Prisoners of the international community: the legal position of persons detained at international criminal tribunals

Abels, D.

Citation for published version (APA):

General rights
It is not permitted to download or to forward/distribute the text or part of it without the consent of the author(s) and/or copyright holder(s), other than for strictly personal, individual use, unless the work is under an open content license (like Creative Commons).

Disclaimer/Complaints regulations
If you believe that digital publication of certain material infringes any of your rights or (privacy) interests, please let the Library know, stating your reasons. In case of a legitimate complaint, the Library will make the material inaccessible and/or remove it from the website. Please Ask the Library: https://uba.uva.nl/en/contact, or a letter to: Library of the University of Amsterdam, Secretariat, Singel 425, 1012 WP Amsterdam, The Netherlands. You will be contacted as soon as possible.
Official documents and resolutions

Committee Against Torture

General Comments

Reports

Committee for the Prevention of Torture

Reports
CPT, First General Report on the CPT’s activities covering the period November 1989 to December 1990, CPT/Inf (91) 3, 20 February 1991
CPT, Second General Report on the CPT’s activities covering the period 1 January to 31 December 1991, CPT/Inf (92) 3, 13 April 1992

Committee on Economic, Social and Cultural Rights

General comments

Council of Europe

Opinions

Recommendations, Resolutions and Commentaries
CoE, Resolution 62(2), Electoral, civil and social rights of prisoners, adopted by the Ministers’ Deputies on 1 February 1962
CoE, Resolution (67)5, Research on prisoners considered from the individual angle, and on the prison community, adopted by the Ministers’ Deputies on 4 March 1967
CoE, Resolution (70)1, Practical organization of measures for the supervision and after-care of conditionally sentenced or conditionally released offenders, adopted by the Ministers’ Deputies on 26 January 1970
CoE, Resolution (73)5, Standard Minimum Rules for the Treatment of Prisoners, adopted by the Committee of Ministers on 19 January 1973 at the 217th meeting of the Ministers’ Deputies
CoE, Recommendation (79)14, concerning the application of the European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders, adopted by the Committee of Ministers on 14 June 1979, at the 306th meeting of the Ministers’ Deputies
CoE, Recommendation (82)16, on prison leave, adopted by the Committee of Ministers on 24 September 1982, at the 350th meeting of the Ministers’ Deputies
CoE, Recommendation (82)17, concerning custody and treatment of dangerous prisoners, adopted by the Committee of Ministers on 24 September 1982, at the 350th meeting of the Ministers’ Deputies
CoE, Recommendation (84)11, concerning information about the Convention on the Transfer of Sentenced Persons, adopted by the Committee of Ministers on 21 June 1984, at the 374th meeting of the Ministers’ Deputies
CoE, Recommendation (84)12, concerning foreign prisoners, adopted by the Committee of Ministers on 21 June 1984 at the 374th meeting of the Ministers’ Deputies
CoE, Recommendation (87)3, on the European Prison Rules, adopted by the Committee of Ministers on 12 February 1987 at the 404th meeting of the Ministers’ Deputies
CoE, Recommendation (88)13, concerning the practical application of the Convention on the Transfer of Sentenced Persons, adopted by the Committee of Ministers on 22 September 1988 at the 419th meeting of the Ministers’ Deputies
CoE, Recommendation (89)12, on education in prison, adopted by the Committee of Ministers on 13 October 1989 at the 429th meeting of the Ministers’ Deputies
CoE, Recommendation (92)16, on the European rules on community sanctions and measures, adopted by the Committee of Ministers on 19 October 1992 at the 482nd meeting of the Ministers’ Deputies
CoE, Recommendation (92)18, concerning the practical application of the Convention on the Transfer of Sentenced Persons, adopted by the Committee of Ministers on 19 October 1992 at the 482nd meeting of the Ministers’ Deputies
CoE, Recommendation (93)6, concerning prison and criminological aspects of the control of transmissible diseases including Aids and related health problems in prison, adopted by the Committee of Ministers on 18 October 1993, at the 500th meeting of the Ministers’ Deputies
CoE, Recommendation (97)12, on staff concerned with the implementation of sanctions and measures, adopted by the Committee of Ministers on 10 September 1997 at the 600th meeting of the Ministers’ Deputies
CoE, Recommendation (98)7, concerning the ethical and organisational aspects of health care in prison, adopted by the Committee of Ministers on 8 April 1998 at the 627th meeting of the Ministers’ Deputies
CoE, Recommendation (99)19, concerning mediation in penal matters, adopted by the Committee of Ministers on 15 September 1999 at the 679th meeting of the Ministers’ Deputies
CoE, Recommendation (99)22, concerning prison overcrowding and prison population inflation, adopted by the Committee of Ministers on 30 September 1999 at the 681st meeting of the Ministers’ Deputies
CoE, Recommendation (2000)22, on improving the implementation of the European rules on community sanctions and measures, adopted by the Committee of Ministers on 29 November 2000 at the 731st meeting of the Ministers’ Deputies
CoE, Recommendation (2003)22, on conditional release (parole), adopted by the Committee of Ministers on 24 September 2003 at the 853rd meeting of the Ministers’ Deputies
CoE, Recommendation (2003)23, on the management by prison administrations of life sentence and other long-term prisoners, adopted by the Committee of Ministers on 9 October 2003 at the 855th meeting of the Ministers’ Deputies
CoE, Parliamentary Assembly Recommendation 1656 (2004), on the situation of European prisons and pre-trial detention centres, 9 June 2004
CoE, Recommendation (2006)2, on the European Prison Rules, adopted by the Committee of Ministers on 11 January 2006 at the 952nd meeting of the Ministers’ Deputies
CoE, Commentary on Recommendation Rec(2006)2 of the Committee of Ministers to member states on the European Prison Rules
CoE, Parliamentary Assembly Recommendation 1747 (2006), European Prisons Charter, Reply adopted by the Committee of Ministers on 27 September 2006 at the 974th meeting of the Ministers’ Deputies
CoE, Recommendation (2006)13, on the use of remand in custody, the conditions in which it takes place and the provision of safeguards against abuse, adopted by the Committee of Ministers on 27 September 2006 at the 974th meeting of the Ministers’ Deputies
CoE, Recommendation (2008)11, on the European Rules for juvenile offenders subject to sanctions or measures, adopted by the Committee of Ministers on 5 November 2008 at the 1040th meeting of the Ministers’ Deputies
CoE, Recommendation (2010)1, on the Council of Europe Probation Rules, adopted by the Committee of Ministers on 20 January 2010 at the 1075th meeting of the Ministers’ Deputies

Reports
CoE, 27th Conference of European Ministers of Justice, Report presented by the Secretary General of the Council of Europe, Follow-up to resolutions Nos. 1, 2, 3, 4 and 5, adopted in Helsinki at the 26th Conference of European Ministers of Justice, Yerevan (12-13 October 2006), MJU-27(2006)2

European Union

Reports

Resolutions
EU, European Parliament resolution of 26 May 1989 on women and children in prison
EU, European Parliament resolution of 18 January 1996 on poor conditions in prisons in the European Union
EU, European Parliament resolution of 13 March 2008 on the particular situation of women in prison and the impact of the imprisonment of parents on social and family life, 2009/ C 66 E/09
EU, European Parliament resolution of 24 April 2009 on support for the Special Court for Sierra Leone, P6_TA(2009)0310

Human Rights Committee

General Comments
HRC, General Comment 20, Article 7, U.N. Doc. HRI/GEN/1/Rev.6 at 151 (2003), 10 March 1992
HRC, General Comment 21, Article 10, U.N. Doc. HRI/GEN/1/Rev.1 at 33 (1994), of 10 April 1992
HRC, General Comment 24, General comment on issues relating to reservations made upon ratification or accession to the Covenant or the Optional Protocols thereto, or in relation to declarations under article 41 of the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.6, 4 November 1994
HRC, General Comment 29, Article 4, U.N. Doc. CCPR/C/21/Rev.1/Add.11, 31 August 2001

Inter-American Commission on Human Rights

Reports

International Criminal Court

Agreements
ICC, Agreement on the Privileges and Immunities of the International Criminal Court, Adopted by the Assembly of States Parties New York, 3-10 September 2002
ICC, Agreement between the International Criminal Court and the International Committee of the Red Cross on Visits to Persons deprived of Liberty Pursuant to the Jurisdiction of the International Criminal Court, ICC-PRES/02-01-06 of 19 March 2006 and 13 April 2006, entry into force on 13 April 2006
ICC, Memorandum of Understanding regarding Administrative Arrangements between the International Criminal Court and the Special Court for Sierra Leone, ICC-PRERS/03-01-06, 13 April 2006
ICC, Headquarters Agreement between the International Criminal Court and the Host State, ICC-BD/04-01-08, 1 March 2008

Press Releases
ICC, Press Release, ICC Registrar to discuss shared challenges with registrars of final/appellate, regional and international Courts, ICC-CPI-20100413-PR513, 13 April 2010

Reports
ICC, Report on the draft headquarters agreement between the International Criminal Court and the host State, ICC-ASP/5/25, 9 November 2006
ICC, Report of the Court on family visits to indigent detained persons, ICC-ASP/7/24, 5 November 2008
ICC, Report of the Bureau on family visits for detainees, ICC-ASP/7/30, 6 November 2008
ICC Assembly of States Parties, Report of the Court on the financial aspects of enforcing the Court’s obligation to fund family visits to indigent detained persons, ICC-ASP/8/9, 6 May 2009

Resolutions
ICC, Resolution ICC-ASP/6/Res.2, adopted by the Assembly of States Parties at the 7th plenary meeting, on 14 December 2007, by consensus
ICC, Resolution ICC-ASP/8/Res.4 Family visits for indigent detainees, adopted at the 8th plenary meeting, on 26 November 2009, by consensus

International Criminal Tribunal for Rwanda

Agreements
ICTR, Agreement between the United Nations and the United Republic of Tanzania concerning the headquarters of the International Tribunal for Rwanda, 31 August 1995
ICTR, Proposition to an agreement between the ICTR and the ICRC, attached to Letter of Dr. Cornelio Sommaruga, President of the International Committee of the Red Cross of 15 February 1996, ICTR/JUD-11-1-097
ICTR, Agreement between the Kingdom of Swaziland and the United Nations on the Enforcement of Sentences of the International Criminal Tribunal for Rwanda, 30 August 2000
ICTR, Accord entre le Gouvernement de la Republique Francaise et l’Organisation des Nations Unies concernant l’Exécution des Peines Prononcées par le Tribunal Pénal International pour le Rwanda, le 14 mars 2003

Practice Directions
ICTR, Practice Direction on the Procedure for Designation of the State in which a Convicted Person is to Serve His/Her Sentence of Imprisonment, as revised and amended on 23 September 2008

Reports
International Criminal Tribunal for the former Yugoslavia

Agreements
ICTY, Agreement on Security and Order between the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law committed in the Territory of the former Yugoslavia since 1991 and the Ministry of Justice of the Kingdom of the Netherlands on matters relating to security and order of the leased premises within the Penitentiary Complex, 14 July 1994
ICTY, Appointment of Inspecting Authority for the Detention Unit, Exchange of Letters between Antonio Cassese President of the ICTY and Cornelio Sommaruga President of the ICRC, 28 April and 5 May 1995
ICTY, Agreement between the International Criminal Tribunal for the former Yugoslavia and the Government of Finland on the Enforcement of Sentences of the International Tribunal, 7 May 1997
ICTY, Agreement between the United Nations and the Kingdom of Spain on the Enforcement of Sentences of the International Criminal Tribunal for the former Yugoslavia, 28 March 2000
ICTY, Ad Hoc Agreement between the International Criminal Tribunal for the former Yugoslavia and the Government of the Federal Republic of Germany concerning the conditions under which Mr. Tarculovski’s prison sentence shall be enforced, 16 June 2000
ICTY, Ad Hoc Agreement between the International Criminal Tribunal for the former Yugoslavia and the Government of the Federal Republic of Germany concerning the conditions under which Mr. Tadić’s prison sentence shall be enforced, 17 October 2000
ICTY, Agreement between the United Nations and the Kingdom of Denmark on the Enforcement of Sentences of the International Criminal Tribunal for the Former Yugoslavia, 4 June 2002
ICTY, Ad Hoc Agreement between the International Criminal Tribunal for the former Yugoslavia and the Government of the Federal Republic of Germany concerning the conditions under which Mr. Kunarac’s prison sentence shall be enforced, 14 November 2002
ICTY, Agreement between the United Nations and the Government of the Kingdom of Belgium on the Enforcement of Sentences Handed Down by the international Criminal Tribunal for the former Yugoslavia, 2 May 2007

ICTY, Agreement between the United Nations and Ukraine on the Enforcement of Sentences of the international Criminal Tribunal for the former Yugoslavia, 7 August 2007


ICTY, Agreement between the Slovak Republic and the United Nations on the Enforcement of Sentences imposed by the International Criminal Tribunal for the former Yugoslavia, 7 April 2008


ICTY, Ad Hoc Agreement between the International Criminal Tribunal for the former Yugoslavia and the Government of the Federal Republic of Germany concerning the conditions under which Mr. Stanislav Galić’s prison sentence shall be enforced, 16 December 2008

Practice Directions
ICTY, Practice Direction on the Procedure for the International Tribunal’s Designation of the State in which a Convicted Person is to Serve his/her Sentence of Imprisonment, IT/137, President, 9 July 1998

ICTY, Practice Direction on the Procedure for the Determination of Applications for Pardon, Commutation of Sentence, and Early Release of Persons Convict ed by the International Tribunal, IT/146/Rev.2, 1 September 2009

Press Releases and Weekly Briefings


ICTY, Press Release, AM/MOW/1046e, The Hague, 6 March 2006


Reports, Letters, Statements, Manual
ICTY, Independent Audit of the Detention Unit at the International Criminal Tribunal for the former Yugoslavia, 4 May 2006
ICTY, Report to the President Death of Slobodan Milošević, Judge Kevin Parker Vice-President, 30 May 2006
ICTY, Report to the President Death of Milan Babić Judge Kevin Parker Vice-President, 8 June 2006
ICTY, Letter dated 15 November 2006 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law
ICTY, Manual on Developed Practices, Prepared in Conjunction with UNICRI as part of a project to preserve the legacy of the ICTY, UNICRI, Turin 2009

International law Commission

Reports

Special Court for Sierra Leone

Agreements
SCSL, Headquarters Agreement between the Republic of Sierra Leone and the Special Court for Sierra Leone, 21 October 2003
SCSL, Agreement between the Special Court for Sierra Leone and the Government of Sweden on the Enforcement of Sentences of the Special Court for Sierra Leone, 15 October 2004
SCSL, Memorandum of Understanding regarding Administrative Arrangements between the International Criminal Court and the Special Court for Sierra Leone, ICC-PRES/03-01-06, 13 April 2006
SCSL, Agreement between the Special Court for Sierra Leone and the Government of the United Kingdom of Great Britain and Northern Ireland on the Enforcement of Sentences of the Special Court for Sierra Leone, 10 July 2007
SCSL, Amended Agreement between the Special Court for Sierra Leone and the Government of the Republic of Rwanda on the Enforcement of Sentences of the Special Court for Sierra Leone, 18 March 2009
SCSL, Agreement between the Special Court for Sierra Leone and the Government of Finland on the Enforcement of Sentences of the Special Court for Sierra Leone, 29 June 2009

Detention Facility Orders and Detention Operational Orders
SCSL, Detention Operational Order No. 11:13, issued on 10 August 2003 by Terry Jackson, Chief of Detention
SCSL, Detention Operational Order No. 12:3, issued on 10 August 2003 by Terry Jackson, Chief of Detention
SCSL, Detention Operational Order No. 10:3, issued on 20 October 2003 by Barry Wallace, Chief of Detention
SCSL, Detention Operational order No. 3:5, issued on 21 July 2004 by Barry Wallace, Chief of Detention
SCSL, Detention Operational order No. 3:6, issued on 22 July 2004 by Barry Wallace, Chief of Detention
SCSL, Detention Operational Order No: 3:10, issued on 28 July 2004 by Barry Wallace, Chief of Detention
SCSL, Detention Operational Order No. 3:11, issued on 28 July 2004 by Barry Wallace, Chief of Detention
SCSL, Detention Operational Order No. 4:7, issued on 30 July 2004 by Barry Wallace, Chief of Detention
SCSL, Detention Operational Order No. 4:8; issued on 10 August 2004 by Barry Wallace, Chief of Detention
SCSL, Detention Operational Order No. 4:9, issued on 10 August 2004 by Barry Wallace, Chief of Detention
SCSL, Detention Operational Order No. 3:7, issued on 12 October 2004 by Barry Wallace, Chief of Detention
SCSL, Detention Operational Order No. 8:1, issued on 12 October 2004 by Barry Wallace Chief of Detention
SCSL, Detention Operational Order No. 11:14, issued on 14 October 2004 by Barry Wallace, Chief of Detention
SCSL, Detention Operational Order No. 12:1, issued on 14 October 2004 by Barry Wallace, Chief of Detention
SCSL, Detention Operational Order No. 12:2, issued on 14 October 2004 by Barry Wallace, Chief of Detention
SCSL, Detention Operational order No. 3:4, issued on 20 February 2006 by Barry Wallace, Chief of Detention
SCSL, Detention Operational order No. 3:8, issued on 20 February 2006 by Barry Wallace, Chief of Detention
SCSL, Detention Operational Order No. 3:9, issued on 20 February 2006 by Barry Wallace, Chief of Detention
SCSL, Detention Operational Order No. 1:2, issued on 11 May 2006 by Ray Cardinal, Chief of Detention
SCSL, Detention Operational Order No. 3:1, issued on 18 July 2008 by Ray Cardinal Chief of Detention
SCSL, Detention Operational Order No. 3:3, issued on 5 January 2009 by Ray Cardinal, Chief of Detention
SCSL, Detention Facility Order No. 21:1, issued on 4 August 2009

Press Releases
SCSL Press and Public Affairs Office, Press Release, Freetown - Sierra Leone, 7 April 2003
SCSL Outreach and Public Affairs Office, Press Release, Freetown - Sierra Leone, 31 October 2009
Reports
SCSL, Report on the Special Court for Sierra Leone – Submitted by the Independent Expert Antonio Cassese, 12 December 2006
SCSL, Seventh Annual Report of the President of the Special Court for Sierra Leone, June 2009 to May 2010

Special Rapporteur on Prisons and Conditions of Detention in Africa

Reports
ACommHPR, 46th Inter-Session Activity Report on the Special Rapporteur on Prisons and Conditions of Detention in Africa

Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment

Press Releases, Reports and Statements
United Nations High Commissioner for Human Rights, Statement by Manfred Nowak, Special Rapporteur on Torture at the 18th Session of the Commission on Crime Prevention and Criminal Justice, Vienna 24 April 2009

Special Tribunal for Lebanon

Agreements
STL, Agreement between the Kingdom of the Netherlands and the United Nations concerning the Headquarters of the Special Tribunal for Lebanon, 21 December 2007
STL, Agreement between the Special Tribunal for Lebanon and the International Committee of the Red Cross on Visits to Persons Deprived of their Liberty pursuant to the Jurisdiction of the Special Tribunal for Lebanon, 8 and 12 June 2009

**Reports**
STL, Annual Report (2009-2010), March 2010

**Subcommittee on the Prevention of Torture**

**Reports**
SPT, Second Annual Report of the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment of Punishment, CAT/C/42/2, 7 April 2009

**The Netherlands**

**Commentaries**
Commentary of the Government of the Netherlands to the ICC Implementation Act, *Uitvoering van het Statuut van het Internationaal Strafhof met betrekking tot de samenwerking met en bijstand aan het Internationaal Strafhof en de tenuitvoerlegging van zijn vonnissen (Uitvoeringswet Internationaal Strafhof), Memorie van Toelichting, Tweede Kamer, vergaderjaar 2001-2002, 28 098 (R 1704), nr. 3*

**United Nations**

**Agreements**
Agreement between the United Nations Interim Administration Mission in Kosovo and the Council of Europe on technical arrangements related to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 23 August 2004

**Reports and Working Papers**

Resolutions
U.N. G.A. resolution 217 A (III) of 10 December 1948
U.N. G.A. resolution 415(V) of 1 December 1950
ECOSOC resolution 663c (XXIV) of 31 July 1957
U.N. G.A. resolution 2106 (XX) of 21 December 1965
ECOSOC resolution 1503 (XLVIII) of 27 May 1970
U.N. G.A. resolution 2858 (XXVI) of 20 December 1971
U.N. G.A. resolution 3218 (XXIX) of 6 November 1973
U.N. G.A. resolution 3144 of 14 December 1973
U.N. G.A. resolution 3144B (XXVIII) of 14 December 1973
U.N. G.A. resolution 3452 (XXX) of 9 December 1975
ECOSOC resolution 2076 (LXII) of 13 May 1977
U.N. G.A. resolution 34/169 of 17 December 1979
U.N. G.A. resolution 34/180 of 18 December 1979
U.N. G.A. resolution 37/194 of 18 December 1982
ECOSOC resolution 1984/47 of 25 May 1984
U.N. G.A. resolution 39/118 of 14 December 1984
U.N. Commission on Human Rights resolution 1985/33 of 13 March 1985
U.N. G.A. resolution 40/33 of 29 November 1985
U.N. G.A. resolution 40/146 of 13 December 1985
ECOSOC resolution 1989/65 of 24 May 1989
U.N. G.A. resolution 44/25 of 29 November 1989
U.N. G.A. resolution 45/111 of 14 December 1990
U.N. G.A. resolution 45/113 of 14 December 1990
U.N. G.A. resolution 46/152 of 18 December 1991
U.N. S.C. resolution 808 of 22 February 1993
U.N. G.A. resolution 48/104 of 20 December 1993
U.N. S.C. resolution 955 of 8 November 1994
U.N. G.A. resolution 55/89 of 4 December 2000
U.N. G.A. resolution 57/199 of 18 December 2002
U.N. G.A. resolution 60/147 of 16 December 2005
U.N. G.A. resolution 60/148 of 21 February 2006
U.N. G.A. 60/251 of 3 April 2006
U.N. S.C. resolution 1688 of 16 June 2006
U.N. S.C. resolution 1757 of 30 May 2007
U.N. S.C. resolution 1966 of 22 December 2010

Statements