



UNTAET

UNTAET/REG/2001/27
19 September 2001

REGULATION 2001/27
ON THE AMENDMENT OF UNTAET REGULATION No.2001/23 ON THE
ESTABLISHMENT OF A PRISON SERVICE IN EAST TIMOR

The Special Representative of the Secretary-General (hereinafter: Transitional Administrator),

Pursuant to the authority given to him under United Nations Security Council Resolution 1272(1999) of 25 October 1999,

Taking into account United Nations Transitional Administration in East Timor (UNTAET) Regulation No.1999/1 of 27 November 1999 on the authority of the Transitional Administration in East Timor,

For the purposes of establishing Penal Institutions and providing for the effective management of Penal Institutions in East Timor,

For the purposes of amending UNTAET Regulation No.2001/23, in which two consecutive Sections needed re-numbering.

Promulgates as follows:

Section 1

Section 29, first appearing in UNTAET Regulation No. 2001/23 with the following text:

"Section 29
Measures for the Protection of Inmates

29.1 A Manager of a *Penal Institution* may authorize the use of separate confinement in an adequately illuminated and ventilated cell in order to protect an individual from harming himself or herself or other prisoners.

29.2 The use of separate confinement for protection shall be used strictly for the period in which the inmate is a risk to himself or herself or to other inmates and shall not exceed in any case seven days.

29.3 Any inmate subjected to separate confinement shall be entitled to be regularly examined by a medical practitioner who may make a recommendation on medical grounds requiring the Manager to remove the inmate from such confinement."

Is now re-numbered as Section 28A.

Section 2

Section 29, second appearing in UNTAET Regulation No. 2001/23 with the following text:

"Section 29 Removal and Transfer of Inmates

29.1 Subject to the provisions of any other law, any *inmate* may be transferred, on the direction of the *Director* from the *Penal Institution* in which he or she is lawfully detained to another, provided that the transfer is in the best interest of the *inmate* or for the order and security of the institution or in the best interest of the other *inmates*.

29.2 Any *inmate* may be removed from the institution and taken to another place for judicial purposes.

29.3 No *inmate* may be removed from a *Penal Institution* pursuant to Subsection 29.2 unless there is a duly signed order of a Registrar of a Court, a Judge or an Investigator or Prosecutor directing the Manager of the *Penal Institution* to produce the *inmate* at the named place for judicial purposes.

29.4 Where it appears that an *inmate* requires medical, surgical or dental treatment or on the advice of a medical practitioner, the *inmate* may be removed by or under the direction of the Manager of the institution to a hospital or other suitable place for the purpose of examination or treatment.

29.5 Whenever an *inmate* is transferred from one *Penal Institution* to another, the Manager shall, with the consent of the *inmate* and as soon as practicable, inform the family of the *inmate* or his or her designated friend and record the matter in a bound Transfer Register or an electronic data processor.

29.6 In any case where an *inmate* is removed out of the *Penal Institution* for any of the purposes under this Section, the *inmate* shall be deemed to continue to be under the legal custody of the Manager while he or she is absent from the institution and the reasons for the removal, the authority and purpose thereof and as appropriate, the duration of the removal shall be recorded in a register kept for that purpose;

29.7 Whenever an *inmate* is taken out of a *Penal Institution*, he or she shall as far as practicable be shielded from public view and be protected from any insult or disrespect."

Remains unchanged.

Section 3 Publication of Updated Engrossment

Since UNTAET Regulation 2001/23 has not been published in the East Timor Official Gazette yet, the integral text of Regulation 2001/23 will be published incorporating the above amendment.

Section 4
Entry Into Force

The present Regulation shall enter into force from the date of the signature of UNTAET Regulation 2001/23.

Sergio Vieira de Mello
Transitional Administrator