

**UNITED NATIONS DETENTION UNIT**  
**REGULATIONS FOR THE ESTABLISHMENT OF A DISCIPLINARY PROCEDURE**  
**FOR DETAINEES**  
**(ISSUED APRIL 1995)**  
**(IT/97)**

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*Issued by the Registrar*  
*April 1995*

**Regulations for the Establishment of a Disciplinary Procedure  
for Detainees**

Issued by the Commanding Officer and the Registrar pursuant to Rules 38 - 39 of the Rules Governing the Detention of Persons Awaiting Trial or Appeal before the Tribunal or otherwise Detained on the Authority of the Tribunal ("Rules of Detention").

**Disciplinary Procedures**

These Regulations are subject to the provisions of the Rules of Detention of the Tribunal and, where applicable, its Rules of Procedure and Evidence.

1. No detainee may be punished except in accordance with these Regulations and never twice for the same act.
2. The following conduct shall constitute a disciplinary offence:
  - failure to obey an order or instruction given by a member of the staff of the detention unit;
  - verbal abuse directed against a member of the staff of the detention unit, another detainee or any lawful visitor to the detention unit;
  - violent behaviour or aggression towards a member of the staff of the detention unit, another detainee or any lawful visitor to the detention unit;
  - possession of any illegal object or substance;
  - repeated misconduct after a warning has been given pursuant to paragraph 7 of these Regulations.
3. If a detainee refuses to obey any order or instruction given by a member of the staff of the detention unit, the Commanding Officer shall be called immediately and, in accordance with these Regulations, shall determine whether the detainee is justified in refusing to obey such order or instruction. The Commanding Officer's determination may be formally challenged by way of the complaints procedure.
4. All instances of misconduct shall be reported to the Commanding Officer immediately and a record shall be kept of the time and full details of the offence.
5. The member of staff who has witnessed or been involved in the alleged incident may impose temporary punishment, such as restriction to the detainee's cell or removal of the offending item, until the Commanding Officer or the senior officer on duty can be summoned, such period not to exceed one hour during daytime or eight hours at night. The Commanding Officer or senior officer on duty may continue, vary or revoke any such temporary punishment pending completion of examination of the incident pursuant to Regulation 6 of these Regulations, provided however, that the period of such temporary punishment shall not exceed twelve hours in total.
6. The Commanding Officer shall conduct a thorough examination of the incident before imposing any punishment other than a temporary punishment pursuant to Regulation 5 of these Regulations. As part of such examination, the alleged incident of misconduct shall be explained to the detainee by the Commanding Officer, through an interpreter if necessary, and the detainee shall be given the opportunity to explain his behaviour.
7. The Commanding Officer may impose any of the following punishments, or all or any combination thereof, as he thinks fit:

- confiscation of an offending item;
- removal or reduction of privileges or use of personal possessions, e.g., television, radio, books, for a period not exceeding one week;
- oral or written warning;
- written notice of suspended punishment to come into effect immediately upon a further breach of these regulations within a period of not more than two weeks from the date of the initial offence;
- monetary fine, to be paid from the detainee's personal funds;
- confinement in isolation, subject to the express provisions of Rules 45 - 49 of the Rules of Detention.

8. Each punishment shall be recorded and explained to the detainee in a language he understands. A written copy of the punishment and the reasons therefor shall be given to the detainee in one of the working languages of the Tribunal forthwith; if he does not understand the language in which the statement of punishment is written, a translation into a language he understands shall be provided to the detainee as soon as possible and, in any event, not later than twelve hours after the imposition of the punishment.

9. A detainee may appeal to the President of the Tribunal both against the determination of a disciplinary offence and against the punishment imposed. The detainee must advise the Commanding Officer of his wish to appeal within twenty-four hours of the incident or of the punishment being imposed, whichever is later. Such notice may be given orally and the Commanding Officer shall record the request and notify the Registrar immediately. The Registrar shall forward details of the appeal to the President within twenty-four hours. The appeal proceedings may be conducted orally or in writing, as the President may determine.

10. Counsel for the detainee may assist the detainee in connection with any such appeal.

11. Any punishment imposed by the Commanding Officer shall continue in full force and effect pending appeal.

12. The President shall notify the detainee of the outcome of the appeal in writing, in a language he understands, within three days of receipt by him. The President may order the restoration of confiscated articles or privileges, repayment of any fine imposed, cancellation of any warning or suspended sentence or immediate release from isolation. The President may take any other action he sees fit in the circumstances.