



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

Registry Practice Direction

Rules of Detention

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CHAPTER I GENERAL PROVISIONS

Detention Rule 1 Purpose and scope

1. These Rules of Detention ('Rules') are adopted by the Registrar pursuant to Articles 34(12) and 41(8) and (9) of the Law on Specialist Chambers and Specialist Prosecutor's Office (Law No. 05/L-053) ('Law') and Rule 23(7) of the Rules of Procedure and Evidence.
2. The purpose of these Rules and the practice directions referred to in Detention Rule 63 is to govern the management and administration of the Detention Facilities for persons detained under the authority and direct custody of the Specialist Chambers and to ensure the continued application and protection of their individual rights while in detention. The primary principles on which these Rules and practice directions rest reflect the overriding requirements of humane treatment and respect for human dignity, safety, and security.
3. These Rules and the practice directions referred to in Detention Rule 63 shall be consistent with international human rights law and internationally accepted standards for the treatment of persons deprived of their liberty, taking into account, in particular, the United Nations Standard Minimum Rules for the Treatment of Prisoners (UN Doc. A/Res/70/175) (the 'Mandela Rules') and the European Prison Rules (Rec(2006)2). Detention Officers shall carry out their duties in line with the expected conduct and ethics of staff of detention facilities, in particular the European Code of Ethics for Prison Staff (CM/Rec(2012)5).

Detention Rule 2 Definitions

1. For the purpose of these Rules, the terms employed herein shall have the meaning given to them by the Law, the Rules of Procedure and Evidence, and the Directive on Counsel. The singular shall include the plural, and *vice versa*.
2. In addition, the following definitions shall apply:

Close Relative	A spouse or partner, parent, child, grandchild, brother, sister (including half- or step-brothers and sisters), or grandparent. Sons- and daughters-in-law shall also be included within this definition for the purposes of visits with Close Relatives ('family visits');
Chief Detention Officer	The official of the Specialist Chambers appointed by the Registrar as chief of the Detention Facilities;
Competent Panel	The Panel seised of the case, in accordance with Articles 25 and 33 of the Law;
Detainee	Any person detained under the authority and direct custody of the Specialist Chambers;

Detention Facilities	The Premises of the Specialist Chambers used by the Specialist Chambers for the purpose of the detention of a person;
Detention Management Unit	The unit of the Registry responsible for the management and administration of the Detention Facilities;
Detention Officers	Any Specialist Chambers staff and personnel provided by the Host State, who are working at the Detention Facilities under the supervision of the Chief Detention Officer;
Full Body Search	A personal search involving the removal of some or all of a Detainee's clothing, which shall not involve the undressing of both the upper and lower parts of the body at the same time;
General Director of the Prison	The head of the Prison, appointed by the authorities of the Host State;
Medical Officer	The responsible treating physician at the Detention Facilities, his or her deputy, or any other physician hired by competent authorities of the Host State for the purpose of providing medical treatment to a Detainee;
Personal Record	The record of a Detainee as referred to in Detention Rule 9;
Premises of the Specialist Chambers	Any of the buildings, parts of buildings, areas, installations, or facilities made available to and maintained, occupied, or used by the Specialist Chambers or the Specialist Prosecutor's Office in connection with their functions and purposes;
Prison	The penitentiary complex maintained by the authorities of the Host State within which the Detention Facilities in the Host State are located;
Rub-Down Body Search	A personal search performed over the clothed body.

Detention Rule 3 Application

These Rules shall be interpreted and applied in a manner consistent with the Law and the Rules of Procedure and Evidence.

Detention Rule 4 Management of the Detention Facilities

1. In accordance with Article 34(12) of the Law, the Registrar is responsible for managing and administering the detention function and facilities of the Specialist Chambers in line with international standards and the Law.
2. The Registrar may adopt practice directions and instructions on the basis of and consistent with these Rules.
3. Unless otherwise provided in the Law, the Rules of Procedure and Evidence, or these Rules, the Chief Detention Officer, acting under the authority of the Registrar, shall take all decisions concerning the daily management of the Detention Facilities, including the maintenance of safety, security, and good order. The Chief Detention Officer may, as needed, delegate his or her authority or specific functions.
4. In accordance with the Law, the Rules of Procedure and Evidence, and these Rules, the Chief Detention Officer's primary responsibility is the security and good order of the Detention Facilities, the secure custody of all Detainees, their safe and humane treatment, and the safeguarding of their rights. A proper balance shall be maintained between physical, procedural, and dynamic security with respect to all Detainees.
5. The Chief Detention Officer shall also be responsible for ensuring the safety and security of all persons who enter the Detention Facilities.
6. The Chief Detention Officer may issue instructions of general applicability for the purposes set out in paragraphs 3 to 5, including the House Rules of the Detention Facilities, upon approval of the Registrar.
7. The Chief Detention Officer shall promptly inform the Registrar of events related to the health of Detainees and the safety and security of the Detention Facilities, as appropriate.
8. Detention Officers shall supervise Detainees and maintain control with fairness and firmness, as necessary to ensure safety, security, and good order in the Detention Facilities. Detainees may be supervised by Detention Officers of either sex, subject to Detention Rule 15 and Detention Rule 39.

Detention Rule 5 Treatment of Detainees

1. All Detainees shall be treated humanely and with respect for the inherent dignity of the human person. No one shall be subject to torture or to cruel, inhuman, or degrading treatment or punishment.
2. These Rules shall be applied with impartiality. There shall be no discrimination on any ground.
3. All Detainees, other than those who have been convicted, are presumed to be innocent until found guilty and are to be treated as such at all times.

Detention Rule 6 Detention Officers

1. All Detention Officers shall, in performing their duties, comply with the procedures and conditions that apply to staff members of the Specialist Chambers. The Chief Detention Officer shall organise training of Detention Officers in order to familiarise them with the relevant provisions.
2. These Rules and any practice directions or instructions relating to the Detention Facilities shall be made readily available to Detention Officers.

Detention Rule 7 Inspections

1. In accordance with an agreement between the Specialist Chambers and the International Committee of the Red Cross (ICRC), the ICRC may carry out regular, unannounced, and independent inspections of the Detention Facilities with a view to examining the conditions of detention and the treatment of Detainees in order to ensure strict compliance with human rights, applicable provisions of international law, and accepted standards concerning the treatment of Detainees.
2. The Ombudsperson may enter and inspect at any time and without notice the Detention Facilities to assess the conditions of detention, in accordance with the Rules of Procedure and Evidence.

Detention Rule 8 Language

1. The authoritative language of these Rules and related practice directions shall be English.
2. For the purpose of the effective management of the Detention Facilities, the language used shall be English. If a Detainee does not understand and cannot communicate effectively in English, interpretation shall be available to enable the Detainee to communicate freely.
3. Written information required by these Rules and related practice directions shall be, to the extent possible, in all three official languages of the Specialist Chambers referred to in Article 20 of the Law.

Detention Rule 9 Personal Record

1. The Chief Detention Officer shall ensure that a Personal Record for each Detainee is kept current.
2. The Personal Record shall include all written communications between the Detainee and the staff of the Detention Management Unit and the Registry related to his or her detention in the Detention Facilities.
3. All information contained in a Detainee's Personal Record shall be stored and processed in line with the Specialist Chambers' Administrative Directive on Information Asset Management and Operational Instruction on Information Asset Protection.
4. The collection, storage, and processing of personal data by staff of the Detention Management Unit and the Registry shall be limited to the extent necessary for the performance of lawful, legitimate, and specific purposes.
5. After the termination of detention on remand, the Personal Record of a Detainee shall be retained in accordance with Detention Rule 64.
6. A Detainee shall have the right to access the information contained in his or her Personal Record except for information that the Chief Detention Officer, in consultation with the Registrar, determines should be withheld due to safety, security, or the proper management of the Detention Facilities, subject to redactions authorised in accordance with paragraph 3. In order to access information in his or her Personal Record, a Detainee shall submit a written request to the Chief Detention Officer.

CHAPTER II RECEPTION PROCEDURE

Detention Rule 10 Reception

1. The procedures regulated in this Chapter shall not, if possible, be carried out in the presence of other Detainees.
2. Promptly upon reception of a Detainee at the Detention Facilities, the Chief Detention Officer shall notify the Registrar, who shall transmit the notification of reception to the relevant judicial authorities and inform the relevant parties and persons, including the Head of the Defence Office.
3. Upon reception, the Chief Detention Officer shall note the day and hour of reception and obtain the photograph and fingerprints of the Detainee, as well as any other personal information required by international standards governing detention as referred to in Detention Rule 1.3. This information, as well as any other information provided by the Detainee or that the Chief Detention Officer considers necessary for the maintenance of safety, security, or good order in the Detention Facilities, shall be included in the Detainee's Personal Record in accordance with Detention Rule 9.
4. The Detainee's person, clothes, and belongings shall be searched, in accordance with Detention Rule 25 and Detention Rule 39. Any prohibited items shall be addressed and retained in accordance with the procedures set forth in those Detention Rules.
5. The Chief Detention Officer shall record in an inventory all monies, valuables, clothing, and other items belonging to the Detainee, including any items prohibited under Detention Rule 25. The Detainee and the Chief Detention Officer shall sign the inventory, which shall be placed in the Detainee's Personal Record.
6. Any item that the Detainee is not allowed to retain shall:
 - a. be placed in safe custody at the Detention Facilities; or
 - b. at the request and expense of the Detainee, be sent to an address provided by him or her, subject to the authorisation of the Registrar.
7. The Detainee shall be informed in writing of any confiscation or destruction of items and the reasons therefor, which shall also be noted in the Detainee's Personal Record. The Registrar shall be notified accordingly.

Detention Rule 11 Initial medical examination

After reception and within twenty-four (24) hours of arrival, a Detainee shall be examined by the Medical Officer without the presence of any non-medical personnel, unless otherwise required by security or good order. The Medical Officer shall record any physical or mental illness, any disability, and/or any indication or evidence of mistreatment, as well as any information about the Detainee's health that is relevant to the physical and mental well-being of the Detainee and others.

Detention Rule 12 Arrival interview

1. After the initial medical examination and within twenty-four (24) hours of arrival, the Chief Detention Officer or a person designated by him or her shall conduct an arrival interview with a Detainee concerning matters relevant to detention and shall provide an explanation of the rights, obligations, and treatment of Detainees and all other matters necessary to enable the Detainee to understand his or her rights and obligations and to adapt himself or herself to the routine of the Detention Facilities.

2. The Detainee shall be provided with information concerning consular representation available to him or her. The Head of the Defence Office shall provide the Detainee with information and documentation concerning the availability of legal assistance in line with the Directive on Counsel and the Legal Aid Regulations. This information shall be provided in a language the Detainee understands.
3. The Detainee shall be provided with a copy of the following documents, available in any of the three official languages of the Specialist Chambers as provided for in Article 20 of the Law:
 - a. the Rules of Detention;
 - b. the Practice Direction on Discipline;
 - c. the Practice Direction on Complaints;
 - d. the Practice Direction on Visits and Communications;
 - e. the Practice Direction on Counsel Visits and Communications;
 - f. any practice directions and instructions adopted by the Registrar pursuant to Detention Rule 4.2;
 - g. the House Rules of the Detention Facilities, as well as any other written instructions of general applicability issued by the Chief Detention Officer pursuant to Detention Rule 4.6;
 - h. the Law;
 - i. the Rules of Procedure and Evidence;
 - j. the Directive on Counsel;
 - k. the List of Counsel, if required;
 - l. the Legal Aid Regulations; and
 - m. a certified copy of the order or warrant of arrest, as applicable.
4. If the Detainee's own language is not one of the three official languages of the Specialist Chambers, the Detainee shall be provided with the material referred to in paragraphs 3.a and 3.m, as well as an explanation of and information about the other documents referred to in paragraph 3, in a language the Detainee understands. If a Detainee is illiterate or the information is not yet available in a language the Detainee understands, the information shall be given orally in a language the Detainee understands.
5. The Detainee's Personal Record shall contain a note regarding the date and time when the material and information specified in this Detention Rule were provided to the Detainee.
6. Any information provided by the Detainee concerning other relevant matters shall, if necessary, be brought to the attention of the Registrar.

Detention Rule 13 Emergency contacts and first telephone calls

1. During the arrival interview, a Detainee shall be asked to provide the details of two emergency contacts, one of whom shall ordinarily be a Close Relative and the other an authority, such as an appropriate consular representative, to be notified of special events concerning the Detainee, including serious illness, serious injury, or death. Any unwillingness of the Detainee to provide any information in this regard shall be recorded in the Detainee's Personal Record.
2. Promptly after the arrival interview, the Detainee shall be allowed to call Counsel and the emergency contacts identified in paragraph 1, including any consular representative.

Detention Rule 14 Report to the Competent Panel

After the reception procedure is concluded, the Registrar shall promptly file with the Competent Panel a report on the transfer of the Detainee to and his or her reception at the Detention Facilities.

CHAPTER III ACCOMMODATION, SLEEP, HYGIENE, AND FOOD**Detention Rule 15 Accommodation areas**

Female and male Detainees shall be detained in separate areas of the Detention Facilities.

Detention Rule 16 Single cells

Each Detainee shall be provided with his or her own cell unless, in exceptional circumstances, the Chief Detention Officer decides otherwise, promptly informing the Registrar. The sharing of cells for a period longer than seven (7) days requires authorisation by the Registrar.

Detention Rule 17 Convicted Detainees

Detainees in respect of whom final sentence has been passed shall, whenever possible, be accommodated separately from other Detainees in the Detention Facilities.

Detention Rule 18 Detainees with disabilities

1. The Registrar, upon the Medical Officer's clinical determination, shall issue a decision as to a Detainee's disability.
2. Detainees with disabilities shall have suitable accommodation in the Detention Facilities, meeting their personal needs and allowing them to exercise their rights in connection with the proceedings before the Specialist Chambers to the same extent as other Detainees. Such accommodation shall be of sufficient size to allow the use of mechanical and other aids as necessary.

Detention Rule 19 Sleep

Detainees have a right to eight (8) hours of uninterrupted rest every twenty-four (24) hours.

Detention Rule 20 Maintenance

1. The Chief Detention Officer shall ensure that the Detention Facilities are properly maintained and kept clean and tidy at all times.
2. Each Detainee is required to keep his or her cell clean and tidy.

Detention Rule 21 Bedding

Each Detainee shall be provided with a separate bed and appropriate bedding. The bedding shall be clean when issued, kept in good order, and changed on a regular basis.

Detention Rule 22 Health and hygiene

1. The Chief Detention Officer shall ensure that the Detention Facilities, in particular the sleeping accommodation and sanitary facilities, at all times meet the requirements of health and hygiene set out in the applicable international standards governing detention as referred to in Detention

Rule 1.3. Due regard shall be paid to climatic conditions, minimum floor space, cubic content of air, lighting, heating, and ventilation.

2. Each Detainee shall have access to adequate sanitary, bathing, and shower installations for general hygiene as frequently as necessary, but at least once daily. Each Detainee shall be permitted unrestricted access to the sanitary, hygiene, and drinking water arrangements in his or her cell unit.
3. The Detention Facilities provide separate amenities for female and male Detainees for their proper care and personal hygiene. Detainees shall be required to keep themselves clean and shall be provided with such toilet items as are necessary for health and cleanliness.

Detention Rule 23 Food

1. The Detention Facilities provide Detainees with three (3) meals of food at appropriate times each day, which shall be varied, well-prepared and -served, and satisfying in quality and quantity as regards standards of nutrition. The food shall take into account, as far as practicable, the age, health, religious, and cultural requirements of the Detainees, as well as the nature of any work performed by the Detainees, the season, and the climatic conditions.
2. The suitability of food and water, nutritional requirements, and the quantity, quality, preparation, and serving of meals shall be regularly monitored by the Chief Detention Officer and the Medical Officer.

CHAPTER IV PERSONAL POSSESSIONS AND FACILITIES

Detention Rule 24 Clothing and personal belongings

1. Detainees may wear their own clothing if it is clean and, in the opinion of the Chief Detention Officer, suitable. A Detainee who lacks financial means shall be provided with appropriate clothing by the Detention Facilities, if needed. Such clothing shall be appropriate for the climate and shall in no manner be degrading or humiliating.
2. A Detainee has the right to be provided with special work clothes, shoes, and equipment required by the work that he or she performs, as applicable.
3. All clothing, including underclothing, shall be clean and kept in proper condition and shall be changed and washed as often as necessary for the maintenance of hygiene and in accordance with the regime of the Prison.
4. A Detainee may keep personal items in his or her possession unless such items are prohibited pursuant to Detention Rule 25.

Detention Rule 25 Prohibited items

1. The Chief Detention Officer shall issue an instruction on prohibited items and substances in the Detention Facilities pursuant to Detention Rule 4.6. Detainees and their visitors shall be provided with written information about the nature and type of prohibited items and substances, including items containing flammable liquids, combustible material, alcohol, narcotic drugs, psychotropic substances, medications, organic products, mobile telephones, or any other communication devices and contraband.

2. Any item received from outside of the Detention Facilities, including any item introduced into the Detention Facilities by a visitor, shall be subjected to the security controls of the Detention Facilities and, where applicable, the Prison, including the use of X-ray machines and other screening devices. Detainees shall also walk through any archway metal detectors in the Detention Facilities as a matter of routine.
3. In addition to prohibited items and substances included in the written information referred to in paragraph 1, the Chief Detention Officer may refuse to receive an item if there is a reasonable suspicion that it could:
 - a. disturb the maintenance of security or good order in the Detention Facilities;
 - b. constitute a danger to the health or safety of any person;
 - c. be used for the purpose of planning or arranging the escape of a Detainee from the Detention Facilities;
 - d. be used to commit a criminal offence or contain evidence of a plan to commit a criminal offence;
 - e. breach these Rules or any practice direction or instruction adopted or issued thereunder; or
 - f. undermine the proper administration of justice or the conduct or outcome of any proceedings, including breaching an order of the Competent Panel, or otherwise frustrate the mandate of the Specialist Chambers.
4. Any item meeting the conditions of paragraph 3 may be inspected and shall be confiscated and retained or destroyed where appropriate. Where such an item cannot reasonably be kept in the custody of the Specialist Chambers because it will deteriorate or for other similar reasons, the Chief Detention Officer may order its destruction. The Chief Detention Officer shall inform the Registrar and the Detainee or the relevant visitor in writing accordingly.
5. Where appropriate, and after prior notice and disclosure to the Detainee and Counsel or the relevant visitor, the Registrar may provide any retained item to the Competent Panel or the Host State authorities.

Detention Rule 26 Facilities for preparation of the defence

1. A Detainee shall be provided with adequate and reasonable facilities to participate in the preparation of his or her defence before the Specialist Chambers in accordance with Article 21 of the Law.
2. A Detainee shall not receive or use Universal Serial Bus (USB) devices or portable hard drives for the preparation of his or her defence or otherwise, as well as any other specific kinds of electronic data carriers set forth by the Chief Detention Officer in a separate list made available to the Detainee and Counsel.
3. A Detainee is entitled to receive other materials for the preparation of his or her defence, including:
 - a. materials disclosed to the Detainee pursuant to the Rules of Procedure and Evidence;
 - b. paper documents, CD-ROMS, or DVDs containing privileged communications, work-product, or case-related documents from Counsel, in accordance with the Practice Direction on Counsel Visits and Communications referred to in Detention Rule 63;
 - c. transcripts of the testimonies of witnesses and evidence presented during the case proceedings; and
 - d. copies of relevant documents from the case file.

Detention Rule 27 Tobacco, alcohol, drugs, and other prohibited substances

1. The possession and use of any medication by a Detainee shall be subject to the control and supervision of the Medical Officer, who shall notify the Chief Detention Officer of the presence and legitimacy of any such medication.
2. Possession or consumption of alcohol, narcotic drugs, psychotropic substances, or medications and supplements without authorisation of the Medical Officer is prohibited.
3. Detainees may possess tobacco products, subject to restrictions on the quantity provided for in the relevant instructions issued pursuant Detention Rule 4.6. A Detainee may smoke tobacco at such times and in such places as determined by the Chief Detention Officer.

Detention Rule 28 Purchases and accounts

1. Detainees may purchase items from lists provided by any shop designated by the Registrar.
2. Detainees shall be allowed to purchase such items at least once a week.
3. The cost of items purchased from a designated shop shall be deducted from the account set up by the Prison for each Detainee.
4. In the case of a Detainee who lacks financial means, the Registrar may authorise the purchase of such items to cover the urgent needs of a Detainee, within reason.
5. The Chief Detention Officer may authorise or modify expenditures from a Detainee's account under paragraph 3 as required by the Practice Direction on Discipline referred to in Detention Rule 63.

Detention Rule 29 Return of property

1. Upon release of a Detainee from the Detention Facilities, money and all items retained pursuant to these Rules that belong to the Detainee shall be returned to the Detainee.
2. Where a Detainee is to be transferred to another facility for the purposes of enforcement of sentence or detention, all items and money belonging to the Detainee shall be returned to the Detainee or handed over to the representatives of the prison to which the Detainee is transferred. Items that have been confiscated pursuant to Detention Rule 25 may only be handed over to the representatives of the prison to which the Detainee is transferred.
3. The Detainee shall sign a receipt for items and money returned to him or her pursuant to this Detention Rule.

CHAPTER V MEDICAL CARE

Detention Rule 30 Medical services

1. A designated area within the Detention Facilities shall be equipped and furnished appropriately for the provision of medical care and treatment.
2. Detainees shall enjoy at least the same standards of health care as are available in the Host State.
3. Arrangements shall be made to ensure at all times that a qualified medical practitioner is available without delay in cases of urgency. A Detention Officer capable of providing first aid shall be available at all times.

4. The Medical Officer shall be responsible for the care of the physical and mental health of Detainees and shall perform medical examinations of Detainees as detailed in Detention Rule 31. The relationship between the Medical Officer or other health-care professionals and Detainees shall be governed by the same ethical and professional standards as those applicable to patients in the Host State, in particular:
 - a. the duty of protecting Detainees' physical and mental health and the prevention and treatment of disease on the basis of clinical grounds only;
 - b. adherence to Detainees' autonomy with regard to their own health;
 - c. the principle of confidentiality of medical information;
 - d. an 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 principle of Detainees' informed consent to treatment.
5. The Medical Officer, in co-operation with the competent health authority of the Host State, shall regularly advise the Chief Detention Officer on the observance of these Rules and any related practice directions or instructions adopted or issued pursuant to Detention Rule 4, including those concerning:
 - a. the quantity, quality, preparation, and serving of food;
 - b. the hygiene and cleanliness of Detainees and the Detention Facilities;
 - c. the sanitation, heating, lighting, and ventilation of the Detention Facilities;
 - d. the suitability and cleanliness of Detainees' clothing and bedding; and
 - e. public health measures in the Detention Facilities.

Detention Rule 31 Medical examinations

1. The Medical Officer shall regularly see all Detainees. In particular, the Medical Officer shall see at least daily any Detainee to whom his or her attention is specially directed, including all Detainees who are ill or injured or who are in confinement in accordance with the Practice Direction on Discipline referred to in Detention Rule 63.
2. When examining a Detainee, the Medical Officer, or a qualified nurse reporting to the Medical Officer, shall pay particular attention to:
 - a. observing the rules of medical confidentiality;
 - b. diagnosing physical or mental illness and taking all measures necessary for its treatment or for the continuation of existing medical treatment;
 - c. recording any sign or indication that a Detainee may have been abused or treated violently;
 - d. monitoring and treating any withdrawal symptoms resulting from the use of drugs, medication, or alcohol;
 - e. identifying any psychological or other stress brought on by the fact of deprivation of liberty;
 - f. assessing the need for medical isolation or quarantine of a Detainee suspected of an infectious or contagious condition and providing proper treatment;
 - g. determining the fitness of each Detainee to exercise and to work, as applicable; and
 - h. attending to any distinctive medical needs of a female Detainee.
3. The Medical Officer shall ensure that reports are submitted on a regular basis to the Chief Detention Officer in relation to any medical conditions experienced by Detainees relevant to the

administration of the Detention Facilities, as well as any treatment they are receiving. The Chief Detention Officer shall inform the Registrar accordingly.

4. Subject to the informed consent of the Detainee, the Medical Officer shall report promptly to the Chief Detention Officer, followed by a written report, whenever he or she considers that the physical or mental health of a Detainee has been or likely will be adversely affected by continued detention or by any conditions of detention. The Chief Detention Officer shall promptly submit any such report to the Registrar, who shall inform the Competent Panel accordingly.
5. If a Detainee exhibits behaviour indicating that he or she may attempt to harm him or herself or commit suicide, the Medical Officer, assisted by Detention Officers, shall take all necessary measures to prevent self-injury or suicide. If a Detainee attempts to harm him or herself or to commit suicide, a multi-disciplinary team led by the Medical Officer shall take the action necessary to assist the Detainee and to try to address the causes of the behaviour.
6. Should a Detainee be suspected of, or diagnosed as, having an infectious or contagious disease or where public health measures so require, the Medical Officer shall take the necessary measures at his or her disposal for the diagnosis and treatment of the Detainee, including, where needed, medical isolation or quarantine.
7. When a mental disorder or an emotional disturbance is suspected, appropriate measures shall be taken without delay, in accordance with the law applicable in the Host State concerning psychiatric assistance, mental health, and compulsory medical interventions.
8. The provisions of this Detention Rule are without prejudice to Rule 69 of the Rules of Procedure and Evidence, pursuant to which the Competent Panel may order a medical, psychiatric, or psychological examination of a Detainee at any time, with the assistance of an expert who is not the Medical Officer.

Detention Rule 32 Specialist treatment and second opinions

1. Where an opinion of a specialist is required, the Medical Officer shall refer a Detainee to a specialist for an opinion regarding a Detainee's medical care and/or treatment.
2. Where, in the opinion of the Medical Officer, a second opinion by a specialist is required, the Medical Officer shall refer a Detainee to another physician in the same specialisation for a second opinion and arrange the consultation.
3. Where a Detainee requests a second opinion but the Medical Officer does not agree that a second opinion is required, the Detainee may proceed pursuant to Detention Rule 34.
4. Detainees who, in the opinion of the Medical Officer, require specialist treatment under this Detention Rule shall receive such treatment within the Detention Facilities and, when this is not possible, outside the Detention Facilities.
5. The time spent receiving medical treatment outside the Detention Facilities shall be considered as time spent in detention, unless the Detainee is on provisional release.

Detention Rule 33 Independent medical specialists

1. In the event that the Registrar wishes to obtain independent medical advice on the health of a Detainee or a specific aspect thereof, the Registrar may appoint an independent medical specialist.
2. The Registrar may create a list of specialists who can provide independent medical advice.

Detention Rule 34 Consultations with external medical practitioners

1. The Medical Officer is the primary treating physician for all Detainees in the Detention Facilities.
2. Detainees may consult other external medical practitioners, such as doctors or dentists, of their own choosing and at their own expense, provided that the external practitioners are licensed to practice in Kosovo, the Host State, or the State of residence of the Detainee. Exceptionally, the Registrar may approve consultations by external practitioners licensed to practice in the Detainee's country of origin.
3. Any external medical practitioner shall provide the Registrar with a copy of his or her medical license and proof of adequate professional liability insurance coverage for verification prior to visiting a Detainee or providing any assistance or treatment.
4. All medical visits with an external practitioner shall be made by prior arrangement with the Chief Detention Officer according to applicable instructions issued pursuant to Detention Rule 4.6. External practitioners shall be subject to the same security controls as those imposed on other visitors, in accordance with the Practice Direction on Visits and Communications referred to in Detention Rule 63.
5. Where a Detainee who lacks financial means wishes to consult an external medical practitioner for the purpose of medical treatment, the Detainee may submit a request to the Registrar for the Specialist Chambers to carry the fees. In consultation with the Medical Officer, the Registrar may determine that exceptional circumstances exist, which justify the payment of the fees for an external medical consultation requested by a Detainee pursuant to this paragraph.
6. With the Detainee's informed consent, external medical practitioners shall inform the Medical Officer of the outcome of any consultation, including any recommended medication or treatment, and the Medical Officer shall include the report in the Detainee's medical record pursuant to Detention Rule 36.
7. The Medical Officer, or other persons authorised by him or her in accordance with the law applicable in the Host State, shall administer any medication or treatment recommended by an external medical practitioner unless, in the Medical Officer's professional medical opinion, it would not be in the best interests of the Detainee to do so.
8. External medical practitioners shall not perform any invasive medical examinations and shall not import their own medical devices into the Detention Facilities. Any medical devices needed for an examination of a Detainee shall be provided by the Medical Officer.
9. The Medical Officer shall obtain the Detainee's informed consent prior to releasing any of the Detainee's medical information to an external medical practitioner.

Detention Rule 35 Informed consent to medical treatment

1. Any medical procedure or treatment shall be applied to a Detainee after obtaining his or her informed consent. If the Medical Officer and a Detainee are unable to come to an agreement on a course of treatment, a Detainee shall be asked to sign a statement that he or she is refusing treatment. Detention Rule 31.4 to Detention Rule 31.7 shall apply.
2. The use of instruments of restraint, pursuant to Detention Rule 47, to prevent injury to the Detainee, to other persons, or to property is not considered a medical procedure or treatment, and informed consent is not required.

3. A Detainee who is unable to, or cannot for other reasons, provide his or her informed consent shall be treated in line with applicable international medical standards.

Detention Rule 36 Medical record

1. The Medical Officer shall maintain a medical record for each Detainee, which shall be confidential and stored separately from a Detainee's Personal Record.
2. A Detainee's medical information shall be collected, processed, and stored by the Medical Officer in accordance with national legislation. Any medical information that is processed or stored by the Specialist Chambers shall be processed and stored in line with the Specialist Chambers' Administrative Directive on Information Asset Management and Operational Instruction on Information Asset Protection.
3. Prior to the disclosure of a Detainee's medical information, the Medical Officer shall ask the Detainee to give his or her informed consent.
4. Any disclosure without the Detainee's informed consent shall be necessary to achieve a legitimate aim and proportionate to the aim pursued. A Detainee's medical information may only be disclosed by the Medical Officer without the Detainee's prior informed consent for the purpose of protecting against a serious and imminent threat to the health or safety of the Detainee or to others, or where otherwise required by a legitimate interest justifying disclosure, in accordance with the Law, applicable Host State regulations, and the rules of professional ethics.
5. A Detainee shall have the right to access all information contained in his or her medical record in accordance with any applicable instruction adopted or issued pursuant to Detention Rule 4, except where there are reasonable grounds to believe that the disclosure of certain information to the Detainee could cause serious physical or mental harm to the Detainee.

Detention Rule 37 Serious illness, serious injury, or death

1. The Chief Detention Officer or the Medical Officer shall promptly inform the Registrar upon the serious illness, serious injury, or death of a Detainee.
2. Upon notification, the Registrar shall promptly inform the emergency contacts of the Detainee designated under Detention Rule 13, if any, as well as the Competent Panel, the Specialist Prosecutor, and the Detainee's Counsel.
3. In the event of the death of a Detainee, the Registrar shall promptly inform the Host State. The Registrar shall seek the support of outside authorities to determine the cause of death and may order any enquiries necessary for that purpose. If it is determined that the death of a Detainee is not the result of natural causes, the Registrar shall refer the case to the competent authorities of the Host State.
4. After a determination of the cause of death, the remains of the Detainee and his or her personal effects, as well as any other items that have been confiscated pursuant to Detention Rule 25, shall be delivered to the Detainee's Close Relative or other person designated by the Detainee under Detention Rule 13. If the Close Relative or other designated person does not accept the Detainee's remains, the remains shall be buried at the expense of the Specialist Chambers.

CHAPTER VI SEARCHES AND MONITORING

Detention Rule 38 Training of Detention Officers

Detention Officers shall be trained to carry out searches pursuant to these Rules, including in detecting and preventing any attempt to escape or to hide items prohibited by Detention Rule 25, while at the same time respecting the dignity of those being searched and their personal possessions.

Detention Rule 39 Personal searches

1. Searches shall be conducted in a manner that respects the dignity of the Detainee, and the least intrusive method shall be applied based on the criteria of necessity and proportionality.
2. Where a Detainee refuses to co-operate with a search, the Chief Detention Officer may authorise the use of the minimum force necessary to effect the search. In the event of the use of force, Detention Rule 48 shall apply.
3. The Chief Detention Officer may order a Rub-Down Body Search of a Detainee when necessary to ensure the safety, security, or good order of the Detention Facilities. During a Rub-Down Body Search, a Detainee shall remain fully clothed, and the search may be conducted manually or by electronic means, or both. During a Rub-Down Body Search, a Detainee's hair may be manually inspected, and a visual inspection of a Detainee's nose, ears, and mouth may also take place. Rub-Down Body Searches of male Detainees may be conducted by a Detention Officer also of the opposite sex except where the Detainee makes an objection to the Chief Detention Officer, with reasons. Upon objection, no Rub-Down Body Search of this particular Detainee by a Detention Officer of the opposite sex shall be performed until the Chief Detention Officer has made a decision on the objection.
4. At reception, and thereafter at any time where the Chief Detention Officer or a Detention Officer has a reasonable suspicion that a Detainee is in possession of a prohibited item as defined in Detention Rule 25 and the item may only be discovered by removing the Detainee's clothes, the Chief Detention Officer may direct that the Detainee undress in order to permit a Full Body Search. The search shall be conducted with due respect for the Detainee's cultural sensibilities and shall:
 - a. be carried out by a minimum of two and a maximum of three Detention Officers of the same sex as the Detainee and in a private area out of sight of other persons;
 - b. not be conducted in the presence of persons of a different sex than the Detainee; and
 - c. not involve the undressing of both the upper and lower parts of the body of the Detainee at the same time.
5. If a Detention Officer has a reasonable suspicion that a Detainee is in possession of a prohibited item and a search by visual inspection of the Detainee's full body is necessary to find the item, he or she may conduct a Full Body Search upon approval of the Chief Detention Officer and in accordance with the conditions set forth in paragraph 4. Such a search may only take place without prior approval if the delay caused by seeking such approval would result in immediate danger to human life or safety. The Detention Officer may use the minimum force necessary to effect the search, in accordance with paragraph 2, and a supervising officer must be consulted prior to or promptly after the Full Body Search. The Chief Detention Officer shall promptly report any search pursuant to this paragraph to the Registrar.

6. The Registrar may issue a practice direction governing the circumstances and the manner in which body cavity searches may be conducted based on the following:
 - a. body cavity searches shall be a last resort after all other alternatives have been exploited; and
 - b. only a non-treating physician may conduct a search of body cavities.
7. Visual inspection of a Detainee's mouth, nose, and ears shall not be considered a body cavity search for the purposes of these Rules.
8. Items removed during searches shall be handled in accordance with Detention Rule 25. The Chief Detention Officer shall notify the Detainee in writing of any such items, and a copy of the notification shall be placed in the Detainee's Personal Record.

Detention Rule 40 Searching of cells

1. Cells shall be inspected daily and searched regularly as a matter of routine in the Detention Facilities. The Chief Detention Officer may authorise a special search of a Detainee's cell if there is a reasonable suspicion that the cell contains a prohibited item as defined in Detention Rule 25, including items that constitute a threat to the security or good order of the Detention Facilities or the Prison, or to the health and safety of the Detainee or any other person.
2. Detainees shall be present during the search of their cells unless investigating techniques or the potential threat to Detention Officers require otherwise.
3. If a prohibited item as defined in Detention Rule 25 is found, it shall be removed from the cell and handled in accordance with that Detention Rule. The Chief Detention Officer shall inform the Detainee in writing of any such items, and a copy of the notification shall be placed in the Detainee's Personal Record.
4. Searches of cells shall be conducted with respect for Detainees' personal property. Only persons authorised by the Registrar or the Chief Detention Officer may have access to Detainees' cells.

Detention Rule 41 Cell monitoring for health, safety, and security purposes

1. In case of danger to the security or good order of the Detention Facilities or the Prison, or to the health and safety of a Detainee or any other person, and insofar as necessary and proportionate, the Registrar may decide that a Detainee's cell be monitored by video surveillance equipment for a period not exceeding thirty (30) calendar days. The decision shall provide reasons for the monitoring and shall be reported to the Competent Panel.
2. The Registrar may, upon request of the Chief Detention Officer, further extend such video surveillance for periods not exceeding thirty (30) calendar days. The decision shall provide reasons for the extension and shall be reported to the Competent Panel.
3. The Detainee shall promptly be provided with a copy of the decision ordering monitoring and a copy of any extension order.

CHAPTER VII SEGREGATION

Detention Rule 42 General principles

1. Segregation shall not be used as a disciplinary measure and shall include, at a minimum, the opportunity to have meaningful human contact for more than two (2) hours per day. Detainees in segregation shall be visited daily by the Chief Detention Officer or a Detention Officer acting on his or her behalf.
2. The Registrar shall notify the Competent Panel promptly of any instances of segregation, variation, or revocation thereof.
3. A detailed record shall be kept of all events concerning a Detainee or Detainees during segregation, which shall be included in the Detainee's Personal Record.
4. Segregation shall not be ordered for medical reasons. Instead, and in accordance with Detention Rule 31, medical isolation or quarantine shall be the sole responsibility of the Medical Officer.

Detention Rule 43 Grounds for segregation

1. The Registrar, acting *proprio motu* or at the request of the Chief Detention Officer, may order that a Detainee or Detainees be segregated from all or some of the other Detainees.
2. Apart from physical separation, the conditions of detention and/or treatment of a Detainee shall not differ when the Detainee is in segregation except for those conditions that would interfere with or defeat the aims of segregation.
3. Segregation may be ordered on the following grounds:
 - a. to preserve security or good order in the Detention Facilities;
 - b. to protect the Detainee or Detainees in question; or
 - c. to ensure the integrity of, or prevent prejudice to, the proceedings against the Detainee or Detainees, including the investigation of a suspected disciplinary offence.
4. In exceptional or urgent cases, the Chief Detention Officer may order segregation. The Chief Detention Officer shall report the segregation order promptly to the Registrar, who shall confirm the order to segregate within seventy-two (72) hours of the Chief Detention Officer's report. In the event that the Registrar does not confirm the order to segregate, the segregation shall cease.
5. The Chief Detention Officer shall promptly inform the Medical Officer of the decision to segregate, and the Medical Officer shall examine the Detainee within twelve (12) hours following segregation.
6. Segregation may not be ordered for a period exceeding thirty (30) calendar days at a time. Paragraphs 1 to 3 and 5 shall apply to any extension of a segregation order.
7. A Detainee may make a request to the Chief Detention Officer that he or she be segregated from all or some of the other Detainees for his or her own protection. Such a request may be granted if the Chief Detention Officer determines that the concerns underlying the request are reasonable and that there are no other alternatives for addressing the concerns. Paragraphs 2 to 6 shall apply *mutatis mutandis*.

Detention Rule 44 Medical review of segregation orders

The Chief Detention Officer shall review and consult the Medical Officer in all cases of segregation at least every seven (7) days and shall recommend to the Registrar whether any given case of segregation shall continue. The Registrar may confirm the segregation, vary the conditions or

duration of the segregation, or order that it cease. The Medical Officer shall, as often as required but at least weekly, examine a Detainee in segregation.

Detention Rule 45 Termination of segregation

A decision to segregate a Detainee shall be terminated as soon as the grounds for ordering the segregation cease to exist or where the Medical Officer determines that continued segregation will be harmful to the physical or mental health of the Detainee.

Detention Rule 46 Separation in communal areas

1. The Chief Detention Officer, having consulted the Registrar, may organise the use of communal areas of the Detention Facilities in such a way as to separate certain groups of Detainees from other groups of Detainees on the grounds set forth in Detention Rule 43.
2. If separation is put into practice pursuant to paragraph 1, care shall be taken to ensure that all groups of Detainees are treated equally, having regard to the number of Detainees in each group.

CHAPTER VIII MEASURES OF CONTROL AND RESTRAINT

Detention Rule 47 Instruments of restraint

1. Instruments of restraint, including handcuffs, shall only be used by persons trained in the use of such equipment and in the following exceptional circumstances:
 - a. as a precaution against escape and/or to ensure the safety of the Detainee during transfer from the Detention Facilities to any other place, including the Prison, or *vice versa*;
 - b. on medical grounds, by direction and under the supervision of the Medical Officer only;
 - c. to prevent a Detainee from self-injury, injury to other Detainees, Detention Officers, or other persons present in the Detention Facilities, or to prevent serious damage to property; or
 - d. when the Chief Detention Officer has reasonable grounds to believe that the restraint is necessary to ensure safety, security, or good order in the Detention Facilities.
2. It is prohibited to apply instruments of restraint as a disciplinary sanction.
3. Detention Officers shall:
 - a. record any use of instruments of restraint under paragraph 1; and
 - b. report to the Chief Detention Officer any use of instruments of restraint under paragraphs 1.b and 1.c.
4. The Chief Detention Officer shall inform the Medical Officer before instruments of restraint are used pursuant to paragraphs 1.c or 1.d or promptly thereafter. The Chief Detention Officer shall report to the Registrar, who shall in turn inform the Competent Panel and the Detainee's Counsel, of any use of instruments of restraint in the circumstances listed in paragraphs 1.b to 1.d.
5. 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.
6. Instruments of restraint shall be proportionate to the objective under paragraph 1, shall not be applied for longer than is strictly necessary, and shall be removed prior to the Detainee's appearance at a hearing before the Competent Panel, unless otherwise ordered by the Panel.

7. If any instrument of restraint is used pursuant to this Detention Rule, the restrained Detainee shall be kept under constant and adequate supervision.

Detention Rule 48 Use of force

1. The Chief Detention Officer, acting under the authority of the Registrar, and Detention Officers, acting under the supervision of the Chief Detention Officer, shall have the power to impose reasonable control over people and property within the Detention Facilities and to issue and enforce lawful orders and instructions to achieve legitimate objectives and to take actions in accordance with these Rules.
2. The following criteria shall be essential to the use of force other than lethal force:
 - a. the use of force must be reasonable, proportionate to the threat offered, and the minimum required to negate the threat;
 - b. the use of force must be necessary, under all the circumstances known at the time, to negate the threat; and
 - c. there is no other reasonable alternative available.
3. A Detention Officer may use force other than lethal force in order to achieve the following legitimate objectives:
 - a. to defend him or herself and/or other persons against an imminent threat of bodily injury;
 - b. to pursue other objectives referred to in Section 3 of the Administrative Directive on Maintenance of Security and Safety;
 - c. to prevent the escape of a Detainee;
 - d. to prevent serious damage to property;
 - e. to prevent a serious threat to the security or good order of the Detention Facilities, including to prevent active or passive physical resistance to a lawful order issued by a Detention Officer; or
 - f. to conduct searches pursuant to Detention Rule 39.
4. Lethal force may only be used by a Detention Officer where it is absolutely necessary in order to pursue the following legitimate objective: to defend the Detention Officer him or herself and/or other persons against a serious and immediate threat of death or serious injury.
5. As a first step in the use of force, a Detention Officer should give a verbal warning of his or her intent to use force, giving sufficient time for the warning to be observed, unless to do so would unduly place the Detention Officer or any person at risk.
6. Detention Officers who deal directly with Detainees shall be trained in techniques that enable the minimal use of force in the restraint of Detainees who are aggressive.
7. Every instance of the use of force by a Detention Officer shall be reported promptly to the Chief Detention Officer. The Chief Detention Officer shall promptly provide a full report on the matter to the Registrar, who shall report the use of force to the Competent Panel.
8. A Detainee against whom force has been used shall promptly undergo a medical examination for the purpose of determining whether treatment is required. The medical examination shall be conducted in private and outside the presence of any non-medical personnel, unless otherwise required by security or good order. If the Detainee requires treatment, he or she shall be treated by an independent non-treating medical professional, if available.
9. At the conclusion of the medical examination, the Medical Officer shall add the results of the examination, including any relevant statements by the Detainee and the independent non-treating

medical professional, if any, to the Detainee's medical record and shall proceed pursuant to Detention Rule 36 with a view to informing the Chief Detention Officer of this information, if possible.

10. The Chief Detention Officer shall provide the information referred to in paragraph 8 to the Registrar, who shall in turn inform the Competent Panel and the Detainee's Counsel.

Detention Rule 49 Documentation of uses of force and restraint

All documents and reports regarding the use of force or instruments of restraint against a Detainee shall be kept in the Detainee's Personal Record in accordance with Detention Rule 9.

CHAPTER IX DISTURBANCES

Detention Rule 50 Restoring safety, security, or good order

1. Any Detention Officer may impose temporary, interim measures for the purposes of restoring safety, security, or good order in the Detention Facilities for the period until the Chief Detention Officer is notified of the cause of the alleged breach of safety, security, or good order.
2. An interim measure includes the restriction of a Detainee to his or her cell, or any lesser restriction on the activities of the Detainee, and shall not exceed one (1) hour during the day or eight (8) hours during the evening.
3. An interim measure is not a disciplinary sanction. No Detainee shall be sanctioned for a disciplinary offence except in accordance with the Practice Direction on Discipline referred to in Detention Rule 63.

Detention Rule 51 Requests for assistance

1. If, in the opinion of the Chief Detention Officer, a situation exists or is developing that threatens safety, security, or good order in the Detention Facilities, the Chief Detention Officer may request the immediate assistance of the General Director of the Prison to maintain control within the Detention Facilities.
2. Any request pursuant to paragraph 1 shall be promptly reported to the Registrar.

Detention Rule 52 Suspension of rules

1. If there is serious danger of imminent disturbances or any other emergency occurring within the Detention Facilities, the Chief Detention Officer may authorise such action as is proportionate and immediately necessary to ensure the safety of persons present in the Detention Facilities or the security of the Detention Facilities. Any action pursuant to this paragraph shall be reported promptly to the Registrar.
2. Upon receiving a report from the Chief Detention Officer pursuant to paragraph 1, the Registrar may suspend the operation of all or part of these Rules, with the exception of Detention Rule 5, for a maximum period of two (2) days to the extent necessary to restore safety, security, or good order of the Detention Facilities.
3. The Registrar shall promptly inform the Competent Panel for the purpose of review of the Registrar's decision. If there is more than one Competent Panel or no Competent Panel has been

assigned, the Registrar shall promptly refer the matter to the President for assignment in accordance with Articles 25 and 33 of the Law. Should the Registrar decide to continue or amend the period of suspension pursuant to paragraph 2, the Competent Panel shall again review the Registrar's decision, with a view toward lifting the suspension as soon as circumstances permit.

4. Decisions of the Registrar and Competent Panel on suspension of the Rules shall take into account the views of both the Chief Detention Officer and the General Director of the Prison.
5. A Detainee may complain against any action or suspension pursuant to this Detention Rule at any time, in accordance with the Practice Direction on Complaints referred to in Detention Rule 63.

CHAPTER X SPIRITUAL WELFARE

Detention Rule 53 Freedom of thought, conscience, and religion

A Detainee's freedom of thought, conscience, and religion shall be respected. As far as practicable, Detainees shall be entitled to practice their religions or follow their beliefs and moral precepts during the period of detention.

Detention Rule 54 Religious or spiritual advice

1. Each Detainee shall be entitled to indicate, on arrival at the Detention Facilities or at any time thereafter, whether he or she wishes to establish contact with a religious or spiritual advisor.
2. Qualified representatives of the religions or beliefs held by Detainees and who are authorised by the Registrar shall be allowed to hold services and activities at suitable premises within the Detention Facilities and to pay visits to Detainees, at suitable times.
3. A Detainee may object to the visit of any representative referred to in paragraph 2.

Detention Rule 55 Satisfying religious life

As far as practicable, and subject only to such limitations as necessary to maintain safety, security, or good order in the Detention Facilities, Detainees shall be allowed to satisfy the needs of their religions or beliefs by attending available services, ceremonies, or meetings held in the Detention Facilities, and by having books, literature, or instruction relating to their religions or beliefs.

CHAPTER XI ACTIVITIES

Detention Rule 56 Voluntary activity

A Detainee shall not be required to work. Absent any official work programme instituted by the Chief Detention Officer, Detainees may carry out tasks, where available, within the Detention Facilities. Performing such tasks shall be purely voluntary and not remunerated and shall not be to the advantage of any other person.

Detention Rule 57 Reading and writing materials

1. Detainees shall be allowed to procure, at their own expense, reading materials, such as books and newspapers, as well as writing materials and other means of occupation that are compatible with safety, security, and good order in the Detention Facilities and the proper administration of justice.

2. So far as practicable, the Chief Detention Officer shall establish and administer a library in the communal area of the Detention Facilities, which shall contain books, including texts on human rights and criminal law, magazines, and newspapers in the native languages of the Detainees.
3. Detainees shall be allowed to keep themselves informed regularly of the news by reading newspapers, periodicals, and other publications, by radio or television programmes, and by lectures or any similar means authorised or controlled by the Chief Detention Officer.
4. Detainees shall not be permitted access to the Internet or social media.
5. The Chief Detention Officer may refuse the installation of any equipment that he or she considers a potential risk to the security or good order of the Detention Facilities or to any person.
6. With the Registrar's approval, the Chief Detention Officer may decide to offer educational courses in the Detention Facilities, such as language courses or other suitable instruction.

Detention Rule 58 Physical exercise, sport, and recreational opportunities

1. Detainees shall be allowed at least one (1) hour per day of walking or other suitable exercise in the open air, weather and security considerations permitting. As far as practicable, other arrangements shall be made for Detainees to exercise in poor weather conditions.
2. If resources and security and safety considerations permit, a properly organised programme of physical education, sport, and other recreational activities shall be arranged by the Chief Detention Officer to ensure physical fitness, adequate exercise, and recreational opportunities. The Medical Officer shall ensure that any Detainee who participates in such a programme is fit to do so. Detainees shall also be permitted to organise suitable recreational activities, subject to considerations of security and safety in the Detention Facilities.
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 exercise programme.

CHAPTER XII TRANSFER, TRANSPORT, AND RELEASE OF DETAINEES

Detention Rule 59 Transfer and transport

1. Arrangements for the transfer of a Detainee for the purpose of appearing before the Specialist Chambers, or to another place on the Host State territory, including an alternative detention facility or a medical facility, shall be the responsibility of the Chief Detention Officer, following the issue and service of a notification of a hearing, an instruction by the Registrar, or an order of the Competent Panel.
2. Transport of the Detainee in the Host State shall be carried out by the relevant authorities of the Host State, which shall be responsible for the safe custody of the Detainee during transfer between the Detention Facilities and any of the above-mentioned locations.
3. On the Premises of the Specialist Chambers other than the Detention Facilities located in the Prison, the Head of the Security and Safety Unit of the Registry shall carry out the roles and responsibilities of the Chief Detention Officer set out in Detention Rule 4. To that end, the Head of the Security and Safety Unit may issue instructions of general applicability in line with the Rules of Detention, adapted as necessary to the security environment of the Specialist Chambers. The Head

of the Security and Safety Unit may delegate the powers and specific functions that Detention Officers would normally exercise to duly trained staff members of the Security and Safety Unit, including the functions set forth in Detention Rule 39 related to personal searches and Detention Rule 48 related to the use of force.

4. For the purposes of administering discipline in the Detention Facilities, these Rules, the practice directions referred to in Detention Rule 63, and any practice directions and instructions adopted or issued pursuant to Detention Rule 4 shall apply to the Detainee *mutatis mutandis* during transfer, on the Premises of the Specialist Chambers, and at any other location referred to in paragraph 1. All reports of a Detainee's alleged misconduct shall be promptly submitted to the Chief Detention Officer.

Detention Rule 60 **Public view**

In consultation with the relevant authorities of the Host State, the Chief Detention Officer shall endeavour to ensure that when Detainees are being transferred to, from, or within the Detention Facilities, they shall be exposed to public view as little as possible. Proper safeguards shall be adopted to protect Detainees from insult, injury, curiosity, and publicity in any form.

Detention Rule 61 **Adequate transportation**

1. The Chief Detention Officer shall consult with the relevant authorities of the Host State to ensure that Detainees transported in vehicles or by other means have adequate ventilation and light and are not subjected to unnecessary physical hardship or indignity.
2. The transport of Detainees within the Prison shall be conducted jointly by Detention Officers and staff of the Prison.

Detention Rule 62 **Release or enforcement of sentence**

Arrangements for the release of a Detainee or the transfer of a Detainee for the enforcement of sentence shall be governed by the Host State Agreement and Articles 50 and 57 of the Law, and any such arrangements shall be made and related measures taken without undue delay.

CHAPTER XIII FINAL PROVISIONS

Detention Rule 63 **Practice directions that form an integral part of the Rules of Detention**

The following practice directions form an integral part of the Rules of Detention:

- a. Visits and Communications;
- b. Counsel Visits and Communications;
- c. Discipline; and
- d. Complaints.

Detention Rule 64 **Data Protection**

1. All personal data collected in relation to the Registrar's detention function shall be stored and processed in line with the Specialist Chambers' Administrative Directive on Information Asset Management and Operational Instruction on Information Asset Protection. Such personal data

shall only be transferred to other authorities, including the Competent Panel or the Host State, to the extent necessary for the performance of lawful, legitimate, and specific purposes, and in accordance with the above-mentioned regulations.

2. The personal data referred to in paragraph 1 shall be retained for the duration of the judicial proceedings before the Specialist Chambers and thereafter erased or destroyed in accordance with the Specialist Chambers' retention schedules, unless otherwise provided by these Rules, including the practice directions referred to in Detention Rule 63 and any other practice directions or instructions adopted or issued pursuant to Detention Rule 4, or as otherwise ordered by the Competent Panel.

Detention Rule 65 Amendments

1. An amendment to these Rules shall enter into force on the date of its adoption.
2. An amendment to these Rules shall not apply retroactively.

Detention Rule 66 Entry into force

These Rules shall enter into force on 23 September 2020.

The Hague, Netherlands
23 September 2020



Dr Fidelma Donlon
Registrar