



CHAPTER IV

Security Management



Section N

ARREST AND DETENTION

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Technical Review: 1 May 2017

A. Introduction

1. It is important to have clarity on the role that United Nations security officials play when individuals covered by the United Nations Security Management System (UNSMS) are arrested or detained by authorities of a Government. Clarity on the key legal and procedural issues surrounding arrest and detention enhances the ability of the UNSMS to ensure the safety and welfare of individuals affected.

B. Purpose

2. The purpose of this policy is to establish roles and responsibilities for officials in the UNSMS upon receiving information about the arrest or detention of any individual covered by the provisions of this policy. It is not intended to replace or contravene other administrative issuances of UNSMS organizations regarding arrest and detention.¹

C. Applicability

3. The policy is applicable to all organizations and all individuals covered by the UNSMS, as defined in Chapter III of the *Security Policy Manual* (SPM) (“Applicability of United Nations Security Management System”).

D. Conceptual Framework

4. Organizations participating in the UNSMS should follow standard procedures for responding to any incident of arrest and detention of an individual covered in paragraph 3 above.
5. The entities comprising the UNSMS are in some cases subject to different legal regimes governing their status, privileges and immunities and those enjoyed by their personnel. Therefore, it would be inappropriate for security officials to make determinations on the legal status of the person under arrest or detention. The relevant member organization of the UNSMS will provide, in accordance with its legal status and applicable legal instruments, guidance to the relevant security officials with respect to the arrest or detention of individuals for whom it has security responsibility.
6. The overall responsibilities of actors of the UNSMS at the duty station² in regard to incidents of arrest and detention of individuals covered by the provisions of this policy are to the following:
 - (a) Ensure the applicable organization’s headquarters is informed of the situation;
 - (b) Immediately report the incident to the Under-Secretary-General for Safety and Security. This responsibility includes gathering all relevant information about the incident, including from national authorities and from access to the detained person;
 - (c) When deemed appropriate, such as when there are concerns for the safety and/or welfare of the individual arrested or detained, request access as soon as possible to the detained person by an official of the United Nations and, if feasible, a medical physician. When such access is not granted, there should be systematic follow-up to request it until it is granted.

¹ In the United Nations Secretariat, this would be ST/AI/299.

² This includes the Designated Official and/or the applicable UNSMS organization Representative.

E. Duties and Responsibilities

7. When an individual covered by the UNSMS, as per paragraph 3 above,³ has been arrested or detained by authorities of a Government, actors of the UNSMS at the duty station⁴ shall immediately report the incident by the fastest means of communication available to the employing organization headquarters and the Under-Secretary-General for Safety and Security as soon as possible.
8. The Designated Official (DO) or the applicable UNSMS organization Representative at the location where the arrest or detention has taken place shall immediately contact the Foreign Ministry or relevant government office and request:
 - (a) All relevant information about the arrest or detention; and
 - (b) When there are concerns for the safety and/or welfare of the individuals arrested or detained, the Government's cooperation in arranging as a matter of urgency that representatives of the United Nations accompanied, if feasible, by a medical physician of their choice be given access to the individual arrested or detained. If necessary and applicable, the most senior security professional directly supporting the DO⁵ shall use contacts at his or her level to assist the DO in seeking the Government's cooperation in this regard.
9. The report to the Under-Secretary-General for Safety and Security shall convey all information readily available, including the following:
 - (a) The name and nationality of the person arrested or detained, his/her employment status with and official functions for the UNSMS organization concerned; for family members, the family relationship must be given. In the case of children, the age(s) should be given;
 - (b) The time, place and other circumstances of the arrest or detention;
 - (c) The legal expression or term used by the applicable local law to describe the arrest or detention;
 - (d) The legal grounds for the arrest or detention, including any charges against the person concerned;
 - (e) The name of the governmental agency, such as a court or administrative authority, under whose authority the measure is taken;
 - (f) Whether a representative of the United Nations has been or will be given access to the person arrested or detained. In the affirmative, any request or other reaction from the person concerned also shall be conveyed;

³ In case of doubt concerning whether a person is included or not, the DO's report shall include information on the person's status.

⁴ This includes the DO and/or the applicable UNSMS organization Representative.

⁵ This is usually the Chief Security Adviser or another Security Adviser, including their officer-in-charge *ad interim*. Where a CSA or SA is not present, this term is equivalent to the titles of Chief Security Officer, Chief of Security and Safety Services or Local Security Assistant (if necessary in countries where no international professional security adviser has been assigned or is present).

- (g) Whether consular protection and/or legal counsel is planned to be availed to the person arrested or detained. In the affirmative, the identity of these services shall be conveyed; and
 - (h) An assessment of the welfare or safety of the arrested or detained individual, including any reports of mistreatment.
10. If information on some of the items listed above is not available without delay, the available information should be forwarded immediately, and the missing items shall be communicated in a supplementary report or reports as soon as possible. Additional information relevant to the case shall also be reported as soon as possible. This will ensure that there is accurate and up-to-date information available centrally on the arrested or detained individual(s).
11. The employing organization will be responsible for communications with the immediate family members and staff representatives concerned. The employing organization shall also determine what further action may be required, including, as appropriate, the involvement of the Secretary-General and the Office of Legal Affairs.
12. The present procedures shall also be applied, as appropriate, with respect to detention carried out by persons other than authorities of the host Government.

F. Final provisions:

13. This policy is meant to be made available to all United Nations personnel.
14. This policy enters into force on 15 April 2012.
15. Field Security Handbook (2006), Chapter VI, Section F, paragraphs 6.18-6.26 and Annexes M and N are hereby abolished.