

**INTERNATIONAL RESIDUAL MECHANISM FOR CRIMINAL
TRIBUNALS – THE HAGUE BRANCH**

UNITED NATIONS DETENTION UNIT

(UNDU)

**GUIDELINES ON SERVING DOCUMENTS UPON DETAINEES FOR
ADMINISTRATIVE OR LEGAL PROCEEDINGS NOT PENDING BEFORE
THE INTERNATIONAL RESIDUAL MECHANISM FOR CRIMINAL
TRIBUNALS**

**GUIDELINES ON SERVING DOCUMENTS UPON DETAINEES FOR
ADMINISTRATIVE OR LEGAL PROCEEDINGS NOT PENDING BEFORE THE
INTERNATIONAL RESIDUAL MECHANISM FOR CRIMINAL TRIBUNALS**

*Issued by the Commanding Officer of the United Nations Detention Unit
22 August 2024*

Pursuant to Rule 13(2) of the Rules Governing the Detention of Persons Awaiting Trial or Appeal before the Mechanism or Otherwise Detained on the Authority of the Mechanism (“Rules of Detention”) and Regulation 22 of the Mechanism’s Regulations on the Supervision of Visits to and Communications with Detainees (“Supervision Regulations”), the Commanding Officer of the United Nations Detention Unit (“Commanding Officer” and “UNDU”, respectively) at the International Residual Mechanism for Criminal Tribunals (“Mechanism”), in consultation with the Registrar of the Mechanism, issues the following “Guidelines on Serving Documents upon Detainees for Administrative or Legal Proceedings not pending before the International Residual Mechanism for Criminal Tribunals” (“Guidelines”).

General provisions

Service of documents upon detainees under the custody of the Mechanism in the UNDU at the Hague branch, and in relation to administrative or legal proceedings not pending before the Mechanism, is a legal act to be executed under the laws of the Netherlands. It is for the sender to decide which of the following four means of service of documents permitted under the law of the Netherlands would satisfy the requirements of their jurisdiction and best address their needs:

1. By diplomatic or consular representative, without compulsion, in administrative, civil and criminal cases brought outside the Netherlands;
2. By registered mail addressed to the detainee in administrative, civil and criminal cases brought outside the Netherlands;
3. Through formal request to the Netherlands Central Authority in criminal cases brought outside the Netherlands; and
4. By (court) bailiff in administrative and civil cases brought outside the Netherlands and in administrative, civil and criminal cases brought in the Netherlands.

1.

Service of documents by diplomatic or consular representative, without compulsion, in administrative, civil and criminal cases brought outside the Netherlands

(A) An accredited diplomatic or consular representative who wishes to deliver documents to a detainee at the UNDU shall seek the Commanding Officer's permission to visit the relevant detainee pursuant to the Supervision Regulations¹ by using the following email address: detentionunit@un.org. Once the requested permission is granted, the diplomatic or consular representative may contact the UNDU to schedule the visit using the same email address.

(B) For the purpose of these Guidelines, the term "without compulsion" shall be understood as prohibiting the diplomatic or consular representative from asking, telling, instructing or forcing the detainee to accept, open, read and/or acknowledge the message or documents for the detainee in any manner whatsoever.

(C) UNDU detainees may refuse to see any visitor, even if permission for a visit is granted by the Commanding Officer.²

(D) If the above process does not meet the requirements of the sender to establish proof of service, one of the other three means of service of documents set out in these Guidelines should be considered.

2.

Service of documents by registered mail addressed to the detainee in administrative, civil and criminal cases brought outside the Netherlands

(A) Registered mail addressed to a detainee shall be posted to the following address, indicating the first and last name of the detainee:

P.I. Haaglanden
United Nations Detention Unit
Pompstationsweg 32
2597 JW, The Hague
The Netherlands

(B) On the territory of the Netherlands, registered mail will be handled in accordance with Dutch law (Postwet 2009).

(C) Registered mail is delivered to The Hague Penitentiary Institution ("P.I. Haaglanden"), where an authorized staff member of P.I. Haaglanden will accept the registered mail and sign for receipt, if required. The authorized staff member of P.I. Haaglanden will then arrange for collection of registered mail by UNDU staff members for further processing in accordance with the Rules of Detention and the Supervision Regulations,³ which are available on the

¹ See Regulation 17(E) of the Supervision Regulations.

² See Rule 75 of the Rules of Detention.

³ See Regulations 6 and 7(A) of the Supervision Regulations.

Mechanism website (see <https://www.irmct.org/en/news/mechanism%E2%80%99s-rules-detention-enter-force-and-detention-related-regulations-are-issued>). The registered mail will be given to the detainee by a staff member of the UNDU.

(D) UNDU and Mechanism staff members cannot ask, tell, instruct, or force a detainee to accept, open or read the contents of the registered mail. Further, UNDU and Mechanism staff members cannot sign a registered mail receipt or any other document or form provided by the requesting party/sender for the purpose of confirming the receipt or service on the detainee. The UNDU and Mechanism staff members can only ensure that registered mail is given to a UNDU detainee in accordance with the Rules of Detention and the applicable Regulations. Given the above, the sender must determine if this will satisfy the requirements of their jurisdiction.

(E) In exceptional circumstances, and upon a reasoned request addressed to detentionunit@un.org, the IRMCT may prepare a letter or Note Verbale to the sender, indicating the day and time that the registered mail was given to the detainee by a UNDU staff member. An image of the envelope of the registered mail may also be provided, if necessary.

(F) If the above process does not meet the requirements of the sender to establish proof of service, one of the other three means of service of documents set out in these Guidelines should be considered.

3.

Service of documents through formal request to the Netherlands Central Authority in criminal cases brought outside the Netherlands

(A) Service of documents through the Netherlands Central Authority is carried out pursuant to applicable treaties on mutual legal assistance between the Netherlands and the State to which the requesting party belongs.

(B) The following Dutch webpage provides further information on legal assistance through the Central Authority for mutual legal assistance in criminal matters and extradition (Afdeling Internationale Rechtshulp in Strafzaken – AIRS): <https://www.internationalerechtshulp.nl/service-english>.

4.

Service of documents by (court) bailiff in administrative and civil cases brought outside the Netherlands and in administrative, civil and criminal cases brought in the Netherlands

(A) The following webpage of the Royal Professional Organization of Judicial Officers in the Netherlands (Koninklijke Beroepsorganisatie van Gerechtsdeurwaarders - KBvG), provides information and guidance on the organization and functions of (court) bailiffs who have been

appointed by law to act as the receiving and transmitting authority, performing official acts throughout the Netherlands: <https://www.kbvg.nl/welcome-to-our-website>.

(B) A (court) bailiff who wishes to serve documents on a detainee at the UNDU shall seek the Commanding Officer's permission to visit the detainee⁴ by using the following email address: detentionunit@un.org. Once the requested permission is granted, the bailiff may contact the UNDU to schedule the visit using the same email address.

(C) UNDU detainees may refuse to see any visitor, even if permission for a visit is granted by the UNDU Commanding Officer.⁵

⁴ See Regulation 17(E) of the Supervision Regulations.

⁵ See Rule 75 of the Rules of Detention.