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**Report of the Court on family visits to indigent detained persons\***

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## Introduction

1. In paragraph 14 of resolution ICC-ASP/6/Res.2<sup>1</sup> of 14 December 2007, the Assembly of States Parties (hereinafter “the Assembly”) to the Rome Statute of the International Criminal Court (hereinafter “the Court”) invited “the Court, taking into account the comments of the Committee on Budget and Finance on the work of its ninth session,<sup>2</sup> to present to the Assembly at its next session an updated report on family visits, in consultation with relevant organizations, including the International Committee of the Red Cross and the Office of the United Nations High Commissioner for Human Rights, to assess, inter alia, the legal and policy aspects, as well as the human rights dimension and budgetary impact of family visits”.
2. In addressing the request of the Assembly, the Registry of the Court conducted a study which encompasses research and consultations with several organizations and institutions which were requested to provide the Court with their views<sup>3</sup> on family visits to detained persons. As part of the consultations, a seminar organized by the Court, gathered, at the seat of the Court in July 2008, various interested parties,<sup>4</sup> including inter alia international organizations, non-governmental organizations, international courts and tribunals, specialists and researchers.
3. The present report is the result of the Court’s study on the issue of family visits and aims to highlight the practice of the Court, the conclusions resulting from the research and the consultations carried out by the Registry, and it provides the recommendations of the Court in order to enable the Assembly to make an informed decision.

### I. The Court practice, budget allocation for family visits and assessment

#### A. Preliminary remarks

4. The Registrar’s decision to fund family visits for indigent detained persons represents a response to a number of considerations. Pursuant to regulation 100 of the Regulations of the Court, adopted by the judges of the Court on 26 May 2004, “[a] detained person shall be entitled to receive visits.” Regulation 179(1) of the Regulations of the Registry, adopted by the Presidency on 6 March 2006, supplements this provision, stating that “[th]e Registrar shall give specific attention to visits by family of the detained persons with a view to maintaining such links.” Pursuant to these provisions and taking into account the need to safeguard the detained person’s physical and psychological well-being, the Registrar decided to fund visits by the family of indigent detained persons, starting in 2006. On the one hand, this decision was taken in order to give meaning or practical substance to regulation 179(1) of the Regulations of the Registry, which empowers the Registrar to review applications for family visits. On the other hand, it took into account the detained person’s individual situation, namely his/her indigence. To date, the Registry has only funded family visits for Mr. Thomas Lubanga, who arrived in The Hague after spending three years in detention without seeing his family, disoriented and with no points of reference, in a climate to which he was

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<sup>1</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Sixth session, New York, 30 November - 14 December 2007* (International Criminal Court publication, ICC-ASP/6/20), vol. I, part III, resolution ICC-ASP/6/Res.2.

<sup>2</sup> *Ibid.*, vol. II, part B.2. para.67.ICC-ASP/6/12, para. 67.

<sup>3</sup> Written submissions were received from: Amnesty International, the American NGO Coalition for the International Criminal Court, the Commissioner for Human Rights of the Council of Europe, Fédération Internationale des Droits de l’Homme (FIDH), Human Rights Watch, International Criminal Tribunal for the former Yugoslavia, International Corrections and Prisons Association, International Committee of the Red Cross, Office of the United Nations High Commissioner for Human Rights, Penal Reform International, the Special Court for Sierra Leone (SCSL), the United Nations Children’s Fund (UNICEF), and other individual experts.

<sup>4</sup> *Infra*, annex III, List of external participants.

unaccustomed and alone at the Detention Centre.<sup>5</sup> The Registrar considered that it was necessary to allow family visits for Thomas Lubanga and to fund them, provided it could be established that he was indigent. Pursuant to this decision, between September 2006 and July 2008, Thomas Lubanga received five family visits, three of which were from his wife alone. The family visits were restricted to his nuclear family without further specification or requirement.

5. This initiative was debated in 2007 by the Committee on Budget and Finance, which decided that, in view of the potentially costly nature of such visits, the States would need to decide on their practical, legal and financial implications.<sup>6</sup>

## **B. The Court practice**

6. Given the importance of the issue, it is worth detailing the practice of the Court so far and the requirements implied by the organization of a family visit to the detained persons. Indeed such an organization requires:

### *Human resources:*

- a) Asking family members who do not have a passport to provide identity documents and any other document necessary for the issuance of a passport. In this respect, it should be noted that the families either live in areas where it is difficult to obtain passports or to access passport authorities or do not have the necessary financial means to apply for a passport themselves. In such cases, the Registry ensures, via its field presence, that papers and documents are transmitted to the relevant department, i.e. the Ministry of Foreign Affairs in the Democratic Republic of the Congo (“the DRC”) and supports the application by sending a letter from the Registrar to the competent authorities when, as the Court has been experiencing since mid-2007, there have been difficulties in obtaining passports;<sup>7</sup>
- b) Once passports are issued, sending a visa application to the Dutch Ministry of Foreign Affairs in order to facilitate and expedite procedures at the Consulate where the visa applications will be submitted; and
- c) Making a member of staff available to the family to look after any children, particularly in the case of conjugal visits which may take place during the family visits.

### *Financial resources (some involving human resources):*

- a) Paying for the family’s internal travel (return journey) from its place of residence to the international airport of departure for The Hague. Thus, in the case of Mr. Thomas Lubanga’s family, the journey is from north-eastern Congo to Kinshasa (in the west);

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<sup>5</sup> Seminar on family visits organized by the Registry (8-9 July 2008).

<sup>6</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Sixth session, New York, 30 November - 14 December 2007* (International Criminal Court publication, ICC-ASP/6/20), vol. II, part B.2. para. 67.

<sup>7</sup> See the Registry’s second report to Pre-Trial Chamber I, « Deuxième rapport du Greffe sur l’état d’avancement des demandes de passeports pour les familles des personnes détenues », ICC-01-04-01-07-715, p. 5, available on the Court’s website in French.

- b) Providing accommodation for the family in the town of departure for The Hague. This includes a “dignity allowance” (daily subsistence), calculated by reference to the number of days spent there;
- c) Purchasing a return ticket (town of departure - The Hague – town of departure);
- d) Organizing return travel from Schiphol airport to the hotel by means of the Court’s transport service or by taxi, if necessary;
- e) Providing accommodation for the stay in The Hague, as well as a “dignity allowance;” and
- f) Paying the cost of medical insurance for the duration of the stay.

7. The foregoing details constitute the Registry’s core investment in organizing family visits. Depending on the situation, as was the case for the first visit by Mr. Thomas Lubanga’s family, it may be necessary to provide additional assistance or resources: purchase of winter clothing, temporary assistance to facilitate familiarisation with the area or to resolve potential difficulties with the Dutch immigration authorities, travel and transport arrangements between the hotel and the Detention Centre. This assistance is especially essential for a very first visit since the differences relating to language, culture and other practical questions between the country of origin of the family and The Netherlands are a hindrance to their temporary stay in The Hague.

### **C. Budget allocation**

8. From a financial perspective, the budget for family visits has varied since 2006:
- a) The first visit (one adult and three children) in 2006 cost €16,000 drawn from the unexpended balance of the Detention Section’s budget.
  - b) In 2007, the budget for these visits was included under the “travel” heading when documents for the Committee on Budget and Finance were harmonised, and amounted to €29,300.
  - c) In 2008, the budget approved under the same heading was €31,700 for family visits from no more than nine persons per detained person (two visits from the spouse alone, and one visit from the spouse and the six children). Given that two other detained persons have since been declared provisionally indigent and with the aim of anticipating and avoiding a situation that would create discrimination among the detained persons, an amount of €63,400 from the Contingency Fund was requested, in order, inter alia, to cover their family visits. These funds have not been used to date, because of the ongoing discussion on the funding of family visits and the fact that new criteria are yet to be established. In any case, the budget allocated for these visits will not be spent without clear criteria which would take into account the circumstances of each detained person and his/her family.
  - d) Lastly, for 2009, the budget proposed by the Detention Section amounts to €84,600 for family visits from no more than seven persons per detained person (family living in the DRC). A sum of €4,800, to be drawn from the Contingency Fund, has been proposed to cover family visits for the most recent detained person if the Registrar were to decide that he is provisionally

indigent. This sum was required to fund visits of his family from Belgium. However, on 25 August 2008, he was declared non indigent.<sup>8</sup>

9. Based on the amount budgeted for one detained person's family visits in 2008, the Registry determined the amount that would be needed to fund the family visits of two additional detained persons. Taking into account the ongoing discussions and the change in the situation of each detained person, the Court has decided to not use the amount of money requested through the Contingency Funds.

#### **D. Assessment of the Court practice**

10. It appears that the Court practice is consistent with the results of the study carried out by the Registry. In assessing the Court practice, it should first be pointed out that the Court has not encountered the adverse effects noted at the ad hoc tribunals.<sup>9</sup> However, this statement should be qualified, since, at the current stage in proceedings, it would be premature to assert with complete certainty that such adverse effects will be avoided in the future if there is no budget to fund family visits for indigent detained persons. Thus, for the majority of detained persons under the custody of the Court, proceedings are only at the pre-trial phase or between the pre-trial phase and the trial phase, and it is particularly during the trial that some of them might be tempted to involve family members, for the purpose of testifying, for example, even if in the case of the Court there is no evidence at the present time to conclude whether or not this will be the case. The risk exists however.<sup>10</sup>

11. From a strictly financial perspective, experience has shown that advance planning of visits enables costs to be kept down. Nevertheless, difficulties associated with the lack of infrastructure in the family's country of origin, and with administrative delays or hold-ups or any unforeseen event occurring in the country, can sometimes affect such advance planning and add to the cost of organizing family visits, especially in light of the possibility of an ongoing conflict and the relative instability in the countries where the Court may operate.

12. The arrangements by the Court to date, namely the funding of family visits for Thomas Lubanga, can be considered as having contributed to ensuring his well-being, as well as good order and security at the Detention Centre<sup>11</sup>. These visits which reflect the spirit and the letter of regulation 179(1) of the Regulations of the Registry have enabled effective family links to be maintained.

13. The fact that the situation currently being experienced at the Detention Centre – incidents (confidential issues handled by the Registrar and the Presidency) and refusals to appear at hearings<sup>12</sup> – is limited to those detained persons who have not received a visit from

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<sup>8</sup> ICC-01-05-01-08-76.

<sup>9</sup> *Infra*, II. D. Adverse Effects of not funding family visits.

<sup>10</sup> The Court's view is that the principle of precaution demands to take into account this possibility and observes furthermore that risk management is a principle of good governance.

<sup>11</sup> *Infra*, II. B. Benefits to the Court from the financing of family visits.

<sup>12</sup> See: ICC-01/04-01/07-670. Also, ICC-01-04-01-07-T-45-ENG ET, pp. 2-3: "PRESIDING JUDGE KUENYEHIA: Is there a reason why he's not coming?"

MS. BUISMAN: In sum, Madam President, he told me he is tired. There are a number of issues that concern him, and the main issue is his family visit. He -- when I spoke to him a few times yesterday, his morale was very low, and this is his main concern, that he really would like to see his family. He's never seen his -- his latest born ever. Well, you know the story. He has never seen his wife since 2005, when he was arrested. I'm only hoping that when we have on Friday the ex parte hearing we could also in the presence of the Registrar see if we can find a solution. We've seen, of course, the report. I just hope there must be a way. Having said that, I don't want to give the impression that Mr. Katanga's boycott is blackmail. He specifically stated not to make any submissions. Otherwise, I am not sure how long it will last. He said for now until the end of confirmation, and there is a while before trial starts. That's all I can say at the moment. And we do apologise on his behalf.

members of their immediate families, may support the need to adopt a policy for the Court on the funding of family visits to indigent detained persons.

## **II. Results of the study including the consultations carried out by the Registry**

### **A. The protection of the family and the right to family visits**

14. It is established that the family is the natural and fundamental group unit of society and is entitled to protection.<sup>13</sup> With regard to the legal nature of family visits, the dominant opinion which is shared by the Court is that there is a legal right to family visits as established, inter alia, by various international instruments, and discussed in the literature and in the reports of organizations specialising on detention issues.<sup>14</sup>

15. The Court shares the views and opinions of various institutions such as the European Court of Human Rights (hereinafter “ECHR”),<sup>15</sup> the Commissioner for Human Rights of the Council of Europe<sup>16</sup> and the European Parliament,<sup>17</sup> which are in favour of the effective exercise of the right to family visits. Consequently, such right would imply the obligation for the Court to allow or facilitate the visits. Allowing and facilitating visits would include the assistance for the issuance of visas, the booking of hotel, the provision of information to the family upon arrival, etc.

16. Outside the funding issue, the right to family visits is an aspect of the right to family life. It is a “derogable right,”<sup>18</sup> which may be subject to restrictions, provided that such restrictions must observe the principle of proportionality.<sup>19</sup> Thus, there can be no absolute

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(The Pre-Trial Chamber confers).” [excerpt of the transcript which is available on the Court’s website]. This situation led to Mr. Katanga’s waiver of his right to be present at the Confirmation Hearing pursuant to rule 124 of the Rules of Procedures and Evidence, on 9 July 2008.

<sup>13</sup> Universal Declaration of Human Rights adopted by the United Nations General Assembly, December 1948; article 16.3; International Covenant on Civil and Political Rights, article 23; International Covenant on Economic, Social and Cultural Rights, article 10.1 ; the European Social Charter (Revised), May, 1996; Part 1, 16.

<sup>14</sup> In international instruments (article 37 and 92 of the Standard Minimum Rules for the Treatment of Prisoners, principle 19 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, article 12 of the Universal Declaration of Human Rights, the 1966 Conventions, etc.); literature (F. Sudre, *Droit international et européen des droits de l’homme*, PUF 2006) and reports (Visit reports and general reports of the European Committee for the Prevention of Torture and Amnesty International as well as reports published by national parliaments, in particular that of France).

<sup>15</sup> ECHR, *Messina v. Italy*, 28 December 2000.

<sup>16</sup> Opinion available at:

[https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH\(2008\)15&Language=lanEnglish&Ver=original&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679](https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH(2008)15&Language=lanEnglish&Ver=original&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679) . See also The Report by the Commissioner on his visit to Ukraine from 10 to 17 December 2006, CommDH (2007)15, Strasbourg, 26 September 2007, para. 51 states that “[t]he fact that [detainees] can stay in contact with their children is positive and represents a step towards reintegration, which is the ultimate goal of the judicial system.”

<sup>17</sup> The European Parliament observes that “maintaining of family ties is an essential means of [...] aiding social reintegration and is the right of all prisoners, their children and other family members” (see the European Parliament report on the situation of women in prison and the impact of the imprisonment of parents on social and family life, (2007/2116(INI)), 5.2.2008, recital K).

<sup>18</sup> The European Convention on Human Rights and the International Covenant on Civil and Political Rights, for example, provide for just five (5) non-derogable rights (right to life, prohibition of torture, prohibition of slavery, non-retroactivity of criminal law, ne bis in idem), compared to the American Convention on Human Rights which provides for eleven (11) non-derogable rights, including the right to the protection of the family and the rights of the child.

<sup>19</sup> ECHR, *Lavents v. Latvia*, 28 February 2003, para. 141. While the principle of contact, communication and visiting is accepted, because the right to family visits is a “derogable” right, it was noted during the Seminar on family visits that this right could be subject to limitations. In the context of the Court, such limitations can be justified under regulation 101 of the Regulations of the Court and regulation 180 of

restriction, since to prevent all visits could have negative consequences on the health of the detained person<sup>20</sup> and on his/her ability to participate actively in the proceedings before the Court. Despite the obligation for the Court as it is for every detaining authority to allow and facilitate family visits, this cannot be interpreted as an obligation to fund those visits. Therefore, and with regards to the financing, the Court recognises that the right to family visits does not entail a positive obligation as to funding such visits.

17. With regard to exercising the right to family visits, the Court sought to define eligibility, examining various concepts, such as the family, members of the family, children, partners, extended family. For some of these concepts, the Court found that it was not possible to reach a general consensus,<sup>21</sup> as cultural and sociological attitudes differ in the different parts of the world or States where the Court may be called upon to act. While accepting that the detained person remains the principal beneficiary of this right, the Court also notes that the situation of the children of the detained persons requires attention, given that international conventions, in particular the Convention on the Rights of the Child, acknowledge the right of children to maintain personal links with their parents.<sup>22</sup> The Court shares the view that children can be regarded as being entitled to the right to family visits. However, in light of the rules applicable at the Court, the primary obligation on the Registry is to ensure that detained persons may exercise their right to family visits.

18. In searching for criteria applicable to family visits, there are difficulties surrounding the concept of polygamous families as well as questions about detained persons who might not have any family *stricto sensu*, and would therefore be entitled to receive visits from persons deemed close to them.<sup>23</sup> In such situations, resorting to a case-by-case approach based on the specifics of the detained person's family situation<sup>24</sup> is a possible solution for the Court. This approach would lead the Court to take into account the concept of "close relatives." The Court's stance is that the choice of the close relatives to visit the detained person shall be made by the latter. However, the Registry will ensure that such a possibility does not turn into what could be regarded as human trafficking.

## **B. Benefits to the Court from the financing of family visits**

19. As stated above, the Court observes that there is no legal principle supporting the funding of the family visits to detained persons by a detaining authority. In the absence of jurisprudence, customary law, or general principle recognizing the right of an indigent detained person to have his/her family visits financed by the detaining authority, there is no obligation for the Court to fund family visits to indigent detained persons under its jurisdiction. However, and bearing in mind the various aspects of the study carried out by the Registry, the Court is convinced that funding such visits entails benefits for the detained persons and their families and also for the Court in its judicial activities.

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the Regulations of the Registry. Moreover, a review of ECHR jurisprudence shows that limitations on family visits by the authorities which do not satisfy the test of absolute necessity of interference laid down by the ECHR amount to a de facto breach of the Convention without the need for a further examination of the merits. For example, in *Van der Ven v. The Netherlands*, 4 May 2003, the ECHR even went as far as to conclude that the combination of several factors and the stringent security measures in place, including the limitation of visits to the prison, amounted to inhuman or degrading treatment in breach of article 3 of the Convention. The Court understands that this jurisprudence does not address the issue of the funding but the strict right to family visits that stems from the right to family life and those restrictions which are allowed to it.

<sup>20</sup> Seminar on family visits organized by the Registry (8-9 July 2008).

<sup>21</sup> What is being examined here is the concept of family. Seminar on family visits organized by the Registry (8-9 July 2008)

<sup>22</sup> See, in particular, articles 2, 9 and 16 of the Convention on the Rights of the Child, 20 November 1989.

<sup>23</sup> Seminar on family visits organized by the Registry (8-9 July 2008).

<sup>24</sup> The position of the participants in the seminar on family visits underscores the need for the Court to act with a certain amount of flexibility.

20. There are benefits to the Court from the funding of family visits. In addition to avoiding the adverse effects experienced by the ad hoc tribunals,<sup>25</sup> the Court would at least avoid delays in proceedings and would ensure a smooth running of its Detention Centre; hence, contributing to a cost-efficient management of the Court's budget.

21. The Court submits that where the well-being of a detained person is ensured, the proceedings can be carried out smoothly. A frustrated or disaffected detained person may refuse to appear in court thereby delaying and negatively affecting the proceedings. The costs related to such delays may be far more onerous for the Court than the financing of family visits.

22. Incarceration is an extremely traumatic experience for the detained person. According to the ICRC "The change from being a free individual to being a prisoner means the loss of all points of reference, a sudden plunge into an unknown world where all the rules are different and the values are unfamiliar. Once he or she has been withdrawn from the world, an individual, suddenly deprived of freedom, becomes extremely vulnerable."<sup>26</sup> The prison environment, the separation from the family and friends and the sudden loss of liberty can result in aggressive behaviour, depression or even self-harm by the detained person, causing potential obstacles in the day-to-day management of the Detention Centre.

### **C. Other practices**

23. The Court takes into account the practice at national and international levels with respect to the funding of family visits to indigent detained persons and is very receptive to the experience in the United Kingdom of Great Britain and Northern Ireland where there is an assisted prison visits scheme designed to help prisoners maintain contact with their families living in the United Kingdom. The scheme provides assistance to low-income families by financing their travel from their home to the place of detention and, in certain cases, accommodation, subject to certain conditions.<sup>27</sup>

24. The Court also takes account of the experience of the SCSL. Indeed the SCSL has implemented a policy whereby a special budget is allocated each year for the Defence Support Section to fund family visits for the persons detained in Freetown: each detained person receives a monthly allowance of US\$100 for that purpose. In this specific case, the families of some detained persons have made the decision to live closer to their detained relative, by moving to Freetown. It also appears that those sentenced would benefit from such funding.

25. At the International Criminal Tribunal for the former Yugoslavia (ICTY), the family visits have never been financed by the Tribunal. However, the ability of accused persons to pay for family visits is taken into account in determining whether or not they are able to pay for their defence. The funding came from a number of States of the former Yugoslavia which have chosen, as part of a policy decision, to fund family visits for their nationals who have voluntarily surrendered to the Tribunal; the arrangements varied from one State to another

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<sup>25</sup> *Infra*, II. D. Adverse effects of not funding family visits.

<sup>26</sup> Pascal Daudin, Division for Detention-related Activities, ICRC, Hernán Reyes, Medical Division, ICRC, Extract from International Responses to traumatic Stress, Baywood Publishers, <http://www.icrc.org/Web/Eng/siteeng0.nsf/html/57JMTS>.

<sup>27</sup> The Assisted Prison visits scheme from Northern Ireland provides financial help with travel expenses and, in certain cases, accommodation for people who are on a low income and meet the specified conditions and who want to visit a close relative or partner and, in appropriate cases, a friend, in prison. To qualify for assistance the visitor must be in receipt of a low income or one of a number of benefits as set out in the rules of the scheme. Visitors who meet the qualifying criteria are eligible for assistance without regard to the nationality of the prisoner whom they wish to visit.

and generally included the return airfare to The Hague and accommodation, and even a daily subsistence allowance.

26. Regarding the International Criminal Tribunal for Rwanda (ICTR), there are no provisions in its legal documents regarding financing of family visits and the Tribunal has never had a regular budget to cover the cost of family visits.

27. It is worth highlighting that both the ICTY and the ICTR did however receive some support from the ICRC at the very beginning to fund family visits to detained persons; yet it was never undertaken as a general, sustainable practice.<sup>28</sup>

28. Despite the fact that the Northern Ireland example is related to prisoners, i.e. convicted persons, that the SCSL policy applies to in-country detained persons and that the ad hoc tribunals do not have an established policy or practice as above highlighted, the Court's approach only considers persons detained at the Detention Centre pending a final decision on their guilt or innocence, and does not intend to implement *mutatis mutandis* or replicate the practices of other international tribunals or national judicial systems, but rather seeks the comparison in order to develop, if it is deemed appropriate, a "model" which would take into account its own realities, the realities of the detained persons under the custody of the Court, and realities which might differ or even oppose those inherent or related to national or other international practices/policies.

#### **D. Potential adverse effects of not funding family visits**

29. Having analysed the experience of the ICTR and of the ICTY, the Court's conclusion is that failure to fund family visits may have potential adverse effects, leading certain accused persons to resort to ploys or to take advantage of other procedural devices.<sup>29</sup>

30. At the ICTY and the ICTR, the absence of policies on funding family visits might have led to a fee-bargaining practice between potential defence team members and the accused.<sup>30</sup> It did, however, lead certain accused persons to call in close relatives or friends as witnesses to the proceedings. This situation has created further complications and, moreover, as a result of special agreements between the ICTR and certain States, it has enabled detained persons to bring to the United Republic of Tanzania family members who were themselves in an irregular situation in their host country. As a matter of consequence, funds that were budgeted for witness support were used to indirectly finance family visits since the Tribunal had to pay for the travel costs and living expenses of the family members testifying.<sup>31</sup> It also proved that in the majority of the cases, the called-in family members did not contribute to the progress of the proceedings.<sup>32</sup>

#### **E. Alternatives to family visits**

31. Given that the family of the detained persons may be living in remote areas, alternative means, especially means of telecommunication, may serve to maintain contact between the family and the detained person. Video conferences, internet, telephone, or other means of telecommunication can be interesting tools to take into consideration as alternatives to visits but are ruled out for several reasons relating to security, logistics and cost considerations; in addition to the Court's conviction, also shared by many organizations

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<sup>28</sup> Seminar on family visits organized by the Registry (8-9 July 2008).

<sup>29</sup> The possibility that, as a result of the refusal by the international courts to finance family visits, unscrupulous counsels will approach the detained persons, offering to finance family visits if hired to represent the detained person, is not in-existent.

<sup>30</sup> Seminar on family visits organized by the Registry (8-9 July 2008).

<sup>31</sup> Ibid.

<sup>32</sup> Ibid. Information provided by the ICTR representative attending the Seminar on family visits.

during the consultations, that those means cannot replace family visits but should only supplement them.

32. Use of the Internet raises security concerns, such as, inter alia, interfering with witnesses and jeopardising investigations. In light of those potential threats, the use of certain communication or electronic equipments including internet are forbidden in the Detention Centre. A well designed video-conference system, on the other hand, is very expensive, as it requires special electronic materials, designed and equipped rooms which can cost hundreds of thousands of Euros. Moreover, in some countries, and African countries in particular, it is difficult, if not impossible and exceedingly expensive to get a high quality connection that is fast enough for a video conference of reasonable quality. Furthermore, the system will have to be backed by technical support teams who can provide fast assistance when required, which entails further expenses.

33. Allowing contacts between the detained person and his/her family through means of communications and especially video-conference system requires more than a mere planning of the use of the Court facilities in the field. Not only it is costly but it may also lead to situations which would fall out of the control of the Court, especially if the use of its facilities by the family of the detained persons, despite the presumption of innocence of the latter, gives the public a biased perception that the Court is more dedicated to the cause of the family of the detained persons than to other categories of people in relation with the Court. Furthermore such situation would raise serious security issues requiring to plan and provide security assistance to the family which, unlike the planning of a visit to The Hague, would involve more resources for the Court. This could result in a “Pandora’s box” creating enormous expectations from potential victims who might claim to use the same facilities to get into contact with their legal representatives in The Hague.

34. Though video conferences can be useful in complementing telephone conversations, no amount of technology can replace family visits from purely humane point of view; seeing one’s family on a screen is not the same as seeing them in flesh and blood after a long time of separation.

### **III. The specificity of the Court**

35. The specific context of the Court and its *sui generis* nature would support the need to fund the family visits of indigent detained persons. It is a Court on its own which differs from any other tribunal, be it national, international or semi-international. This *sui generis* feature makes the Court a unique institution which was established as a permanent judicial body dealing with the most serious crimes of international concern. The jurisdiction of the Court applies to 108 States not to mention the referrals of the Security Council to the Court.

36. The complexity of the proceedings before the Court would seem to provide further support for the proposition that the cost of family visits for indigent detained persons should be borne by the Court. It should be recalled that under the Rome Statute, proceedings include an analysis phase, an investigation phase, a pre-trial phase, a trial phase, an appeal phase and an implementation of decision phase. Moving from one phase to the next requires a different standard of proof, which necessitates already in the early phases of the proceedings that missions to the field be carried out; for investigations, outreach and liaising, protection and support to victims and witnesses. Unlike the ad hoc tribunals, carrying out such work in remote areas to the Court, and in areas of ongoing conflicts is quite difficult. In addition, the process of disclosure at the Court tends to be complex and lengthy due to, inter alia, the complexity of the evidence material, the redactions and the requirement of acquiring the consent of the information provider.

37. Given the length of the proceedings, characterised by a relatively long period of detention and the considerable distance between the Court and the place of residence of the detained persons' families, the planning and organization of family visits are difficult or impossible especially if the detained persons lack the resources to fund such visits themselves.<sup>33</sup>

38. Furthermore, given that the Chambers have had the occasion to rule on the interpretation of the Court's basic documents with a view to giving them meaning and making their implementation effective, this situation does not rule out the possibility of the issue of effectiveness of family visits being submitted to them.<sup>34</sup> The Chambers have indeed ruled on the interpretation of the rights of victims and settled administrative issues with financial implications. It is therefore essential for the Court to allow for this possibility, especially since by contrast with the instruments governing the ad hoc international tribunals, the existence at the Court of provisions governing family visits would create expectations on the part of indigent detained persons.<sup>35</sup>

39. Lastly, on the basis of the specific nature of the Court as highlighted above, it is worth stressing the fact that the decision to fund family visits for the detained persons does not impose any legal obligation on States under their own national law. The Court submits that there is a distinction between persons "held" as a result of their irregular immigration status on the territory of a European State and those arrested (by States) and transferred to the Court to answer to allegations of crimes under the Rome Statute. Unlike the undocumented migrants or nationals of foreign countries who are suspected of having committed crimes on the territory of another State, persons detained under the jurisdiction of the Court have been brought to the Netherlands and hence, the logistical difficulties that are created because of the location of their detention should be counterbalanced by the Court. The fears of some States that one day a precedent would be set which would be invoked in cases of undocumented migrants or aliens residing on their territory are unfounded, since the situations are not comparable; and it would remain in the States' discretion to decide on such issues in their domestic legal systems.

#### **IV. A policy decision to fund family visits to detained persons under the custody of the Court**

40. In the absence of a positive obligation stemming from legal instruments or case-law to finance family visits, the Court submits that in comparison to the Special Court for Sierra Leone or the ICTY, it would be beneficial for the Court to fund family visits as the result of a policy decision on the issue. The implementation of such policy decision would not create an obligation upon States in their own legal system and may be adapted to the realities faced by the Court.

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<sup>33</sup> One could also argue here that by comparison the situation of the detained persons under the custody of the Court in The Hague would differ from that of persons detained in their own countries under the Rome Statute, since it is more likely that they receive the visits of their family, unless there are restrictions imposed to their communications and contacts.

<sup>34</sup> Seminar on family visits organized by the Registry (8-9 July 2008).

<sup>35</sup> According to rule 61(i) of the rules covering the detention of persons awaiting trial or appeal before the Tribunal or otherwise detained on the authority of the Tribunal (ICTR), "Detainees shall be allowed, subject to rule 64, to receive visits from their family and friends at regular intervals under such restrictions and supervision as the Commanding Officer, in consultation with the Registrar, may deem necessary," while before the ICTY, rule 61 stipulates that "Detainees shall be entitled to receive visits from family, friends and others, subject only to the provisions of rules 64 and 64bis and to such restrictions and supervision as the Commanding Officer, in consultation with the Registrar, may impose. Such restrictions and supervision must be necessary in the interests of the administration of justice or the security and good order of the host prison and the Detention Unit." Unlike regulation 179(1) of the Registry of the Court, there is no provision in the ICTY and ICTR rules emphasizing the "specific attention" to be given "to visits by family of the detained persons with a view to maintaining such links."

41. This policy decision would be based on grounds that would take into account the specificity of the Court as a sui generis institution and hence, of its procedures,<sup>36</sup> the humane consideration associated with detaining the person in an isolated place from his family and country of origin, and the ability of the detained person and his family to fund the visit (indigence).

42. With respect to the humane consideration associated with detaining the person in an isolated place from his family and country of origin, the Court is of the view that such a separation creates a situation of cultural isolation which calls for a particular approach with respect to the funding of family visits. Indeed, a detained person's separation from his family, compounded by the distance separating the Court and the detained person's country of origin, both serve to heighten the cultural isolation of the detained person, who, in his/her new environment, may have to contend with differences in cuisine, language, religion and certain customs.

43. In general, the separation of a person from his or her family, regardless of the reasons or circumstances, particularly in the case of deprivation of liberty, has a negative effect on that person's family members. Giving its opinion on the effects of detention on the detainee's family, the Parliamentary Assembly of the Council of Europe emphasises that "imprisonment of the spouse, father, mother or offspring has economic, social and psychological repercussions for the prisoner's partner, children or family of origin."<sup>37</sup> These repercussions are part of the human situation which would face both the detained person and his/her family.<sup>38</sup> A policy decision allowing the funding of visits to the Court's indigent detained persons would assist in reducing such repercussions and contribute to avoid the possible negative effect the absence of family visits would have on the detained person.

44. As already highlighted as part of the specificity of the Court, the location of the seat of the Court<sup>39</sup> –thousand of kilometres away from the countries where it is operating now – and the possible inability of both the detained persons and his/her family to cover the costs relating to such visits are parameters to consider in the policy decision.

45. Furthermore the need to ensure an easy social reintegration or rehabilitation which is possible through family visits would support such policy, especially if the detained person is acquitted.

46. The policy decision would also stress the responsibility of each detained person in the use of the funds allocated to family visits in order to avoid a misuse of such funds. This responsibility demands that requests for visits are made more than three months in advance of the expected period for the visits so that the Court is in a better position to analyse them, to decide and, if authorised, to plan and organize cost-efficient visits. Failure to comply with such procedure would imply for the detained person a reduction of the budget allocated to cover his/her visits<sup>40</sup>.

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<sup>36</sup> Supra, III. The specificity of the Court.

<sup>37</sup> "Social and Family Effects of Detention," Council of Europe, document 7816 of the Parliamentary Assembly, 15 May 1997.

<sup>38</sup> "[TRANSLATION] the family of the person concerned experiences the despair of parting, the pain of enforced separation and the loss of contact," Renée Zellweger Monin, in ICRC Bulletin No. 1 on the regional conference on restoring family links, Buenos Aires, 27-29 November 2006.

<sup>39</sup> With regard to the location of detention centre and residence of the family of the detained persons, see the Opinion of the European Commissioner for Human Rights. Supra, II-A: The protection of the family and the right to family visits.

<sup>40</sup> In practice, planning a visit three months prior to the visit itself would allow meeting the proposed budget of the Court for family visits. If a detained person does not meet the required timeframe, the possible high costs of transport for instance would be borne by him/her and might result in the organization of a visit of one person rather than two as per the proposal of the Court.

47. The Court's policy decision would take into account the *sui generis* feature of the Court, a permanent institution established for the prosecution and the trial of crimes of international concern, which would support the idea of funding the family visits without applying the same to other tribunals or national jurisdictions. Indeed the Court by this specificity totally differs from other tribunals established by law or by United Nations Security Council resolutions. Hence, this policy can not apply *mutatis mutandis* to other tribunals and certainly not to domestic systems.

48. Furthermore, with regards to the enforcement of sentences, the Court's position is that funding family visits is not automatic and will depend on the terms of the agreements concluded between the States of enforcement and the Presidency of the Court.<sup>41</sup>

## V. Criteria for consideration and recommendations

### A. Criteria

49. As the experience of the Court has shown, the organization of family visits is a project in its own right, which requires a careful approach and flexible management. It is not limited simply to facilitating visits, i.e. providing information and assisting with the issue of documents; it also calls for funding. It is therefore important to establish consistent, clear, reasonable, flexible and transparent rules for the organization and management of family visits. It is essential to understand that every visit is different and requires a case-by-case analysis, taking into account the family's composition, the distance between the country of origin and the seat of the Court, the circumstances in the country of origin, the stage of the proceedings, individual needs and even the climate.

50. The criteria taken into account so far by the Registrar for the funding of family visits for persons detained at the Court are their indigence and their nuclear family (spouse and children). Once the Registrar had decided to consider indigence in relation to legal assistance paid by the Court, it was then taken into account for the purpose of funding of family visits. Various options can however be considered as to the modalities for determining indigence.<sup>42</sup>

51. As a result of the study, it might be necessary to review the modalities for determining indigence. The Court would therefore recommend the adoption of an assessment system combining the determination of indigence for the purpose of legal assistance paid by the Court with an assessment of the means of the detained person's family members, with the result that some might have to bear their own costs of travel to The Hague. If this option is satisfactory and approved, the Registry submits a draft proposal on the determination of family indigence for the purpose of family visits.<sup>43</sup> In applying this system, the Registry may consider the following criteria:

- a) The situation of both the detained person and his/her family;
- b) The detained person is deemed indigent and receives legal assistance paid by the Court (*sine qua non*);
- c) The income of the family is determined on the basis of the lowest wage of a United Nations staff member in the country where the family lives (this wage

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<sup>41</sup> For example, according to article 6 of the Agreement between the Court and the Federal Republic of Austria on the enforcement of sentences of the Court concluded in November 2005, "the conditions of imprisonment shall be governed by the law of Austria and shall be consistent with widely accepted international treaty standards governing treatment of prisoners; in no case shall such conditions be more or less favourable than those available to prisoners convicted of similar offences in Austria."

<sup>42</sup> *Infra*: annex I.

<sup>43</sup> *Ibid*.

is a widely and commonly recognised one by the United Nations member States);<sup>44</sup>

- d) The costs of 3 visits per year by the “close relatives” (two persons per visit);<sup>45</sup>
- e) In principle, there will be a visit every four months;<sup>46</sup>
- f) The cost for each visit would be divided by 4 in order to determine the monthly family income necessary to fund one visit;
- g) If the available monthly income of the family is equal to the monthly amount necessary to fund the visit, the family would not be deemed indigent and will fund the entire visit;
- h) If the available monthly income necessary for the family to fund one visit is equal or above the lowest wage of a United Nations staff member in the country where the family lives, the family would be deemed partially indigent;<sup>47</sup>
- i) If the available monthly income of the family is below the lowest wage of a United Nations staff member in the country where the family lives but represents one-third of the lowest wage, the family would satisfy the qualified indigence category;<sup>48</sup> and
- j) If the available monthly income of the family is below one-third of the lowest wage of a United Nations staff member in the country where the family lives, the family is deemed fully indigent.

## **B. Recommendations**

52. In view of the results of the study, **the Court recommends a policy decision to fund family visits of indigent detained persons under the custody of the Court.**

53. **It also recommends that the method used to determine indigence for the purpose of legal assistance paid by the Court should not be used for family visits. A system taking into account financial means of the entire family (including children who are capable of funding the visits) is proposed instead.**

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<sup>44</sup> The choice of the lowest wage of a United Nations staff member is justified by the possibility to avoid creating a new threshold and the fact that in those countries where the Court operates there is no official record of the national minimum salary which would be reviewed on a regular basis. Therefore it would be easier and more objective for the Court to proceed with such a threshold which exists in countries where the United Nations is operating.

<sup>45</sup> The proposal for three visits per year resulted from the consultations made by the Court with the relevant organizations and experts according to which it is essential to ensure more frequent visits by a small number of relatives than to facilitate fewer visits by a large number of relatives. While considering the number or frequency of visits per year, it is worth taking account of dates and events when family visits might be most urgent or the arrival in The Hague after a period of detention without contact with the family. Dates of personal importance, such as birthdays, holidays, and anniversaries, may deserve special attention. Key events during the proceedings, such as the confirmation of charges, the commencement of the trial, or the pronouncement of the decision, may also necessitate family support. Moreover, circumstances affecting the detained person’s mental and emotional health, such as seasonal changes, require special attention and may be best mitigated through family contact.

<sup>46</sup> This follows the rationale that having family visits taking place three times per year is a fair frequency for the detained person to attend key moments and follow-up on unforeseen events requiring the family to be closer.

<sup>47</sup> The Court would partly fund the visit.

<sup>48</sup> The Court’s contribution will range from full financial support to partial financial support, depending on the circumstances of the family.

54. In respect of the methods for funding family visits, **the Court recommends that family visits be funded out of the Court's regular budget on a case-by-case basis taking into account all necessary considerations.**

55. With regard to the practical aspects relating to the organization and conduct of family visits, **the Court recommends three visits per year by two family members ("close relatives") at the most suitable time and particularly at key moments for the detained person and his/her family.**<sup>49</sup>

56. In view of facilitating the administrative aspects related to the organization of family visits; and in view of keeping costs of such visits low, **the Court recommends that possible measures to facilitate such organizational procedures be examined with the States where the families of the detained persons reside or through which they transit.**

57. The Court also considered the possibility of using alternative means to the visits, such as the use of communication or telecommunications facilities. **However it does not recommend having recourse to them given their high cost, but also because all such facilities cannot be a meaningful substitute for the contact which is a particular feature of visits.** If anything, contact by communication facilities would complement actual visits.<sup>50</sup>

58. To conclude and in light of all of the foregoing, the Court recommends:

- a) **That the funding of family visits to the Court's indigent detained persons be maintained as a matter of a policy decision;**
- b) **Such funding be strictly restricted to persons detained under the jurisdiction of the Court and exclude persons under provisional release and persons who are serving their sentence in a State that has agreed to receive them;**
- c) **That, irrespective of their indigence status, visits to all detained persons be facilitated (for example, assistance with visas, booking of hotel);**
- d) **That the assessment of applications for visits be carried out on a case-by-case basis, taking into account the situation of each detained person and his family as already highlighted;**
- e) **That, in relation to visits, only those persons chosen by the detained persons as members of his "close relatives" should be eligible; the Registrar should decide on a case-by-case basis to fund such visits of "close relatives" as provided by the detained person during their detention;**
- f) **That, where there are several spouses or partners because of a polygamous status, the detained person shall specify, upon admission, their names and provide evidence of the relationships. In these cases, the Registrar should determine the modalities of the visits on a case-by-case basis with a view to avoiding abuses and human trafficking;**
- g) **That, in view of the 45 days per year allowed by the Dutch authorities, each visit should not exceed 10 days, with a possibility of two to three extra days to allow for emergencies (for example, health problems of a visitor during his or her stay in The Hague, or other problems, to be assessed by the Registrar);**

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<sup>49</sup> Seminar on family visits organized by the Registry (8-9 July 2008).

<sup>50</sup>Supra, II. E. Alternatives to family visits.

- h) That each detained person may receive visits funded under the Court's regular budget as follows:**
  - i) Three visits per year (two persons per visit: one adult and one child under the age of 18, two adult children, one adult child and one child under the age of 18); or**
  - ii) Two visits per year (three persons per visit: one adult and two children);**
- i) That any detained person who can be shown not to have seen his or her family for reasons independent of his/her will and for a relatively long time (at least 18 months) may receive a visit from all of his or her nuclear or immediate family during the first year of detention;<sup>51</sup>**
- j) That in cases where the arrest and transfer of a detained person took place after the regular budget had been approved, the amount necessary for funding family visits be drawn from the Court's Contingency Fund;**
- k) Any funding of family visits from the Contingency Fund shall be clearly justified and take into account the situation of the detained person and his/her family;**
- l) That the funding shall include the following components:**
  - i) A ticket for travel between the family's place of residence and the nearest international airport of departure to The Hague;**
  - ii) Where necessary, the cost of lodging at the location of the international airport of departure to The Hague;**
  - iii) A ticket for travel between the international airport of departure and The Hague;**
  - iv) The family's transport from Schiphol airport to the hotel;**
  - v) The cost of the family's lodging in The Hague;**
  - vi) The family's medical insurance during their stay in The Hague;**
  - vii) A dignity allowance for the family's daily subsistence: €24 per adult and €12 per child;**
  - viii) Care for young children when necessary, in particular to facilitate private visits; and**
  - ix) If the detained person does not have close relatives or does not wish to receive family visits, it goes without saying that the Court will not provide any funding or organize any visit.**

59. In light of the afore-mentioned criteria and without prejudice to the determination of the indigence of the family for the purpose of family visits, the Detention Section would need a budget of €40,500 to fund the family visits of the three indigent detained persons currently held in The Hague in 2009 (see the chart below). This represents a fifty per cent reduction of the present budget. The proposed criteria can be reviewed when it is deemed necessary to do so.

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<sup>51</sup> In that regard, it is worth highlighting that the choice of 18 months follows an approach of frequency of visits, taking into account that frequency of visits is integral to the right to family life. The Court could be more flexible in setting such frequency at wider intervals (24 or 30 months); yet it is of the view that the policy should reflect a clear position on the frequency.

	<b>Cost/amount in Euros</b>	<b>Details for 2 persons for 10 days</b>
Transport	2000	Return ticket Kinshasa - The Hague
Accommodation	1700	
Dignity allowance	360	€4 per adult and €2 per child
Medical insurance	80	
Visa	70	
Other	290	Unexpected situations, lodging and food in Kinshasa if necessary, before departure to The Hague
Cost of one visit	4500	
Annual cost of visits per detained person	13500	
Annual cost of the visits for 3 indigent detained persons	<b>40500*</b>	Cost related to visits planned at least 3 months in advance.

\* Taking into account the proposed criteria, one can say that, given that Mr. Thomas Lubanga has received the visit of his children and spouse, and that Mr. Mathieu Ngudjolo Chui has seen his family shortly before being arrested and transferred, only Mr. Germain Katanga would be entitled to receive family visits in the immediate future since he has not seen his family for years –having been detained during those years in Kinshasa- and without prejudice of the assessment of the financial means of his family.

## Annex I

### Proposed modalities for the assessment of the indigence of the family

1. In accordance with the criteria set out for the indigence<sup>1</sup> of the detained person and his/her family, the following modalities are proposed. **The situations of both the detained person and his/her family are taken into account:**

- a) The fact that the detained person has been declared indigent and receives legal assistance paid by the Court (sine qua non);
- b) The fact that, despite this indigence, the detained person is able or not able to cover the costs of the family visits;<sup>2</sup> and
- c) The financial means of the family (spouse and children). This implies that children who are able to contribute to the funding of the visit are taken into consideration when assessing the means of the family.

2. **The family indigence is assessed by comparing the family's available monthly income with the lowest wage of a locally recruited United Nations staff member in the country where the family lives.** The available monthly income ("AMI") is determined by subtracting the monthly obligations<sup>3</sup> of the family from the family's monthly income.

3. In applying such criteria, the Court suggests different categories of indigence:

- a) **Indigent:** the family's AMI is less than one-third of the lowest wage of the United Nations staff member in the country where the family lives.
- b) **Partially indigent:** the family's AMI is above the lowest wage of the United Nations staff member in the country but less than the monthly amount necessary to fund a visit.
- c) **Qualified indigence:** the family's AMI is lower than the lowest wage of the United Nations staff member in the country where the family lives but above one-third of the lowest wage of the United Nations staff member.
- d) **Non indigent:** the family's AMI is equal to or above the monthly amount necessary to fund the visit.

4. Example of determination of the family's available monthly income in the Democratic Republic of the Congo:

- a) **The costs of three visits per year by the members of the family (two persons per visit) being more or less €13500:**

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<sup>1</sup> Supra, V. A. Criteria

<sup>2</sup> It could be argued here that once declared indigent, the detained person may still finance the family visits of his/her family. However, it is worth highlighting here that with the exception of the funds necessary for the standard needs or living expenses of his/her family, it is likely that the remaining funds or assets will be frozen for the purpose of granting reparations to or compensating the victims, through various modalities.

<sup>3</sup> Obligations such as rent and the costs of living.

- one visit taking place theoretically every four months will cost approximately **€4500**; the AMI necessary for each family to fund one visit of two people would be **€1125** (4500/4); the AMI necessary for one visit for one person would be **€562.5** (1125/2) if the family's AMI is  $\geq$  **€1125**, the family is **not indigent**
  
- b) **The income of the family is determined with comparison to the lowest wage of a United Nations staff member locally recruited in the DRC, namely a cleaner, is US\$460 (approximately €340.5):**
  - i) **Indigence:** Family AMI  $<$  \$153; the Court will finance the visit in full.
  - ii) **Partial indigence:** Family AMI  $\geq$  \$460; the family will finance the costs of the visit to the extent possible, and the Court will cover the remaining costs.
  - iii) **Qualified indigence:** \$153  $<$  Family AMI  $<$  \$500; the Court will finance the visit on a case by case basis: the Court's contribution will range from full financial support to partial financial support, depending on the circumstances of the family.

## Annex II

### Real costs of a visit organized by the Registry

	Cost/amount in Euros	Details for 6 persons (1 adult and 5 children) for 12 nights
Transport	1 0647.06	Return tickets Kinshasa - The Hague
Transport	63.32	In DRC \$90
Transport	160.00	In the Netherlands, Schiphol – The Hague v.v. (paid out of transport dispatch budget)
Accommodation	2 414.04	In the Netherlands 11 nights 2 adjacent rooms 2200.32 1 night 2 adjacent rooms 213.72 In DRC: 1 night Kinshasa before the Netherlands (\$230) 2 nights Kinshasa after the Netherlands and before the flight to Goma (\$620)
Dignity Allowance in both the DRC and the Netherlands	1 092.00 253.26	€24 per adult and €12 per child in the Netherlands \$12 per adult and \$6 per child in the DRC
Medical Insurance	312.00	13 days x €4 x 6 pax
Passports	316.57	3x\$150 (others had passports from previous visit)
Visa	420.00	6 x €70
Other : assistance of an international NGO		Flights Goma-Kinshasa v.v.
Cost of the visit	16 290.38	

### Annex III

#### List of external participants in the seminar organized by the Registry

	<b>Organizations/Others</b>	<b>Representatives</b>
<b>1</b>	Human Rights Watch (HRW)	Elizabeth M. Evenson
<b>2</b>	Office of the United Nations High Commissioner for Human Rights (OHCHR)	Mona Rishmawi
<b>3</b>	International Committee of the Red Cross (ICRC)	Alessandra Menegon
<b>4</b>	International Committee of the Red Cross (ICRC)	Anne-Marie La Rosa
<b>5</b>	Amnesty International (AI)	Francesca Pizzutelli
<b>6</b>	Office of the Commissioner for Human Rights of the Council of Europe	Irene Kitsou-Milonas
<b>7</b>	UNICEF	Saudamini Siegrist
<b>8</b>	Coalition for the International Criminal Court (CICC)	Katharine Orlovsky
<b>9</b>	Coalition for the International Criminal Court (CICC)	Isabelle Olma
<b>10</b>	International Bar Association (IBA)	Lorraine Smith
<b>11</b>	International Bar Association (IBA)	Liliana DeMarco
<b>12</b>	Prison Reform International	Mel James
<b>13</b>	Expert	Duncan McLaughlan
<b>14</b>	Expert	Terry Jackson
<b>15</b>	ICTY	Martin Petrov
<b>16</b>	ICTR	Mandiaye Niang
<b>17</b>	SCSL	Gregory Townsend
<b>18</b>	Nottingham University (Researcher)	Roisin Mulgrew
<b>19</b>	The Hague Working Group	Irina Nita
<b>20</b>	The Hague Working Group	H.E. Kirsten Biering
<b>21</b>	The Hague Working Group	Christian Nissen
<b>22</b>	Embassy of Sierra Leone in Belgium	Alanebune George
<b>23</b>	International Criminal Bar (ICB)	Button Jennifer Ann
<b>24</b>	Counsel of Mathieu Ngudjolo	Kilenda Kakengi
<b>26</b>	Prison Watch	Femke Hofstee
<b>27</b>	Dutch Red Cross	Rogier Bartels