

UNCLASSIFIED

United Nations
Multidimensional Integrated Stabilization
Mission in Mali

Dato: 17. oktober 2019



MINUSMA

Ref. [2015/4/Amd.3]

Standard Operating Procedure

MINUSMA DETENTION PROCEDURES

Approved by: Saleh Mahamat Khatir Annadif, SRSG
Effective date: 1 June 2018
Contact: Legal Affairs Office
Review date: 31 May 2019

STANDARD OPERATING PROCEDURE ON MINUSMA DETENTION PROCEDURE

Contents:	A. Purpose
	B. Scope
	C. Rationale
	D. Procedures
	E. Roles and Responsibilities
	F. Terms and definitions
	G. References
	H. Monitoring and compliance
	I. Contact
	J. History

ANNEXURES

- A. Statement of Detention
- B. Statement on Release or Handover
- C. Detained Person Details
- D. Key Stages of the Implementation of the Detention Procedure
- E. Contact list
- F. Aide-memoire for troops on the ground (to be printed in pocket size)

A. PURPOSE

1. This document is based on the DPKO/DFS Interim Standard Operating Procedures on Detention in United Nations Peace Operations (*ISOP Detention*), which sets out the procedures for the handling, questioning, search, transfer, handover and/or release of persons detained by United Nations personnel in United Nations peace operations. This MINUSMA document captures the essential principles and procedural elements of the *ISOP Detention* and adapts them to MINUSMA's operational structure. The provisions of the *ISOP Detention* must nevertheless be known and applied within the Mission's capabilities in its areas of responsibility (i.e. given the situation on the ground).

B. SCOPE

2. This SOP applies to:
 - 2.1. All Mission components authorized to detain third parties: the Force and UNPOL¹;
 - 2.2. Members of the Regional Coordination Teams assisting the Mission components which detain third parties: UNPOL, Human Rights and Protection Division (HRPD), including Child Protection, and Force focal detention points;

¹ UNDSS personnel is authorized to use non-deadly force "to detain and/or prevent the escape of a person who constitutes a threat to order and security and/or who has committed a serious crime" (Source: United Nations DSS Manual of Instruction on Use of Force Equipment – Annex A).

- 2.3. UNDSS personnel, who in the absence of UNDSS provisions outlining specific procedures for the detention, treatment and handover of detainees by its personnel in peace operations apply this SOP;
 - 2.4. The SRSG as decision-maker regarding the extension of detention periods and the release or transfer of detained third parties to Malian authorities.
 3. This SOP sets out the procedure to be followed in case an individual is arrested and detained by the Mission's Military Component. In case an individual is arrested by UNPOL, the procedures apply *mutatis mutandis* and shall consequently be adapted accordingly and as needed.
 4. This document does not preclude the afore-mentioned Components to develop follow-on instructions, operational orders or other guidance, so long as they are in line with the DPKO/DFS *ISOP Detention* and this SOP, allowing for a more comprehensive operationalization of MINUSMA detention procedures at the appropriate decision-making and other levels.
-

C. RATIONALE

5. This SOP captures the essential principles and procedural elements of the ISOP Detention and adapts them to MINUSMA's operational structure. Its aim is to ensure that the handling and treatment of individuals detained by MINUSMA are consistent with applicable international human rights, humanitarian and refugee law, norms and standards. The deprivation of liberty in these situations, which fall outside established national criminal law processes, gives rise to significant practical challenges for the Mission. If mishandled, such detentions present a major risk to the Mission's credibility and legitimacy. In addition, documenting the circumstances of the arrest is essential to allow Malian authorities to open and pursue their legal investigations and proceedings.
-

D. PROCEDURES

6. General Principles on Detention

6.1 Any person unilaterally restricted by MINUSMA, against their will, in their freedom of movement, shall be deemed "detained", regardless of the duration of said detention.

6.2 Detention is a form of use of force, and is thus only permitted in circumstances where the use of force is authorized by (a) MINUSMA's mandate; (b) the Force's ROE; (c) UNPOL's Directives on the Use of Force (DUF); or (d) UNDSS' Manual of Instruction on Use of Force Equipment.

6.3 Any person detained by MINUSMA must be either: (a) released by MINUSMA; or (b) handed over to national authorities if the person is of interest, according to MINUSMA, to national authorities (i.e. where there is a reason to believe they may have committed an offence or crime under Malian legislation). The release by MINUSMA of a detainee or its handover to the relevant Malian authorities requires the authorization of the SRSG in consultation with the Senior Legal Adviser, and must be undertaken as soon as possible.

6.4 The basic principles and rules of international human rights, humanitarian and refugee law are applicable in relation to all persons detained by MINUSMA, particularly with respect to the prohibition of discrimination of any and all forms (including based on sex, race, religion, political views, origin, etc.).

6.5 Detention shall not exceed 48 hours, except in cases of handover, where detention may be extended for an additional 24 hours to facilitate transfer. In such cases, authorization of the SRSG, in consultation with the Senior Legal Adviser, is required (see § 7, 73 of the ISOP Detention).

6.6 MINUSMA may only handover detainees (including foreigners and refugees) to the relevant Malian authorities, i.e. *Police Nationale* and *Gendarmerie*. Please also see special measures for minors (see § 52-55 of the ISOP Detention).

6.7 A person apprehended, who is the subject of an arrest warrant issued by the International Criminal Court (ICC) shall not be released, but shall be handed over to the Government of Mali (Rule 5.1, Annex A ROE).

6.8 MINUSMA Senior Legal Advisor is the Focal Point for all detentions carried out by MINUSMA. Military Units shall, via the Force chain of command, immediately inform the Military Operation Centre (MOC). MOC shall immediately transmit the information to the Joint Operations Centre (JOC). JOC shall be responsible for immediately notifying the Senior Legal Adviser as Detention Focal Point, the relevant Regional Coordination Team, as well as the Force Legal Adviser, Force Provost Marshal and Human Rights and Protection Division, of all instances of detention and of all measures taken with respect to persons detained by the relevant MINUSMA component. In the case of children, the Senior Child Protection Adviser (CPA) and/or relevant mission child protection personnel shall be kept informed of all stages of the apprehension and/or detention.

6.9 The International Committee of the Red Cross (ICRC) must be notified of all instances of detention carried out by MINUSMA as soon as possible after apprehension, release, transfer to another MINUSMA Unit or handover to national authorities. The ICRC may be present at the handover of detainees to national authorities. Its presence in such instances should be ensured, wherever possible. (JOC: Consider the list of ICRC coordinators by area of apprehension/detention in Appendix E).

Generally, all concerned sections/units must at all times grant the ICRC and the Human Rights and Protection Division unconditional access to any and all persons detained by MINUSMA, including with respect to requests for confidential interviews of detainees. In the case of children, the CPA and/or relevant mission child protection personnel shall be provided full and unimpeded access to the child throughout the duration of his or her stay at the holding facilities.

7. Checklist of steps to take on the arrest of an individual

§ ISOP	What?	Relevant Document(s)	Who?	When? (Deadlines start from apprehension)	Done ? Y/N
SEARCH AND SEIZURE OF ITEMS					
43-47	<ul style="list-style-type: none"> - Inform detainee orally of reasons for detention - Explain to the detainee that a search is being conducted for safety reasons - Search must be carried out by two persons of the same sex as the detainee if this is operationally feasible 		On-scene Commander	Upon apprehension	
48-51	<ul style="list-style-type: none"> - Seize, tag, take photographs of, and record all items in detainee's possession in Detained Persons Property Register (Annex C, Part III) - Where required and with the authorization of the Unit commander, destroy any dangerous item(s) (i.e. explosives ...) after photographing or filming such item(s) and record a detailed description in the Detained Persons Property Register (Annex C, Part III) - Conduct a summary site survey in order to preserve any evidence present at the place of apprehension (i.e. items, situational overviews) - Any items seized from the detainee that were not destroyed shall be returned to the detainee upon his/her release, or handed over to the authorities during handover of detainee 	Annex C, Part III	On-scene Commander	Upon apprehension	
ADMISSION					

UNCLASSIFIED

§ ISOP	What?	Relevant Document(s)	Who?	When? (Deadlines start from apprehension)	Done ? Y/N
	<ul style="list-style-type: none"> - Immediately inform the Military Operations Centre (MOC) and the Joint Operations Centre (JOC) of the detention (name, date, gender, minor (under 18), place, any other relevant information) - Unit Commander to call the relevant Regional Coordination Team - JOC to inform the Senior Legal Adviser as Detention Focal Point, the relevant Regional Coordination Team (to ensure the Unit Commander was able to reach them directly), Force Legal Adviser, Force Provost Marshal, Human Rights and Protection Division, and relevant ICRC Coordinator - Draft report on the circumstances of the arrest, reasons for arrest, any evidence found, any statements taken from witnesses and any other relevant information for transmission to MOC/JOC 		Unit Commander / JOC	Immediately	
	<ul style="list-style-type: none"> - Senior Legal Adviser (Detention Focal Point) will inform the SRSG through the COS 		Senior Legal Adviser	As soon as possible	
10 Annex A	<ul style="list-style-type: none"> - Inform detainee orally and in writing, by presenting copy of Annex A, of reasons for detention and detainee's rights in a language s/he understands - Complete Statement of Detention (Annex A) - Update Register of Detained Persons (identification of detainee; reasons for detention; date, time and place of apprehension; release/transfer/handover of detainees to authorities; escape; illness; death; ...) 	Annex A Register of Detained Persons	Unit Commander (assisted by Regional Coordination Team)	As soon as possible following apprehension, when MINUSMA determines person has to be detained	
11 Annexes I to VII	<ul style="list-style-type: none"> - Complete Annex C (Parts I, II and III) and send by all necessary means (to MOC - MOC to send Annexes A and C, Parts I, II and III to JOC. - JOC to send above forms to the Senior Legal Adviser as Detention Focal Point, Regional Coordination Team, Force Legal Adviser, Force Provost Marshal, and Human Rights and Protection Division 	Annex A Annex C, Parts I, II and III	Unit Commander (assisted by Regional Coordination Team)/ MOC / JOC	Immediately	

UNCLASSIFIED

§ ISOP	What?	Relevant Document(s)	Who?	When? (Deadlines start from apprehension)	Done ? Y/N
12	<ul style="list-style-type: none"> - JOC to inform ICRC of detainee's identity, reason for detention, time and place of apprehension, place and date of detention, if any minors (under 18) are involved, etc. - Detaining Unit to provide ICRC unrestricted access to detainees, including confidential interviews 		<p>JOC to designated ICRC representative in area of operation as per table 1/</p> <p>Unit Commander</p>	Immediately	

HANDLING OF DETAINEE

31	Separate women from men		Unit Commander	Upon detention	
32	Where possible, separate detainee if there is any objective reason to believe detainee's safety may be jeopardized or detainee may jeopardize safety of others (i.e., religious or clan affiliation, sexual orientation ...)		Unit commander	Upon detention	

UNCLASSIFIED

33-40	<ul style="list-style-type: none"> - Conduct medical examination with detainee's consent as soon as possible upon detention : - If a medical exam is carried out, fill out medical report in Annex C, Part VII - Attach detainee's medical report (to the extent possible, in a language s/he understands and in English or French), including details regarding examination and treatment provided) to Annex C, Part II. - Medical examination is mandatory – even if the detainee does not consent – in the following circumstances <ul style="list-style-type: none"> • Upon use of force against detainee • After allegations of abuse or mistreatment • Upon injury or where detainee feels unwell • If necessary to determine presence of physical or mental illness - Pregnant women, ill persons, injured persons and children shall be specially monitored - Respect the confidentiality of medical information - If refusal of medical examination, record in Annex C except in cases governed by para. 34 of the ISOP (persons unwilling/unable to give consent because of incapacity can be examined to save life, alleviate pain or prevent long term injury and examination of children may only be conducted with consent of child and in presence of parent/guardian unless deemed medically necessary by UN medical personnel) 	Annex C, Part II and Part VII (if applicable)	UN medical personnel	Within 24 hours	
26-29	<ul style="list-style-type: none"> - Use of force consistent with ROE and DUF - Use restraints (handcuffs) only where necessary 		Unit Commander		
18, 19	Discrimination (based on sex, sexual orientation, religion, political views, origins, etc.), torture, cruel, inhuman or degrading treatment are prohibited		Unit Commander and all Unit members / Regional Coordination Team		

UNCLASSIFIED

20-25, 31	<ul style="list-style-type: none"> - Provide access to drinking water at all times - Provide healthy meals three times per day and consistent with detainee's religious practices, where possible - Detain in a secure detention-designated location - Allow or provide clean clothing suited to climate - Allow proper hygiene - Allow for fresh air at least once per day and allow physical exercise 		Unit Commander		
--------------	---	--	-------------------	--	--

SERIOUS ILLNESS OR DEATH

63-66	<ul style="list-style-type: none"> - In event of suspected serious illness or death, immediately notify: <ul style="list-style-type: none"> • UN Medical personnel • MOC - MOC will transmit the information to JOC - JOC will notify (orally and in writing) the Senior Legal Adviser (Detention Focal Point), Regional Coordination Team, Force Legal Adviser, Force Provost Marshal, Human Rights and Protection Division and ICRC 		Unit Commander / MOC/ JOC	Immediately	
-------	---	--	--	-------------	--

NOTIFICATION OF DETENTION AND VISITS

16, 17 56-57	<ul style="list-style-type: none"> - Where possible, inform contact person designated by detainee - Allow oral and written communications between detainee and family and other representatives - If a foreign citizen, allow contact with embassy or diplomatic or consular representative - If detainee is a refugee or displaced person under the protection of an international organization (i.e. IOM, UNHCR), allow oral or written communication with relevant international organization, and provide contact information - Allow reasonable number of visits by family members and other designated representatives, where security and operational requirements so permit 		Unit Commander	As soon as possible	
---------------------	--	--	-------------------	---------------------	--

DETENTION OF MINORS

UNCLASSIFIED

52-55	<ul style="list-style-type: none"> - Detention of minors (under 18) only as measure of last resort and for the shortest period of time - Separate minors from adults except family members and unless against their interests to do so - Notify parent or other adult relative or guardian - MOC to inform JOC - JOC will notify the Senior Legal Adviser (Detention Focal Point), Regional Coordination Team, HRPD, MINUSMA Child Protection Section and ICRC - Child Protection Adviser and/or other relevant Mission child protection personnel to be provided full and unimpeded access to the minor throughout the duration of stay at the holding facilities. - Minors should not be interrogated in order to obtain military information. - Only handover to National Child and Family Protection Directorate (DNPEF) in <u>Bamako, or Gao</u>, whichever is the closest to the location of the arrest, in presence of Child Protection Section and, where possible, UNICEF and ICRC. For other locations, liaise with Child Protection Section. - Prior to handover, ensure SRSG has obtained written assurances that authorities shall not recruit minor as a combatant 		Unit Commander / MOC/ JOC	<u>Immediately</u>	
Questioning					
41-42	<p>Record questioning in writing, including:</p> <ul style="list-style-type: none"> • Detainee's identity, address • Questions and answers • Refusal to answer questions • Name, title, and index numbers of attending Mission members 		Unit Commander		
Duration of detention					

UNCLASSIFIED

73	<ul style="list-style-type: none"> - Except in case of unforeseen circumstances (arrest in remote areas, climate hazards and air transport difficulties), detention shall not exceed 48 hours prior to release or hand over to national authorities - Detention period may be extended by 24 hours, following the SRSG's formal authorization notified to national authorities, and in accordance with applicable national standards relating to detention 		0 - 48 hrs: Unit Commander 48 - 72 hrs: SRSG through Senior Legal Adviser	48 hrs max + 24 hrs (i.e. Max 72 hrs)	
74-75	Detention for more than 72 hours is only permissible upon Government's written request <u>and</u> with SRSG's authorization (where MINUSMA's mandate permits)		SRSG through Senior Legal Adviser	Within 72 hrs	
RELEASE OF DETAINEE					
76	Decision to release if detention is no longer warranted (no release if detainee is the subject of an ICC arrest warrant) to be communicated by available means to On-scene Unit Commander and Regional Coordination Team and confirmed in writing by SLA.		Senior Legal Adviser after consultation with SRSG	Within 48 hrs	
79 Annex B	Read and provide detainee with copy of Statement on Release (Annex B)	Annex B	Unit Commander (assisted by Regional Coordination Team)	Upon release	
	Inform MOC of release		Unit Commander	Immediately	
	Inform JOC of release		MOC	Immediately	

UNCLASSIFIED

77, 78 Annex IV	<ul style="list-style-type: none"> - Complete Annex C, Part IV and send, with a copy of Annex B, to MOC - MOC to transmit forms to JOC - JOC to notify and transmit forms to Senior Legal Adviser (Detention Focal Point), Regional Coordination Team, Force Legal Adviser, Force Provost Marshal, Human Rights and Protection Division, and, Child Protection Adviser where minors are involved 	Annex B Annex C, Part IV	Unit Commander (assisted by Regional Coordination Team)/ MOC/ JOC	Immediately upon release	
95	JOC to notify ICRC of the release		JOC	As soon as possible	
79 Annex III	Update Detained Persons Register and Detained Persons Property Register	Detained Persons Register and Property Register	Unit Commander (assisted by Regional Coordination Team Leader)	As soon as possible	
TRANSFER TO ANOTHER MINUSMA UNIT					
67, 69	Where required (based on operational requirements), transfer detainee to another Unit Commander, along with non-confiscated property.		Unit Commander	At appropriate time (as determined based on operational requirements)	
	Inform MOC		Unit Commander	Immediately	
	Inform JOC		MOC	Immediately	
95	JOC to notify Senior Legal Adviser (Detention Focal Point), Regional Coordination Team, Force Provost Marshal, Force Legal Adviser, Human Rights and Protection Division and ICRC of the transfer		JOC	As soon as possible	
68 Annex V	<ul style="list-style-type: none"> - Complete Transfer of Detained Person Form (Annex C, Part V) and give a copy to the Unit that takes custody of the detainee. 	Annex C, Part V	Unit Commander (assisted by Regional Coordination Team)	Upon transfer	

UNCLASSIFIED

87	<ul style="list-style-type: none"> - Provide a copy of the completed form to MOC and JOC - JOC to send form to the Senior Legal Adviser (Detention Focal Point), Regional Coordination Team, Force Provost Marshal, Force Legal Adviser and Human Rights and Protection Division, and to notify accordingly the ICRC of the transfer. 	Annex C, Part V	Unit Commander / MOC / JOC	As soon as possible	
HANDOVER OF THE DETAINEE TO NATIONAL AUTHORITIES					
80	<ul style="list-style-type: none"> • Decision to hand over the detainee to national authorities 		SRSG through Senior Legal Adviser	As soon as possible	

<p>80, 83</p> <p>52, 55, 95</p>	<ul style="list-style-type: none"> - The detainee must be handed over to the BIS (<i>Brigade d'Investigation Spécialisée</i> within the <i>Pôle Judiciaire Spécialisé</i>) in Bamako in case of suspected elements of terrorists groups as soon as possible. after consultation and clearance from the Senior Legal adviser (Detention Focal Point) - For non-terrorist related incidents or in case of border line cases for which no undisputable probationary elements have been identified, the detainee must be handed over to the local <i>Police Nationale</i> or <i>Gendarmerie Nationale</i> after consultation and clearance from the Senior Legal Adviser - Unit Commander can seek advice from UNPOL regarding the appropriate contacts within BIS or local <i>Police Nationale</i> or <i>Gendarmerie Nationale</i> for hand-over of the detainee. - For a minor, see instructions in the Section above (Detention of Minors) and below. Minors must not be handed over to the (local) law enforcement authorities. - Prior to handover, detainee to be given opportunity to inform the Senior Legal Adviser of any fear of being subjected to torture or other ill-treatment/persecution if handed over to national authorities. - In such a case, immediately notify the Senior Legal Adviser, who will undertake risk assessment in consultation with Human Rights and Protection Division, Justice & Corrections Section, SRSG and Force Commander. - If there are strong indications s/he will be tortured or subjected to other ill-treatment or persecution: either (a) SRSG or the OiC Head of Mission authorizes handover along with implementation of mitigating measures recommended by the Senior Legal Adviser including human rights monitoring of detention conditions and treatment; or (b) SRSG authorizes detainee's release. - In instances where an arrest warrant (national and/or International) exists, the authorities must give a copy to the MINUSMA representative when the suspect is handed over by MINUSMA. 		<p>Unit Commander</p> <p>Senior Legal Adviser</p>	<p>Within 48 hrs</p> <p>Within 72 hrs with Senior Legal Adviser and SRSG authorization</p>	
---------------------------------	--	--	---	--	--

UNCLASSIFIED

	Inform detainee of handover		Unit Commander	Immediately	
85 Annex B	Read and provide detainee with copy of Statement of Handover (Annex B)	Annex B	Unit Commander (assisted by Regional Coordination Team)	At time of hand over	
95	<p>Ensure Police Component and ICRC presence upon handover, wherever possible;</p> <p>In the event of handover of a minor (under 18 years), prior consultation with the Senior Legal Adviser (Detention Focal Point), Regional Coordination Team, Human Rights and Protection Division and Child Protection Section. See also the instructions above.</p> <p>Upon handover of minors to <u>DNPEF in Bamako or Gao</u>, ensure presence of Child Protection Section, UNICEF and ICRC, where possible</p>		Unit Commander / Regional Coordination Team Leader	At time of hand over	
81	Notify Senior Legal Adviser (Detention Focal Point) of any refusal of authorities to receive detainee		Unit Commander / Regional Coordination Team Leader	Immediately	
86	<p>Indicate to the relevant authorities and person designated by detainee:</p> <ul style="list-style-type: none"> • Detainee's identity • Date, time and place of detention • Reasons for detention • Place of handover to authorities and identity of relevant representative of the authorities 		Unit Commander	At time of handover or shortly thereafter	

UNCLASSIFIED

	Provide authorities with evidence and other items gathered from the place of detention		Unit Commander (assisted by the Senior Legal Adviser and Regional Coordination Team)	At time of handover	
89 Annex VI	Transfer detainee's belongings to authorities, who shall confirm receipt (by signature) by completing Confirmation of Receipt (N.B. to be signed by Government representative) (Annex C, Part VI)	Annex C, Part VI	Unit Commander (assisted by Regional Coordination Team)	At time of handover	
87 Annex VI	<ul style="list-style-type: none"> - Complete Handover of Detained Person Form (Annex C, Part VI) and submit a copy, together with signed Confirmation of Receipt, to MOC and JOC - JOC to send a copy to Senior Legal Adviser (Detention Focal Point), Force Legal Adviser, Force Provost Marshal and Human Rights and Protection Division 	Annex C, Part VI	Unit Commander (assisted by Regional Coordination Team) / JOC	Immediately after the handover	
56, 57	In the event of handover, detainee must not be handed over to a foreign embassy or other entity which is not a part of the Government of Mali (in particular, not to Opération Barkhane, nor ICRC, nor IOM, nor UNHCR, nor embassies, nor other states or third parties)		Unit Commander (assisted Senior Legal Adviser as need be)		
88, 91 Annex III	Update Detained Persons Register and Detained Persons Property Register	Detained Persons Register and Property Register	Unit Commander (assisted by Regional Coordination Team)	As soon as possible	
COMPLAINTS					

UNCLASSIFIED

70 Annex E of ISOP	<ul style="list-style-type: none"> - Detainee is entitled to make oral or written complaints as to conditions of detention - Record all complaints in Detained Persons Complaints Register 	Complaints Register	Unit Commander (assisted by Regional Coordination Team)		
71	<ul style="list-style-type: none"> - Immediately notify MOC and JOC of complaints - JOC to notify Senior Legal Adviser (Detention Focal Point), Force Legal Adviser, Force Provost Marshal and Human Rights and Protection Division 		Unit Commander / MOC / JOC	Immediately	
72	<ul style="list-style-type: none"> - Unit Commander to investigate complaints other than allegations of misconduct - Detainee to be informed of the outcome (in a language s/he understands) 		Unit Commander		

UPDATING RECORDS

13, 50, 70-72 Annexes I to VII	<p>Update registers after every step in the detention procedure:</p> <ul style="list-style-type: none"> • Detained Persons Register; with all relevant annexes, and medical report if detainee received medical care • Detained Persons Property Register • Detained Persons Complaints Register 	Detained Persons Register, Property Register and Complaints Register	Unit Commander (assisted by Regional Coordination Team)		
--------------------------------------	---	--	--	--	--

PHOTOGRAPHY AND DISCLOSURE

58-59	Photographing of detainee and archiving of information on detainee is for the sole purpose of identification and recording of any injuries sustained by detainee		Unit Commander (assisted by Regional Coordination Team)		
61	Unless upon handover to national authorities (see ISOP para. 86) or communication of information to ICRC (see ISOP paras 12, 63-66, 95), SRSG's prior authorization is required for disclosure of any information relating to a detainee to any person or entity, including his/her state of nationality		SRSG		

60-62	Disclosure to third parties of any information relating to a detainee without prior authorization is strictly prohibited, and punishable by disciplinary action (serious misconduct)		All MINUSMA personnel, including Military Component		
-------	--	--	---	--	--

E. ROLES AND RESPONSIBILITIES

8. The **Unit Commander** of the Component arresting and detaining an individual shall be responsible for the proper treatment of the individual and for carrying out the procedures set out in this SOP from the moment of the arrest until the hand-over of the individual to the Malian authorities, or until their release. In the exceptional circumstance where the Component arresting the individual cannot carry out the full procedure, a detainee may be transferred to another United Nations unit. This unit will then become responsible for the proper treatment of the individual and for carrying out the procedures set out in this SOP until the hand-over of the individual to the Malian authorities, or until their release.
9. The **Regional Coordination Team** shall provide assistance to the Component arresting and detaining an individual on the procedures set out in this SOP and including on logistical or operational aspects as need be, where requested to do so by the relevant Component.
10. The **Senior Legal adviser (Detention Focal Point)** shall provide assistance on all substantive aspects of the procedure set out in this SOP to the Regional Coordination Team and/or the Component arresting and detaining an individuals. He/she shall also advise the SRSG on any decision to extend the duration of detention periods and on the decision as to whether to hand over the detained individual(s) to the Malian authorities or to release them.
11. **JOC/MOC and the RJOC/G3** in each Regional Office/Sector will be responsible for disseminating all information received from the Component arresting and detaining an individual to the relevant stakeholders, as set out in the table (see para. 6).
12. The **Chief of Staff** shall be responsible for monitoring and ensuring compliance of this SOP.
13. The **SRSG**, or in their absence, the OiC Head of Mission, is responsible for deciding (a) on any extension of the detention period; and (b) the release or transfer of detained individuals to the relevant Malian authorities

F. TERMS AND DEFINITIONS

For the purpose of this SOP, the following terms and definitions shall apply:

- a. **Child:** A person who is under the age of 18. Where there is doubt as to whether the detained person is a child he/she should be treated as a child.
- b. **Commanding Officer:** A member of the Mission who is vested with the authority to direct, coordinate and control United Nations military or police personnel.

- c. **Detention:** The temporary deprivation of liberty of a person by United Nations personnel in a United Nations peace operation. Detention commences when a person is deprived of his/her liberty and ends upon release or handover.
- d. **Detained Persons Register:** A register, in physical or electronic format with numbered pages which records a detained person's: identity; the reason for the detention; the place, day and hour the person was detained; the contact details of the detained person's relative (if provided by the detained person or otherwise known); and subsequent release, transfer or handover.
- e. **Detained Persons Property Register:** A register, in physical or electronic format with numbered pages which records the property in possession of the detained person at the time of detention and at the time of release, transfer or handover.
- f. **Detained Persons Complaints Register:** A register in physical or electronic format with numbered pages which records all complaints and how the complaints were addressed.
- g. **Handover:** The act of passing a detained person from the effective control of United Nations personnel to national authorities.
- i. **Transfer:** The act of passing a detained person from the effective control of one Commanding Officer to another Commanding Officer.
- j. **United Nations peace operation:** A peace operation established by a decision of the United Nations Security Council or General Assembly, managed by the Department of Peacekeeping Operations and operating under United Nations command and control.
- k. **United Nations personnel:** All members of the United Nations peace operation, including military members of national contingents; other United Nations military personnel such as military observers and military liaison officers; United Nations police personnel, including members of formed police units; and civilian staff members and United Nations Volunteers.

G. REFERENCES

Normative or superior references

- a. DPKO/DFS [Interim Standard Operating Procedures on Detention in United Nations Peace Operations](#) (Ref. 2010.6)
- b. Secretary-General's Bulletin on "Observance by United Nations Forces of International Humanitarian Law", dated 6 August 1999 (reference: ST/SGB/1999/13)
- c. MINUSMA Rules of Engagement (ROE), March 2017
- d. Directive on the Use Force (DUF), March 2014
- e. MINUSMA Status of Forces Agreement (SOFA), 1 July 2013
- f. United Nations DSS Manual of Instruction on Use of Force Equipment

Related procedures or guidelines

- a. MINUSMA Aviation Section, Standard Operating procedure- Part 2 Air Operation Unit – section 7.3.7.7
- b. Draft MINUSMA SOP on Transportation of Non-UN Prisoners by reference

H. MONITORING AND COMPLIANCE

10. The Chief of Staff through the Legal Affairs Office is responsible for monitoring the ongoing implementation of this SOP.

I. CONTACT

11. The contact person for this SOP is the Senior Legal Adviser, MINUSMA.

J. HISTORY

12. This SOP was originally approved on 7 February 2015 and first amended on 3 May 2015. The second amendment was made on 9 December 2015. This amendment consists of the following changes:

- (i) The establishment of *Regional Coordination Teams* in Bamako, Gao, Kidal, Mopti, Menaka and Timbuktu;
- (ii) The handover to the appropriate Malian authorities or release of detained individuals requires SRSG approval
- (iii) Procedural details relating to cases of arrest of minors have been included.

This amended version, of which the English and French texts are equally authentic, supersedes the original SOP.

13. Annex E will be reviewed and updated by the Legal Affairs Office every six months.
-

APPROVAL SIGNATURE:

DATE OF APPROVAL:

1 Juin 2018

ANNEX A**STATEMENT OF DETENTION²**

This statement shall be provided to and signed³ by every detained person as soon as possible after the detained person has been detained by United Nations personnel

You have been detained by United Nations personnel for the following reason(s):

.....on the following factual basis:.....

You have the following rights:

- a. To obtain information as to the reason(s) and factual basis for detention;
- b. To designate a family member and/or other representative to be notified of the detention;
- c. To make a complaint regarding conditions of detention or treatment;
- d. To make a claim for compensation in relation to bodily injury or damage to property arising from measures taken during detention; and
- e. To receive an inventory of items taken from the detained person and have those items returned under certain conditions.

If you are under 18 years of age, pregnant or a nursing mother, or unwell or injured, please notify the United Nations personnel who have detained you.

You may be examined by a medical professional. The purpose of the medical examination is to:

- a. Determine your immediate physical and mental health care needs;
- b. Determine if you are suffering from any infectious diseases;
- c. Document any injuries, medical condition and illness;
- d. Inform the United Nations and any other appropriate authorities of any medical care or supervision you may require; and
- e. Ensure the continuity of your medical care while you are held in detention by United Nations personnel.

If you do not agree to a medical examination, you should notify United Nations personnel.

You may be photographed and have information recorded about you for the following purposes:

- a. Identification; and
- b. Recording any injuries.

² This statement shall be translated into a language the detained person understands, and when given to the detained person should, where reasonably practicable, be read aloud to the detained person, using an interpreter where necessary.

³ A thumbprint may be used instead of a signature in certain cases, for example, where the detained person is unable to sign their name.

UNCLASSIFIED

Signature of MINUSMA member: _____

Date: _____

Signature of detainee: _____

Date: _____

*** Indicate detainee's refusal to sign, where applicable**

ANNEX B

STATEMENT ON RELEASE OR HANDOVER⁴

This statement shall be provided to and signed by any detained person released or handed over by United Nations personnel.

You were detained by United Nations personnel at [location] from [date/time] to [date/time]. You are no longer detained by the United Nations.

You have the right to make a complaint to the United Nations concerning your treatment or the conditions of your detention by United Nations personnel.

You have the right to claim compensation for any bodily injury or property damage from the United Nations which is attributable to any wrongful action on the part of United Nations personnel and is related to your detention. Any such claim must fulfil the requirements of United Nations General Assembly resolution 52/247 and, therefore, must be submitted within six months of the time at which you became aware of the cause of the injury or damage, and in any event no later than one year following the termination of the mandate of the peacekeeping mission whose personnel detained you.

Should you wish to make a complaint or seek compensation you are to contact:

Detention Focal Point MINUSMA: Mr. Thierry Kaiser (Senior Legal Adviser), MINUSMA HQ Bamako, kaisert@un.org, Tel: 94 95 01 55

Signature of MINUSMA member: _____

Date: _____

Signature of detainee:⁵ _____

Date: _____

⁴ This statement shall be translated into a language the detained person understands, and when given to the detained person should, where reasonably practicable, be read aloud to the detained person.

⁵ A thumbprint may be used instead of a signature in certain cases, for example, where the detained person is unable to sign their name.

* Indicate detainee's refusal to sign, where applicable

ANNEX C

COMPLETE IN ENGLISH OR FRENCH

I. DETAINED PERSON DETAILS

INCLUDE OR ATTACH PICTURE UPON APPREHENSION AND BEGINNING OF DETENTION

NAME: **SEX:** ☐ M ☐ F

HAIR COLOUR:

EYE COLOUR
(First name, middle name, family name, alias)

AGE:

MOTHER'S NAME:

FATHER'S NAME:

ADDRESS:

HEIGHT: **BUILD:**

DISTINGUISHING MARKS:

DATE OF BIRTH:

NATIONALITY: **ETHNICITY:**

LANGUAGES SPOKEN:

NATIONAL IDENTIFICATION CARD DETAILS (or other ID – ATTACH COPY):

PHYSICAL CONDITION:

- A:** Healthy
- B:** Wounded
- C:** Sick

INITIAL CAUTION GIVEN:

- A:** yes
- B:** no

UNCLASSIFIED

Make sure detainee:

- knows the reason for detention (line 12)
- knows he/she can be released or handed over

Signature of MINUSMA member: _____

Date: _____

Signature of detainee:⁶ _____

Date: _____

*** Indicate detainee's refusal to sign, where applicable**

⁶ A thumbprint may be used instead of a signature in certain cases, for example, where the detained person is unable to sign their name.

II. DETENTION DETAILS

DATE:

TIME:

LOCATION:

APPREHENDING AND DETAINING UNIT:

ID DETAILS AND CONTACT DETAILS (TEL., EMAIL) OF UN PERSONNEL AND ANY OTHER PERSONS INVOLVED IN THE DETENTION, INCLUDING ON SITE COMMANDER:

REASONS FOR DETENTION: (eg. suspicion of...)

FACTUAL BASIS FOR DETENTION (provide all details include or attach sketch where required)

PHYSICAL/MENTAL CONDITION OF THE DETAINED PERSON AT THE TIME OF APPREHENSION AND FIRST DETENTION (ATTACH MEDICAL REPORT)

DID YOU TAKE A STATEMENT FROM THE DETAINEE OR DID HE MAKE A STATEMENT?
(IF YES ATTACH COPY OF STATEMENT)

Signature of MINUSMA member: _____

Date: _____

III. INVENTORY OF ITEMS SEIZED FROM THE DETAINED PERSON

ATTACH or INSERT PICTURE OF ALL ITEMS**LIST ALL ITEMS SEIZED BELOW**

No.	Description

SIGNATURE OF DETAINED PERSON:⁷*** Indicate detained person's refusal to sign, where applicable****SIGNATURE AND NAME, RANK, ID NO, OF MINUSMA OFFICER:**

⁷ A thumbprint may be used instead of a signature in certain cases, for example, where the detained person is unable to sign their name.

IV. RELEASE OF DETAINED PERSON

(Only in case person is released)

INCLUDE OR ATTACH PICTURE UPON RELEASE

DATE:

TIME:

LOCATION:

REASON FOR RELEASE

PROPERTY RETURNED TO THE DETAINED PERSON

PROPERTY RETAINED AND REASON FOR RETENTION (EACH ITEM OF PROPERTY)

LOCATION OF PROPERTY RETAINED

ID DETAILS AND SIGNATURE WHERE POSSIBLE OF UN PERSONNEL AND ANY OTHER PERSONS WHO WITNESSED THE RELEASE:

Signature of detainee:⁸ _____

Date: _____

*** Indicate detainee's refusal to sign, where applicable**

⁸ A thumbprint may be used instead of a signature in certain cases, for example, where the detained person is unable to sign their name.

V. TRANSFER OF DETAINED PERSON

(In case of transfer from one MINUSMA entity to another MINUSMA entity)

INCLUDE OR ATTACH PICTURE UPON TRANSFER

DATE:

TIME:

LOCATION:

REASON FOR TRANSFER:

PROPERTY TRANSFERRED WITH THE DETAINED PERSON:

**ID DETAILS OF UN PERSONNEL WHO TRANSFERRED AND RECEIVED THE
DETAINED PERSON:**

NAME:

UN ID NUMBER:

UNIT:

SIGNATURE OF UN PERSONNEL (ADD DETAILS):

Signature of detainee:⁹

Date:

*** Indicate detainee's refusal to sign, where applicable**

⁹ A thumbprint may be used instead of a signature in certain cases, for example, where the detained person is unable to sign their name.

VI. HANDOVER OF DETAINED PERSON

(In case of handover to national authorities, i.e. Gendarmerie)

NO HANDOVER ENTITIES OTHER THAN GOVERNMENT OF MALI

INCLUDE OR ATTACH PICTURE UPON HANDOVER

DATE:

TIME:

LOCATION:

REASON FOR HANDOVER:

LIST AND DESCRIPTION OF PROPERTY HANDED OVER WITH THE DETAINED PERSON (ATTACH PICTURE OF ITEMS)

**ID DETAILS OF UN PERSONNEL AND ANY OTHER PERSONS INVOLVED IN THE HANDOVER
DETAILS OF NATIONAL AUTHORITY WHO RECEIVED THE DETAINED PERSON**

NAMES

NATIONAL ID NUMBER AND DETAILS

SIGNATURE OF MINUSMA MEMBER HANDING DETAINEE OVER

SIGNATURE OF WITNESS (ADD DETAILS)

SIGNATURE OF GOVERNMENT REPRESENTATIVE (ADD NAME, TITLE, ENTITY):

Confirmation of receipt

I, the undersigned, _____ (name of Government representative), confirm receipt of the below listed items in relation to the detainee, _____ (name of detainee), who was handed over by MINUSMA to the Government of Mali on _____ (date) at _____ (place of handover):

- _____ ;
- _____ ;
- _____ ;
- _____ ;
- _____ .

Place : _____

Date : _____

Signature : _____

Name : _____

Title : _____

Institution : _____

Tel : _____

Email : _____

VII. CONDITION OF DETAINED PERSON

**ATTACH MEDICAL EXAMINATION REPORT
AND PHOTOGRAPHS WHERE POSSIBLE**

WAS THE DETAINED PERSON INJURED DURING DETENTION? YES []
NO []

IF YES, PLEASE DESCRIBE INJURIES:

DID THE DETAINED PERSON RECEIVE MEDICAL ATTENTION? YES [] NO
[]

**ID DETAILS OF THE PERSON WHO PROVIDED MEDICAL EXAMINATION
AND/OR ASSISTANCE (ATTACH MEDICAL REPORT)**

NAME:

UN ID NUMBER:

UNIT:

ANNEX D**Key Stages of the Implementation of the Detention Procedure.**

- A. The Mission component that conducted the apprehension of one or more individuals (the "Detained Person(s)") in accordance with the Rules of Engagement (ROE) or the Police Component's Directive on Use of Force (DUF), is responsible for the implementation of the entire detention procedure—from the apprehension of individuals to their release or handover to the appropriate Malian authorities either locally or in Bamako (see para T below). The Mission component in charge will be assisted by the relevant Regional Coordination Team.
- B. The Regional Coordination Team provides assistance to the Component arresting and detaining the person, where requested to do so by the Component. The Regional Coordination Team advises on the procedures to follow, including what forms to fill out, and can assist with operational issues.
- C. The relevant structures of the Force/Police will perform their functions in close coordination with JOC. The Senior Legal Adviser (Detention Focal Point) can be consulted for all substantive aspects of the procedure.
- D. The UNPOL or Force Unit Commander that apprehended the individual(s) must immediately inform the Military Operations Centre (MOC) through the regional G3 cell and the Regional Joint Operations Center (RJOC). JOC must immediately inform the Senior Legal Adviser, the relevant Regional Coordination Team, the Force Legal Adviser, the Force Provost Marshal and the Human Rights and Protection Division of the Mission (see page 6 of SOP). JOC will inform as soon as possible, the ICRC in of the identity of the Detained Person(s), their location, the reasons and facts behind their detention as well as the date, time and place of their apprehension (see page 7 of SOP).
- E. The Unit Commander concerned must inform the Detained Person(s) of (a) the reasons for their apprehension (e.g. on suspicion of x); (b) the factual basis for their detention (e.g. location); and (c) their rights in a language they understand (see page 6 of SOP).
- F. The Unit Commander must fill out the Detention Statement form (**Annex A**) and the Detained Person(s) signs the form (see page 6 of SOP) and send it to MOC/JOC.
- G. The Unit Commander must draft a report on the circumstances of the arrest, reasons for arrest, any evidence found, any statements taken from witnesses and any other relevant information for immediate transmission to MOC/JOC.
- H. The Unit Commander must seize all items in the Detained Person(s)' possession and hand them over to the Malian authorities. The Unit Commander must fill out

Annex C, Part I – III. The Commander must also ensure that a sufficient number of blank copies of these forms are available.

- I. The Unit Commander must submit by all available means including mobile phone photographs, if necessary, the completed forms to the MOC/U3. The JOC will further transmit the to the Senior Legal Adviser, the Regional Coordination Team, the Force Legal Adviser, the Force Provost Marshal and the Human Rights and Protection Division (see page 6 of SOP).
- J. The Unit Commander concerned must ensure that a medical doctor conducts a medical examination of the Detained Person(s) with their consent using the form "Condition of Detained Person" in **Annex C, Part VII**. A medical examination is mandatory—even if the detainee does not consent—in the following circumstances: (1) where force has been used against detainee; (2) after allegations of abuse or mistreatment of the detainee; (3) upon injury or where the detainee feels unwell; (4) if necessary to determine presence of physical or mental illness.
- K. The Unit Commander must provide a secure place of detention with appropriate hygiene, and if possible in this regard, provide the Detained Person(s) with access to drinking water, food three times a day and clean clothes, access to fresh air and physical exercise, to the degree possible (see page 8-9 of SOP). The Detained Person(s) must at all times be treated humanely and with dignity.
- L. The Unit Commander should allow oral and written communications between the Detained Person(s) and family member or representatives to the degree possible (see page 9 of SOP).
- M. Detained Persons may be questioned in accordance with the ROE or the (DUF). The record of questioning must be in writing and include the Detained Person(s)' elements of identification (address in particular) as well as the circumstances of the apprehension and the environment in which it took place (see page 6 and 10 of SOP). Assistance/ cooperation may be sought from via their hierarchy at the Mission's HQ in Bamako.
- N. The length of detention may not normally exceed 48 hours before the Detained Persons are released or handed over to national authorities (except in the case of force majeure linked, for example, to the distance from the place of arrest, weather conditions or the difficulties of air transport). A detention extension of 24 hours is possible only if the Detained Person is in transit or if handover to the authorities is in process. The SRSG in consultation with the Senior Legal Adviser decides on any extension beyond 48 hours (see page 11 of SOP).
- O. If it is not possible for the Unit which performed the arrest to maintain the detention of the Detained Person(s) before releasing them/handing them over to the Malian authorities, the Unit should designate another unit to ensure the detention of the concerned Detained Person(s). The Detained person(s) should be immediately transferred to it.

The Unit Commander must inform the MOC and the JOC and fill out Annex C, Part V, with the assistance of the Regional Coordination Team, for transmission by the

JOC to the Senior Legal Adviser, the Force Legal Adviser, the Force Provost Marshal and the Human Rights and Protection Division (see pages 12-13 of SOP).

- P. The safety and custody of Detained Person(s) shall be assured by the police or military unit which apprehended and detained the Detained Person(s), or the Unit to whom the Detained Person(s) was/were transferred. The Unit Commander shall ensure the proper implementation of the hand-over procedures and coordinate with the Malian authorities to this effect.
- Q. The SRSG in consultation with the Senior Legal Adviser may decide to release the Detained Person(s) if there is no evidence to suggest that they committed any acts which require them to be handed over to the Malian authorities under the ROE or DUF. The Senior Legal Adviser must immediately inform the JOC of the decision, who will communicate this to the Unit Commander and Regional Coordination Team through the MOC/U3.
- R. In case of release, the Unit Commander must fill out a copy of the Statement of Release or Handover (**Annex B and Annex C, Part IV**), with the assistance of the Regional Coordination Team, and send these documents to the MOC for transmission by the JOC to the Senior Legal Adviser, the Force Legal Adviser, the Force Provost Marshal and the Human Rights and Protection Division (see page 11-12 of SOP).
- S. The Unit Commander shall consult the Senior Legal Advisor (Detention Focal Point), prior to handing over the Detained Person(s) to the Malian authorities. The handover to the appropriate Malian authorities or release of a Detained Person will be done only with the approval of the SRSG, through the Senior Legal Advisor. The Detained Person(s) will be handed over as follows:
- Detained Person(s) suspected of belonging to terrorist organizations, of having planned terrorist acts or of having committed such acts (*flagrant délit*) are to be handed over to the *Brigade d'Intervention Spécialisée (BIS) du Pole Judiciaire Spécialisé* in **Bamako only**.
 - Any Detained Person(s) suspected of being involved in a non-terrorist incident must be handed over to the closest local Malian law enforcement authorities (Police Nationale or Gendarmerie Nationale).
 - Any Detained Person(s) suspected of being a minor (under 18 years) must be transferred to Bamako or Gao (whichever is closest) for hand-over to the appropriate Malian authorities. It is prohibited to hand over minors to the *Police Nationale, Gendarmerie Nationale*, the Malian or any other law enforcement agency.
 - **Minors (under 18) must only be handed over to the National Child and Family Protection Directorate (DNPEF) in Gao or Bamako, whichever is the closest.**

- T. The Unit performing the handover of the Detained Person(s) can seek advice from UNPOL regarding the appropriate contacts within *BIS* or local *Police Nationale* or *Gendarmerie Nationale*.
- U. In case of handover of the Detained Person(s) in Bamako, the procedures set out in the SOP should take place at Bamako airport—VIP area, or at the facilities indicated by the Malian authorities. The Unit in charge of the Detained Person(s) will handle the handover procedures to the Malian authorities concerned including the escort of the Detained Person(s) and if necessary, the transport means to the Malian authorities premises in the case they are not present at designated area/zones for the receipt of the Detainee(s). The Unit will be assisted by the Regional Coordination Team.
- V. If the Unit Commander and/or the Regional Coordination Team have strong reasons to believe that the Detained Person(s) will be tortured or subjected to ill-treatment or persecution, they must immediately notify the Senior Legal Adviser who will consult the Human Rights and Protection Division, the Justice & Corrections Section, (see page 14 of SOP) to assess the situation and further decision by the SRSG.
- W. If handed over to Malian authorities, the Unit Commander must inform the Detained Person(s) of their handover, read and give them the filled out "Statement of Release or Handover" (**Annex B**).
- X. The Unit Commander will ensure, to the greatest degree possible, the presence of the ICRC during the handover. **Annex C, Part VI** (Confirmation of receipt) should be completed and forwarded to the JOC via the MOC for transmission to the Senior Legal Adviser, the Force Legal Adviser, the Force Provost Marshal and the Human Rights and Protection Division (see page 15-16 of SOP).
- Y. In the case of an oral or written complaint by a Detained Person on the detention conditions, the Unit Commander shall complete the "Complaint Register", with the assistance of the Regional Coordination Team, and immediately inform the MOC, JOC which will inform the Senior Legal Adviser, the Force Legal Adviser, the Force Provost Marshal and the Human Rights and Protection Division (see page 17 of SOP).
- Z. The Unit Commander must ensure, with the assistance of the Regional Coordination Team, that the register of Detained Persons and the register of property of detainees and, if applicable, the register of complaints by Detained Persons, be documented and updated after every step of the detention procedure with all relevant annexes and documents, including medical reports of the file (see page 17 of SOP).

For details on the procedure and particular cases, please refer to the other detailed provisions of the Detention SOP or the DPKO/DFS Interim Detention SOP (ISOP), the references for which are listed in the first column of the Detention SOP.

ANNEX E**Contact List**

Detention Focal Point				
HQ	Senior Legal Adviser: Thierry Kaiser	94 95 01 55	6168	kaisert@un.org
	Copy: Carlijn Ruers	94 95 16 42	6026	ruers@un.org
FHQ				
HQ	Military Operations Centre (MOC) – Officer On Duty	94 95 02 45	N/A	MINUSMA-FHQ-U3-CHIEF@un.org
	Joint Operations Centre (JOC)	94 95 16 46 94 95 00 70	6176 6081 6736	MINUSMA-JOC@un.org
	Force Legal Advisor	94 95 05 81	N/A	MINUSMA-FHQ-LEGAD@un.org
	Force Provost Marshal	94 95 15 23	6088	MINUSMA-FHQ-PM@un.org
UNPOL				
HQ	Chief of Operations	94 95 02 63	6312	camara41@un.org
	Copy: Deputy Chief of Operations	94 95 1534	N/A	faye23@un.org
Human Rights and Protection Division (HRPD)				
HQ	Chief of Division: Guillaume Ngefa	94 95 02 26	6260	ngefa@un.org
	Copy : Arnaud Royer	94 95 16 80	7138	royer@un.org
Child Protection Section				
HQ	Head of Section : Solange Vasse	94 95 02 28	7141	vasse@un.org
	Copy: Moussa Camara	94 95 13 35	7228	remarque@un.org
UNICEF				

UNCLASSIFIED

Bamako	Child Protection Specialist: Francis Zacko	75 99 73 30	zfrancis@unicef.org
	Copy: Adele Rutsobe	75 99 62 51	dmntambararutsobe@unicef.org

REGIONAL COORDINATION TEAM MEMBERS		
Bamako	Senior Human Rights Officer	94 95 16 80
	UNPOL	94 95 15 34 / 90 66 01 25
	Deputy Force Legal Advisor	98 68 91 88
Gao	Human Rights Officer	94 95 13 38
	UNPOL	77 55 94 31/ 93 63 89 33
	Force Legal Advisor (SE)	94 95 17 86
Kidal/ Tessalit	Human Rights Officer	70 71 80 31 / 83 80 69 53
	UNPOL	94 95 08 63
	Force Legal Advisor (SN)	94 95 17 76
Menaka	Human Rights Officer	95 99 95 63
	UNPOL	73 21 19 27
	Force	94 95 17 68
Mopti	Human Rights Officer	94 95 16 06
	UNPOL	93 63 47 39
	Force	60 26 79 50
Timbuktu	Human Rights Officer	94 95 05 31
	UNPOL	91 20 88 77/ 91 20 88 97/ 83 03 53 02
	Force Legal Adviser	94 95 17 98

UNCLASSIFIED

ICRC			
Bamako	Detention Delegate: Benoit Meystre NB: Shall be copied to all notifications to ICRC	75 99 55 28	bam_bamako@icrc.org; bmeystre@icrc.org
	Protection delegate	75 99 55 28	
Gao	Head of Sub-delegation	75 99 58 89	gao_gao@icrc.org
	Deputy Head of Sub-Delegation	76 99 50 34	
	Protection delegate	75 99 77 63	
Kidal	Head of Sub-delegation	75 99 55 22	kdl_kidal@icrc.org
	Protection delegate	75 99 72 18	
	Deputy Head of Sub-Delegation	76 99 50 34	
	Protection delegate	75 99 77 63	
Mopti/ Timbuktu	Head of Sub-delegation	76 99 51 46	tom_tombouktou@icrc.org
	Protection delegate	75 99 54 28	
	Protection delegate	75 99 72 18	
	Deputy Head of Sub-Delegation	76 99 50 34	
	Protection delegate	75 99 77 63	

ANNEX F**Aide-memoire for troops on the ground (to be printed in pocket size)****AIDE-MEMOIRE FOR TROOPS ARRESTING A PERSON****A. ARREST**

1. Inform the arrested person of reason of arrest. Inform the person that she/he will be searched. Immediately inform the Unit Commander of arrest. The Unit Commander shall give instructions in accordance with the SOP on Detention.
2. Search persons. Where possible, women must be searched by female troops to the extent possible. Where it is not possible, a male contingent member can search a women as appropriate, specifically if there is a suspicion that the women may be carrying or hiding an explosive. Search must be carried out by two persons. While one person is conducting the search on the arrested or detained person, the other must keep a distance protecting the person conducting the search.
3. Identify age and gender and take photos of each arrested person. Immediately inform the Unit Commander if there are any minors (under 18 years). In case there is a doubt if the person is a minor, he/she shall be presumed to be under 18.
4. Immediately after the arrest, the Unit Commander (or his superior(s)) must inform Military Operation Center/Joint Operation Center (MOC/JOC) of number of persons arrested, their gender, age (if there is a minor) and medical condition and reason for arrest.
5. The Unit Commander must also immediately call/radio the closest Regional Coordination Team for assistance with carrying out the UN detention procedure:

Bamako:

- Senior Human Rights Officer, tel.no.: 94 95 16 80
- UNPOL, tel. no: 94 95 02 63 / 90 66 01 25 ou 94 95 15 34
- Deputy Force Legal Adviser, tel. no: 98 68 91 88

Gao:

- Human Rights Officer, tel. no: 94 95 13 38
- UNPOL, tel.no: 77 55 94 31/ 93 63 89 33
- Force Legal Adviser Sector East, tel. no: 78095114

Kidal / Tessalit:

- Human Rights Officer, tel. no: 70 71 80 31 / 83 80 69 53
- UNPOL, tel. no: 94950863
- Force Legal Adviser Sector North, tel. no: 96591934

Menaka:

- Human Rights Officer, tel. no: 95 99 95 63
- UNPOL, tel. no: 73 21 19 27
- Force, tel. no: 94 95 17 68

Mopti:

- Human Rights Officer tel. no: 94 95 16 06
- UNPOL, tel. no: 93 63 47 39
- Force, tel. no: 60 26 79 50

Timbuktu:

- Human Rights Officer, tel. no: 94 95 05 31
- UNPOL, tel. no: 91 20 88 77/ 91 20 88 97/ 83 03 53 02
- Force Legal Adviser Sector West, tel. no: 82920698

If no one in the relevant Regional Coordination Team can be reached, the Unit Commander must immediately inform MOC/JOC.

B. DETENTION

6. Separate men, women and minors where possible. Separate arrested persons if any person's safety is at risk or if he/she poses a risk to others, including for reasons of religious/clan affiliation, or sexual orientation or medical status.
7. Treat the arrested person with respect, humanely and with dignity according to international standards. Discrimination (based on sex, sexual orientation, religion, political views, origins, etc.), torture, cruel, inhuman or degrading treatment are prohibited.
8. Access to drinking water, healthy food and medical care must be provided to the arrested persons. Allow for proper hygiene.
9. Where possible, inform contact person designated by arrested person. Allow communication between arrested person and their family/other representatives. If the arrested person is a foreign citizen, allow communication with embassy/consulate. If the arrested person is a refugee or displaced person under the protection of an international organization (i.e. IOM, UNHCR), allow oral or written communication with relevant international organization, and provide contact information. Allow reasonable number of visits by family members and other designated representatives, where security and operational requirements so permit.
10. Medically qualified staff must conduct a medical examination with the arrested person's consent as soon as possible. See paragraph 17 below: forms to be completed by medical staff.

UNCLASSIFIED

11. When a detainee dies in detention, the Unit Commander must immediately inform UN medical personnel, the MOC/JOC and the Regional Coordination Team where necessary.

C. EVIDENCE

12. Seize, tag and record all items in the arrested person's possession. The Unit Commander fills out the form in the SOP on Detention called "Inventory of items seized from the detained person" (Annex C Part III), with the assistance of the Regional Coordinator Team as need be.
13. Conduct a site survey at the location of the arrest and preserve any evidence (i.e. items, situational overviews). The Unit Commander records any items found in the form in the SOP on Detention called "Inventory of items seized from the detained person" (Annex C Part III), with the assistance of the Regional Coordinator Team as need be.
14. Only if authorized by the Unit Commander and where necessary, destroy any dangerous items (such as explosives). Before destruction, photograph or film the item(s). The Unit Commander must give a detailed description of the items in the form in the SOP on Detention called "Inventory of items seized from the detained person" (Annex C, Part III), with the assistance of the Regional Coordinator Team.

D. DOCUMENTATION

15. The Unit Commander fills out the form in the SOP on Detention called "Statement of detention" (Annex A) twice, stating the reason for arrest, with the assistance of the Regional Coordinator Team. Give one copy to the arrested person.
16. The Unit Commander fills out the form in the SOP on Detention called "Detained person details" (Annex C Part I), giving details of the arrested person, with the assistance of the Regional Coordinator Team.
17. The Unit Commander fills out the form in the SOP on Detention called "Detention details" (Annex C Part II), with the assistance of the Regional Coordinator Team, stating the reason for detention and factual basis for detention.
18. Medically qualified staff must conduct a medical examination with the arrested person's consent as soon as possible. The form in the SOP on Detention called "Condition of detained person" (Annex C Part VII) must be filled out and the medical report must be attached.
19. As soon as possible after they have been filled out, the Unit Commander must send, by all necessary means (including mobile phone photographs), all forms to

MOC/JOC, with the photos taken of the arrested persons for appropriate dissemination at HQ level. The Unit Commander must immediately inform the Regional Coordinator Team that the forms have been sent.

E. TRANSFER

20. As an exception only: if the Unit which made the arrest is not able to detain the arrested person(s) until hand over to the Malian authorities, the Unit Commander can hand over the arrested person(s) to another UN Unit (UNPOL or Force). The Unit Commander must immediately inform the Regional Coordinator Team and MOC/JOC of the decision to hand over the arrested person(s).
21. On hand-over to another UN Unit, the Unit Commander must fill out the form in the SOP on Detention called "Transfer of detained person" (Annex C Part V) with the assistance of the Regional Coordinator Team as need be. The Unit Commander must send this document to MOC/JOC as soon as possible. All Annexes that have been filled out and all items seized from the arrested person(s) or on site must be transferred to the receiving UN Unit.
22. The Unit Commander of the arresting UN Unit or receiving UN Unit must not hand over the arrested person(s) to any international forces (such as the French forces).
23. The hand-over to the appropriate Malian authorities or release of (an) arrested person(s) will be done in accordance with the SOP on Detention and **only with the approval of the SRSG or the OiC Head of Mission through the Senior Legal Advisor (the Mission's Detention Focal Point)**. The Regional Coordination Team will assist with the hand-over/release procedure:
 - a. Any arrested person(s) suspected of being involved in a **terrorist incident** must be transferred to **Bamako** for hand-over to the BIS (.).
 - b. Any arrested person(s) suspected of being involved in a **non-terrorist incident** must be handed over to the local Malian law enforcement authorities (**Police Nationale or Gendarmerie Nationale**).
 - c. Any arrested person(s) suspected of being a **minor (under 18 years)** must be transferred to **Bamako or Gao** (whichever is closest) for hand-over to the appropriate Malian authorities. It is prohibited to hand over minors to the Police Nationale, Gendarmerie Nationale or any other law enforcement agency.
24. **For issues relating to complaints regarding conditions of detention or treatment, claims for compensation in relation to bodily injury or damage to property, or in situations where there are substantial grounds for believing that there is a real risk that the detained person(s) will be maltreated after hand-over to the national authorities, please contact the Senior Legal Adviser (who is the Mission's Detention Focal Point) on 94 95 01 55 / DECT 6168.**