

APPROVED BY
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Instruction on procedures of keeping persons administratively detained by the State Border Service of Ukraine for infringement of laws of Ukraine on the state border of Ukraine and those who have allegedly committed crimes

1. General Provisions

1.1. This Instruction regulates conditions of keeping the persons administratively detained by bodies of guarding the state border and bodies of guarding the sea border of the State Border Service of Ukraine (hereinafter referred to as “the bodies of the State Border Service of Ukraine”) for infringement of laws of Ukraine on the state border of Ukraine and being alleged crime.

1.2. For the purposes of keeping of and guarding persons detained subject to decision of the Administration of the State Border Service of Ukraine, Temporary Custody Centres for detained (hereinafter referred to as “the TCC”) and specially equipped premises (hereinafter referred to as “the SP”) shall be arranged to support accomplishment of this task.

TCC shall be a specially equipped complex of premises for keeping offenders administratively detained and those accused of crime in accordance with a decision of the investigator in charge as per the procedures provided for in the Criminal and Procedural Code of Ukraine (hereinafter referred to as “the CPC of Ukraine”).

SP shall be a specially equipped premise for keeping administratively detained offenders.

The TCC shall be normally arranged in places of disposition of the bodies of the State Border Service of Ukraine, and the SP shall be arranged in places of disposition of units of the state border guarding.

1.3. Organization of work of the TCC and exercise of control over its activities shall be responsibility of the commander of the staff of a body of the State Border Service of Ukraine. Organization and keeping of detainees at the SO shall be responsibility of the chief of the state border guarding unit wherein such SP has been arranged.

In accordance with an order of the chief of a body of the State Border Service, the staff of military of the units where equipped SP have been arranged shall be identified and assigned for assurance of guarding detainees. Headquarters of the State Border Service body of Ukraine shall conduct special training for this military staff and test them on completion of the training course.

Organization of service at TCC, meal, bath/laundry services, supply of potable water for detainees, maintenance of appropriate sanitary state shall be responsibility of the chief of the TCC, who is subordinated to the chief of the body the State Border Service of Ukraine and commander of this body's staff.

Guarding detainees at the TCC shall be performed by the TCC’ staff; at SP, the guarding shall be performed by duly trained and tested military staff of the units where such SP have been arranged. Decisions on assignment of military men to guarding detainees shall be made by the special order of the chief of the State Border Service body of Ukraine.

1.4. Operations of TCC shall be based on strict observation of the Constitution of Ukraine, requirements of the Declaration of Human Rights, International Pact of Civil and Political Rights, the Convention for Protection of Human Rights and Fundamental Freedoms, the UN Refugee Status Convention, other international rules and standards of treatment of detainees and other legislative acts of Ukraine. Responsibility for observation of law at TCC shall be vested in the chief of the State Border Service body. The authorized structural unit of the Administration of the State Border Service of Ukraine shall perform control of TCC functioning. Supervision of observation of the law at TCC (SP) shall be executed by agencies of the General Prosecutor of Ukraine.

2. Equipment of Temporary Custody Centres and Special Premises

2.1. TCC shall be a complex of premises containing at least three cells for keeping administratively detainees, a special cell for accommodation of detainees who have allegedly committed crimes, an inquest room, a room for conduct of search and personal examination, a room for keeping belongings, a medical examination room, a sanitary check-room including toilet, wash-stand and shower room, TCC personnel ward; in one of the premises of the TCC, they arrange a canteen provided with a room for storage of daily reserve of foodstuff, a room for primary processing of food products, a room for preparation and dispensation of food, a room for washing and keeping kitchen and canteen ware, and a room for personnel of the canteen (equipping and maintenance of the canteen premises shall be performed in accordance with regulatory acts of the Administration of the State Border Service of Ukraine), a separate room for detainees' meetings with their relatives, an office of the TCC' chief, and an outside walking area.

Logistics for the facilities and premises of TCC shall be provided in accordance with norms and standards approved by orders of the Administration of the State Border Service of Ukraine, as well as designation logs approved as per established procedures.

Equipment of TCC shall be performed by appropriate services of bodies of the State Border Service of Ukraine for the purpose of creation of conditions for proper guarding of premises and areas of TCC (places of detention) and keeping persons in custody (hereinafter referred to as "detainees").

2.2. TCCs shall be located in standalone buildings or, if unavailable, in the premises completely isolated from other buildings and premises. TCCs should be located in at least 50 m distance from residential and public buildings.

2.3. Entrance in TCC shall be arranged through the control and checkpoints (hereinafter referred to as "the check-points"). Entrance and exit doors shall be equipped with opening windows with inspection holes having approximate diameter of 140 mm, and electromechanical bolt-bars; door opening shall be performed by the man in charge of the ward on duty.

2.4. On the area of TCC, directly at the regime block, they shall arrange an outside walking area fenced with a solid even (without juts or ledges) brick or ferroconcrete fence at least 2 m high with metal reinforced grating of 19 mm diameter and cell dimension of 10 x 20 cm welded along the perimeter with metal angle-bars and solidly fixed on the fence. The area shall be estimated in terms of 3.0 sq. m per person and shall allow one-time walking of detainees kept in the largest cell, but at least 16 sq. m.

The area shall be covered with asphalt (concrete) or the covering is made of rammed ground without solid inclusions. In the yard, a bench should be installed over a distance of at least 2 meters from the fence fixed in the covering, and a litterbin should be in one of the corners.

The entrance door to the outside walking yard should have an inspection hole.

2.5. In all cells, corridors and other premises, metal grates made of metal mesh with cell size of 12x20 cm should be installed between the window frames with vertical round steel rod (at least 19 mm diameter) and square horizontal steel rod (with 60x12 mm openings). Window openings from inside should be protected by metal mesh with mesh size 0,5 x 0,5 cm and glazed inside and outside with armoured glass. Dimensions of the cell windows should support insulation level in accordance with hygienic standards for ensuring supply of natural lighting in cells, the window openings should be in the ration of 1:8 (light opening area: floor area), however their width should not be less than 0.9 m and height should not be less than 0.5 m. Window transoms should be folded, have opening windows for cell ventilation. Windows in cells and other premises where detainees may stay should be arranged not lower than 160 centimetres from the floor level. Instead of windowsills, the windows should have rounded slopes. Pivoted frames should be installed in the window frames. Outer frames shall be made solid, and the inner frames should be one-folded. Inner frames of cell windows, a sanitary check room and a toilet should be glazed with transparent Plexiglas having the width at least 4 mm, and the outer doors should be glazed with armoured or fluted glass. The cell windows should not be equipped with outer metal blinds.

2.6. Administratively detainees and detained for allegedly committed crime should be kept in TCC cells having full engineering equipment, natural and artificial lighting in accordance with sanitary standards of at least 4 m² of useable area per person less the area for washstands and lavatory pans. Pregnant women and women having children with them shall be accommodated in the lightest cells on the basis of calculation: 4.5 m² of useable area per person, in medical isolation wards for sick persons – 7.0 m² per person.

Cells in TCC located on both sides of the corridor should be arranged to avoid the door of one cell being directly opposite the door of another cell. The entire cell area should be observable through the inspection hole in the door. Concrete floor should be covered with heat-insulated linoleum.

Cell walls should be free of any juts or angles, be smooth, covered with cement mix layer. Outer walls of cells as well as inner walls separating the cells from service and auxiliary premises shall be reinforced with steel mesh of 12-mm rod diameter, and mesh size of 150x150 mm, plastered.

Cellblock should be separated from the service and auxiliary premises with metal grates as well as cells for detained for allegedly committed crime from cells for administratively detainees.

The following equipment should be installed in the cells:

In sanitary units: toilets with washstands shall be placed in separate cabins with doors opening outside. A cabin should have a partition of 1.5-m height above the sanitary unit floor level. Sanitary unit partitions and places for washstands should be mesh-tiled. In case of unavailability of proper conditions for arrangement of the sanitary units in the cells, they should be installed in the corridors. Flushing cisterns, pipes and other sanitary and engineering devices should be placed in covered niches, and metal grates should reliably screen heating equipment.

Dinner tables and benches (chairs) with perimeters and lengths based on calculation of 0.4 running meters per person.

Overhead cupboards and bedside tables (one for two persons) for keeping food products and articles of personal hygiene.

All cells' equipment should be made of durable fire-resistant materials, tightly fixed on the floor or walls. Acute angles and juts should be rounded.

In the inquest room, in addition to fixed table and stools, there should be a metal cabin (box) for safekeeping of documents.

During the heating season, temperature in the cells should not be lower than + 18° C.

Cell ventilation should be made at least twice a day during detainees' walking time regardless of the season. The following ventilation equipment should be installed in the cells:

- inflow forced ventilation with ducts located in the corridor along the walls and inlets arranged in the cell walls;

- exhaust natural ventilation arranged through ducts individual for each cell.

Doors of the cells and other premises may be wooden (with the width of at least 6 cm) and all-metal with sheet dimension 190 cm (height) and 75 cm (width). The doors should be hinged on the left entrance side and opened with the help of the handle toward the corridor. Door opening angle is estimated based on one-time entry (exit) of no more than one person. For this purpose, from the side of the corridor they install stoppers, which fix opening the doors at certain angle. From outside, doors are upholstered with artificial leather filled with large felt mat or foam rubber.

In the cell doors, on the height of 120 cm from the floor level, opening windows having dimensions 15 x 20 cm should be arranged for dispensing meals. From inside of the cell, the cell doors should be sheathed with steel sheet and fixed with metal angles along the entire perimeter with thorough adjustment to the doorframe. In the middle of the cells' doors, sanitary checkrooms, inspection holes shall be arranged on the height of 150 cm from the floor level with diameter 140 mm toward the observation space and 40 mm backward for control of behaviour of detainees. Those holes should be glazed with transparent Plexiglas and closed with small rubber door noiselessly opened and closed. Press-formed metal housing shall surround the hole's cone.

Cell door locks should be rim locks and closed automatically on the first turn and manually (with the key) on two more turns.

Cell door lock keys should be made in four copies. Two copies of the keys shall be kept by the TCC' chief, the third copy shall be kept in the vault of the man in charge of the ward shift, the fourth (reserve) copy shall be sealed-kept with an operating officer on duty at the State Border Service body of Ukraine. Keys from the SP doors shall be made in three copies: two of them shall be kept with the man on duty of the border guarding unit, and one copy shall be kept by in the vault of the chief of the unit.

Records of dispatch and return of keys at TCC (Special Premises) shall be made in the service key record log (Annex 1), kept by the TCC' chief (man in duty in the border-guarding unit), and each dispatch and return of keys shall be entered therein.

2.7. In order to accommodate persons detained for allegedly committed crime, a special cell should be arranged, in which their communication with other detainees should be made impossible to the maximum possible degree. This cell should be isolated from other cells with metal grates and equipped with enhanced alarm signalling facilities: alarm signalling circuits on window grates and doors shall be connected to low capacity thickener individual sockets installed in the rooms of the ward on duty. A sanitary unit shall have no partitions. During keeping detainees in this cell, one of guarding inspectors should have his ward at the door to the cell.

2.8. For the purpose of prevention of escapes, thievery and other criminal acts from the part of detainees, the place for keeping special means of coercion and other vulnerable sites of TCC should be equipped with sensors of fire-alarm, guard-alarm and other alarm signalling systems with the systems' receivers installed at the rooms of the ward on duty. Identification of such vulnerable sites should be performed at the time of inspection of TCC premises by the commission headed by the chief of staff of the State Border Service body at least once per quarter. Results of inspections shall be documented in the act of the commission inspection kept in an individual file among non-classified documents of the State Border Service body.

2.9. In order to arrange meetings of detainees with their relatives, a separate room should be provided in the TCC with specially equipped cabins.

2.10. For the purposes of food and things parcel acceptance and content control, special room or other place should be provided and comply with sanitary/hygienic standards. Handing over of alcoholic beverages, short shelf-life food products, home-canned products, narcotic-containing products etc. is prohibited. Drugs and articles of medical designation should be given subject to permission of the medical doctor of the State Border Service body. The list of products allowed to handing over to detainees shall be approved by the chief of the State Border Service body and prominently displayed in the meeting room.

2.11. Auxiliary premises of the TCC, i.e. meeting rooms, a parcel acceptance room, a cloakroom, a storeroom etc. may be located beyond the regime block.

2.12. Lighting in the cells and other rooms should be electric and natural. The electric lighting shall be equipped with buried wiring. The lighting should be subdued at nighttime. Electric bulbs shall be mounted in niches on the ceiling screened with Plexiglas or other transparent shockproof material. Switches for each room shall be installed from the side of the corridor. Socket connectors shall be equipped at the doors of toilet and sanitary checkroom.

2.13. For the purpose of unconditional compliance with effective sanitary and hygienic standards, each TCC shall be equipped with sanitary checkrooms with installed shower cabins with hot and cold running water, disinfecting chambers, and laundering machines. The sanitary check-rooms capacity should be estimated in terms of treatments and washing detainees at time of their acceptance at the TCC and the same at least once in 7 days during their stay at the institution.

A room of the TCC officer on duty should be located so that he is enabled to perform visual control of the entrance to the building and all movements along the entire corridor.

2.14. All internal service rooms and outside walking yard should be equipped with sound and light alarm signalling systems and telephone for emergency call of the ward's senior officer.

2.15. In each cell (special premises), the order of the day, calendar and rules of internal procedures should be displayed.

2.16. Use of TCC not duly equipped — including alarm signalling and communication (international) equipment – shall be prohibited.

2.17. Arrangement of service premises for support of normal discharge of service duties by the TCC guarding unit, their equipment with alarm signalling and communication facilities shall be a responsibility of the senior staff and relevant services of structural units of the bodies of the State Border Service of Ukraine, where in the TCC are structural units, as well as a responsibility of the TCC' chief.

3. Peculiarities of acceptance and regime of keeping detainees at TCC

3.1. In place of keeping detainees in custody, they keep:

- Persons who were detained in accordance with Article 106 of the CPC of Ukraine for allegedly committed crime for a term up to three days;

- Persons who were administratively detained for a term up to three days with concurrent written notification of the prosecutor within twenty four days following the time of detention, or for a term up to ten days under the prosecutor's warranty in case when the offenders do not have identifying documents, including foreigners and stateless persons, who have illegally crossed the Ukrainian state border and are subject to their transfer in custody of the border guarding bodies of a neighbouring country, detained for the time required for such transfer. Preparation of materials necessary for extension of the term of detention and, when

necessary, taking out an appropriate prosecutor's warranty shall be a responsibility of the inquest units of the State Border Service;

- Persons detained under order of Ukrainian law-enforcement agencies at the state border check-points wanted for allegedly committed crime, hide away from inquest agencies, investigators and court, evade serving punishment and in other cases provided for by Ukrainian law, for a time until the persons are handed over to the initiator of the order or a public authority specified in the order, but not longer than for 3 days.

3.2. Legal status of detained foreign citizens and stateless persons shall be identified by Ukrainian law, which establishes their rights and duties while staying in the territory of Ukraine, with limitations prescribed by the law for this category of detainees.

3.3. Acceptance of detainees shall be performed from 9:00 AM till 18:00 PM daily by the commission headed by the TCC' chief, or – in case of the chief' absence – by the senior officer of the ward. The commission may include the unit's officer in charge of foreigners (senior office of staff), an officer of the logistics unit, a medical officer, an officer of the inquest and administrative proceedings unit, a senior inspector (inspectors) of the TCC. At SP, the chief of the unit or his/her deputy shall perform the acceptance.

Acceptance of detainees delivered individually shall be performed by the TCC' chief together with a senior officer of the ward in presence of the medical officer.

Acceptance to TCC shall be subject to availability of:

- a court decision on detention;
- a protocol of detention of the suspect in accordance with article 106 of the CPC of Ukraine, which should comply with requirements provided for in applicable laws;
- a protocol of administrative detention.

3.4.A place of custody of a person detained for an administrative offence should be promptly communicated to its close relatives, and, subject to request of the person, the owner of relevant enterprise, institution, organization or a body authorized thereby.

In case of detention of foreign citizens suspected in commission of crime or in case of their administrative detention for a term longer than 3 hours for breach of laws on the state border of Ukraine, officers in charge of foreigners of the relevant body of the State Border Service of Ukraine, except for cases when such foreigners address them with verbal requests or written application for granting the refugee status or asylum in Ukraine, should not later than in 12 hours following the time of detention communicate the fact, a date, reasons, a place of detention, basic personal data of the offender to the diplomatic representation institutions or consulates of the detained citizenship accredited in Ukraine. If the consulate institution of the country of citizenship of a detainee has not been accredited in Ukraine, this information in accordance with the same procedures should be submitted to the Consulate Service Department of the Ministry of Foreign Affairs of Ukraine (hereinafter referred to as the MFA Ukraine).

Information on foreigners, who apply with verbal requests or written applications on granting the refugee status or asylum in Ukraine, as well as the very fact of expressing such requests shall be confidential and, therefore, in any case should not be submitted to diplomatic representation institutions or consulate institutions of the countries of citizenship of such persons.

Copies of documents verifying the fact of notification of consulate institutions shall be attached to criminal cases or cases of administrative offences. Reference outgoing number of the notice sent to consulate institutions on the fact of detention of foreigner offenders shall be specified in the initial report of the fact of detention.

3.5. Records of detainees shall be kept in the log of registration of acceptance and withdrawal of detainees (Annex 2) by a member of the ward on duty of TCC and shall be subject to daily check by the chief of the TCC who makes relevant marks according to the

check results. Procedures of record keeping in the aforementioned log of registration of detainees at SP shall be controlled by the chief of the unit on the daily basis subject to availability of detainees.

3.5.1. Documents justifying taking in custody of the TCC (SP), release from the custody, as well as other documents should be kept in a personal file of a detainee (Annex 3).

3.5.2. The persons, who have committed an offence and being detained for a term longer than 3 days, should be subject to finger-printing in accordance with procedures prescribed by special order No. 723/435 of the Ministry of Internal Affairs of Ukraine and the State Committee for Guarding the State Border of Ukraine dated July 29, 2002 "On approval of Instructions on procedures of record-keeping concerning the persons detained for breach of laws of Ukraine on the state border and legal status of a foreigner at agencies of the internal affairs and law-enforcement agencies", registered with the Ministry of Justice of Ukraine under No. 819/7107 on October 9, 2002.

Fingerprinting of the offenders delivered to TCC of the State Border Service of Ukraine body shall be performed by the chief of the TCC or authorized military officer from among the staff of the TCC.

Finger-printing of the offenders kept at SP of the units of the border guarding shall be performed by an officer of the unit in charge of foreigners being a member of the staff of the State Border Service body of Ukraine or by an investigator (depending on composition of the investigating operative group, which has worked on clarification of circumstances of the law offence), or by the specially authorized officer of the unit of a body of the State Border Service, who has detained the law breakers.

Finger-print cards shall be set up for foreigners and stateless persons in 3 counterparts: the first and the second ones shall be forwarded to the main departments of internal affairs, departments of internal affairs on transport lines of the Ministry of Internal Affairs of Ukraine (hereinafter referred to as the MIA Ukraine) at place of the offence, and the third one shall be kept in the personal file of the detainee. The fingerprint cards by all categories of the offenders shall be kept in one counterpart in their personal files.

3.6. During acceptance to TCC (SP), detainee should be given under signature of receipt written information on their rights prepared in a language understandable to a person (including the right to seek asylum or apply for granting the refugee status), duties and rules of internal procedures at TCCs (SPs), developed and approved by the bodies of the State Border Service. As information, pamphlets and digests issued by international and remedial organizations on legal status of refugees may be given to detainees.

3.7. After placing in custody of TCC (SP), detainees, who have committed crime as provided for in the CPC of Ukraine, should be subject to personal search (the administratively detainees should be subject to personal examination), and the things they have with them should be subject to examination. Personal examination (search) of detained is performed by persons of the same gender. Withdrawal of things and documents from the persons detained for allegedly committed crime shall be documented in the protocol of personal search; things and documents withdrawn from the administratively detainees should be documented in the protocol of personal examination, examination of things and withdrawal of things and documents.

3.7.1. Search and examination shall be performed by the serviceman on duty at TCC, or an officer of the border guarding unit at SP. Search and examination should be always performed in presence of two search witnesses of the same with a detainee gender. During the search and examination of detainee, he/she should stay under continuous control in order to avoid destruction or hiding things or documents which may have serve as evidence. After taking detainee out of the search room, the room is thoroughly inspected. It is strictly prohibited to conduct the search and examination in conditions humiliating human dignity.

3.7.2. A search consists of examination of the body of detainee, his/her clothes, underwear, headwear, footwear and other things and articles.

A detainee should be offered to take off his/her clothes, footwear, all underwear and, subject to permission of the medical doctor, all plaster strips, plaster casts and other bandages, if available. After that, the body examination is performed during which they thoroughly check spaces between fingers of feet and hands, soles, hands, nose, axillary creases, perineum, as well as surgical cicatrices and prosthetic devices, if available, hair should be examined.

Examination of clothes, footwear, and underwear shall be performed after the body examination. The clothes should be thoroughly examined and probed, especially seams, folds, fabric double layers, and lining. Suspicious places shall be perforated with an awl and, if necessary, the stitches should be ripped off; pockets, sleeves of the clothes, trousers, underwear, socks, stockings should be turned inside out.

Footwear should be thoroughly examined from inside and outside; in doing so, special attention should be given to backings, paste-ups and heels, which should be dismantled or ripped off, if necessary. Metal angles and heeltaps should be dismantled, and the laces take off.

After that, the rest clothes remaining on detainee should be subject to examination for the purpose of detection of things, documents, money and values not allowed to keep in a cell.

After completion of the search and examination, they perform thorough check of all other things, articles, and foodstuff that a detainee has with him/her.

During the examination of the foodstuff, wrapping should be withdrawn; loose products should be poured into another container. Bread and sausage products should be cut in parts, liquids poured in another prepared container. Metal tins should be opened and the food should be replaced into another ware. During examination of the wrapping, containers and the products themselves shall be thoroughly examined.

3.7.3 Information on moneys, documents, values and other things forbidden for kept in cells, should be registered in the protocol of personal search and examination and withdrawal of things and documents, to be prepared in two counterparts. One counterpart should be handed to detainee, and the second should be kept in the case file.

Things withdrawn in the course of search and examination should be kept in a storeroom in individual packages, bags with labels identifying the owners. Moneys, documents, values shall be kept in the vault of the TCC' chief and recorded in the log of registration of values, documents, rewards withdrawn from detained law offenders (Annex 4).

At the time of transfer of a detainee to another agency, the money, values, rewards and documents must be forwarded to the place of destination of the person together with the first counterpart of the protocol of personal examination, inspection and withdrawal of things and documents.

3.8. Prior to acceptance to the TCC, detainees should undergo medical examination and sanitary treatment. The sanitary treatment includes hygienic washing of detainee under individual shower. Medical officer makes appropriate record on performed medical treatment in the sanitary log. In the event of detection of that a detainee has bodily injuries, traces of tortures, traumas including mental traumas, or evident manifestations of disease, the medical officer and the TCC' chief undertakes to provide detainee with prompt medical aid and assignment for further treatment to a medical treatment institution of the Ministry of Health of Ukraine (hereinafter referred to as the Ministry of Health Ukraine). The medical officer shall record such actions in the sanitary log (Annex 5).

In case of detection of pediculosis during medical examination of detainee, treatment of the lice-ridden detainee, chamber disinfecting of his/her clothes and underwear should be organized, after which he/she can be accepted at the TCC.

In case of detection of a contagious (infectious or parasitic) diseases with detainee during his/her stay at the TCC, a detainee should be assigned for further treatment to a medical treatment institution of the Ministry of Health of Ukraine, whereas the final disinfections shall be performed in the cell, and chamber disinfections of things (personal clothes and underwear) as well as bed lining of persons who were in contact with the sick detainee.

In case of complication of the epidemic situation, they perform preventive vaccination to the personnel of the State Border Service body subject to consent of the personnel members and absence of medical counter-indications.

3.9. Detainees shall be accommodated at TCC meeting isolation requirements as follows:

- Men and women shall be accommodated separately.
- Administratively detainees and persons detained for allegedly committed crime shall be kept separately.
- Families or single parents with children should be accommodated separately from the others (where possible at a given TCC).
- Children separated from their families shall be kept separately from adults.
- Persons detained for allegedly committed the same crime as well as administratively detainees for group offence, subject to written instruction of the person in charge of investigation or the prosecutor, should be accommodated separately one from another.
- Foreigners and stateless persons shall be kept separately from other persons.
- Captains (skippers) of vessels, their owners, as well as persons in charge of fishing shall be kept separately one from another and from their crew members subject to decision of the chief of the State Border Service body of Ukraine or the chief of staff of this body.
- Subject to written instruction of the person in charges of investigation or the prosecutor, detainee for allegedly committed crime may be kept separately by other reasons as well.

- Women may be accepted at the TCC with children under 15 years old.

3.10. The following persons shall be prohibited from being kept at TCC (SP):

- Disciplinary arrested military;
- Military and hired employees of the units suspected in commitment of publicly dangerous actions not related to illegal crossing of the state border.

3.11. Logistics and medical service for detainees in custody

3.11.1. Newly delivered detainee should be assigned by the TCC' chief (senior ward officer of the TCC) an individual bed (metal or wooden bed fixed to the floor).

Detainees shall wear their own clothes and footwear.

The persons who do not have clothes required by seasonal conditions may be additionally, subject to order of the chief of the State Border Service body of Ukraine, given used military uniform without shoulder straps and military insignia, or a wear granted by charitable organizations.

3.11.2. Detainees shall be provided with three-time hot meal compliant with cultural traditions of foreigners (if such opportunity is available to the bodies of the State Border Service of Ukraine) in accordance with established norms.

Detainees shall be put down to food allowances (meal) and withdrawn from any one meal (breakfast, dinner or supper) in accordance with the order of the chief of the State Border Service body subject to the time of their delivery to or withdrawal from TCC.

Grounds for putting down to food allowance (meal) and withdrawal there from shall be the report of the TCC' chief.

At TCC, preparation of food should be responsibility of staff cooks in specially equipped canteen; at SP, in the canteen of the body (unit) of the State Border Service of Ukraine.

For the purpose of correct and rational consumption of food products within the established norm of meal, food product calculation shall be performed. The calculation shall be made by the chief of rational service jointly with the chief of medical service of the State Border Service body of Ukraine, the chief of canteen and instructor cook (senior cook). The calculation shall be signed by the deputy chief of the State Border Service body responsible for rear service, chiefs of medical and rational services, and approved by the chief of the State Border Service body of Ukraine. Introduction of changes in the approved food product calculation without permission of the chief of the State Border Service body of Ukraine shall be prohibited.

For the purpose of meal diversification and in case of unavailability of certain food products it should be acceptable to replace one product for another in accordance with replacement norms at preparation of the calculation.

The food product calculation shall be prepared for one week in two copies. The first copy shall be kept in the documents of the rational service and shall be a verification document for food product supply from the warehouse to the canteen. The other copy shall be handed over to the canteen for guidance of the cooks during preparation of meals and determination of products to be taken for a meal preparation. The food product calculation shall be effective for one month.

Procedures of organization of work of cooks, receipt of foodstuff from the warehouse, foodstuff processing and preparation, as well as sanitary/hygienic requirements to organization of meal supply shall be identified by regulatory acts of the Administration of the State Border Service of Ukraine.

Control of quality of meals prepared for detainees, sanitary conditions of the canteen premises in the TCC, table/kitchen ware and inventory stock is performed by the chief of the TCC, medical doctor (paramedic), and the officer on duty of the State Border Service of Ukraine. Records of results of checks are entered in the food preparation quality registration book.

3.11.3. Detainees shall be granted the right – in accordance with daily routine schedule designed by the TCC' chief and approved by the chief of the State Border Service body of Ukraine (in any event not less than 2 hours at daytime) – to walk at the outer walking yard of TCC. The walks, normally, shall be performed cell-by-cell. If more than 3 persons walk on the walking yard at one time, the observation of the persons should be performed by at least 2 inspectors, and one of the two shall be appointed senior. The walks conducted shall be registered in the log of registration of walks of persons in custody (Annex 6).

Detainees, who are kept in special premises, shall walk in the outer yard subject to permission of the chief of the border guarding unit or an officer duly authorized therefore in accordance with the same procedures. The unit's officer on duty shall perform registration of walks.

3.11.4. Detainees shall be washed at least once a week in individual shower cabins with making appropriate entry in the sanitary log. Detainees' wear disinfections during the time of their stay in custody shall be performed in accordance with medical indications (instructions) of the medical officer of the TCC.

3.11.5. Detainees should be allowed to wear their hair, moustaches, and beard. Cropping hair, as well as shaving moustaches and beard, growing moustaches, beard should be allowed to detainees only subject to consent of the investigation agency in charge of the

criminal case of detainees, except for cases where there are relevant medical indications. Shaving is performed in presence of the TCC' s officer on duty with electrical or mechanical shaver at least twice a week, as well as before dispatch from places of detention.

3.11.6. Medical service to detainees including pharmaceutical supplies for providing urgent medical aid shall be provided by the medical officer of the health care service of the State Border Service.

The medical officer in the medical examination room shall perform medical examination of detainees in presence of the senior officer of the ward or the chief of the TCC. Detained women shall be examined in presence of military servicewomen. All these events shall be registered in the sanitary log (Annex 5).

Medical examination of detainees shall include:

- questioning about the health condition;
- measuring arterial blood pressure;
- taking body temperature;
- examination of the body.

Where necessary, auscultation of chest organs, palpation of abdominal cavity organs, throat examination may be performed.

In case of detection of a disease' symptoms (including an infectious disease), an expert medical doctor from health institution of the MH of Ukraine should be invited for consultations.

3.11.7. Detainees shall be supplied with books, newspapers, magazines and other printed editions from the library of bodies of the State Border Service of Ukraine. The books, newspapers, magazines and other printed editions shall be dispatched by the ward's senior officer in the cells after stand-up in the morning and shall be collected before stand-down in the evening. Where possible, foreigners shall be provided with newspapers, magazines and other editions issued in Ukraine in their respective languages.

3.11.8. Detainees should be allowed to send and receive letters and parcels, contact and have meetings with representatives of bodies of the migration service of Ukraine, public organizations, legal consulting organizations, the United Nations High Commissioner for Refugees (hereinafter referred to as the UNHCR) in Ukraine, and other agencies of the UN system or international organizations, to be at prayer or devotion, within the hours provided for by the rules of internal regime.

4. Particularities of personal examination procedure

Personal search and examination of things

4.1. Except as provided for in clause 3. of this Instruction, personal search and examination of things shall be performed also within the time of taking detainees for allegedly committed crime out of the cell and his/her return to the cell.

In these cases, body search shall not be performed and the wear, normally, shall not be taken off and only thoroughly probed instead. Footwear shall be examined when necessary. Cases of detection and withdrawal of prohibited articles shall be reported by the chief ward officer (inspector) to the TCC' chief, and the latter shall report in writing to the chief of the State Border Service body of Ukraine. The prohibited articles shall be withdrawn and recorded in the act to be signed by the TCC' chief, the ward senior officer, and the person from which they have been withdrawn.

4.2. Before and after taking detainees out of the cells and out to the outer walking yard, the passage route through the TCC (as well as the cells while detainees are out) shall be thoroughly inspected by senior inspectors (inspectors). Cases of detection of messages, articles, inscriptions, signs and other marks shall be reported by the ward senior officer (inspector) to the TCC' chief; upon finding out circumstances and identification of the

persons who have breached the rules of internal regime, the TCC' chief shall report in writing to the chief of the State Border Service body of Ukraine. Prohibited articles shall be withdrawn with registration in the act to be signed by the TCC' chief, the ward senior officer and the person from who they have been withdrawn.

4.3. Personal examination and personal search of detainees in each cell as well as technical search of the cells themselves shall be performed on weekly basis in accordance with the established schedule. The search and examination shall be performed under supervision of the TCC' chief by personnel of the ward on duty (women shall be searched by assigned servicewomen).

5. Rules of presence of personnel of the bodies of the State Border Service of Ukraine in TCC

5.1. Relations of military servicepersons of TCC with detainees shall be based on strict compliance with requirements of the law.

5.2. The military are bound to continuously enhance the legal order at TCC, detect and prevent law offences by detainees, skilfully combine high level of exacting with carefulness towards every detained, and maintenance of respect thereto. The military servicepersons shall be strongly prohibited from entering any kind of relations with detainees and their relatives other than those connected with the service interests or using their services.

5.3. Detainees shall comply with the rules of internal regime at TCC, shall be polite and respectful with military servicepersons, impeccably execute their lawful demands.

Detainees should address "you" the military servicepersons, address them using their full names or "citizen" and then the rank or title of an officer.

Military servicepersons shall address "you" detainees and call them "the detained", "citizen" and then the last name.

5.4. Meetings with relatives or other persons may be granted to detainees only subject to consent of the investigator in charge of the case. The TCC' chief should arrange necessary conditions for conduct of the meetings. The meetings should be arranged in the rooms providing for confidentiality, equipped with tables, chairs, and wear cabinets. The meeting of detainees may last up to one hour. At the same time, officers of the migration service of Ukraine should be given time enough to accomplish all procedures in relation to detainees provided for in the Law of Ukraine "On Refugees".

Foreigners may have meetings with representatives of embassies and consulates of respective states, the UNHCR, and other agencies of the UN system or international organizations, representatives of the migration service of Ukraine and public organizations upon written permission of the investigating agency in charge of the respective case. The permission granted by the investigation agency, bearing the official seal of the agency, shall be effective for only one meeting.

5.5. Persons detained for allegedly committed crime shall bear material responsibility for the material damages caused thereby during their stay in full.

5.6. For identification of persons guilty in causing a material damage, the TCC' chief shall conduct an administrative investigation ordered by the chief of the State Border Service body of Ukraine. Results of the administrative investigation shall be documented in the conclusions. The person guilty in causing the material damage should be held accountable in accordance with requirements of the law.

6. Withdrawal of detainees from TCC

6.1. Detainees shall be released and withdraw from the place of detention due to:

- Expiration of terms of administrative detention.
- Expiration of terms of detention of persons suspected in commission of crime;

- Transfer to an agency of the migration service of Ukraine;
- Transfer to law-enforcement agencies;
- Approval of legal decision on the fact of infringement of law;
- Accommodation at a medical institution of the MH of Ukraine.

Detainees are also deemed withdrawn in case of their death.

6.2. Release of detainees at any time of the day is performed by the TCC' chief, in case of SP – by the chief of the border-guarding unit. Grounds for release of administratively detainees should be appropriate resolution of the chief of the investigating agency or expiration of the detention term; for detainees for allegedly committed crime: selection of another preventive measure not connected with detention in custody, as well as expiration of the term of detention. Grounds for release for the aforementioned categories of persons shall also be the resolution of the chief of the investigating agency approved in accordance with decision of a migration service agency of Ukraine on registration of documents of the persons for their further entering the procedures of granting the refugee status.

In 24 hours prior to expiration of the term of detention, the TCC' chief shall submit his/her written report on this fact to the chief of the State Border Service body of Ukraine. Upon expiration of the term of detention established in accordance with the law, given absence of a document prescribing extension of the detention term, a detainee must be released.

Subject to written application of a detainee to be released at nighttime, the release may be postponed until morning.

6.3. Prior to the withdrawal, the administratively detainee shall be subject to personal examination, and detainees for allegedly committed crime shall be subject to personal search. They shall be returned rewards, moneys, values, and all their personal belongings and articles use of which is not prohibited by Ukrainian law.

The administratively detainees and persons detained for allegedly committed crime shall acknowledge receipt of previously withdrawn things by their signatures in the protocol of personal examination, examination of things and withdrawal of things and documents, which evidenced such withdrawal.

Subject to request of the person administratively detained for illegal crossing the state border of Ukraine, he/she shall receive copy of the protocol of administrative detention.

Prior to withdrawal of the detainee, they perform examination of his/her body in presence of the senior officer of the ward or the TCC' chief and make appropriate entries in the sanitary log (Annex 5).

6.4. In case of death of a detainee:

a) In a medical institution. Upon receipt of information on death of the detainee, the chief of the State Border Service body shall

- promptly notifies the prosecutor at place of dislocation of the State Border Service body of Ukraine;

- notify close relatives and bodies of registration of civil acts at place of occurrence of death;

- within 24 hours following the time of death, inform respective consulate institution of the country of citizenship of a detainee (if unavailable in Ukraine, the MFA of Ukraine);

- order the administrative investigation in accordance with the fact of the death.

b) At a TCC. A senior officer of the ward shall

- promptly calls the medical doctor of the State Border Service body of Ukraine;

- report to the chief of the State Border Service body of Ukraine and further on act in accordance with order of the latter.

Actions of the chief of the State Border Service body of Ukraine should be the same as in case of death at the medical institution.

Bodies of the deceased shall be transferred respectively to their relatives or to representative of the consulate institution of the country of citizenship of the deceased.

Issues of transfer of bodies of foreigners each time should be subject to decision of the Administration of the State Border Service of Ukraine.

7. Acceptance and submission of complaints, applications, letters and other information from detainees

7.1. Detainees shall have the right to submit their complaints, applications, and letters to public authorities, organizations, and officials, as well as to the European Court of Human Rights.

In order to prepare a complaint, a detainee on his/her request shall be supplied with paper and ball-pen, a detainee willing to address the prosecutor, the Human Rights Commissioner of the Supreme Council of Ukraine or the European Court of Human Rights shall be supplied with an envelope, which can be sealed. Subject to the detainee's request, he/she may be placed in a separate cell for drawing the complaint up.

Applications of the detained foreigners on granting the refugee status or asylum in Ukraine shall be submitted within 24 hours to the agencies of the migrations services of Ukraine together with an accompanying letter signed by the chief of the State Border Service body of Ukraine or the deputy chief. Information contained in the application on granting the refugee status or asylum in Ukraine should be treated as confidential.

7.2. Complaints of detainees, except for those addressed to the prosecutor, the Human Rights Commissioner of the Supreme Council of Ukraine or the European Court of Human Rights should be subject to perusal by the TCC' chief.

Complaints of the persons detained in custody of TCC (SP) for a term up to three days, addressed to the prosecutor, the Human Rights Commissioner of the Supreme Council of Ukraine or the European Court of Human Rights or a person in charge of investigation shall be transferred there immediately; if the complaints are addressed to other persons or agencies then the complaints shall be transferred to the person in charge of the investigation in accordance with same procedures, reviewed by the person and then forwarded to the addressee.

Complaints against actions of the investigating person shall be transferred to the prosecutor directly by the TCC' chief.

Complaints of the administratively detainees in custody having been kept for more than 3 days shall be sent by the TCC' chief:

- when addressed to the court, the prosecutor, the Human Rights Commissioner of the Supreme Council of Ukraine or the European Court of Human Rights – without hindrance during one day following the time of their submission.

- against actions of the investigating person addressed to the prosecutor — during one day following the time of their submission.

- against acts and decisions of the prosecutor addressed to the prosecutor of a higher rank within the same term.

- other complaints related to proceeding in the criminal case addressed to a person or an agency in charge of the proceedings in the criminal case shall be sent not later than within two days following the time of their submission.

Complaints should be reviewed by such person or agency and forwarded to the addressee not later than within three days following the time of their receipt. Should the complaint contain an information disclosure of which may impede establishment of truth in a

criminal case, such complaint should not be forwarded to the addressee, and the investigating agency should inform both the prosecutor and a detainee in custody of TCC thereof.

Complaints not related to proceedings in the criminal case, review of which falls beyond the authority of the chief of the State Border Service body of Ukraine should be forwarded to the addressee as per the Law of Ukraine "On Addresses of Individuals".

7.3. The complaint should be forwarded to the addressee within one day with an accompanying letter signed by the chief of the State Border Service body of Ukraine or the deputy. In case of the complaint addressed to the bodies of the State Border Service, governmental agencies containing references to health conditions, then appropriate certificate of the health condition should be submitted to the prosecutor or the court.

A complainant should be informed on forwarding his/her complaint upon receipt of his/her signature of acknowledgement on the copy of the enclosed letter. Results of consideration of the complaint should be promptly communicated to the complainant upon receipt of his/her signature of acknowledgement on the received response or the complaint considered by the chief of the State Border Service body of Ukraine.

7.4. Complaints and letters, which contain information, disclosure of which may impede establishment of truth in the criminal case, as well as complaints and letters subject to disclosure, shall not be forwarded to the addressee, and instead shall be submitted to the investigating agency upon receipt of acknowledgement signature of the sender and with relevant information of the prosecutor.

7.5. Complaints received from detainees should be registered in the log of registration of applications and complaints of persons in custody of TCC (Annex 7), kept by the TCC' chief or an officer of the staff of the TCC duly authorized by the chief. Materials of complaint consideration shall be kept at least 5 years in a personal case among general documents of the State Border Service of Ukraine.

In the units equipped with special premises, procedures of processing complaints and applications as well as their registration shall be the same as specified in clause 7 of this Instructions. Responsibility for compliance with requirements of this Instruction in this case shall be vested in the chief of the border-guarding unit.

8. Organization of guarding detainees

8.1. For detainees, the guarding ward of TCC shall be assigned (equipped with special means of coercion): the senior officer, external and internal guards.

The guarding ward includes military servicepersons from among the personnel of the TCC of the bodies of the State Border Service of Ukraine, for the SPs — servicepersons from among the personnel of the special units for guarding the border. In special cases, in order to enhance the guards or for counteracting violent (extreme) actions, the ward on duty may be enhanced with military servicepersons of other units of the bodies of the State Border Service of Ukraine. For guarding detainees kept in the special premises, the chief of the unit of the State Border Service body of Ukraine assigns an armed squad consisting of one or several military servicepersons subordinated to the officer on duty of the State Border Service of Ukraine (unit).

8.2. Composition of the guarding ward (number of posts and number of the ward on duty) depends on number of location of detainees in custody.

Each guarding ward shall receive an individual instruction on procedures of guarding, scheme of location of posts (places of performance of service duties) and instruction of the ward on duty senior officer, inspectors, plan of enhancement of guarding the TCC objects.

During guarding detainees by the inspectors, the senior officer of the unit shall draw the guarded object layout, the route of performance of service duties, and instruction for the

guarding ward (inspectors) taking into consideration conditions of the service, nature of the object and availability of technical means of guarding.

The following items should be set forth in the instruction: subject of guarding at each object; duties of an inspector with due regard to specific nature of the guarded object and specific conditions of performance of the service duties; procedures of granting access to the objects and terms for reports on over communication facilities; time, during which the inspector is allowed to make observations; actions of the inspector in case of attack, fire; cases in which he/she is allowed to apply special means of active self-defence (weapon); procedures of performance of service duties in case of enhancement of wards guarding the objects.

On the objects layout, there should be specified: boundaries of the object's guarded section, type of fencing and rooms equipped with technical facilities of guarding, places equipped with communication facilities, alarm signalling and fire extinguishing facilities, the most dangerous approach ways to the object.

The following items are identified in the instruction of the senior officer of the guarding ward: the ward on duty objectives; special duties of the senior officer of the ward (inspector) concerning guarding detainees; procedures of enhancement of the ward in case of occurrence of irregular situations; actions of the guarding ward of TCC (inspectors) in case of unrest among detainees in custody, and their resistance, in cases of fire, disease, death of the detainee.

8.3. Inside the objects, the inspectors shall be posted at the cells. TCC windows and entrance doors shall be equipped with alarm signalling systems, and there shall be a direct telephone line for emergency call of the senior office of the ward on duty.

For guarding detainees kept in specially equipped premises, the inspectors shall be posted at the doors to the premises, which shall be also equipped with alarm system and direct telephone line connecting with the officer on duty of the State Border Service body of Ukraine (unit).

8.4. Personnel of the ward on duty of TCC (senior inspectors, inspectors) shall perform their duties in routine conditions with special means of active self-defence (rubber club, handcuffs, teargas container). In conditions of mass riot, manifestations of acts of disobedience and in case of direct threat to life of the personnel of the ward on duty, service duties shall be performed with organic weapons kept at the superintendent unit of the State Border Service body of Ukraine.

Ammunition for the ward on duty shall be supplied in terms of two loaded cartridge clips for each machine gun pistol.

8.5. Guard mount shall be performed by the senior officer of the guarding ward not later than in two hours.

At the time of hand-over/acceptance of detainees, they perform check of working order of doors, grates, locks, means of alarm signalling and communication, windows of the premises where detainees are kept. In case of detection of defects, immediate defect elimination shall be performed.

8.6. Persons accommodate for treatment in medical institutions of the State Border Service of Ukraine and the Ministry of Health of Ukraine shall be guarded by inspectors specially assigned for this purpose by the chief (chief of staff) of the State Border Service body of Ukraine. The latter, subject place of medical treatment, grounds for detention and personality of a detainee in custody, shall specify procedures of his/her guarding.

9. Procedures of taking detainees out of the places of detention and convoy

9.1. Detainees shall be taken out of their cells:

- for giving their explanations, performance of inquest or investigative actions or interviews and other purposes as specified in the Law of Ukraine "On Refugees";
- for morning and evening washing and toilet procedures, walks;
- for cleaning premises and territory of TCC, performances of personal search (personal examination), medical examination and sanitary cleansing;
- for handing over to convoy or release from custody.

9.2. Taking detainees out within the limits of the territory of TCC shall be performed by escorting military; for the purpose of handing-over to other agencies or performance of investigative actions beyond the limits of the territory of the bodies of the State Border Service of Ukraine, convoy shall be used under command of an officer or a ensign of the personnel of the TCC or commandant unit specially designated by the chief of the State Border Service body of Ukraine. During taking out detainees, handcuffing or hand binding may be applied.

9.3. Taking detainees out for conveying beyond the limits of territory of bodies of the State Border Service of Ukraine or release from custody shall be performed in accordance with instruction of the chief of the State Border Service body of Ukraine after notification of the person in charge of investigation, and shall be documented by summon notice (Annex 8) signed by the chief of the State Border Service body of Ukraine. Same request is applied, when detainees are summoned for giving their explanations or performance of investigative actions, as well as for conduct of interviews and other activities specified in the Law of Ukraine "On Refugees". After the actions have been accomplished, the summon notice shall be attached to the personal case of a detainee (Annex 3).

The person who summoned a detainee, shall sign the summon notice overleaf and since that time shall bear personal responsible for guarding the delivered person.

In the summon notice, the senior officer of the ward marks out the time of taking a detainee out and his/her return to the cell. Taking detainees out is performed individually along the pre-established routes assuring complete isolation of a detainee from other detainees and make escape or actions representing danger impossible. There should not be things on the route, which a detainee could use for committing unlawful actions. Each route, which has not been used before, should be checked before taking a detainee out.

9.4. Detainees are convoyed beyond the limits of the State Border Service of Ukraine only at daytime in motor vehicles. The convoy servicepersons are positioned on the seats on both sides of detainees or with one of the convoy sitting behind.

9.5. Conveying detainees out of TCC (SP) to courts and their guarding shall be performed by the bodies of the State Border Service of Ukraine at places of their dislocation.

Delivery of detainees to the places of custody by the guard squad shall be documented and signed by the senior officer of the ward on duty of TCC and imprint with the seal.

9.6. In case of approval of decision on handing detainees over to a diplomatic representation institution or a consulate institution of the country of citizenship of detainees, conveying squad is assigned of escorting detainees in minimal necessary number of military servicepersons of the guarding unit or other unit subject to decision of the chief (chief of staff) of the State Border Service body of Ukraine. Personnel of the conveying squad are provided with means of coercion.

Transportation of such detained shall be performed by railway transport facilities in common railway cars or railway card with numbered reserved seats at expense of the detainee, to whom the copy of the travel cost estimate shall be issued prior to the travel as provided for in the resolution No. 1074 „On rules of entry in, exist from and transit passage across the territory of Ukraine by foreigners and stateless persons” of the Cabinet of Ministers of Ukraine dated December 29, 1995. In case of unavailability of funds with the

detainee, the transportation shall be performed at expense of budget funds in accordance with procedures specified by the Administration of the State Border Service of Ukraine.

A detainee shall be delivered to the authorized representative of the foreign embassy against the report specifying citizenship, full name, date of birth of the detainee, title and name of the officer who accepts the detainee. The acceptance/hand-over report shall be certified by signatures of the senior officer of the conveying squad and the diplomatic officer. The senior officer of the conveying squad upon return submits the report to the chief of the State Border Service body of Ukraine. The report shall be kept in materials of the administrative (criminal) case.

In case where the diplomatic officer rejects to sign the report, an entry shall be made thereto stating the fact of rejection certified by signatures of the senior officer and members of the conveying squad.

9.7. In case of approval of decision on handing a detainee over to representatives of competent authorities of a neighbouring country, the convoy shall be assigned for escorting a detainee in minimal necessary number of military servicepersons of the guarding or another unit subject to decision of the chief of the State Border Service body of Ukraine.

Personnel of the conveying squad should be equipped with means of coercion. Depending on the situation, the chief of the State Border Service body of Ukraine may decide to arm the conveying squad with firearms in accordance with established procedures.

Transportation of a detainee to the place of handing over is performed by transport facilities of the State Border Service of Ukraine.

A detainee is handed over to the authorized representative of competent authorities of a neighbouring country against the report of delivery specifying citizenship, full name, date of birth of the detainee, title and name of the authorized representative of competent authorities of a neighbouring country who accepts the detainee. The acceptance/hand-over report is certified by signatures of the senior officer of the conveying squad and the officer of competent authorities of a neighbouring country. The senior officer of the conveying squad submits the report to the chief (chief of staff) of the State Border Service body of Ukraine. The report shall be kept in the materials of the administrative (criminal) case.

9.8 In case of approval of a decision on handing a detainee over to representative of the migration service agency of Ukraine, the convoy shall be assigned for escorting a detainee in minimal necessary number of military servicepersons of the guarding or another unit subject to decision of the chief of the State Border Service body of Ukraine.

Personnel of the conveying squad should be equipped with means of coercion. Depending on the situation, the chief of the State Border Service body of Ukraine may decide to arm the conveying squad with firearms in accordance with established procedures.

Transportation of a detainee to the place of handing over shall be performed by transport facilities of the State Border Service of Ukraine.

A detainee is handed over to the authorized representative of the migration service of Ukraine against the report of delivery specifying citizenship, full name, date of birth of detainee, title and name of the authorized representative of the migration service of Ukraine who accepts detainee. The acceptance/hand-over report is certified by signatures of the senior officer of the conveying squad and the authorized representative of the migration service of Ukraine. The senior officer of the conveying squad submits the report to the chief (chief of staff) of the State Border Service body of Ukraine. The report shall be kept in the materials of the administrative (criminal) case.

10. Security measures and grounds for use of weapons

10.1. Means of coercion, special equipment and firearms may be applied to a detainee in order to terminate his/her physical resistance, violence, unrest, resistance to

lawful demands of the officers of TCC, and in case where other means have failed to support performance of the duties vested in the guarding ward on duty.

In case where avoiding use of means of coercion is impossible, application of such means should not exceed the level required for performance of duties of the guarding ward of TCC on duty, and should cause as little injuries and damage to health of the offenders as possible. Where necessary, the guarding ward on duty of TCC should provide urgent aid to the suffered.

Application of physical force, special means, and firearms, if applicable, should follow the warning on the intention of use thereof. Means of coercion, special means, and firearms shall be applied if there is a direct threat to life or health of individuals, officers or personnel of the guarding ward of TCC.

10.2. Use of means of coercion, special means and firearms against women with evident pregnancy, elderly people or evidently handicapped persons as well as against minors shall be prohibited except for cases of group attack threatening to life and custody of detainees or other persons, or armed attack, or armed resistance.

Type of a special means, time of commencement and intensity of use thereof shall be identified taking into consideration the specific situation, nature of offense and personality of the offender.

10.3. All persons against whom the means of coercion, special means or firearms were used shall be subject to obligatory medical examination.

10.4. All cases of use of means of coercion, special means or firearms should be promptly reported in writing to the prosecutor.

11. Actions of the guarding ward on duty of TCC in case of occurrence of extraordinary situations

11.1. In case of attack, hostage-taking:

11.1.1. In case of attack, taking hostages by detainee from among the personnel of the guarding ward on duty, escorting officer, and other persons, active actions of self-defence should be undertaken accompanied by relevant signalling (voice, alarm system, telephone communication etc.).

11.1.2. The senior officer of the guarding ward on duty of TCC upon arrival at the scene, should organize termination of the attack and driving detainees to their cells with the help of force available (the ward on duty) and applying means of security and special means.

11.1.3. If an attack has a dangerous nature (the attacking persons have managed to open other cells, enter office premises, take hold of special means of coercion etc.), the senior officer of the guarding ward on duty promptly notifies the officer on duty (operative officer on duty) of the State Border Service body of Ukraine, who, in turn, should promptly report that fact to the chief of the State Border Service body of Ukraine, the operative officer on duty of regional department (hereinafter referred to as the RD) of the State Border Service of Ukraine, enhance outside and inside guard squads, supervise actions of the guarding squad in accordance with the specific situation, make decisions on use of special means and organize guarding the territory of the TCC until the time of arrival of backup force.

11.2. In case of escape:

11.2.1. Escape from TCC, medical treatment institution etc. shall be an unauthorized, unlawful leaving by a detainee of the place designated for his/her stay.

11.2.2. If the escape has been detected during the control inspection of the cells, the TCC' chief clarifies on names and other data of the absent and reports on the escape to the chief of the State Border Service body of Ukraine, the operative officer on duty of the RD of the State Border Service of Ukraine, respectively informs the person or agency in charge of the case, and the cooperating agencies. The chief of the State Border Service body of Ukraine

may use television and radio station facilities for the purpose of detention of the fugitives subject to coordination with local authorities.

11.2.3. The chief of staff of the State Border Service of Ukraine assembles the personnel of the TCC and the unit on duty and promptly organizes search of the fugitives by means of directing special search squads to places of their possible stay, gives out to the personnel of the squads description of appearance of the fugitives.

11.3. In case of fire:

11.3.1. Senior officer of the ward on duty and military servicepersons upon detection of fire in the premises of TCC or within the territory of TCC must promptly give the signal (voice, alarm announcer, telephone), and call the fire-brigade in case of availability of a special communications therewith. Before arrival of the fire brigade, measures should be taken to liquidate the fire, using available fire extinguishing tools and means at hand.

11.3.2. The officer on duty of the State Border Service body of Ukraine calls the fire-brigade by telephone, reports on the fire to senior managers, and monitors the fire extinguishing, as well as rescuing people, documents, property and providing the suffered with medical aid; if possible, the officer detects causes of the fire, enhance the admission control in the territory of TCC authorizing admission of only additional squads, fire-brigade members and medical personnel.

11.3.3. Depending on the nature and intensity of fire as well as the specific circumstances, the TCC' chief enhances inside and outside posts and organizes evacuation of detainees from their cells to a safe place and their guarding.

11.4. In case of death of, suicide, and attempted suicide of a detainee, the senior inspector (inspector) immediately calls the senior officer of the guarding ward on duty (the officer of duty of the State Border Service body of Ukraine), who jointly with the medical personnel takes measures to provide the suffered person with emergency medical aid. In doing so, detainees in the same cell with the suffered person should be transferred to other cells.

Simultaneously, the event should be reported to the chief of the State Border Service body of Ukraine and operative officer on duty of the RD of the State Border Service of Ukraine. Further, the guarding ward on duty acts in accordance with orders of senior officers.

11.5. All cases of extraordinary situations must be immediately reported by the chief of the State Border Service body of Ukraine to senior officers. Further, he/she shall act in accordance with instructions received from them.

12. Service duties of officers and personnel the guarding ward on duty to support functioning of TCC, guarding and keeping detainees

12.1. The chief of the State Border Service body of Ukraine shall be personally responsible for correct use of place of custody, organization of proper guarding, logistics and medical service of detainees, abidance by law, observation of rules and services duties in accordance with law of Ukraine.

12.2. The chief of staff of the State Border Service of Ukraine organizes functioning of the centre, carries out direct management of the guarding and convoying detainees, control of logistics and medical service of detainees and providing them with facilities of local and international communications.

His/her responsibilities shall include:

- taking measures to secure a reliable guarding of detainees, day-to-day control of performance of service duties by the personnel of the guarding wards on duty (squads);
- taking timely measures for implementation of modern technical facilities of guarding, alarm signalling systems, and communications.

The deputy chief of the State Border Service body of Ukraine in charge of personnel organizes quality selection and training of the personnel of TCC;
treatment of detainees with humanity.

12.4. The chief of the rear service of the State Border Service body of Ukraine shall be responsible for direct management of logistics and medical service of detainees.

He shall be responsible for:

- taking timely measures of support of logistics and medical service of detainees, compliance with sanitary and hygienic rules at places of detention;
- exercising control over the bath/laundry services rendered to detainees.

The deputy chief in charge of technical support of the State Border Service body of Ukraine organizes provision of signalling systems, grating facilities, necessary property and motor vehicle facilities, as well as special means of coercion, fingerprinting facilities.

The chief of medical service of the State Border Service body of Ukraine shall be responsible for organization and conduct of medical examinations of detainees prior to their acceptance to TCC and prior to release there from, providing emergency medical aid to detainees, assignment of detainees to further medical treatment at medical institutions of the Ministry of Health of Ukraine, control of compliance of the TCC with the sanitary standards and rules, conduct of regular disinfections in case of detection of sick persons with infectious diseases; the chief of medical service shall be responsible for organization of measures of disinfections in accordance with epidemics indicators (conduct of final disinfections), and, in case of necessity, he/she shall participate in conducting the preventive vaccination performed by specialists of the Ministry of Health of Ukraine; the chief of medical service shall be also responsible for quality of meals.

The chief of unit in charge of relations with foreigners (senior officer) of the headquarters of the State Border Service of Ukraine shall be responsible for identification, documentation of foreigner offenders, preparation of materials for their submission to competent authorities, organization of deportation in cases provided for by the law in accordance with international obligations of Ukraine, control of compliance with requirements of the law by personnel of TCC as well as with terms of custody, organization of conveying detainees.

The chief of investigation and administrative proceedings of the State Border Service body of Ukraine shall be responsible for conduct of investigation/inquest, procedural support of the issue of detention, keeping in custody and release from the custody (administrative detention) of law offenders.

The chief of the operative search unit of the State Border Service body of Ukraine shall organize and conduct screening and check measures for guarding of the state border.

The TCC' chief shall be subordinated to the chief of the State Border Service body of Ukraine, chief of staff and shall be personally responsible for compliance with procedures of keeping detainees, logistics, and medical service there prescribed by laws and this Instruction.

The TCC' chief shall be responsible for:

- Acceptance of detainees in places of keeping detainees, their placing in cells, organization of photographing them, performance of personal search and examination of things that they have with them, assurance of observance of rights of detainees guaranteed by law.
- Organization of material supplies to detainees in accordance with established standards, as well as with newspapers and other printed editions.
- Submission of reports to combatant and food supply services on putting detainees down on the food supply (meals) list and withdrawal there from.

- Maintenance of personal cases (Annex 3) of detainees, keeping documents and things of the persons in custody.
- Acceptance, registration and forwarding to the addressees of complaints, applications and letters of detainees.
- Maintenance order in the cells, safekeeping and correct operation of premises, technical guarding facilities, alarms signalling systems and communication facilities, performance of control of availability and safekeeping of fire-extinguishing inventory.
- Personal instructions of personnel of the guarding ward on duty (squad).
- Daily inspection of posts, cells, other premises and territory of the place of detention for the purpose of maintenance of flawless operation of the guarding technical facilities and equipment.
- Performance of control of quality and organization of meals for detainees.
- Development of internal daily routine for detainees, submission of it for approval by the chief of staff of the State Border Service body of Ukraine, control of compliance therewith.
- Timely reporting to the chief and the chief of staff of the State Border Service body of Ukraine on the necessity of performance of repair of places of detention, issues of logistics and medical service of detainees.
- In 12 hours prior to expiration of the term of detention of detainees, informing the person in charge of investigation, the chief of the State Border Service body of Ukraine.
- In case of expiration of the term of detention prescribed by law, and unavailability of the document approving release of detainees, reporting to the chief of the State Border Service body of Ukraine, releasing a detainee and respectively notifying the person in charge of the investigation.
- Prompt notification of the chief of the State Border Service body of Ukraine or chief of the staff on all events and occurrences at the places of detention;
- Maintenance of the following logs: the log of registration of arrival and withdrawal of detainees (Annex 2), registration of applications and complaints of the persons in custody at places of detention (Annex 7), registration of walks of the persons in custody at places of detention (Annex 6), the log of registration of inspections of TCC and SP by management of the State Border Service of Ukraine and representatives of the prosecutor's office (Annex 9), the log of registration of values, documents, rewards withdrawn from detainees law offenders (Annex 4). All logs maintained at TCC should be kept for 5 years after their completion. Every next year, new logs, and new recordings should be started.

12.11. Medical doctor (paramedic) of TCC

The chief of the State Border Service body of Ukraine issues the order to appoint a medical doctor from among the personnel of the health care service of the State Border Service of Ukraine for rendering medical services to detainees.

The medical doctor shall be responsible for:

- Conduct of medical examination of a detainee, registration of results of the examination in the sanitary log (Annex 5), maintained by him/her.
- Check quality of meals prepared for detainees, sanitary conditions of the canteen premises of TCC, table/kitchen ware and inventory.
- Control of washing detainees (prior to their placing in the cells, on the weekly basis).
- Control of regular disinfection of and gassing the TCC's premises as well as performance of final disinfections.
- Report to the chief of health care service of the State Border Service body of Ukraine on cases of disease detection with detainees.

12.12. An officer on duty of the State Border Service of Ukraine performs control of performance of service duties by inspectors guarding detainees.

The officer shall be responsible for:

- Exact information on the number of persons in custody.
- Personal check at least twice a day (one of the checks should be performed at night time) of performance of service duties by the guarding ward on duty of TCC, reporting all events to the chief of the State Border Service body of Ukraine.
- Together with the medical doctor (paramedic), check of quality of the meals prepared for detainees, sanitary conditions of premises of the canteen of TCC, table/kitchen ware and inventory.
- Upon receipt of information on escape or preparation to the escape by detainees, taking necessary measures to apprehend them.

12.13. The senior officer of the guarding ward on duty of TCC (senior inspector) during performance of his/her service shall be governed by provisions of this Instruction. When addressing issues of guarding and keeping of detainees, he/she is subordinated to the TCC' chief.

He/she shall be responsible for:

- During the replacement of the guarding wards on duty (inspectors), check of availability of detainees in cells by name list, taking them under the guard and reporting to the officer on duty of the State Border Service of Ukraine on replacing the guarding wards on duty and defects revealed during replacement.
- In the course of performance of the service duties subject to instruction of the TCC' chief, or, in absence of the latter, deputy chief of TCC, taking in custody detainees on the grounds specified in relevant sections of this Instruction.
- Personal briefing of the guarding ward on duty (inspectors) on the issues concerning guarding detainees. During the day, numerous checks of performance by the inspectors of their service duties.
- Dispatch to and collection from detainees permitted printed editions, thorough check of the editions prior to their dispatch and after return. All detected signs, perforations, and other conventional signs should be reported to the TCC' chief or, in absence of the latter, the officer on duty of the State Border Service of Ukraine.
- In case of fire or another natural disaster in the area of the guarded object threatening to lives of detainees, taking them out to a safe place, with maximum possible compliance with requirement to isolation, and organization of their guarding.
- Prompt reporting to the officer on duty of the State Border Service body of Ukraine and the TCC' chief all occurrences and events showing signs of preparation to escape, suicide or attack on the guarding ward or other persons.
- Giving permission for meeting detainees upon presentation of appropriate documents.

Admission of persons to TCC shall be performed in accordance with duly issued one-time pass permission (pass) presented together with identification documents.

12.14. The inspector, at the time of performance of his/her service duties shall be governed by requirements of this Instruction. Inspectors are subdivided on inspectors of outside and inside guard.

The inspector must:

- Take the post, check conditions and good order of the cells and their equipment, communication and signalling facilities, accept detainees by the name list, know by appearance those detainees, who require stricter and closer control.

- Observe the persons in custody through the inspection door hole of each cell at least every 15-20 minutes; report to the TCC' chief or the senior officer of the guarding ward on duty on all changes in behaviour of detainees.

- Perform functions of escort;

- At the time of taking detainees out of their cells for the walk, sanitary treatment, toilet, hand them over to the escorting serviceperson and, when accepting them back, count them.

- At the time when detainees attempt to submit their requests or applications, avoid talking with them and call the senior officer of the guarding ward on duty.

- Having detected signs of preparation to escape and escape itself, report to the TCC' chief or the senior officer of the guarding ward on duty and act in accordance with instructions thereof.

- In case of detection of attempted suicide, give alarm signal, give orders to other detainees as for taking measures to eliminate such actions and give first aid to the suffered. In case of absence of other detainees at the TCC, the inspector gives alarm signal and demands termination of suicidal actions.

- Subject to order of the TCC' chief or the senior officer of the guarding ward on duty, convoy detainees for conduct of morning or evening washing, toilet procedures, walk, for giving their explanations or for interrogation.

- Watch to prevent communications of detainees with third persons.

- Dispatch meals to detainees;

- Perform continuous observation of behaviour of detainees when out of their cells.

- At the time where a detainee stays in the interrogation room, constantly stay near the door and be ready to perform an order of the investigating (interrogating) person.

- Be present at the time of washing of detainees in custody of the same gender and their medical servicing by the medical doctor of the State Border Service body of Ukraine.

12.15. Military servicepersons included in the guarding ward on duty are prohibited from entering off-service contacts with the persons in custody as well as use of their services.

13. Inspections of the Temporary Custody Centres

13.1. Following officials shall have the right to inspect the TCC:

- the Chief of the State Border Service of Ukraine and his/her deputies;

- the chief of regional departments of the State Border Service of Ukraine and his/her deputies;

- the chiefs of the bodies of the State Border Service of Ukraine – at least once a month, chiefs of staff and their deputies– at least twice a month;

- other officers authorized for that purpose by their chiefs;

- prosecutors performing supervision of compliance with laws at TCCs by the bodies of the State Border Service of Ukraine.

All inspections of TCC (SP) by senior officers of the State Border Service of Ukraine and representative of the prosecutor's offices shall be recorded in the log of registration of inspections (Annex 9).

Visits and inspections of TCC may be also performed by the Human Rights Commissioner of the Supreme Council of Ukraine; inspections may be also performed by delegations of the European Committee Against Tortures (hereinafter referred to as the ECAT).

13.2. In case of necessity to open a cell (SP), the inspector shall call the senior officer of the guarding ward on duty (unit on duty).

14. Organization of access regime

14.1. Procedures of admission, entry and exit of motor vehicles, taking-in/taking-out, import/export of material values to and from TCC shall be determined by appropriate instruction approved by the chief of the State Border Service body of Ukraine.

Admission of armed visitors to the territory and premises of TCC is prohibited. The arms must be surrendered for keeping by the senior officer of the guarding ward on duty.

14.2. A document for admission through the checkpoint of the TCC shall be one-time permission (pass), a document for import/export of material value shall be the invoice or the transport facility waybill.

Patterns of one-time permissions (passes) TCC signed the State Border Service body of Ukraine or the chief of the staff, invoices and other documents shall be submitted to the ward at the checkpoint.

14.3. Medical personnel of other medical treatment institutions in case of necessity may be admitted to the TCC subject to permission of the chief of the TCC; medical doctor of the State Border Service body of Ukraine is entitled to many-time entrance to and exit from the TCC.

14.4. One-time pass for visiting TCC in business shall be issued by the chief of the TCC subject to permission of the chief of staff of the State Border Service body of Ukraine.

Visitors shall be admitted to the territory of TCC subject to presentation of the one-time pass and a person identification document.

At the time of a group visit to TCC, the one-time pass shall be issued in the name of the senior of the group and shall specify the number of visitors and the list of their names. Visiting foreigners having duly issued pass shall be admitted to TCC subject to permission of chief of the State Border Service body of Ukraine and accompanied by the chief of the TCC.

14.5. One-time pass certified with the seal bearing the mark of the TCC' chief (senior officer) shall be withdrawn by the senior officer of the guarding ward on duty at the time of the visitors' leaving the territory of TCC.

14.6. All third persons visiting TCC of the State Border Service body of Ukraine prior to entering the territory of the TCC should surrender all means of mobile, cellular communications, equipment for audiovisual recording etc. The aforementioned articles shall be temporarily kept in a special locked cabin and the keys shall be given over to the owner of the articles.

Photo and video shooting, work of employees of mass media at TCCs of the State Border Service body of Ukraine may be allowed solely by chief of the State Border Service body of Ukraine.

14.7. Meetings with a detainee shall be allowed always subject to permission of relevant officer (examining officer, investigator, judge, prosecutor) in charge of the detainee, at the time and day specified by the internal routine schedule, as well as with due regard to mental condition of a detainee and subject to availability of a specially equipped room.

14.8. In case of detection of messages, letters etc., which may have an adverse effect on the course of the investigation of expert examination and are of interest for investigators with a detainee, visitors, other persons, and the aforementioned articles should be withdrawn. This should be promptly communicated to the officer in charge of investigation of the criminal case, the chief of the State Border Service body of Ukraine, and, where necessary, the prosecutor.

14.9. The consul general, consul, vice-consul and consular agent of diplomatic representation institutions of foreign states, as well as staff members of the UNHCR shall be entitled to have short-term meetings with detainees being citizens of their states subject to permission of the person in charge of the investigation.

14.10. Telephone talks with detainees may be allowed subject to availability of technical means at the expense of detainees. The fact of permission of the talk shall be registered in the log of registration of telephone talks of detainees (Annex 10).

14.11. In accordance with verbal or written application of a detainee or application of his/her close relatives or representatives of public organizations, a detainee may be allowed meetings with the lawyer or other experts in the field of law, which in accordance with law are entitled to provide their legal assistance. Subject to request of a detainee or the lawyer, or an expert in the field of law, the meetings shall be arranged vis-à-vis in the short-term meeting room with safety conditions provided.

All meetings shall be held only at a time between the stand-up and the stand-down.

14.12. In case of epidemics, natural disasters, or other extraordinary situations preventing normal functioning of TCC, the meetings may be temporarily cancelled.

15. Internal routine schedule of TCC

15.1. At each centre, they organize strictly regulated internal routine regime with due regard to specific characteristics of working with detainees, current situation, season, local conditions and other specific circumstances.

15.2. The internal routine shall specify the time of the stand-up, toilet procedures, physical exercises, meals, working with detainees, tutorial events etc. At the same time, a continuous eight-hour sleeping time should be provided.

At least once a week at off-work time, they shall organize checks/inspections of the premises where the law offenders are kept, their appearance, and conditions of the wear and footwear of detainees.

15.3. The internal routine schedule shall be developed by the chief of the TCC, approved by the order of the chief of the State Border Service body of Ukraine and communicated to general knowledge of detainees at the time of their arrival at TCCs.

16. Procedure of taking meals by detainees

16.1. Meals shall be taken by detainees in their cells at the time established by daily routine schedule. Periods between breakfast and dinner, dinner and supper should not be longer than 6 hours.

Dispatch of meal shall be performed by the inspector off-duty through the dispensing window in the doors of the cells (special premises) without opening the doors.

16.2. For the purpose of maintenance of proper order at the rooms at the time of taking meals by detainees, military servicepersons of the guarding ward on duty of TCC (inspectors) should be present therein.

16.3. In case of rejection of a person in custody of TCC to take meal, the TCC' chief or an acting chief of the TCC, upon detection of the fact, should have a personal talk with the person during a day for the purpose of clarification of reasons for the rejection, report on the fact to the senior officers and the prosecutor, and in case of availability of good reasons for such refusal, take prompt measure to meet legal demands of the detainee.

In case where it has been established that the demands of the person who refused to take meal are groundless this should be registered in the report given against signature of receipt to the person explaining the groundless nature of his/her demands and malignant nature of refusal to take meal; forced feeding may be applied.

16.4. Upon expiration of one day following the actual refusal to take meal, on the grounds of justified decision of the chief of the institution or acting chief of the institution, this person should be transferred to an isolated premises where he/she shall be kept on common conditions, in isolation from others under enhanced control.

Minors, pregnant women, and persons suffering from active tuberculosis who refuse to take meal should be kept in isolation from the others in specially designated premises on common conditions.

16.5. At the time prescribed by daily routine schedule, breakfast, dinner and supper shall be delivered to the person refusing to take meal in accordance with established norms. In case of refusal, the meals should be withdrawn in two hours with making appropriate marks in the card of registration of meal delivery to a detainee (Annex 11).

16.6. Within the time established by the chief of the State Border Service body of Ukraine and with due regard to specific circumstances (but not longer than three days following the time of actual refusal to take meal), the person should be subject to obligatory medical examination; during the examination, the medical doctor should explain to the person the damage that striving causes to the human organism.

Outpatient treatment and emergency medical aid to such person should be given at the premises where he/she is kept, if there is no necessity in inpatient treatment. Sanitary treatment of the person is performed separately from the other detainees.

16.7. Discharge of the person refusing to take meal from internal work and other duties provided for by regime of staying in custody institutions may be possible solely subject to relevant medical indications. Given unavailability of such indications, the person is subject to all measures of disciplinary influence provided by the law.

16.8. In case where the refusal to take meal is not a result of a disease, representatives management of bodies of the State Border Service of Ukraine shall explain to the person malignant nature of starvation for the human body for the purpose of inclination of person to refuse from starvation.

16.9. Convoying this category of persons to other institutions and in court shall be performed in accordance with established procedures.

Subject to availability of medical indications, convoying shall be performed together with a medical officer of the State Border Service body of Ukraine. The fact of refusal by a detainee to take meal shall be registered in the memorandum signed by the TCC' chief, medical officer of the State Border Service body of Ukraine; the memorandum shall be kept in the personal case (Annex 3) of the detainee.

In case where further refusal from meal during convoying threatens life and health of such person, this person should be placed in a nearest medical treatment institution of the health care system subject to written conclusion of accompanying medical officer. Non-portable persons refusing to take meal should not be subject to convoying.

16.10. Forced feeding of such persons shall be an extreme measure aimed at rescue of life of the persons. It should be applied solely in cases where the explanations and other measures of influence appeared to be vain while further starvation imposes a threat to life of such persons.

Decision on commencement of the forced feeding shall be made by the chief of the State Border Service body of Ukraine or acting chief subject to written conclusions of medical doctors on essential deterioration of health condition of the starving person and availability of threat to his life. The medical doctor observing the person should establish time of examination of the person by the medical commission.

The decision shall be reported to the prosecutor supervising compliance with law during the criminal case proceedings.

Times of forced feeding shall be prescribed by the doctor depending on general health condition of the person who refuses to take meal.

17. Final provisions

17.1. TCCs shall be organized and dissolved by the Administration of the State Border Service of Ukraine.

17.2. Staffing for TCC shall be established and alternated by the Administration of the State Border Service of Ukraine in accordance with submissions of centrally subordinated regional departments and chiefs of the bodies of the State Border Service of Ukraine once a year, as a rule.

V. Yu. Tunik,

Colonel,

Chief of the Unit for Foreigners

of the Department of Guarding the State Border

of the Administration of the State Border Service of Ukraine