



Fonds au Profit des Victimes
The Trust Fund for Victims



Report of the Board of Directors of the Trust Fund for Victims

Eleventh Session of the Assembly of States Parties
The Hague, 14-22 November 2012

Madam President,

Your Excellencies,

Distinguished Ladies and Gentlemen,

The Trust Fund for Victims finds itself on the brink of a new era.

Later today, the States Parties shall elect a new Board of Directors for the Trust Fund for Victims, for a next period of three years. This will then be my last report to the ASP, in my present capacity as Chair of the Board.

We have now indications that reparations to victims, awarded by the International Criminal Court, will in fact become a reality. And that the Trust Fund may be tasked, for the first time, with important responsibilities to implement these awards.

In August of this year, the Court issued a decision on the principles and procedures to be applied to reparations, in the case against Mr Thomas

Lubanga, who in March had been convicted for charges related to the use of child soldiers.

This first decision on reparations to victims was of truly historic significance for the ICC, which, at ten years, still is a relatively young “permanent” institution. The promise of the Rome Statute, to ensure the right of victims to reparations for the harm they have suffered, is now gaining substance.

The various appeals to this decision, and to other decisions in the Lubanga case, will have to run their full course, before there is final clarity on the scope and form of reparations awards. The outcome of this process shall be of supreme importance to appreciate the impact of the Rome Statute on victims and affected communities.

As no doubt you are aware, there is more to the Trust Fund than Court-ordered reparations. Under its non-judicial mandate to provide assistance in support of victims of crimes under the jurisdiction of the Court, the Trust Fund and its implementing partners are engaging with over 84,000 victims, through physical and psychological rehabilitation and material support.

Five years ago, activities were started in the Democratic Republic of Congo and northern Uganda. Soon, the Trust Fund will start its programme in the Central African Republic. This follows a balanced,

transparent and intensive partner selection process, which last month was concluded by a positive review of the Trust Fund's filing by the relevant Pre-Trial Chamber.

This year's annual report of the Board of Directors to the Assembly of States Parties describes our results over the past year. The Board is also taking pride in the Trust Fund's programme progress reports, which contain a rich and detailed analytical account of our activities.

The Winter 2012 report will be made available on coming Friday. It addresses the use of earmarked funding by the Trust Fund for the benefit of the most vulnerable groups. These include victims of sexual and gender based violence, and former child soldiers, abducted girls and child mothers.

The report furthermore shows how Trust Fund projects have helped build the capacity of community leaders in conflict resolution, and in reaching a shared understanding of the root causes of conflict and the resulting social disorder.

The report also discusses the major achievements of a programme to the benefit of victim-survivors of sexual violence in North Kivu, in the DRC. Hundreds of beneficiaries in the project have gained access to basic medical services and to trauma-based counseling. The capacity of local partners to provide psycho-social services has been strengthened. The

economic reintegration of victim-survivors was achieved through the use of mutual savings and loans programmes, amongst beneficiaries in the same community. This activity also fostered an atmosphere of mutual trust and support, and notably the social reintegration of victim-survivors into their communities. A major challenge for the project was the persistence of insecurity in North Kivu.

There are only a few of the abundant informations in the Trust Fund's Winter 2012 Report that I can relate to you in the little time that I have now. I would recommend you to read the entire report yourself.

Madam President, Your Excellencies, Ladies and Gentlemen,

The Board of Directors is pleased to submit that the Trust Fund's achievements have gone a long way in establishing it as a relevant and credible institution. We have learned that a truly victims-centered approach is vital.

The inclusion of victims, their families and their communities in the design and implementation of programmes ensures that the harm suffered is properly taken into account. Moreover, an inclusive approach to reparative justice also accounts for the often harsh conditions of poverty, and the heritage of violent conflict and social fragmentation, which confront communities that have suffered from mass-victimisation.

We have found that offering victims a path to the restoration of their dignity, their hopes and their ability to rebuild their lives, requires us to carefully consider their present predicament. That is not a simple, straightforward undertaking. I would like to acknowledge the time, knowledge and sheer passion that the staff at the Trust Fund Secretariat are putting into these efforts. They are carving out a path, through uncharted terrain, that is truly pertinent to the needs and rights of victims and their communities. Their dedication, and their investment in building the confidence and capacity of our implementing partners, are at the base of any success the Board may claim for the Trust Fund.

The unmistakable reparative value of the Trust Fund's activities under its assistance mandate, has led national governments in situation countries and international donors to appreciate its relevance, also in the context of more mainstream development and humanitarian initiatives. This became apparent, for example, in recent meetings in the DRC, with the Ministers of Justice and of Gender, and with representatives of the international community in Kinshasa, as well as in a workshop for partners and donors organized last week, in northern Uganda.

The Board is fully aware that the Trust Fund, with its modest resources and footprint, should be careful not to over-reach. On the other hand, we do have to acknowledge that the Trust Fund does not operate in a void and must seek to be connected to other initiatives, domestic and

international, that address the plight of victimized communities in the wake of mass crimes.

There is yet another dimension to the Trust Fund's experience, which takes us back to the issue of Court-ordered reparations. We are grateful to note that the Trial Chamber in its decision on reparations in the Lubanga has demonstrated an appreciation of the Trust Fund's track record so far. This we take to be an encouraging sign for the prospect of a fruitful interaction between the Court and the Trust Fund in the domain of reparations, respectful of each other's roles and responsibilities.

Madam President, Your Excellencies, Ladies and Gentlemen,

The Board is very pleased to note the constructive and positive working relationship between the Trust Fund and the Court's Registry. The Board highly appreciates the Registrar's active engagement with the Board, including in our annual meeting, where she has provided valuable advice on key issues.

As any other international organisation that is dependent for its revenue on voluntary contributions and private donations, the Trust Fund is facing a difficult outlook. The present global financial and climate

understandably causes Governments to regard the choice and volume of their voluntary contributions with great caution.

However, we have been uplifted by the continued and sometimes even increased pledges of support by States Parties, in a clear sign of belief that the Trust Fund's mandates to the benefit of victims represent a core value of the Rome Statute.

The Board wishes to acknowledge, in the most appreciative manner, the contributions received so far, in spite of difficult times, and to express the hope that they shall inspire the generosity of other States Parties.

We are not necessarily looking for large sums of money. Our belief is that the broader the Trust Fund's support base is amongst States Parties, the stronger may be its relevance and credibility as a key instrument of the Rome Statute.

Finally, on the topic of the Trust Fund's resources, I wish to recall the exceptional request made by the Board of Directors in its Annual Report to the Assembly of States Parties. This request, based on the Trust Fund's regulations, concerns the allocation by the Assembly of States Parties of a contribution to the Fund's reserve for reparations. It is meant to be used to complement reparations awards, in the case that the convicted person is indigent, or partially indigent.

The Trust Fund's reparations reserve currently stands at 1.2 million euros, which frankly speaking, is not a lot of money considering the prospective numbers of victims it may have to serve – in the Lubanga case, and in all possible other cases that may come to a conclusion. Therefore, the growth and future replenishment of the Trust Fund's reparations reserve requires careful consideration, already now.

Please note that the allocation requested from the ASP is not to be qualified as an assessed contribution. The Board respectfully urges the Assembly to consider its request in the spirit in which it has made, and to agree on a resolution that calls upon States Parties to respond in the best possible way.

The Board's request is made in the firm belief that the ability of the Trust Fund for Victims to effectively engage on its reparations mandate, as is foreseen in the Rome Statute, should be a matter of serious concern of the States Parties. Your support will in no small measure determine how victims, their families and their communities shall eventually appreciate the fruits of international criminal justice.

Madam President, Your Excellencies, Ladies and Gentlemen,

At this Assembly meeting, the term of the present Board of Directors of the Trust Fund for Victims is coming to an end. On behalf of my colleagues in the Board, I can assure you that the past three years have

been a rich, intense and rewarding experience. Considering our voluntary capacity, and in spite of a variety of competing obligations, I am proud to say that all Board members have taken their responsibilities very seriously indeed. I would like to take this opportunity to express my sincere appreciation to Vaira Vike-Freiberga, Betty Murungi, Eduard Pizarro and Bulgaa Altangarel for their expertise, their guidance, their companionship and for their support to my function as Chair of the Board.

To the Court's Principals - President Song, the Registrar, Madam Arbia, and the Prosecutor, Madam Bensouda and your predecessor, Mr Moreno Ocampo - I wish to say, on behalf of the Board: thank you so much for your unwavering support to the cause of victims of the most serious crimes, and to the Trust Fund's mandates and activities.

To all staff at the Court: the Board is extremely grateful for your collegial cooperation with and support to the Trust Fund's Secretariat.

To the representatives of civil society: the Board highly appreciates the important work you undertake on your own account in the interest of victims, as well as your critical support to the Trust Fund. Your constructive observations and suggestions are vital, to keep us sharp and focused.

To Ambassadors Wenaweser and Intelmann: in your capacities as president of the ASP, you were of enormous value to guide and protect the Board throughout our demanding responsibilities. You have been true champions of the Trust Fund for Victims.

And finally, to the States Parties: the Board is extremely grateful for your trust in our abilities. Your stewardship is, and will continue to be, of enormous importance to the cause of victims in the framework of the Rome Statute. May the next Board of Directors of the Trust Fund for Victims benefit in at least equal measure.

Madam President, Your Excellencies, Ladies and Gentlemen,

I have said this before. International justice for victims - nobody can be against it. Yet, many may have doubts. Is it a feasible proposition? Our answer is: yes, it can be. As long as we do not overpromise. As long as we deliver. And as long as our efforts – of the ICC, and of the Trust Fund for Victims – are ever more strongly supported by the international community.

Thank you.

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