

ANNEX IV**PRINCIPLES AND CRITERIA FOR CONDUCTING ON-SITE MISSIONS,
VISITS AND TRIAL OBSERVATIONS**

Adopted in April 1986, revised in May 2007 and March 2014

I. PRINCIPLES AND OBJECTIVES

1. In order to advance its work to defend the human rights of parliamentarians and to make progress towards the satisfactory resolution of one or more cases, the Committee may decide to carry out a mission or visit, or to observe a trial.
2. Such missions and visits may be envisaged for countries in respect of which cases are pending before the Committee or for countries that are the seat of relevant international or regional organizations or that have national parliamentary committees, other institutions and/or sources of information that may assist the Committee in its work.
3. In exceptional circumstances, a mission or visit may also address political or parliamentary challenges that go beyond the Committee's specific mandate but that need to be addressed in order to resolve the specific cases dealt with by the Committee.
4. When the Committee is not in session, a decision to dispatch a mission, make a visit and/or observe a trial may be taken by correspondence. In particularly urgent or serious circumstances, the decision may be taken by the Committee President in consultation with the IPU Secretary General. Any decision to this effect shall immediately be communicated to the Committee members.
5. Missions shall normally comprise at least two delegates, if possible at least one man and one woman, and extend over several days on the basis of a comprehensive programme that shall include meetings with all relevant authorities, the complainant(s) and other parties in a position to assist the Committee in its work.
6. Visits shall normally be carried out by a single Committee member or another person mandated by the Committee.
7. The length of trial observations shall depend on the schedule of hearings. As part of a trial observation, the observer shall meet with the relevant authorities in the case, in particular the prosecutor's office and the court authorities, as well as the complainant(s)/alleged victim(s) and defence counsel.
8. Trial observations shall be carried out by legal experts and/or members of parliament. Their competence in and impartiality vis-à-vis the case at hand shall be beyond doubt. They shall not at the same time be members of the Committee.
9. A representative(s) of the IPU Secretariat, where possible, shall accompany on-site missions and visits.
10. A mission or visit may only take place with the explicit approval of the authorities of the country in question. In cases where the parliament is represented in the IPU, the necessary contacts and approaches shall be made through that parliament or with its approval. This rule shall apply to all missions or visits except in cases where no interaction is foreseen between the delegation and the government or parliamentary authorities. In the case of a trial observation, the IPU Secretary General shall inform the authorities of the country concerned, in particular the parliament and the authority before which the proceedings are taking place, of the IPU's presence.
11. A mission or visit shall generally aim to:
 - wMake known to the authorities of the country in question or the institutions in that country the interest which the IPU and, through it, the international community, has in the treatment and fair settlement of an individual case;

- w Gather a maximum amount of first-hand or reliable information on the case so as to enable the Committee on the Human Rights of Parliamentarians and the IPU Governing Council to take a decision based on full knowledge of the facts;
- w Enquire into respect for basic human rights in the case under consideration on the basis of applicable national legislation and international legal instruments. When a case concerns allegations that legal proceedings brought against a (former) parliamentarian are not founded in law, a trial observation mission may be sent to enquire into respect for basic fair trial guarantees; and
- w Contribute, as much as possible, to the settlement of the case in accordance with human rights principles.

12. A mission, visit or trial observation may thus in no way lead, either directly or indirectly, to the expression of any value judgment whatsoever of a situation in general or political regime, whatever their nature.

II. FUNDING

13. Missions, visits and trial observations shall as a general rule be funded by the core budget of the IPU.

III. RESPONSIBILITIES OF THE AUTHORITIES IN MISSIONS AND VISITS

14. In the case of missions and visits, the authorities of the country concerned, first and foremost the parliament, are responsible for arranging the requested meetings with relevant authorities, providing local transport to the delegation for the duration of the mission or visit and ensuring the protection of the delegation. The authorities shall also assist in any other way possible with the effective fulfilment of the mission's or visit's mandate.

IV. COMPOSITION OF DELEGATIONS

15. The following individuals may be designated to conduct missions and visits:

- w Current and former members of the Committee on the Human Rights of Parliamentarians;
- w Other parliamentarians with relevant expertise;
- w The IPU Secretary General or his/her representative; and
- w Human rights specialists.

16. In principle, the Committee shall decide at each of its sessions on the composition of delegations for proposed missions and visits. In deciding to designate one or more of its members to conduct a mission, it shall take into account criteria such as familiarity with the country's legal and political system, command of relevant languages for the mission and absence of potential challenges, whether perceived or real, to the effectiveness of the mission or visit due to the member's nationality and/or political activities. Committee members shall be required to share with the Committee before a decision is taken on the composition of the delegation any information concerning them that may adversely affect the effectiveness of the mission or visit.

17. Should the designated member(s) be prevented from participating in the mission or visit, the IPU Secretary General shall consult the Committee President on the replacement of the member(s) in question and, with the President's approval, take the necessary steps to ensure that the mission or visit can be carried out.

V. CONDUCT OF MISSIONS, VISITS AND TRIAL OBSERVATIONS

18. The persons entrusted with a mission, visit and trial observation shall receive a copy of this document. They shall base their action on the principles advocated by the IPU.

(a) Accreditation and terms of reference

19. The member(s) of the delegation shall be given several copies of a letter of accreditation and, if necessary, written terms of reference. The latter shall clearly indicate the purpose of the mission.
20. Unless the Committee or the IPU Governing Council decides otherwise, the members of a delegation may not accept to act on behalf of and receive funding from any body or organization in the same country and during the same period.

(b) Concerted action

21. Concerted action shall be taken at all stages of a mission. If necessary, consultations shall take place during the mission between the members of the delegation and the IPU Secretary General.
22. Barring instructions to the contrary from the Committee or the IPU Governing Council, the members of a delegation shall not accept individual invitations to visit the country in question.
23. If necessary, a preparatory meeting shall be held, prior to the visit, preferably at IPU Headquarters in Geneva.

(c) Fulfilment of the mandate

24. The delegation shall strive to gather information from all parties concerned:
- (i) Competent authorities (governmental/parliamentary/judicial);
 - (ii) Parliamentarian(s) whose situation is the subject of the mission;
 - (iii) Third parties in a position to supply reliable information (sources of communication/relatives of the victim(s)/lawyer(s)/parliamentarian(s) witness(es)/human rights organizations). The delegation may make direct contact with and hear witnesses as early as during the preparatory meeting.
25. The delegation shall ensure that no witnesses are present during its contacts with the parliamentarian(s) whose situation is the subject of the mission - including when the parliamentarian is detained or imprisoned - and with third parties in a position to supply reliable information. If interpretation is necessary, the delegation shall ensure that the interpreter respects the rule of confidentiality (see paragraph 32 below).
26. Members of delegations shall make every effort never to expose the parliamentarian(s) in question and the sources of confidential information to risks; in the case of direct contacts, they must receive assurances that no reprisals of any kind will be taken against the person(s) concerned because of such contacts. If necessary, they shall ensure that the person(s) concerned is/are able to bring to the attention of the IPU any measures taken against him/her/them after meeting with the delegation.
27. Should the delegation feel that the basic conditions for the fulfilment of its mandate are not met, it shall terminate the visit, if possible after consulting the President of the Committee and the IPU Secretary General.

(d) Documentation made available to delegations

28. All delegations shall receive as complete a set of documents as possible to ensure the effective fulfilment of their mandate.

(e) Contacts with the press

29. The IPU Secretariat shall consider, in consultation with the delegation, how to give visibility to the mission, visit or trial observation, including its preliminary findings.
30. The IPU Secretariat and the delegation may decide to organize a press conference towards the end of the mission or visit and, exceptionally, the trial observation should this be considered useful in helping implement and disseminate the preliminary findings of the delegation.

31. With regard to missions carried out in relation to confidential cases, in general no contact with the press will be made.

(f) Interpreters

32. If necessary, the mission shall be assisted by an interpreter. Depending on the situation, the interpreter may be made available to the mission by:

- (i) the Parliament of the country in question;
- (ii) in the event of a trial which takes place in a country of which the Parliament is not a Member of the IPU, by the defence counsel of the parliamentarian concerned; or
- (iii) by the IPU Secretariat. The delegation shall ensure that interpreters who are not under oath respect the rule of confidentiality.

VI. REPORTS ON MISSIONS, VISITS AND TRIAL OBSERVATIONS

(a) General principles

33. The report shall be submitted to the Committee, which shall examine it in camera. For the missions or visits referred to in paragraph 3 of this Annex, the report may also be submitted to other IPU bodies.

34. The report shall, where useful, be conveyed as soon as possible to the authorities of the country in question and the complainant(s) so as to enable them to forward their observations. The report may also be shared for information and comments with other interlocutors which the delegation met.

35. The Committee shall judge the way in which it is to report publicly on the mission or visit or trial observation, including whether or not to submit the entire report or part thereof to the IPU Governing Council.

36. Any report or part thereof which has been made public by the Committee, either directly or through the IPU Governing Council, may be used as such provided that mention is made of its origin.

37. The report shall be the property of the IPU.

(b) Guidelines for the presentation and content of the reports

(i) Presentation of reports

38. The report shall be transmitted to the Committee Secretariat as soon as possible, and in any event, within 30 days of the completion of the mission, visit or trial observation.

39. The report shall be drafted preferably in English or in French.

40. The delegation shall clearly state if certain parts of the report are to remain confidential.

41. Likewise, special mention shall be made of any minority opinion held by a member of the delegation.

42. Should a mission or visit or trial observation consist of several stages, the delegation shall submit a provisional report as soon as possible (e.g. preliminary observations on a trial hearing), it being understood that the final report (e.g. comments on the judgment handed down by the court) shall be submitted subsequently.

(ii) Content of reports

43. Reports should contain information on the following points in particular:

- wReference to the decision by the Committee and/or IPU Governing Council;
- wPlaces and dates of the mission, visit or trial observation; members of the delegation;
- wContacts with the authorities of the country (parliamentary / governmental / judicial);

- w Contacts with the parliamentarian(s) who is/are the subject of the mission (dates, places and conditions of meeting; brief outline of his/her/their situation; summary of the explanations and opinions voiced by the person(s) concerned; brief account - if applicable - of the place and conditions of detention);
- w Contacts with third parties;
- w Prospects for a settlement of the case; and
- w Conclusions and recommendations.

44. Reports of trial observations shall, in particular, contain information on the following:

- w The origins of the trial and its context;
- w Information concerning the defendants;
- w The court seized of the case(s);
- w The prosecution and the defence;
- w The charges brought;
- w The laws and decrees applied;
- w The case made by the prosecution and a summary or the text of the indictment;
- w The nature of the defence and a summary of the text(s) of the case made by the defence;
- w The ruling (if handed down);
- w The conduct of the trial;
- w Comments concerning the conduct of the trial, the ruling (if handed down) and the legal provisions applied; and
- w The appeal: the possibilities of appeal; the intentions of the defence and a comment on the likelihood of an appeal succeeding.