



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEÇA KOSOVA

# Detention Management Unit Instruction

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## Security Requirements to Enter the Detention Facilities

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| <b>Approved by:</b>    | <b>The Registrar, Kosovo Specialist Chambers</b> |
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**CHAPTER I GENERAL PROVISIONS****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 security requirements that persons must comply with in order to enter the Detention Facilities of the Specialist Chambers ('DF') located within the Dutch Prison PI Haaglanden ('Prison'). Since the DF are located within the Prison, in order to enter the DF, persons must also comply with the security requirements of the Prison.
2. The aim of the security requirements set out in this Instruction is to ensure safety, security and good order in the DF and to protect the health of Detainees and others. In particular, the security requirements aim to ensure that no items prohibited under Detention Rule 25 and further specified in the DMU Instruction on Items and Substances Prohibited in the Detention Facilities ('prohibited items') are introduced.
3. This Instruction governs the security procedures and searches of:
  - a. Counsel and other visitors, and their possessions, pursuant to Article 10.3 of the Practice Direction on Counsel Visits and Communications and Article 13.2 of the Practice Direction on Visits and Communications, adopted pursuant to Detention Rule 63; and
  - b. other persons who may be authorised to enter the DF and their possessions, such as external medical practitioners in accordance with Detention Rule 34.4.
4. This Instruction shall be interpreted and applied in a manner consistent with the Rules of Detention, including the Practice Direction on Counsel Visits and Communications and the Practice Direction on Visits and Communications.

## Section 2 General requirements

1. To enter the DF, a visitor or other person specified in Section 1.3 must:
  - a. present a valid proof of identity bearing a photograph acceptable to DMU and the Prison, namely, a passport or a national identification card;
  - b. give his or her consent to be searched; and
  - c. comply with the requirements of this Instruction and the Prison security requirements.A person may withdraw his or her consent to being searched at any time.
2. A person who refuses to comply with any of the applicable security requirements or withdraws his or her consent to being searched shall be refused access to the Prison and the DF.
3. Where this Instruction refers to a person's consent or permission, for persons under the age of 18, this shall mean the consent or permission respectively of their parent or, as applicable, guardian.
4. Security procedures and searches shall at all times be conducted in a manner that respects:
  - a. a person's dignity and privacy, and his or her possessions;
  - b. a person's health and physical condition, any disability, and public health requirements;
  - c. materials subject to Counsel-client privilege in accordance with Article 10.3 of the Practice Direction on Counsel Visits and Communications; and
  - d. correspondence between a Detainee and 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 staff members acting on their behalf, or any other judicial authority recognised by the Registrar, which in accordance with Articles 21 to 23 of the Practice Direction on Visits and Communications may not be opened or read if clearly marked.

## CHAPTER II SECURITY MEASURES

### Section 3 Metal detector

1. All visitors and other persons specified in Section 1.3 shall pass through a security checkpoint before entering the DF. At the security checkpoint, a person shall:
  - a. remove his or her outdoor clothing, including coat, jacket, gloves, cap and scarf;
  - b. place the above items and other items he or she carries in a tray provided for this purpose; and
  - c. walk through an archway metal detector.
2. If a person sets off the archway metal detector, he or she shall be required to:
  - a. remove the items setting off the alarm; and
  - b. then walk through the archway metal detector once again.
3. Detention Officers may check a person using a metal detector wand if he or she sets off the archway metal detector for the second time or if, due to other reasons, Detention Officers deem this appropriate in order to check for prohibited items.

### Section 4 Personal search

1. After the security measures specified in Section 3, Detention Officers may decide to search a person by way of a Rub-Down Body Search if the metal detector wand indicates the presence of metals or, due to other reasons, there is a suspicion that a prohibited item is inside the person's clothing, or on or about his or her body.

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2. After a person consents to the Rub-Down Body Search, one Detention Officer of the same sex as the person searched shall carry out the Search in the presence of another Detention Officer. The Detention Officer shall run his or her open hands over the entire clothed body of a person in order to check for prohibited items. The officer shall also run his or her fingers through a person's hair. No inspection of the ears, nose or mouth shall be performed.
3. As part of a Rub-Down Body Search, where deemed necessary for the purposes specified in Section 1.2, a person may be required to:
  - a. remove footwear; in such case, a Detention Officer shall check the soles of a person's feet by his or her hands;
  - b. untie his or her hair and shake it out in case of long hair in particular; in such case, the Rub-Down Body Search shall be performed out of sight of other persons.
4. To protect the health of Detainees and others in the DF, and upon advice of the Medical Officer, the Chief Detention Officer may require Detention Officers to wear personal protective equipment ('PPE') when carrying out personal searches.

## Section 5 Possessions

1. In order to ensure that no prohibited items are introduced, all items that a person carries with him or her, as well as outdoor clothing shall be:
  - a. x-rayed; and
  - b. inspected visually without opening.
2. In case of suspicion of a prohibited item, a person may be required to:
  - a. open certain items; and/or
  - b. give permission to DMU or Prison staff to open certain items; to allow for a visual inspection of their contents in order to eliminate the above suspicion.
3. DMU and Prison staff may use other methods as necessary to check, for example, for prohibited substances that may not be detected through x-ray or visual inspection.
4. Visual inspection of possessions shall be carried out with due regard to Sections 2.4.c and 2.4.d, as applicable.
5. After completion of all applicable security measures, a person shall place his or her outdoor clothing and other items as may be directed by Detention Officers in the storage lockers in the DF prior to proceeding to a designated area in the DF, such as a visiting area in case of a visitor.

## CHAPTER III BABIES AND CHILDREN

### Section 6 Babies

1. Children less than 12 months of age ('babies') shall be carried through the archway metal detector referred to in Section 3.1 by their parent or, as applicable, guardian after he or she has complied with the applicable security measures. Babies may be checked using a metal detector wand pursuant to Section 3.3.
2. The Chief Detention Officer may decide that a baby be searched by way of a full or partial Rub-Down Body Search if the following conditions are met:

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- a. there is a suspicion that a prohibited item is inside the baby's clothing or on or about his or her body;
  - b. the Rub-Down Body Search is necessary to check for a possible prohibited item; and
  - c. there is no other less intrusive security measure available to check for a possible prohibited item.
3. If the baby's parent or, as applicable, guardian consents to a Rub-Down Body Search of the baby, the Search shall be carried out:
    - a. by one Detention Officer and in the presence of another Detention Officer;
    - b. in the presence of the baby's parent or, as applicable, guardian; and
    - c. with particular attention to and care for the baby's comfort and well-being.
  4. Detention Officers shall reassure babies prior to and throughout the security measures carried out pursuant to this Section.
  5. The Chief Detention Officer shall record in writing the reasons for Rub-Down Body Search of a baby and the consent to or refusal of this Search by the baby's parent or, as applicable, guardian.

## Section 7 Children

1. Children between the ages of 12 months and 18 years ('children') shall comply with the security measures provided for in this Instruction with the assistance of their parent or, as applicable, guardian. Where a young child needs to be carried through the archway metal detector, Section 6.1 shall apply. Children may be checked using a metal detector wand pursuant to Section 3.3.
2. Detention Officers may decide to carry out a full or partial Rub-Down Body Search of a child in the circumstances provided in Section 4.1.
3. If the child's parent or, as applicable, guardian consents to a Rub-Down Body Search of the child, the Search shall be carried out:
  - a. by one Detention Officer of the same sex as the child and in the presence of another Detention Officer;
  - b. in the presence of the child's parent or, as applicable, guardian; and
  - c. with particular attention to and care for the child's comfort and well-being.
4. To the extent practicable, Detention Officers shall explain the process of carrying out security measures to children in an age-appropriate manner, and, where deemed appropriate, request the child's parent or, as applicable, guardian to assist in giving the explanation.
5. Detention Officers shall reassure children prior to and throughout the security measures carried out.

## CHAPTER IV Face-covering

### Section 8 Security measures

1. Female visitors who wear a veil or other face-covering for religious reasons shall not be required to uncover their face or hair in public or in front of persons of the opposite sex.
2. Detention Officers may decide to request a female visitor to remove the veil or face-covering where that is necessary for identification purposes or to check for prohibited items. If a female visitor consents to removal of the veil or face-covering, as appropriate, that shall be done:
  - a. to the extent necessary for the purpose specified above;

- b. in private and only in the presence of female staff; and
  - c. by the female visitor herself.
3. Where a face-covering such as a mask is worn by a visitor for any other reason, such as public health requirements, paragraph 2.a shall apply *mutatis mutandis*.

## CHAPTER V Other checks

### Section 9 During visits

1. After a visitor or other person specified in Section 1.3 has entered the DF, and while there, he or she may be requested to comply with the security measures as provided for in this Instruction if there are reasons to suspect that a prohibited item is inside his or her clothing, or on or about his or her body. In such a case, Detention Officers shall decide which security measure needs to be carried out and to what extent, in order to eliminate the above suspicion. The Chief Detention Officer shall decide on Rub-Down Body Search of a baby as required by Section 6.2.
2. Where Detention Officers have reasons to suspect that a prohibited item is contained in the outdoor clothing or other items that a person left in the storage locker in the DF under Section 5.5, Detention Officers shall, in the person's presence, inspect the contents of the locker in order to eliminate the above suspicion.
3. In order to carry out security checks pursuant to this Section, the Chief Detention Officer or, as applicable, Detention Officers may interrupt or terminate an ongoing visit pursuant to Article 8 of the Practice Direction on Visits and Communications.

### Section 10 Dangerous prohibited items

In case of suspicion of a dangerous prohibited item, such as a weapon, ammunition, explosives, drugs or psychotropic substances, the Chief Detention Officer or, as applicable, Detention Officers may take such security measures as deemed necessary in order to ensure safety, security and good order in the DF, without the person's permission or presence, including where the item has been placed in a locker.

### Section 11 Public health measures

1. In order to protect the health of Detainees and others in the DF, upon advice of the Medical Officer, the Registrar or the Chief Detention Officer may deem it necessary to require visitors to answer public health questions and undergo a temperature or other health check before being allowed entry into the DF. Visitor access may be denied based on these criteria.
2. For the same reason, upon advice of the Medical Officer, the Registrar or the Chief Detention Officer may deem it necessary for visitors to wear PPE while in the DF, including for the duration of their visits, to disinfect their hands upon entry and observe other hygienic measures, and to observe a certain physical distance from Detainees and others while in the DF. Visitor access may be denied or terminated for failure to comply with these requirements.