



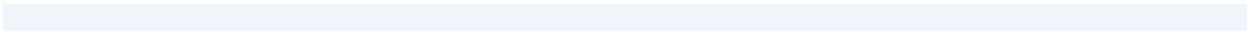
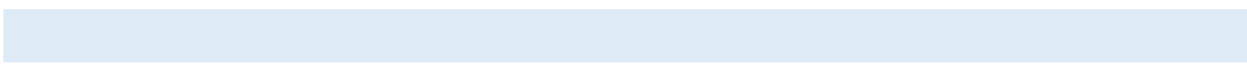



Guidelines

Bässlergut Prison

Administrative detention

based on § 10 para. 1 of the Ordinance on Justice (JVV)

Version: 9 October 2023



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1. Basics

1.1 Scope

¹ These guidelines apply to Bässlergut prison, a detention centre for males over 15 years of age, against whom an administrative detention order under the law concerning aliens has been issued.

1.2 Sheets

¹ The prison management issues sheets providing more details on the guidelines.

2. Arrival

2.1 General

¹ New detainees are informed of their rights and obligations in an understandable form on arrival at the prison.

² The detainee is entitled to call a third person to inform them of their whereabouts on the day of arrival or on the following day. They may also have a person who is located in Switzerland notified by the competent migration authority.

³ After arrival, the detainee is given the opportunity to speak to prison management.

⁴ Every time a new detainee arrives and every time he returns to prison (after a stay in a hospital or clinic, a court hearing or embassy visit, etc.), his identity is checked and he is strip-searched.

⁵ Every new person entering the prison is subject to a medical examination by the prison's medical service to detect any health issues.

⁶ The prison assigns the cells. The detainee is assigned to a single or two-person cell. They have no entitlement to a single cell or to change to a particular cell.

⁷ Separation of adults and adolescents will be considered when cells are assigned. Exceptions are possible if youth-specific interests make a grouping necessary and the adolescents have expressed a corresponding wish in writing. The competent migration authority informs the child and adult protection authority (KESB) of the adolescent's entry into prison.

2.2 Personal effects

At the time of the arrival checks, a list of personal effects is drawn up and submitted to the detainee for written confirmation. Changes to the inventory are continuously updated.

² The detainee may keep personal effects in their cell if they do not harm the peace, order and security and if there is space in said cell.

³ Items not covered by para. 2 and the identification documents shall be taken into custody by the personal effects management. The prison is only liable for items in its custody.

⁴ Large pieces of luggage can be included in the list of personal effects after a summary check without listing the contents.

⁵ Items whose storage exceeds the prison's capabilities may be rejected or stored at the expense of the detainee. If neither rejection nor retention is possible, the items may be destroyed.

⁶ No animals are permitted.

→ See sheet No. 1 (Personal effects and receipt of goods)

3. Accommodation and free time

3.1 Daily routine

¹ A daily schedule, which can be viewed in each area, provides information about the daily routine. The prison management may issue deviating orders at any time if operational reasons so require.

→ See sheet No. 3 (Daily routine) for more details

3.2 Basic needs

¹ Detainees receive everything they need to meet their basic needs during their stay in prison free of charge.

3.3 Meals

¹ The detainee receives balanced and sufficient meals three times a day. Special dining preferences based on religious or ethical requirements will be taken into consideration whenever possible.

² Special medical food, such as diet food, is only provided by order of the prison doctor.

³ Meals from external providers are not allowed.

⁴ Meals are generally taken in the cells or in the common rooms.

→ See sheet No. 4 (Meals and purchases) for more details

3.4 Cell rules

¹ The detainee must keep their cell tidy and must clean it regularly. An inventory must be provided. Any painting, labelling or stickers on walls or furnishings is prohibited. Bulletin boards are to be used for photos, pictures, etc.

² Photos, pictures, items, etc., that are not in line with standards of common decency, or which may affect the order and security of the prison will be removed.

³ Radio and TV devices are to be used at a low volume.

⁴ Intentional or serious damage to property may lead to liability for damages or disciplinary measures. The right to prosecution is reserved.

→ See sheet No. 7 (Cell assignment and cleaning) for more details

3.5 Smoking

¹ Detainees must not smoke in the prison including in the surrounding area. This excludes cells and exercise yards and specially designated areas.

² Persons under 16 years of age are not allowed to smoke or possess tobacco products in the prison, including the surrounding area. Prison staff and other detainees are not allowed to sell or give them tobacco products.

3.6 Clothing

¹ The detainee wears their own clothing. During work and during visits and stays in the security cells and in disciplinary detention, the detainee shall wear the clothing prescribed by the prison and provided on loan.

² Detainees are required to dress appropriately in prison.

³ If the detainee has no suitable clothing, the prison will loan them some.

3.7 Health and hygiene

¹ The detainee must observe the necessary health and hygiene measures and comply with the relevant orders of the prison doctor, the prison medical service and the prison staff.

² The detainee is required to maintain good standards of personal hygiene. They are able to shower and shave on a daily basis.

→ See sheet No. 6 (Personal hygiene) for more details

3.8 Walking and sport

¹ The detainee is entitled to spend at least three hours each day in the assigned exercise yard. Walking takes place based on the daily schedule.

² The detainee may generally use the gym once a week.

³ Walking time and sports options may be restricted for security or operational reasons.

3.9 Electronic devices

¹ Detainees may use the TV devices with integrated radio placed in the cells at the cost of the prison. In addition, they may acquire radio, audio playback devices as well as gaming consoles without camera, video and Internet functions at their own cost. All other electronic devices are prohibited.

² The content consumed may not affect the peace, order or security of the prison. Pornographic or criminal content is prohibited.

3.10 Internet and video calling

¹ The detainee may access the Internet and make video calls at the cost of the prison.

→ See sheet No. 12 (Internet and video calling) for more details

3.11 Library

¹ The detainee may borrow books from the prison library free of charge.

3.12 Own books, newspapers and magazines

¹ The detainee may bring newspapers, magazines and books in with them or order them at their own cost via the prison management provided that their account has sufficient credit.

² The amount of reading material permitted in the cell may be limited for security reasons. It is possible to access books by carrying out an exchange from the personal effects.

³ Media that harms the peace, order and security of the prison is prohibited. This notably includes texts with pornographic or criminal content.

3.13 Call systems (manual pushbutton alarm, intercom system, cell call system)

¹ The systems are to be used for security purposes. They must not be misused.

3.14 Service rooms and offices for prison staff

¹ Detainees must not enter service rooms or offices for prison staff.

3.15 Consideration

¹ Propaganda that is racially discriminating or dangerous to the State is prohibited. This can also include making political signs or content visible or audible.

² In order to not disturb other detainees as well as the immediate neighbourhood of the prison, making noise is prohibited. This notably includes rioting, banging and shouting.

3.16 Behaviour in the prison

¹ The prison staff and detainees must treat each other with decency and respect.

² Detainees shall refrain from doing anything that disturbs or endangers the orderly conduct of administrative detention and the maintenance of security and order in the prison.

³ Detainees must follow the prison rules and instructions of the staff.

⁴ Private and legal (e.g. purchase, exchange, donation) relationships between detainees and prison staff as well as legal relationships among detainees are prohibited. The prison management decides on any exceptions.

⁵ Betting, games of skill or chance for money or items are prohibited.

→ **See sheet No. 3 (Daily routine) for more details**

4. Finances

4.1 Account

¹ Each detainee is provided with an account. This is used to pay for personal expenses during incarceration.

² The detainee may receive a written statement on request.

4.2 Surrender of financial resources

¹ The possession of cash, currencies of any type, credit cards or cheques is prohibited. Any financial resources must be handed over to prison staff without needing to be asked.

² Valid cash in Swiss francs will be made available to the detainee in their account. All other funds are held in custody by the personal effects management.

4.3 Cash benefits

¹ Valid funds intended for detainees may be transferred in Swiss francs by postal or bank order to the account designated by the prison or handed in as cash directly to the prison. The money will be credited to the detainee's account.

² Detainees may only send money to third parties with approval from prison management. Detainees may not send money to each other.

→ **See sheet No. 2 (Finances) for more details**

5. Work

5.1 General

¹ The detainee is given the opportunity to work within the scope of the available work and the operational possibilities from the fourth day of detention in prison. They are not obliged to take up the offer of work.

² Work is offered in production operations and cleaning. Job allocation is determined by the prison management, taking into account the needs and possibilities of the prison as well as the skills, training and preferences of the detainee. Prison management decides on any job change.

³ If the detainee accepts the offer of work, they shall conscientiously perform the work assigned to them and comply with the daily schedule and the working hours.

5.2 Remuneration

¹ The detainee shall receive remuneration for the work performed, depending on their performance. The prison management shall determine the amount of this remuneration, taking into account the guidelines of the Prison Concordat of Northwestern and Central Switzerland.

² The remuneration is credited to the detainee's account on a weekly basis.

→ See sheet No. 10 (Work) for more details

6. Visits

6.1 Visit length and times

¹ The detainee is entitled to two hours of visits per day. No visitor permit is required. Visits are generally only permitted during the standard visit times. The prison management may make exceptions to this rule subject to a prior request.

6.2 Performance of the visit

¹ Visitors must follow the applicable rules and instructions of the prison staff. They must present valid official ID and submit to checks. Children under ten years old do not have to present ID. Children and adolescents under 18 years of age generally must be accompanied by an adult. Personal effects such as mobile phones, wallets and keys must be placed outside the visiting room at the instruction of the prison staff.

² Visitors are not allowed to hand over anything directly to or take anything from the detainee. The handing over or receipt of documents in the presence of prison staff is exempt from this regulation.

³ After the visit, detainees may be strip-searched in justified cases to prevent the introduction of prohibited objects.

6.3 Limitation of visitation rights

¹ In the event of an official ban on contact, a breach of the visiting regulations or a threat to the security and order of prison operations, persons may be excluded from the visit, or the visit may be terminated.

→ See sheet No. 5 (Visits) for more details

7. Phone, post and goods

7.1 Phone

¹ The detainee may make phone calls using the phones provided and at their own cost.

² Upon entry into the prison, with lawyers and authorities, and to facilitate the deportation procedure (e.g. concerning the procurement of documents), the detainee may make telephone calls at the prison's expense.

³ The possession and use of private mobile phones and pagers as well as other private communication and data transmission devices is prohibited.

7.2 Post

¹ The detainee is entitled to send and receive letters and, to a limited extent, packages.

² The prison covers the costs of any letters sent by the detainee domestically (A and B Post) and for any correspondence relating to a removal procedure.

³ Outgoing post is to be provided to prison staff. The recipient and their address and their first and last names must be clearly visible. The detainee is required to provide post for lawyers or authorities with a visible marking of "lawyer post" or "authority post".

⁴ Sending can only take place on the same day if the post is provided to prison staff before 09:00 (Monday to Friday). Nothing is sent on Saturdays, Sunday and public holidays. Outgoing letters that are bound by deadlines must necessarily be handed over personally to prison staff by the sender, and the detainee must note the date and time of delivery on the envelope.

⁵ The prison management shall have container checks carried out on incoming mail; the secrecy of correspondence shall be maintained. If there is a suspicion of a threat to security and order, the contents may be checked. Lawyer and authority post is exempt from checks.

⁶ Incoming parcels are subject to the specifications regarding the acceptance of goods.

⁷ The right to prosecution is reserved.

7.3 Purchasing and receiving goods

¹ Detainees who have sufficient funds in their accounts can usually make a purchase for their own needs once a week from the prison's own kiosk.

² Goods handed in for detainees will only be accepted by the prison if they do not endanger the peace, order and security of the prison.

³ The goods will be checked by prison staff.

⁴ Detainees under 16 years of age may not purchase tobacco products. Tobacco products handed in for them will not be accepted by the prison.

→ **See sheets No. 1 (Personal effects and receipt of goods) and No. 4 (Meals and purchases) for more details**

8. Advice and counselling

8.1 Offers

¹ Detainees have access to legal counselling for persons affected by coercive measures provided by the Counselling Centre for Asylum Seekers (BAS).

² Counselling and care is provided by a chaplain.

³ If requested, the prison management will put the detainee in touch with the authorities and other counselling centres.

8.2 Application

¹ The application for an advice or counselling interview takes place via the corresponding application form.

→ **See sheet No. 9 (advice and counselling) for more details**

9. Medical care

9.1 Requirement to report an illness or accident

¹ In the event of illness or accident, the detainee must immediately contact the supervisory staff or the prison's medical service.

9.2 Medical care

¹ Basic medical care is guaranteed at all times. Detainees do not have free choice of doctor.

² Doctors visit regularly. In addition, the detainee may at any time submit a request for a medical examination by the prison's medical service. The decision on whether or not to conduct the examination is generally the responsibility of the medical service. In case of emergencies, immediate medical care is guaranteed.

9.3 Hospital and clinic admission

¹ If the health of a detainee requires transfer to a hospital or a psychiatric clinic, the prison doctor or the prison psychiatrist shall first obtain the consent of the competent migration authority. In urgent cases, the transfer shall be arranged by the prison doctor or the prison psychiatrist, at the same time informing the migration authority.

² Provided that the deprivation of liberty is not interrupted by the migration authority, the person concerned continues to be regarded as a detainee during the hospital or clinic stay. They must follow the instructions of the prison management and hospital or clinic staff.

9.4 Dental treatment

¹ Only urgent dental treatments may take place. Advanced treatment may be approved provided that the costs are covered by the detainee or by a third party.

² The treatments are arranged by the prison medical service and carried out in the Basel City remand prison by the prison dentist. The prison dentist decides on the referral to a hospital, a clinic or a specialist dentist after consultation with the competent migration authority.

9.5 Medication

¹ Detainees may only take medication approved or prescribed by the prison doctor, the prison psychiatrist, the prison dentist or the prison medical service. The possession of medication is prohibited. The medical service decides on any exceptions to this rule.

² Any prescribed medication not taken by a detainee is recovered and documented accordingly.

³ Drug addicts are supported in the context of cantonal competencies and possibilities based on the specific needs of those in question.

9.6 Health costs

¹ The detainee is provided with basic medical or dental care for free.

→ **See sheets No. 2 (Finances) and No. 8 (Doctor, dentist and psychiatrist, medication)**

10. Security measures

10.1 Checks

¹ By order of the prison management, detainees, their personal effects and accommodation as well as visitors and their personal effects may be inspected. The prison management may have alcohol and drug tests carried out on detainees if there are reasonable grounds for suspicion.

² A positive finding is subject to disciplinary measures. The refusal or manipulation of a check is considered as a positive finding. In case of a positive finding, the costs of an alcohol or drugs test are borne by the detainee, provided they have adequate financial resources.

³ Checks of the tidiness of cells usually take place in the presence of the detainee. Cell checks to guarantee security take place in the absence of the detainee. They are informed of the check afterwards.

⁴ Strip searches are carried out by wardens/chaperones. Police personnel of the male sex may be called in to assist. Intimate strip searches are carried out by medically trained male professionals.

10.2 Special security measures

¹ If there are concrete indications that a detainee may escape, that there is a risk of danger to others or to themselves or there is a risk of considerable damage to property, the prison management may order special security measures.

² The measures may only be maintained as long as there is a compelling reason to do so.

→ **See sheet No. 11 (Disciplinary measures/Special security measures) for more details**

11. Disciplinary law

11.1 Principles

¹ Disciplinary sanctions may be ordered against detainees who culpably violate the Prison Act (JVG), its implementing provisions, the prison's guidelines, other prison regulations as well as orders issued by the prison's management or staff. The right to prosecution is reserved. Official offences are reported.

² If the detainee has caused damage with their misconduct, they may be obliged to pay appropriate damages in addition to the disciplinary sanction. Funds from the detainee's account can be used to cover any damages.

³ The basis of the disciplinary procedure is the report from the prison staff. The detainee is heard (legal hearing). They shall remain in a cell assigned to them until the disciplinary proceedings have been settled in the first instance.

11.2 Breaches of duty

¹ The following are considered as breaches of duty:

- a. Assault, battery or threat;
- b. Abuse;
- c. Escape or plans to escape;
- d. Failure to comply with the operating procedure or daily routine;
- e. Possession or consumption of narcotics and psychotropic substances and alcohol;
- f. Making unauthorised contact with persons inside and outside the prison;
- g. Procuring or possessing illegal items;
- h. Damage to property;
- i. Appropriation of another person's property;
- j. Running games for cash or goods.

² Attempt, incitement and aiding and abetting the commission of disciplinary offences may also be sanctioned.

11.3 Disciplinary measures

¹ Prison management can take the following disciplinary measures:

- a. Written reprimand;
- b. Withdrawal or restriction of availability of funds for up to six months;
- c. Withdrawal or restriction of free time for up to six months;
- d. Withdrawal or restriction of outside contact such as a ban on visits or phone use for up to three months;
- e. Withdrawal of employment opportunities for up to three months;
- f. Fines of 20 to 300 francs;
- g. Cell containment for up to 30 days;
- h. Time in a special cell of up to ten days.

² The written reprimand is the lightest, the detention the most severe disciplinary measure. The type and duration of disciplinary measures shall be determined according to the type of breach of duty or impairment of prison operations as well as the culpability of the detainee.

³ If appropriate due to the specific breach of duty or impairment of prison operations, several disciplinary measures may be ordered at the same time.

⁴ After the evidence procedure has been completed and the right to be heard has been granted, the prison management may order the appropriate disciplinary measure. The order shall be in writing, designated as an order, substantiated and accompanied by instructions on how to appeal. It shall be opened orally to the detainee. Receipt must be confirmed by signature.

⁵ Objects and assets obtained through disciplinary offences or with which disciplinary offences have been committed may be used, rendered unusable or destroyed for the benefit of the Canton of Basel City. The prison management may grant exceptions.

⁶ The competent migration authority is informed of the disciplinary measures ordered.

→ **See sheet No. 11 (Disciplinary measures/Special security measures) for more details**

12. Departure, deportation and transfer

12.1 Departure and deportation

¹ On departure, the person admitted shall receive his or her securities, identity documents and assets back. Any credit in their account is transferred to them or paid out. The detainee confirms receipt of their personal effects, identification documents and assets with their signature in the personal effects register and the final statement. They will be provided with a copy of both documents.

² On departure, the detainee must take all their personal effects with them. Any personal effects left behind shall be realised or destroyed three months after the departure date.

³ In the event of deportation, the personal effects, identification documents and assets as well as the credit balance remaining in the account of the person to be deported after any debit of the contribution to the costs of deportation home shall be handed over, transferred or paid out to the competent migration authority for the attention of the person to be deported.

12.2 Transfer

¹ In the event of a transfer to another prison or institution, the entire credit balance held in the detainee's account shall be transferred or paid out to the institution receiving the detainee. The personal effects, identification documents and assets are handed over to the institution receiving the detainee for proper use.

² Personal effects that cannot be transported together with the detainee (e.g. because of their size) will be delivered later by the prison. Associated transport costs are charged to the detainee.

13. Complaints

13.1 Appeal

¹ Appeals against decisions of the prison management may be lodged with the Department of Justice and Security of the Canton of Basel City.

² Appeals must be filed with the appeal authority within ten days of the opening of the decision. Within 30 days from the same date, the statement of grounds for appeal must be filed, which must contain the motions and their grounds with an indication of the evidence. The appeal proceedings may be subject to costs; in the event of complete or partial defeat, the appellant may be charged a ruling fee.

13.2 Regulatory notification

¹ Any person may report circumstances and facts, namely improper personal treatment, which require the intervention of the prison management. They shall receive information within a reasonable period of time on the manner in which the complaint has been dealt with.

² If the complainant is not satisfied with the handling of the complaint, this can be reported to the management of the Office for Justice with a brief statement of reasons.

14. Final provisions

These guidelines are valid from 9 October 2023 and replace all previous versions.

Basel, 9 October 2023

The Prison Management