



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

Detention Management Unit Instruction

House Rules of the Detention Facilities

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Section 1 Purpose and scope

1. This Instruction has been issued by the Chief Detention Officer of the Specialist Chambers' Detention Management Unit ('DMU') pursuant to Detention Rule 4.6 upon approval by the Registrar. It sets out the rules on daily functioning of the Detention Facilities of the Specialist Chambers ('DF') located within the Dutch Prison in The Hague ('Prison') in order to ensure safety, security and good order in the DF.
2. This Instruction applies within the DF, which consist of the wing and the DMU administrative offices within the Prison. Certain facilities are located outside the wing, but they are part of the DF insofar as used for the DMU functions, in particular the visit hall, private visit rooms, classrooms, library, spiritual room, medical service, open-air yard, air cage, gym, and sports hall.
3. For the purposes of administering discipline in the DF, this Instruction shall continue to apply, insofar as relevant, to Detainees also when they are temporarily physically absent from the DF, including when they are in transit to and from the premises of the Specialist Chambers or when they are on the said premises.
4. This Instruction shall be interpreted and applied in a manner consistent with the Rules of Detention and the practice directions referred to in Detention Rule 63, and any other practice directions and instructions adopted or issued pursuant to Detention Rule 4.
5. Pursuant to Article 7.2 of the Practice Direction on Discipline, a Detainee may commit a disciplinary offence if he or she disobeys the requirements of this Instruction.

Section 2 Summary of Annexes

1. Annexes to this Instruction are an integral part thereof.
2. Annex A 'House Rules' is arranged by specific topics, within which it:
 - a. provides basic rules for Detainees to be observed in their daily life in the DF, pursuant to Detention Rule 12.3.g; and
 - b. explains the rights, obligations and treatment of Detainees and all other matters as provided for in Detention Rule 12.1 by summarising the main elements of the Rules of Detention and the practice directions referred to in Detention Rule 63.
3. Annex B 'Use of Storage Cells' provides rules for the use of a storage cell, which may be allocated to a Detainee to store case-related materials, in view of Detention Rule 26.1 and Article 8 of the Practice Direction on Counsel Visits and Communications.

Section 3 Review and amendments

The Chief Detention Officer shall periodically review and may amend this Instruction, including its Annexes, or issue new annexes, upon approval of the Registrar pursuant to Detention Rule 4.6.



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Annex A

House Rules

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1. DETENTION FACILITIES ('DF')

The Detention Facilities ('DF') are located within a Dutch Prison in The Hague ('Prison'). The Specialist Chambers uses the DF for detention of persons.

Detainees' cells are located within the DF. Certain facilities are located outside the wing, but they are part of the DF when used for the functions of the Specialist Chambers' Detention Management Unit ('DMU'), in particular the visit hall, private visit rooms, classrooms, library, spiritual room, medical service, open-air yard, terrace, gym and sports hall.

The DF are a secure environment where video monitoring and recording takes place 24 hours a day. However, no video monitoring or recording takes place inside the private visit rooms, lavatories, showers or medical service facilities. Detention Officers present in various DF areas also monitor activities there. A Detainee's cell is not normally monitored by video, but the Registrar may decide to do so and notify the Detainee of the video monitoring.

2. APPLICATION OF THE HOUSE RULES

These House Rules apply and must be observed within the DF, including the areas outside the wing but used for DMU functions (see section 1. DETENTION FACILITIES above).

For the purposes of administering discipline in the DF, these House Rules continue to apply, as appropriate, to Detainees also when they are temporarily physically absent from the DF, for example, when they are on the Specialist Chambers' premises at Raamweg 47 to attend proceedings or at a hospital to receive treatment.

In case a Detainee's own language is not one of the official languages of the Specialist Chambers, namely, Albanian, Serbian or English, a Detainee will be provided with these House Rules in a language he or she understands.

These House Rules are arranged by specific topics. If there is anything a Detainee does not understand, he or she may contact the Chief Detention Officer or any other DMU staff member for advice.

3. LEGAL FRAMEWORK

These House Rules provide a summary of the legal framework applicable to Detainees, as set out in the Rules of Detention and related practice directions. They also further specify the obligations and procedures applicable to Detainees in the high security DF and Prison and have been issued pursuant to Detention Rules 4.4, 4.5 and 4.6.

Additional practice directions or instructions adopted by the Registrar and additional instructions issued by the Chief Detention Officer that apply to Detainees may be issued at any time.

Detainees receive copies of all applicable legal texts and other documents on their rights and obligations while they are detained in the DF. Detainees must familiarise themselves with these legal documents.

4. GENERAL CONDITIONS

The Chief Detention Officer, acting under the authority of the Registrar, has the primary responsibility to ensure the security and good order in the DF, the secure custody of all Detainees, their safe and humane treatment, and the safeguarding of their rights. The Chief Detention Officer also has the primary responsibility to ensure the safety and security of Detainees' visitors and of other persons at the DF.

The Chief Detention Officer has the authority to issue instructions and give orders to Detainees and to other persons, such as visitors, who are at the DF, to ensure safety, security and good order, and to take actions in accordance with the Rules of Detention. Detention Officers, acting under the authority of the Chief Detention Officer, also have this authority.

Detainees and other persons within the DF, including visitors, must obey the orders and instructions of the Chief Detention Officer and Detention Officers.

In case a Detainee wishes to submit any request to the Chief Detention Officer, it must be made **in writing** for the request to be entertained and to receive a response. A Detainee may place a written request in his or her outgoing mail or give it to a Detention Officer on his or her wing.

5. LANGUAGE

For the purpose of the effective management of the DF, the DMU staff use English, as one of the official languages of the Specialist Chambers, to communicate. If Detainees cannot communicate effectively in English with DMU staff, interpretation is available so that they can communicate freely.

If a Detainee is unable to communicate with DMU staff on any matter, he or she may point to this section, and the staff will know to request the assistance of an interpreter.

In any written communication, Detainees may use English, Serbian or Albanian or, if they are not fluent in any of these languages, their own language.

6. LEGAL ASSISTANCE

A Detainee has the right to legal assistance through Counsel of his or her own choice from Counsel who is admitted to the List of Specialist Counsel, or Counsel who is qualified to be admitted to the List of Specialist Counsel. The Defence Office provides Detainees with the List of Specialist Counsel and further documents and information about how to obtain Counsel. The Defence Office is notified of a Detainee's reception at the DF.

In case a Detainee already has Counsel, a Detainee has the possibility to telephone him or her promptly after the arrival interview at the DF.

- **Counsel-client privilege**

Detainees may communicate with their Counsel via **telephone**. Detainees may send **letters** to their Counsel as often as they wish. Detainees may also receive **visits** from their Counsel (see section 19. TELEPHONE CALLS AND MAIL and section 20. VISITS below). Where authorised by the Registrar, Detainees may have video visits with Counsel pursuant to any procedure outlined in a separate instruction.

Telephone calls (via the privileged telephone line only), mail, and visits between a Detainee and his or her Counsel are privileged and confidential.

Detainees have access to a privileged telephone line to make outgoing, confidential telephone calls to Counsel. The non-privileged telephone line should not be used for confidential communications with Counsel.

Detainees' correspondence with their Counsel will not be read, but may be security checked only insofar as necessary to control prohibited items pursuant to Detention Rule 25. In case of suspicion that correspondence contains a prohibited item, such correspondence may only be opened in the presence of its sender (namely, a Detainee or his or her Counsel) and only to determine whether the correspondence contains a prohibited item.

Counsel Visits take place within the sight but not within the direct or indirect hearing of Detention Officers. To ensure that a Counsel Visit takes place within sight, a Detainee may be required to remain seated during the Counsel Visit in a specific chair in the Counsel visiting room.

The Registrar may impose temporary restrictions on the confidentiality of visits and communications with Counsel in certain exceptional circumstances. For example, where such restrictions are necessary to prevent the Counsel-client privilege from being abused to perpetrate a crime. Detainees and their Counsel will be informed of such temporary restrictions before they take effect.

Visits and communications with Counsel may also be subject to certain necessary and proportionate restrictions imposed by Specialist Chambers' Judges.

- **Counsel Visits**

- *Visiting hours*

Counsel Visits may take place between **9:00** and **16:45** from **Monday to Friday**. Prior to visiting, Counsel must contact the Administrative Office of DMU ('Administrative Office') to schedule a Counsel Visit (see section 20. VISITS below).

If, due to the schedule of hearings before the Specialist Chambers, a Detainee is unable to meet with his or her Counsel during visiting hours to prepare the defence, the Chief Detention Officer may exceptionally authorise visits outside the regular hours subject to specific arrangements.

Changes to visiting hours may occur due to staffing or other operational reasons. Detainees and their Counsel will be informed of any such changes well in advance, if possible.

- *Materials brought to and exchanged at visits*

Detainees and their Counsel may bring to Counsel Visits paper documents, CDs or DVDs containing privileged communications, work-product or case-related documents, and other materials for preparing the defence, as provided in Detention Rule 26.

At a Counsel Visit, Detainees and their Counsel may directly exchange paper documents for preparing the defence. If they wish to exchange CDs or DVDs containing materials for preparing the defence, they must follow the procedure for their import or export as appropriate, set out further below.

Counsel are prohibited from bringing into the DF any devices that may be used for recording or communication purposes, including mobile phones, and other items prohibited under Detention Rule 25. However, Counsel may bring to and use at Counsel Visits his or her personal laptop computer

containing materials for preparing the defence. Neither the Detainee nor Counsel may use this laptop computer for recording or communication purposes, including the use of cameras or wireless applications, such as Skype.

Due to the high security environment of the DF or to protect the health of Detainees or others, the Registrar or the Chief Detention Officer may place general restrictions on items brought to Counsel Visits, such as a personal laptop computer, or on the direct exchange of paper materials during Counsel Visits. In such a case, paper documents and other materials for preparing the defence may be exchanged through the import and export procedures described below.

◦ *Import and export of CDs or DVDs for preparing the defence*

If a Detainee wishes to export CDs or DVDs containing materials for preparing the defence, he or she shall give the items for export to a Detention Officer on the Detainee's wing at least 1 working day in advance, along with a duly completed form provided for this purpose. If Counsel wishes to import such CDs or DVDs, he or she shall give the items for import to DMU staff at the entrance to the DF, along with a duly completed form provided for this purpose.

The Administrative Office will then register the CDs and DVDs. It will also verify that they may be imported or exported in accordance with Article 11 of the Practice Direction on Counsel Visits and Communications and check them for prohibited items. The DMU will in no way monitor the information contained on the CDs or DVDs and shall respect Counsel-client privilege.

The CDs and DVDs authorised for import will be labelled and issued to a Detainee, who shall sign for their receipt. The CDs and DVDs authorised for export will generally be issued to Counsel as he or she leaves the DF. Only a Detainee's Counsel or Co-Counsel may receive the CDs or DVDs and sign for their receipt.

• **Facilities to prepare the defence**

In case of a large amount of material for preparing the defence, a Detainee may apply to the Chief Detention Officer for a room ('storage cell'), normally located within a Detainee's wing, to store case-related materials. If several Detainees apply for a storage cell, a Detainee will be provided with a separate cabinet located in the storage cell that no other Detainee may access. No other items, such as clothes or other personal items, may be kept in the storage cell or the cabinet.

A Detainee may request a computer to use it primarily for preparing the defence in proceedings before the Specialist Chambers. He or she must send this request to the Administrative Office. A Detainee may be provided with a computer not as a matter of right but rather as a privilege. Also, a Detainee and his or her Counsel will need to agree by signature to the terms and conditions of the use of a computer.

7. CONSULAR REPRESENTATIVES

Detainees may communicate with and receive visits from their consular representatives. Contact details of the consular offices are available to Detainees at the DF. Promptly after a Detainee's arrival interview at the DF, a Detainee may call the consular office, or request to inform them of his or her reception at the DF. Such request will be transmitted promptly.

Detainees may receive visits from their consular representatives. Only the Registrar has the authority to allow such visits. The visits are conducted within the sight, but outside the hearing, of Detention Officers.

Where authorised by the Registrar, Detainees may have video visits with their consular representatives.

8. DETAINEE'S CELL AND MOVEMENTS OUTSIDE THE CELL

• Cell

A Detainee is provided with his or her own cell unless, in exceptional circumstances, the Chief Detention Officer decides otherwise. The sharing of cells for a period longer than 7 days requires the Registrar's authorisation.

The cell is equipped with standard fixtures and fittings, recorded in an inventory that a Detainee signs after his or her arrival at the DF and after checking the cell. A Detainee may be required to pay for any damage caused to the fixtures and fittings or missing items.

Detainees may not cover or obscure the view through the inspection window or cover the lights in the cells in any way.

• Movements outside the cell

The Chief Detention Officer will issue and communicate to Detainees the hours of unlock and the wing activities schedule, as well as any changes to the hours or schedule.

Subject to safety and security considerations, a Detainee is allowed to move within:

- the wing assigned to him or her during the wing unlock times;
- the open-air yard and the terrace during the time allocated for their use for fresh air or other specific recreational activities, such as exercise;
- the gym and the sports hall during the time allocated to the Detainee's wing for their use; and
- in other areas, such as the library, classroom, spiritual room, during organised activities.

A Detainee is prohibited from moving in any other areas outside his or her cell without the prior permission of the Chief Detention Officer, the Deputy Chief Detention Officer or a Principal Officer. If a Detainee is present in an unauthorised area, disciplinary action may be taken against him or her.

In the recreation room within the wing, there is a notice board on which the hours of unlock, the wing activities schedule and other important communications to Detainees are displayed.

9. PROHIBITED ITEMS

Pursuant to Detention Rule 25, certain items are prohibited in the DF, including: - flammable liquids and substances; - electronic cigarettes; - mobile phones and their accessories; - any other communication devices; - alcohol, narcotic drugs and psychotropic substances; - medications, supplements and vitamins unless prescribed by the Medical Officer.

The Chief Detention Officer may prohibit other items that could be used for unlawful purposes, for example, to disturb the security or good order in the DF, to commit a crime or that could constitute a danger to any person.

The prohibited items are set out in the DMU Instruction on Items and Substances Prohibited in the Detention Facilities, which is also available on a Detainee's wing. Detainees must familiarise themselves with this Instruction.

10. MEDICAL SERVICES

DMU's Medical Officer is the Detainees' primary treating physician. At any time, Detainees may request medical attention. A Detainee's informed consent is required to carry out any medical procedure or treatment.

The Medical Officer will see Detainees regularly. He or she will see a Detainee daily in case of illness, injury or disciplinary confinement. The Medical Officer maintains Detainees' medical records, which are confidential. A Detainee may request access to the information contained in his or her medical record pursuant to any applicable procedure outlined in a separate instruction.

Detainees may consult external medical practitioners, such as doctors or dentists, of their own choosing and at their own expense. The external practitioner must be licensed to practise in Kosovo, the Netherlands or the State of a Detainee's residence. In case a Detainee lacks financial means to consult an external medical practitioner, a Detainee may request the Registrar that the Specialist Chambers pay the costs of any treatment. The procedure for requesting a consultation with an external medical practitioner may be regulated in a separate instruction.

The Medical Officer or other person duly authorised by him or her will administer any medication or treatment recommended by an external medical practitioner unless, according to the Medical Officer's professional opinion, that would not be in the Detainee's best interests.

11. FOOD

At the DF, Detainees receive three meals each day. Meals are varied, well-prepared and -served, and satisfying in quality and quantity as regards standards of nutrition.

In case Detainees wish to prepare meals themselves, they may use the cooking facilities and may purchase, at their own expense, ingredients as available from the Prison shop. Detainees shall not store any food or drink items in their cells. They shall store these items in the cabinets, fridge and freezer in the recreation room within the wing.

Counsel and other visitors may not bring any food or drink items to Detainees.

12. SHOP

• Purchase order

At least once a week, Detainees may place an order to purchase food and other items, as available, from the Prison shop. Detainees must give the list of the items they wish to purchase to a Detention Officer on their wing. The items will normally be delivered to Detainees the following week.

In case a Detainee lacks financial means to pay for the items, his or her order will not be fulfilled. In such a case, a Detainee may request the Registrar to authorise the purchase of certain items to cover his or her urgent needs. A Detainee shall make this request in writing and give it to the Chief Detention Officer for transmission to the Registrar.

The Chief Detention Officer may determine the maximum amount of weekly purchase orders, guided mainly by practical reasons, such as limited storage space in the designated cabinets, fridge, freezer or other storage spaces, to be used equally by all Detainees.

- **Delivery**

A Detention Officer will bring the purchased items to a Detainee and note down any discrepancies between the Detainee's order and the items delivered. If a Detainee is absent from the wing, a Detention Officer will place the items in a Detainee's cell and deep-frozen products in the freezer in the recreation room. The Detainee will be informed of the delivery and may submit a complaint in case of any discrepancies.

- **External shops**

While a Detainee is in the DF, arrangements may be put in place to purchase items from specific external shops. Should that happen, Detainees will be given an opportunity to purchase items from these shops. Detainees will need to use a separate form to place their orders and will need to make the order at the same time as the order from the Prison shop. The procedure as set out above for purchases and delivery from the Prison shop will apply.

13. FINANCIAL ACCOUNT

After a Detainee's arrival in the DF, a financial account will be set up for him or her. The Prison's Financial Section administers Detainees' accounts. A Detainee's account is referred to by a TULP number, which a Detainee may find on his or her weekly account statements.

A Detainee may hold up to EUR 1,500 on his or her financial account.

Since a Detainee must not have cash in his or her possession, all Detainee's payments in connection with his or her stay at the DF are carried out through the financial account, including purchases from the Prison shop, any available external shops, use of the dry-cleaning service and telephone calls. No other financial transactions may be carried out through a Detainee's financial account, except money transfers between a Detainee and his or her visitors, or between Detainees as specified below.

- **Transfers between a Detainee and his or her visitors**

Visitors may deposit cash on a Detainee's financial account from Monday to Friday during regular visiting hours of the DF, excluding official Dutch holidays. If a visitor wishes to deposit on a Detainee's account more than EUR 500, written permission of the Chief Detention Officer is required.

In case a Detainee wishes to give cash to a visitor (for example, a visiting spouse, child, parent) from his or her financial account, the Detainee shall submit a written request to the Chief Detention Officer at least 3 working days prior to the visit. In this request, the Detainee shall indicate: the full name of the visitor to whom the Detainee wishes to give the money and a sum of money that the Detainee wishes to give to that visitor. As the Detainee must not have cash in his or her possession while at the

DF, DMU staff will, on behalf of the Detainee, withdraw the money from the Detainee's financial account and, after the visit, hand it over to the visitor as he or she leaves the DF.

It is only by way of the above procedure that money transfers between a Detainee and his or her visitors may be made.

Cash deposits in currencies other than the euro will not be accepted. Likewise, transfers and withdrawals may only be done in euros.

- **Transfers between Detainees**

In case a Detainee wishes to transfer money to another Detainee of the Specialist Chambers, the former must submit a written request to the Chief Detention Officer indicating a legitimate reason for the transfer. Generally, the maximum amount a Detainee may transfer to another Detainee's financial account may not exceed EUR 150 per request. A request for transfer may be denied by the Chief Detention Officer on reasonable grounds, including where the transfer is incompatible with the proper administration of justice.

It is only by way of the above procedure that money transfers between Detainees may be made.

14. CLOTHING AND OTHER PERSONAL ITEMS

While in the DF, Detainees may wear their own clothing if it is clean and, in the assessment of the Chief Detention Officer, suitable. In case a Detainee lacks financial means, the DMU will provide a Detainee with appropriate clothing if needed. Detainees may not wear clothing or keep personal items with any political, military, criminal, offensive or discriminatory signs or content.

Detainees may keep with them in the DF reasonable amounts of personal items unless they are prohibited, including where they could be used for unlawful purposes, for example, to disturb the security or good order in the DF, to commit a crime or that could constitute a danger to any person.

All allowed items are security checked and returned to a Detainee. Items that are not allowed or, due to their size or amount, cannot reasonably be kept in a Detainee's cell will be retained in a storage facility in the DF. Items that deteriorate or cannot reasonably be kept in the custody of the Specialist Chambers may be destroyed. A Detainee must sign for the items to be kept in his or her cell and for the items to be retained until his or her release or transfer from the DF. Similar procedures apply to other items a Detainee may wish to receive, for example, by mail or from his or her visitors.

15. PERSONAL HYGIENE

Detainees' cells are equipped with lavatories. Showers are available in the common areas of the wing. Detainees must keep themselves, their cells, their clothes and other personal items clean and tidy at all times. In case a Detainee uses common areas, such as the kitchen, recreation room, shower and laundry facilities, a Detainee must leave them clean and tidy. Cleaning items are available for this purpose.

Detainees are provided with appropriate bedding, which is changed on a regular basis.

It is the Detainees' own responsibility to keep their clothes clean and in proper condition. Laundry facilities are available in the common areas of the wing. If a Detainee wishes and at a Detainee's own

expense, DMU can arrange the dry cleaning of his or her suits for appearing before the Specialist Chambers.

A barber is available on a regular basis.

16. FRESH AIR AND EXERCISE

- **Fresh air in the yard and terrace**

Detainees have access to the open-air yard for a minimum of 1 hour per day ('fresh air') unless the weather conditions or safety and security reasons limit the access temporarily. While in the yard, Detainees may not communicate with persons outside the yard. In case a Detainee does not wish to stay in the open-air yard, a Detainee must remain during that time in his or her cell, which will be locked.

If, due to absence from the DF or some other objective reason, a Detainee could not use the open-air yard for at least 1 hour during the scheduled time, a Detainee has the possibility to access that same day the terrace for the duration of time he or she missed from the 1 hour of fresh air.

- **Gym and sports hall**

Within the DF, there is a small gym and a sports hall. Detainees may use these facilities at a time allocated to their wing. In case a Detainee does not wish to use the gym or the sports hall, a Detainee must remain during that time in his or her cell, which, in standard circumstances, will be locked. The Chief Detention Officer may restrict access to the gym and/or the sports hall for safety and security reasons or in case of improper use of the equipment.

- **Prior medical check-up**

If a Detainee wishes to participate in any available sports activity, he or she must **first** see the Medical Officer to assess fitness. Based on the Medical Officer's assessment, a Detainee's possibility to participate in the available sports activities may be restricted.

17. OTHER ACTIVITIES

Detainees may use the library within the DF, from which they may borrow books on a weekly basis.

Detainees may also acquire, at their own expense, and keep in their cells books, newspapers and other reading and writing materials in the quantities as provided in the DMU Instruction on Items and Substances Prohibited in the Detention Facilities.

A Detainee may also obtain materials and equipment necessary for his or her hobby if such materials are compatible with safety, security, and good order in the DF and the proper administration of justice, and if a Detainee has received prior written permission of the Chief Detention Officer.

Detainees will be informed of the possibility, if it arises, to participate in educational activities.

18. SMOKING

Smoking rules apply to cigarettes, cigars and any other tobacco products. Due to security reasons, electronic cigarettes are prohibited.

A Detainee shall keep doors to his or her cell closed while smoking and until the cigarette smoke clears. Outside their own cells, Detainees are allowed to smoke **only** in the following areas:

- open-air yard;
- smoking cell on a Detainee's wing.

Detainees may smoke in the open-air yard during the time allocated for its use for fresh air or other specific recreational activities, such as exercise. Detainees may not access the yard outside these allocated times merely to smoke.

It is prohibited to smoke in any other areas, including the storage cell, terrace, gym, sports hall, shower, laundry facilities, and visiting, printing and recreation rooms.

Visitors and Detainees are prohibited from bringing tobacco products to visits. Smoke breaks during visits are prohibited.

When a Detainee smokes, he or she must take care not to expose others to second-hand smoke and dispose of the ash and cigarette butts thoughtfully, leaving the smoking areas clean and orderly.

A Detainee who smokes may have in his or her possession at any one time a maximum of:

- 10 packages of tobacco cigarettes (200 cigarettes / 1 carton); or
- 100 cigarillos; or
- 50 cigars; or
- 250 grams of tobacco.

In case of proceedings before the Specialist Chambers at Raamweg 47, smoking inside these premises or in the holding cells is prohibited.

Disciplinary action may be taken against any Detainee who fails to comply with the smoking rules.

Detainees who smoke are strongly encouraged to contact the Medical Officer in order to receive support, advice and guidance on the benefits of quitting smoking.

19. TELEPHONE CALLS AND MAIL

Detainees may communicate by telephone or mail, subject to any necessary and proportionate restrictions that the Specialist Chambers Judges, the Registrar or the Chief Detention Officer may impose. Certain security measures that impact a Detainee's communications may be taken in situations of urgency.

A Detainee has to carry the expenses for any telephone and mail services available at the DF at the rates of the respective services providers. In case a Detainee cannot afford these services, he or she may submit a written request for the expenses to be covered by the Specialist Chambers.

• Telephone calls

A Detainee may make outgoing telephone calls, including to his or her Counsel, during the unlock hours of a Detainee's wing. Only in exceptional circumstances may an incoming call be permitted. In

such a case, the date, time and number of the incoming call and the caller's name will be noted on the relevant form and provided to a Detainee.

◦ *Privileged line*

The Administrative Office maintains a list of the names and phone numbers of a Detainee's Counsel and Co-Counsel. A Detainee may use the privileged line to call these persons on these numbers only. A Detainee's Counsel and Co-Counsel may update their numbers on the list by submitting a written request to the Chief Detention Officer on the form provided for this purpose.

If a Detainee wishes to make a privileged phone call, a Detainee must inform his or her wing Detention Officer of a person a Detainee wishes to reach. DMU will contact the person and transfer the call to a Detainee.

The privileged line may be used for certain other communications that under applicable rules are confidential, provided that the respective persons and their telephone numbers are on the list of a Detainee's privileged telephone numbers.

◦ *Non-privileged line*

A Detainee may use the card telephones available on his or her wing. Call credit may be purchased through the Prison.

Detainees' telephone conversations on the non-privileged line are recorded. In order to ensure safety, security and good order in the DF, the Chief Detention Officer may listen to up to 10% of the number of telephone conversations digitally recorded each week. These conversations will be selected randomly and without targeting any Detainee specifically.

• **Mail**

Detainees may send and receive letters. As necessary in the high security environment of the DF, the Chief Detention Officer will open, inspect and read Detainees' incoming and outgoing correspondence within 2 working days of its receipt, if practicable. Correspondence protected by confidentiality will not be opened or read, namely with a Detainee's Counsel and specific authorities, such as the ICRC, the Ombudsperson, the Registrar or a staff member acting on his or her behalf, a Judge or Panel of the Specialist Chambers or a staff member acting on their behalf, or other judicial authority recognised by the Registrar.

Detention Officers will bring a Detainee's correspondence to him or her. If a Detainee is absent from the wing, they will place the correspondence in a Detainee's cell, ensuring that no other Detainee can access that correspondence. Detainees' outgoing correspondence will be collected twice a day.

20. VISITS

Detainees may receive authorised visitors subject to any necessary and proportionate restrictions that the Specialist Chambers Judges, the Registrar or the Chief Detention Officer may impose. Certain security measures that impact a Detainee's visits may be taken in situations of urgency.

Generally, all visitors must have permission to visit.

The DMU facilitates visits between a Detainee and his or her **Close Relatives**. For the purposes of family visits, **Close Relatives** are a Detainee's spouse or partner, parent, child, grandchild, brother, sister (including half- or step-brothers and sisters), grandparent, and sons- and daughters-in-law. Close Relatives will generally receive permission to visit a Detainee on an annual basis. **Close Relatives who need visas** to enter the Netherlands must contact the Administrative Office (via email at: visitors-DMU@scp-ks.org) **well in advance** of their planned visits. The procedure on how to apply for an annual visiting permit is set out in the DMU Instruction on Visiting Procedures for Family Members and Other Personal Visitors.

A Detainee may receive his or her **spouse** or **partner** and/or **children**, in a **Private Visit**, at least once every 3 months for a period of up to 3 hours. The procedure on how to request Private Visits is set out in Annex A 'Private Visits' to the DMU Instruction on Visiting Procedures for Family Members and Other Personal Visitors.

A Detainee's **Counsel** will be approved for regular visits. The process for scheduling Counsel Visits is specified in section 6. LEGAL ASSISTANCE above.

- **Visiting hours**

Personal visits with family and other personal visitors may take place:

- between 9:00 and 16:45 from Monday to Friday; and
- between 9:00 and 16:00 on Saturday and Sunday.

Hours of Counsel Visits are specified in section 6. LEGAL ASSISTANCE above.

Changes to the visiting hours may occur due to staffing and other operational reasons. Detainees will be informed of any such changes well in advance, if possible.

- **Application for visiting permit**

Generally, visitors other than Close Relatives must request permission to visit by submitting an application for a visiting permit at least 15 calendar days prior to the date of the proposed visit, using the standard application form available on the Specialist Chambers' website. If a Detainee wishes to have a visit, a Detainee must submit a written request to receive a visitor to the Administrative Office at least 10 days prior to the proposed visit.

Different time limits apply to Close Relatives applying for annual visiting permits. They are set out in the DMU Instruction on Visiting Procedures for Family Members and Other Personal Visitors.

Certain visitors do not need to apply for a visiting permit, such as a Detainee's Counsel, representatives of the ICRC, the Ombudsperson, the Registrar or a staff member acting on his or her behalf, or a Judge or Panel of the Specialist Chambers or a staff member acting on their behalf.

Detainees will be informed of the identity of each visitor and may refuse to see any visitor except for the Registrar.

- **Scheduling a visit**

Visitors who have not scheduled a visit with the Administrative Office in advance will normally be denied entry to the Prison and the DF.

For visitors other than Close Relatives, the visiting permit issued to the visitor will usually indicate the date and time of the visit. There is no need for the visitor to separately schedule a visit, but visitors must reapply for a visiting permit each time they want to visit.

For Close Relatives who have an annual visiting permit, they must schedule a visit at least 10 days before the proposed visit by contacting the Administrative Office at: visitors-DMU@scp-ks.org.

A Detainee's *Counsel* must also schedule a Counsel Visit in advance (see section 6. LEGAL ASSISTANCE above).

Pursuant to Detention Rule 7, the ICRC and the Ombudsperson may carry out unannounced inspections of the DF.

- **Items for Detainees**

Visitors may not give any items directly to Detainees. Only at a *Counsel Visit* may Counsel give paper documents for preparing the defence directly to a Detainee (see section 6. LEGAL ASSISTANCE above).

Where a Detainee wishes to receive items from his or her visitor, a Detainee must submit a written request to the Chief Detention Officer at least 5 days prior to the visit, specifying the items a Detainee wishes to receive and from whom. The Detainee shall be responsible for informing his or her visitor of items that the Chief Detention Officer has authorised the visitor to bring.

A visitor may bring to the DF the authorised items for a Detainee only when visiting him or her. The visitor must hand these items to DMU staff at the Prison entrance between 8:45 and 9:15 from Tuesday to Friday. It is not possible to bring items for a Detainee to visits scheduled on Monday, Saturday or Sunday.

- **Items brought to visits**

- *Items brought by visitors*

Visitors may not carry any items to the visits, including prohibited items (see section 9. PROHIBITED ITEMS above), with the exception of the following:

- Items a visitor *medically requires* during the visit, such as an asthma ventilator, a wheelchair or walking sticks, if the visitor provides a justification as to their medical necessity.
- Items authorised for *children* up to the age of 4 years. Where such children need food or drinks during the visit, a Detainee must make a request prior to the visit in writing to the Chief Detention Officer to allow specific items. Therefore, it is important that Detainees coordinate these matters with their visitors prior to visits.
- Items allowed at Counsel Visits (see section 6. LEGAL ASSISTANCE above).

- *Items brought by Detainees*

Detainees may bring the following items:

- To all visits: food and drinks, and, if necessary, plates, trays or containers to carry them. Detainees are advised to bring the food and drinks in the amounts that will be consumed during the visit because only those items that have not been opened and are fully sealed in their

original packaging may be returned to the wing after the visit. All other consumable items must be disposed of in the waste bins in the visiting areas.

- To the visits with a Detainee's family members or friends: playing cards or similar table games.
- To Counsel Visits: items for preparing the defence (see section 6. LEGAL ASSISTANCE above).

The items a Detainee wishes to bring to a visit may not exceed the volume of a box issued to a Detainee for this purpose.

No later than 15 minutes prior to the start of a visit, a Detainee must place all the items in the box and give it to a Detention Officer on a Detainee's wing for registration and control of prohibited items. Detainees may not bring any other items to a visit apart from those placed in the box.

In case some of the items a Detainee wishes to bring to a visit do not fit into the box provided, a Detainee may submit a request in writing to the Chief Detention Officer to allow specific additional items. This request must be made at least 1 full working day prior to the visit.

◦ *Exchange of items*

During a visit, a Detainee and his or her visitors may not directly exchange any items. Only at a *Counsel Visit* may a Detainee and his or her Counsel directly exchange paper documents for preparing the defence (see section 6. LEGAL ASSISTANCE above).

In case a Detainee wishes to pass any items to his or her visitor, at least 1 working day prior to the visit, the Detainee shall hand these items to DMU staff for control of prohibited items and complete the form for export of the items.

• **Conduct of visits**

Generally, visits are conducted within the sight and hearing of Detention Officers.

The following visits are conducted within the sight but outside the hearing of Detention Officers:

- Counsel Visits;
- visits with judicial authorities recognised by the Registrar;
- visits with a Detainee's consular representatives.

The following visits are conducted outside the sight and hearing of Detention Officers:

- Private Visits with a Detainee's spouse or partner and/or children;
- visits with representatives of the ICRC;
- visits with the Ombudsperson;
- visits with the Registrar of the Specialist Chambers or a staff member acting on his or her behalf;
- visits with Specialist Chambers' Judges or staff members acting on their behalf.

A Detainee and his or her adult visitors are primarily responsible for the safety and adequate behaviour of minor children in the visiting areas. Detention Officers may instruct a Detainee and his or her adult visitors to increase the level of their supervision. Failure to comply may result in termination of a visit.

- **After visits**

After the visit, the box with the items a Detainee took to the visit will be checked for possible prohibited items.

- **Video visits**

Where authorised by the Registrar, Detainees may have video visits with Close Relatives pursuant to any procedure outlined in a separate instruction.

21. SPIRITUAL WELFARE

At any time, Detainees may indicate that they wish to establish contact with a religious or spiritual advisor. The Registrar may authorise visits from qualified representatives of the religions or beliefs that a Detainee holds. As far as practicable, and subject only to such limitations as necessary to maintain safety, security, or good order in the DF, Detainees may retain in their possession a reasonable amount of books, literature, or instruction relating to their religions or beliefs. A Detainee may also make a request to the Chief Detention Officer in order to attend any available services, ceremonies, or meetings held in the DF.

22. GOING TO AND ABSENCE FROM COURT

If a Detainee leaves the DF in order to attend proceedings before the Specialist Chambers, he or she may take a small briefcase to carry writing implements and paper documents related to his or her case before the Specialist Chambers.

If a Detainee wishes to take also CDs and/or DVDs containing case-related materials, he or she shall follow the procedure for the export of non-paper digital media. Detainees are prohibited from carrying these CDs and/or DVDs directly out of the DF. Any such items discovered in a Detainee's possession will be removed.

If a Detainee is feeling too unwell to attend a hearing before the Specialist Chambers, a Detainee must promptly inform a Detention Officer on his or her wing. A Detainee will be requested to telephone his or her Counsel and complete the relevant form. The Nurse will examine the Detainee. If the matter is deemed to be serious, the Medical Officer will also be contacted.

23. SEARCHES

- **Body searches**

There are two types of body searches that Detention Officers may conduct on Detainees in an appropriate manner (see DMU Instruction on Searches of Detainees in the Detention Facilities):

- a rub-down body search (level A or level B), performed over a Detainee's clothed body; and
- a full body search, involving the removal of some or all of a Detainee's clothing without the undressing of both the upper and lower parts of a Detainee's body at the same time.

Searches will be conducted in a manner that respects a Detainee's dignity, and the least intrusive method will be applied based on the criteria of necessity and proportionality.

A Detainee's rub-down body search (level A or level B) may be performed when necessary to ensure the safety, security, or good order in the DF. This search is performed every time a Detainee leaves or returns to his or her wing.

The Chief Detention Officer may order a Detainee's full body search if the Chief Detention Officer or a Detention Officer has a reasonable suspicion that a Detainee is in possession of an item prohibited under Detention Rule 25 (see DMU Instruction on Items and Substances Prohibited in the Detention Facilities) and the item may only be discovered by removing clothes.

- **Cell searches**

Detainees' cells are inspected daily and searched regularly as a matter of routine at the DF. The Chief Detention Officer may authorise a special search of a Detainee's cell if there is a reasonable suspicion that the cell contains an item prohibited under Detention Rule 25 (see DMU Instruction on Items and Substances Prohibited in the Detention Facilities). Generally, Detainees will have an opportunity to be present during the search of their cells.

- **Searches of visitors**

The searches of visitors are set out in the DMU Instruction on Security Requirements to Enter the Detention Facilities, which is made available to visitors.

24. MEASURES OF CONTROL AND RESTRAINT

Instruments of restraint, such as handcuffs, will be used on Detainees only in certain defined circumstances, including as a precaution against escape, to prevent injury to others or when the Chief Detention Officer has reasonable grounds to believe that the restraint is necessary for security or good order in the DF.

Detention Officers may impose reasonable control over Detainees and other persons in the DF, including visitors. However, they may use force other than lethal force only in order to achieve certain defined legitimate objectives, for example, to defend others against an imminent threat of injury, or to prevent a serious threat to security or good order in the DF.

25. DETAINEES' DISCIPLINE

Detention Officers shall supervise Detainees and maintain control with fairness and firmness, as necessary to ensure safety, security and good order in the DF. Detainees must obey orders and instructions of Detention Officers, as well as the Rules of Detention, the practice directions adopted under those Rules, and other written rules and instructions adopted by the Registrar or issued by the Chief Detention Officer governing the conduct of Detainees. A Detainee commits a disciplinary offence if he or she disobeys any of these without a clear justification. Unlawful conduct constitutes a disciplinary offence, for example, violence towards others, possession of cash or other items prohibited under Detention Rule 25 (see DMU Instruction on Items and Substances Prohibited in the Detention Facilities).

Disciplinary proceedings will be applied as a last resort. Detainees will be sanctioned for a disciplinary offence in accordance with the Practice Direction on Discipline. A Detainee has the right to appeal against any disciplinary decision in accordance with the Practice Direction on Discipline. On a Detainee's wing, there is a standard form available to a Detainee to appeal against a disciplinary decision. A Detainee may complete the form in a language he or she understands.

26. COMPLAINTS BY DETAINEES

A Detainee may complain about his or her treatment and the conditions of detention in the DF in accordance with the Practice Direction on Complaints. This procedure for submitting a complaint, which is set out in the Practice Direction on Complaints, is different from the disciplinary procedure noted above (see section 25. DETAINEES' DISCIPLINE above). On a Detainee's wing, there is a copy of the complaints procedure available to Detainees.

A standard complaint form is also available on a Detainee's wing, which a Detainee may fill out in his or her own language. Normally, a Detainee should first make all written **complaints** to the Chief Detention Officer unless a Detainee complains about a decision of the Registrar or about the conduct of the Chief Detention Officer. In either case, a Detainee should always hand his or her complaint to a Detention Officer for delivery to the right person. Detention Officers or any other person will not censor Detainees' complaints in any way.

If a Detainee does not agree with a decision on his or her complaint, a Detainee has the right to submit a **request for review**. A standard form to request review is available on a Detainee's wing, which a Detainee may fill out in his or her own language. Again, a Detainee should hand his or her request for review to a Detention Officer for delivery to the Registrar or a Judge of the Specialist Chambers. Detainees' requests will not be censored in any way.

The following shows the deadlines for submitting complaints or requests for review:

Type	Deadline
<u>Complaint</u> to the Chief Detention Officer about a Detainee's treatment or the conditions of detention in the DF	Within 30 calendar days of the date the treatment or condition complained of directly affected the Detainee
Request to the Registrar to <u>review</u> a decision of the Chief Detention Officer made on a Detainee's complaint	Within 30 calendar days of receipt of the Chief Detention Officer's written decision
<u>Direct complaint</u> to the Registrar about the conduct of the Chief Detention Officer	Within 30 calendar days of the date the conduct complained of directly affected the Detainee
<u>Direct complaint</u> to the Registrar to reconsider a written decision issued initially by the Registrar	Within 30 calendar days of receipt of the Registrar's written decision

Request for review by a Competent Panel	Within 30 calendar days of receipt of the Registrar's written decision in response to a direct Complaint or Request for Administrative Review
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27. PERSONAL RECORD

DMU keeps the Detainees' personal records. They include: - inventory of a Detainee's monies, clothing and other items; - information about restrictions on visits and communications, - cautions issued to a Detainee, - disciplinary proceedings against a Detainee; - all written communications between the Detainee and DMU and the Registry related to his or her detention in the DF; and - other information. It will not contain a Detainee's medical information, which is kept separately by the Medical Officer. A Detainee's personal record is stored and processed confidentially in line with the Specialist Chambers' data protection standards.

A Detainee has the right to access 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 DF. In order to access his or her personal record, a Detainee must submit a written request to the Chief Detention Officer in line with the relevant instruction.



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Annex B

Use of Storage Cells

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Section 1 General

1. In case of a large amount of material for preparing the defence, a Detainee may apply to the Chief Detention Officer for a storage cell, normally located within a Detainee's wing, to store case-related materials, including CDs and DVDs, as provided by Detention Rule 26.
2. If several Detainees apply for a storage cell and their requests are justified, each Detainee shall be provided with a separate cabinet located in the storage cell. The cabinet shall be clearly marked with the name of a Detainee to whom the cabinet has been allocated. The Detainee shall not use any other cabinet.
3. Detainees shall use storage cells or cabinets for case-related materials only. They shall not place any other items there, such as clothes, food or drink items.

Section 2 Access

1. Generally, Detainees shall be provided with access to their storage cells or cabinets during the hours of unlock in order to take materials to or from their storage cells or cabinets.
2. Detainees shall be provided with access outside the hours of unlock if necessary to prepare the defence and during:
 - a. the daytime lock-up hours; and/or
 - b. the hours scheduled for daytime activities, such as fresh air or sport.
3. In case a Detainee wishes to access the storage cell or cabinet, he or she shall make this request to a Detention Officer on the wing. In case a Detainee wishes to have access during the hours provided in paragraph 2, he or she shall request this before the commencement of the lock-up or the respective activity.
4. The access to the respective storage cell and, as applicable, the cabinet shall be ensured without undue delay unless operational reasons prevent it. In case of access during the hours provided in paragraph 2, a Detainee shall remain in the storage cell for the entire period of lock-up or activity.

5. Storage cells shall remain locked while not in use. A Detainee shall be provided with access to his or her cabinet only. No other Detainee may access it.

Section 3 Maintenance

1. A Detainee shall keep clean and tidy the storage cell and cabinet allocated to him or her. A Detainee shall not bring any food or drinks to, or smoke in the storage cell. Failure to comply with any of these requirements may result in withdrawal of allocation of the storage cell or cabinet, as applicable.
2. A Detainee may seek authorisation to bring some food or drink items into the storage cell in case of a longer stay there, in particular during the periods of daytime lock-up or scheduled activities.