence of an Offence, all recordings of telephone conversations shall be erased within eight months of their creation.

VISITS

Regulation 16

The purpose of visits under Rule 61 of the Rules of Detention is to allow a detainee to maintain relationships with family and friends and preserve a sense of community.

Regulation 17

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

Regulation 18

- (A) Except as otherwise provided in Regulation 20, all visitors must apply to the Registrar for permission to visit a detainee.
- (B) Other than in exceptional circumstances, a visitor must request such permission in writing, in a working language of the Tribunal or the language of the detainee, on the

standard visit application form, not later than ten working days prior to the date for which a visit is requested.

- (C) The request must explain the visitor's relationship with the detainee and the purpose of the visit.

Regulation 19

- (A) The Registrar shall grant or deny the request in line with these Regulations and the Rules of Detention within 5 working days of receipt of a complete application.
- (B) If the Registrar grants the request, he or she may issue permission for single or multiple visits.
- (C) If the Registrar denies the request, he or she will inform the detainee and visitor of the reasons therefor.

Regulation 20

- (A) Upon recognition of Counsel by the Registrar, he or she will grant Counsel permission to visit the detainee throughout the duration of the assignment or appointment. Upon receiving such permission, Counsel may contact the Detention Unit to schedule such visits.
- (B) The Inspecting Authority may visit detainees at the Detention Unit at any time.
- (C) Pursuant to Rule 63 of the Rules of Detention, the Registrar will issue a Rule 63 visit permit to an accredited diplomatic and consular representative of the State of which the detainee is a national, or which takes charge of his or her interests, upon receipt of a complete Rule 63 visit permit application form. Upon receiving such permit, the representative may contact the Detention Unit to schedule such visits.

Regulation 21

- (A) To enter the Host Prison and Detention Unit, all visitors must:
 - (i) produce a valid official identification acceptable to the Host Prison and bearing a current photograph; and
 - (ii) comply with the security requirements of both the Host Prison and the Detention Unit, as determined by the General Director of the Host Prison and the Commanding Officer, including but not limited to X-ray examination of possessions and personal searches.
- (B) Except as provided in Regulations 5 and 6, searches of Counsel shall not extend to reading or copying paper records brought to the Detention Unit that are related to Counsel's legal representation of a detainee.

Regulation 22

- (A) The Commanding Officer shall keep documentation of all visits, including the name of the detainee, name and address of the visitor, time and date, and any other information the Commanding Officer deems relevant.
- (B) All visits must be conducted within the sight of Detention Unit staff, except in exceptional circumstances at the discretion of the Commanding Officer in consultation with the Registrar.
- (C) Visitors may not directly exchange any item with a detainee during the visit. Visitors must pass any items for the detainee to the Commanding Officer before the visit, who will handle the items in accordance with Rules 75 and 76 of the Rules of Detention.
- (D) Counsel may directly exchange case-related paper documents with a detainee during a visit, which shall be treated as mail for the purposes of these Regulations. Counsel must pass any items other than case-related paper documents to the Commanding Officer before the visit, who will handle the items in accordance with Rules 75 and 76 of the Rules of Detention.

Regulation 23

- (A) If the Commanding Officer has reasonable grounds to believe a detainee or visitor may have committed or may be committing an Offence, he or she may order, after consultation with the Registrar, the recording, listening to and/or summarising of visits to the detainee, other than by Counsel and diplomatic representatives, for a renewable period not exceeding seven visiting days.
- (B) In the event of such an order:
 - (i) the Commanding Officer shall notify the detainee and Counsel of the reasons for the order within one working day;
 - (ii) the Commanding Officer shall include the order date and all summaries with the Regulation 22(A) documentation; and
 - (iii) the Registrar shall report renewals of the order, which shall not exceed seven visiting days, to the President.
- (C) Except where retained as evidence of an Offence, all recordings of visits shall be erased within one week of their creation.

Regulation 24

- (A) Visits with Counsel shall only be recorded, listened to and/or summarised in exceptional circumstances where the Registrar has reasonable grounds to believe Counsel may have committed or may be committing an Offence, for a renewable period not exceeding seven visiting days.
- (B) Prior to issuing the order, the Registrar shall notify the detainee and Counsel of the reasons for the order.

- (C) The Registrar shall report renewals of the order, which shall not exceed seven visiting days, to the President.
- (D) The Commanding Officer shall include the order date and all summaries with the Regulation 22(A) documentation.
- (E) Except where retained as evidence of an Offence, all recordings of visits shall be erased within one week of their creation.

REQUESTS FOR REVIEW AND COMPLAINTS

Regulation 25

A detainee whose Communications have been intercepted or restricted under Rules 64, *64bis* or 65 of the Rules of Detention may at any time ask the President to review the Registrar's decision. A detainee whose Communications have been intercepted or restricted on any other grounds may make a formal complaint in accordance with the Complaints Procedure and Rules 80 to 84 of the Rules of Detention.