



Assembly of States Parties

Distr.: General
23 October 2012

Original: English

Eleventh session

The Hague, 14-22 November 2012

Report of the Bureau on Victims and affected communities and the Trust Fund for Victims and Reparations

Note by the Secretariat

Pursuant to paragraph 5 of resolution ICC-ASP/10/Res.3 and paragraphs 48 and 49 of resolution ICC-ASP/10/Res.5, of 21 December 2011, the Bureau of the Assembly of States Parties hereby submits for consideration by the Assembly the report on Victims and affected communities and Trust Fund for Victims and Reparations. The present report reflects the outcome of the informal consultations held by The Hague Working Group of the Bureau with the Court and other stakeholders.

I. Introduction

1. States Parties to the Rome Statute have continuously discussed and assessed issues relating to victims and affected communities with a view to ensuring the continued positive impact of the Rome Statute system on victims and affected communities and strengthening the Court and the Assembly.
2. As a result, at the Review Conference and during the ninth and tenth sessions of the Assembly, several mandates to the Court and the Trust Fund for Victims were issued (RC/Res.2,¹ ICC-ASP/9/Res.3,² ICC-ASP/10/Res.3,³ and ICC-ASP/10/Res.5⁴)
3. As concerns the Court, in particular, at the ninth session of the Assembly, recalling the resolution adopted by the Review Conference entitled “The impact of the Rome Statute system on victims and affected communities”,⁵ the Court was requested to review its strategy in relation to victims⁶ and to consider all aspects of the recommendations of the panel, including budgetary implications⁷ contained in the final report of the focal points regarding the stocktaking exercise.⁸
4. Over the course of 2011, the States Parties continued to hold discussions on these and other related issues in particular, via the Study Group on Governance and the facilitator for Victims Issues and the Trust Fund for Victims of The Hague Working Group.⁹
5. At the tenth session of the Assembly, the Court was requested to finalize the review of its strategy in relation to victims in consultation with States Parties and other relevant stakeholders and report thereon in advance of the eleventh session.¹⁰

¹ *Official Records of the Review Conference of the Rome Statute of the International Criminal Court, Kampala, 31 May – 11 June 2010*, (RC/11), part II, resolution RC/Res.2.

² *Official Records ... Ninth session... 2010*, part III, ICC-ASP/9/Res.3, paras. 3 and 49.

³ *Official Records ... Tenth session... 2010*, part III, ICC-ASP/10/Res.3.

⁴ *Ibid.*, ICC-ASP/10/Res.5.

⁵ *Official Records ... Review Conference ... 2010* (RC/11), part II, resolution RC/Res.2.

⁶ ICC-ASP/8/45.

⁷ Paragraph 14 (c) of the final report reads as follows:

“(c) The way forward

(i) The Court needs to find creative ways to strengthen its two-way dialogue with victims and affected communities.

(ii) The Court’s outreach activities need to be further optimized and adapted to the needs of victims.

(iii) A specific policy needs to be developed for addressing the needs of women and children.

(iv) More protective measures are needed for victims and witnesses.

(v) A comprehensive policy towards intermediaries should be finalized by the Court and implemented.

(vi) Field operations should be reinforced and linked to strategic planning and the allocation of resources.

(vii) The Trust Fund should be congratulated for conducting a monitoring and evaluation programme of its current project and encouraged, where prudent, to increase its visibility.

(viii) Finally, the Court and its staff cannot walk this road alone. They need the stewards of the Court—the States Parties—to continue their commitment, support and leadership.”

⁸ *Ibid.*, annex V(a).

⁹ On reparations, the Study Group’s focal point coordinated with the facilitator for Victims Issues and the Trust Fund for Victims during the year. The focal point held several meetings with Court officials and avenues for dialogue with the Court were explored through the Presidency.

However, as the Report of the Bureau on the Study Group noted, “...it became apparent that such dialogue was difficult as it would be highly problematic for judges in a non-judicial context to express their views before they would decide on reparations in a judicial context. On the other hand, the Court remained open to receiving views of States Parties. To facilitate discussions on the side of States Parties, one State Party produced a non-paper while the focal point presented a discussion paper. Both papers set out recommendations to the Court in relevant areas, including the establishment of the principles.” (ICC-ASP/10/30, para. 27).

In light of the judges’ interpretation of the Court’s duty to establish principles on reparations under article 75(1) of the Statute, i.e., by the Trial Chamber, the representatives of States Parties that took part in the discussions of the Study Group on Governance, “generally agreed that the Court, in particular judges, should ensure the establishment of Court-wide principles, based on which an individual reparation order may be issued, and the States Parties should closely follow the activity of the Court in this area with a view to any further measures” (ICC-ASP/10/30, para. 28).

Furthermore, the Study Group on Governance also “pointed out, inter alia, that as reparations were based on individual criminal responsibility, States Parties should not be held responsible for funding reparations.” (ICC-ASP/10/30, para. 27.)

As a result of the consensus emerged amongst the Study Group regarding other parts of the draft resolution that had been drafted and discussed therein, the Bureau recommended the adoption of the proposed resolution on reparations, which became Resolution 3 of the tenth session of the Assembly (ICC-ASP/10/Res.3).

¹⁰ ICC-ASP/10/Res.5, para. 48...

6. Moreover, with regard to victims' participation, the tenth session of the Assembly noted with concern, "reports from the Court on the continued backlogs the Court has had in processing applications from victims seeking to participate, a situation which might impact on effective implementation of the rights of victims under the Rome Statute," underlined "the need to consider reviewing the victim participation system with a view to ensuring its sustainability, effectiveness and efficiency" and requested "the Court to conduct such a review in close consultation with the Bureau and relevant stakeholders and to report thereon to the Assembly at its eleventh session."¹¹

7. As concerns the Strategy (para. 3, above), the Court has produced two documents: "Revised Strategy in Relation to Victims"¹² and the Report thereon, entitled "Report on the ICC Revised Strategy in Relation to Victims Past, Present and Future",¹³ both dated 28 May 2012. Both were presented by Court officials during the Working Group's informal consultations of 21 June and 26 June 2012.

8. With regard to States Parties, at the Review Conference and at the ninth¹⁴ and tenth sessions of the Assembly, States Parties were also called upon to consider implementing those provisions of the Rome Statute relevant to victims/witnesses, where applicable, through national legislation or appropriate measures.¹⁵

9. Thus, paragraph 3 of the omnibus resolution of the tenth session "[r]ecalls that the ratification of the Rome Statute must be matched by national implementation of the obligations emanating therefrom, notably through implementing legislation, in particular in the areas of criminal law, criminal procedural law and judicial cooperation with the Court and, in this regard, urges States Parties to the Rome Statute that have not yet done so to adopt such implementing legislation as a priority and *encourages the adoption of victims-related provisions, as appropriate.*"¹⁶

10. At the Review Conference, governments, communities and civil organizations at the national and local levels were also encouraged "to play an active role in sensitizing communities on the rights of victims in accordance with the Rome Statute in general and victims of sexual violence in particular, to speak against their marginalization and stigmatization, to assist them in their social reintegration process and in their participation in consultations, and to combat a culture of impunity for these crimes".¹⁷

11. The Bureau, at its meeting on 10 April 2012, appointed Ambassador Karim Ben Becher, (Tunisia) as facilitator within The Hague Working Group on the topic of Reparations.

12. The Bureau, at its meeting on 1 May 2012, appointed Ambassador Eduardo Pizarro Leongómez (Colombia) as facilitator within The Hague Working Group on the topic of Victims and affected communities and Trust Fund for Victims.

13. Due to the intrinsic links between the topics dealt with both groups, with the purpose of promoting synergies in terms of time, efforts, logistics and streamlining the discussion of the issues, it was proposed to unify the two facilitations on Victims and affected communities and Trust Fund for Victims, and on Reparations, in order to operate collectively, in permanent collaboration.

14. This report of the joint facilitation on Victims, affected communities and the Trust Fund for Victims and Reparations provides an update on the status of discussions to date and a set of recommendations on the topics discussed stemming from the informal consultations.

¹¹ ICC-ASP/10/Res.5, para. 49.

¹² Court's Revised strategy in relation to victims (ICC-ASP/11/39).

¹³ Report on the Court's Revised strategy in relation to victims: Past, present and future (ICC-ASP/11/40).

¹⁴ ICC-ASP/9/Res.3, para. 49, also encouraged States and civil society to take action to implement the resolution also with regard to victims' reparations and to consider carrying forward the recommendations in the final report, and underlined the usefulness of a timely and informative dialogue between States Parties and the Court on victims-related issues of common interest.

¹⁵ RC/Res.2, para.1; ICC-ASP/9/Res.3, para.3; ICC-ASP/10/Res.5, para.5.

¹⁶ ICC-ASP/10/Res.5, para. 5 (emphasis added).

¹⁷ RC/Res.2.

II. Discussion and debate in The Hague Working Group

15. The facilitators held six rounds of informal consultations on 29 May, 21 June, 26 June, 3 July, 13 September and 28 September 2012, respectively. For the purposes of this report, the topics that were discussed during those consultations can be divided into five main areas: a) Revised strategy in relation to victims; b) the current system for victims to apply to participate in proceedings; c) Reparations- complementarity; d) Principles on reparations; and e) Trust Fund for Victims.

A. Revised strategy in relation to victims

16. On 21 June 2012, the Working Group had before it the Court's revised strategy in relation to victims,¹⁸ as well as the report on the revised strategy.¹⁹

17. The Deputy Registrar presented the above-mentioned papers, which the Court had prepared on a consultative basis through its Inter-organ Working Group. The latter had taken into consideration the concerns raised by the Working Group at the 19 October 2011 informal consultations, namely the quantitative approach; the rights-based approach; budgetary implications; and the length of the report.

18. In commenting on the revised strategy, some delegations noted that there were limits to the possibility to proceed further with enhancing victims' right to participation and there was an on-going discussion on how the rights of victims could be addressed.

19. As regards the quantitative approach to victims' participation, it was stated that the Court's approach seemed to be that each victim has the right to intervene, therefore quantitative issues arose. However, with current resources, it was not possible to grant all victims the right to participate. The Court's conclusion was that consideration should be given to the possibility of revising the application system, or the resources for victims' participation be increased. As regards the budgetary aspect, the need to establish a system that worked within existing resources was stressed.

20. It was noted that Rome Statute crimes tended to have mass victims and therefore there was a need to look at the totality of the victims. It was suggested that the collective approach should be the basic approach, given the mass nature of the crimes under the Court's jurisdiction, but this should not exclude the possibility of allowing for individual applications or participation when circumstances so warrant it.

21. It was posited that the Court should not be inhibited by the existing legal framework of the Rules of Procedure and Evidence in analysing and proposing ways forward, some of which could require amendments to the existing legal framework. Furthermore, it was up to States Parties and the Court to progressively review the Rules of Procedure and Evidence in light of experience and lessons learnt. Some delegations expressed their preparedness to adapt the legal framework if, as a result of consultations, it was deemed necessary.

22. The Court confirmed that it envisaged changes to the current approach which would require amendments to the current legal framework, which could extend to other instruments of the Court. The Court undertook to provide the necessary guidance to States in their deliberations towards a policy decision. To this end, the Registry would present a paper to the Working Group.²⁰

23. The Court was asked to include in its paper a consideration of whether it could make the current system sustainable within the existing legal framework. It was also requested to propose options for measures that could be taken to achieve a sustainable system. Furthermore, it was requested to highlight in advance its thinking in the preparation of the paper, i.e. the level of ambition, the areas covered in the report. The Court recognized the need to manage the expectations of States regarding the paper and undertook to share the parameters with States well in advance. The Court would also look at the need for possible amendments to the legal framework.

¹⁸ Court's Revised strategy in relation to victims (ICC-ASP/11/39).

¹⁹ Report on the Court's Revised strategy in relation to victims: Past, present and future (ICC-ASP/11/40).

²⁰ See paras. 28-31 and footnotes 23 and 24.

B. The current system for victims to apply to participate in proceedings

24. The joint facilitation on Victims, affected communities and the Trust Fund for Victims and Reparations, during its informal consultations, identified the unsustainability of the current system for victims to apply to participate in proceedings as the most pressing major concern and proposed to focus the work of the facilitation on this topic.²¹ Both States Parties and Court's organs have noted that with the existing resources the system is not likely to be able to handle the increase in victims' applications foreseen in upcoming cases. It has been widely acknowledged that leaving this matter unresolved might, in fact, place the credibility of the entire Rome Statute system and the Court's work at risk, if it results in the system's failure to protect victims' rights and interests and ensuring that they are fully represented and are able to participate in the proceedings, matters at the core of the Rome Statute.

25. With regard to the need to ensure the sustainability of the system for victims to apply to participate in proceedings, taking into account the mass nature of crimes under the Court's jurisdiction, several participants in the informal consultations of the joint facilitation seem to agree that a possible solution could be implementing a predominantly collective approach to the submission and review of victims' applications, as well as to victims' participation in the proceedings as the general rule, without precluding exceptional individual applications when the circumstances so warrant it.

26. The proposed approach would also envisage streamlining the processing of the applications in order to simplify the judicial oversight required for victims' admission as participants, in order to avoid undue delays and expedite the judicial process. It has been suggested that a possible way forward to achieve this approach would be an amendment to the Rules of Procedure and Evidence (rules 89 and 90).

27. It has been suggested that with a view to strengthening the consistency of the system, a collective approach to victims' participation throughout the system, at all stages of the proceedings, i.e., application, participation and reparations, may in the long term contribute to guarantee its effectiveness and sustainability.

28. As regards this issue, the Court prepared a draft outline on its "Review of the System for Victims to Apply to Participate in Proceedings"²² wherein six options were identified which, it is stated, could be used in different combinations and are not intended to be mutually exclusive. The draft outline also states that the legal and budgetary implications for each option would be examined in the report.

29. Representatives of the Registry recommended that the review of the situation concerning the current system for victims to apply to participate in proceedings and the discussion of any amendments to the existing legal framework should be dealt with within the process of the Roadmap of work being developed by the Study Group on Governance (Cluster I), on the basis of the Court's "Lessons Learnt: First Report to the Assembly of States Parties",²³ since it is one of the issues that have been identified by the Court in annex 1 thereof, as those that need discussion with a view to expediting proceedings and enhancing their quality. Several States Parties disagreed with that proposed course of action, as they considered that there was a risk that this urgent topic could be diluted in the already overburdened workload of the Study Group on Governance, and stated that they considered the topic to be crucial for this facilitation and that it should be dealt with within its framework.

30. During the informal consultations held on 28 September 2012, a representative of the Court presented the final "ICC Report on the Review of the System for Victims to Apply to Participate in Proceedings", dated 24 September 2012, circulated on 25 September 2012.²⁴ The Report expanded on the six options identified in the above mentioned outline by providing an assessment, for each of the options, of the legal, practical and resource implications, as well as the perceived advantages and disadvantages involved. The Report

²¹ 2 July 2012 informal consultations of The Hague Working Group.

²² ICC Outline of Report on Review of the System for Victims to Apply to Participate in Proceedings, dated 25 July 2012.

²³ ICC Lessons Learnt: First Report to the Assembly of States Parties, dated 21 August 2012.

²⁴ Report on the Court's review on the victim application system (ICC-ASP/11/22).

also points out related issues that have been or will be the object of judicial determination, and others that have not, and therefore, present uncertainties as to whether amendments to the legal framework would be required. The Report indicates that these options, and others that may be identified in the course of the Lessons Learnt Review in the Study Group on Governance and as per the Court's proposed roadmap, require further consideration and consultations.

31. Several States Parties expressed their disappointment at the timing of the circulation of the final report and the time elapsed since this crucial issue was first identified, thus delaying the consideration, adoption and implementation of a solution. Some States Parties stated their deep concerns at the fact that the issue had, in practice, been deferred for at least another year.²⁵

C. Reparations - complementarity

32. As regards reparations, the joint facilitation on Victims, affected communities and the Trust Fund for Victims and Reparations, during its informal consultations, identified the topic of the role of States where crimes under the Court's jurisdiction have been committed in terms of reparations, within the framework of complementarity, i.e. territorial States' national measures of solidarity with victims.

33. States Parties discussed whether the Assembly can or should play a more active role with regard to encouraging territorial States, i.e. where crimes under the Court's jurisdiction have been committed, to play a more active role (possibly under complementarity) with regard to reparations to victims, e.g. by establishing national systems, promoting solidarity with victims, offering apologies or other forms of symbolic reparations and/or by granting guarantees of non-repetition. No agreement on all these points has been reached so far, given that certain States have expressed the need to be cautious with regard to the role that the Assembly can or should play vis-à-vis encouraging States to adopt victims' participation and reparation strategies at a domestic level; others have expressed concerns with regard to intermingling the notion of complementarity which has been the subject of judicial decisions, with the unique system of victims' participation under the Rome Statute.

D. Principles on reparations

34. During the 26 June 2012 informal consultations, the Chef de Cabinet of the President of the Court provided an update regarding the implementation of the mandate contained in resolution ICC-ASP/10/Res.3 on the establishment of consistent principles relating to reparations. Since the questions of sentencing and reparations were, at the time, *sub judice* before Trial Chamber I following the verdict in the Lubanga case, he could provide limited information.

35. In light of the Court's landmark decision on principles and procedures for reparations in the *Lubanga* case, issued on 7 August 2012,²⁶ some States Parties continued to express the view that Court-wide coherent principles on reparations should still be issued, in accordance with article 75, paragraph 1, of the Statute, and pursuant to resolution ICC-ASP/10/Res.3. In this regard, in its "Lessons Learnt: First Report to the Assembly of States Parties", the Court stated that "[a] discussion needs to take place on the system of reparations after the *Lubanga* and *Katanga/Ngudjolo* cases have concluded. This will involve consideration of diverse matters, including individual and collective reparations, whether principles on reparations should be addressed in a court-wide document or need to be further developed on a case-by-case basis and whether reparations to victims might be dealt with by a single judge."²⁷

²⁵ Following the informal consultations of 28 September 2012, Trial Chamber V issued two decisions, dated 3 October 2012, on victims' representation and participation in the Kenya cases (*William Samoei Ruto and Joshua Arap Sang*, ICC-01/09-01/11-460; and *Francis Kirimi Muthaura and Uhuru Muigai Kenyatta*, ICC-01/09-02/11-498) which bear relevance to the matters discussed during the informal consultations.

²⁶ No. ICC-01/04-01/06 66/94, dated 7 August 2012.

²⁷ ICC Lessons Learnt: First Report to the Assembly of States Parties, dated 21 August 2012, para. 4.3.

36. On 13 September 2012, States Parties expressed concern with regard to the possible suspensive effect of appeals against this decision as well as against the conviction itself, in light of the impact it could have on the timing of reparations.

E. Trust Fund for Victims

37. Representatives of the Trust Fund for Victims provided updated information to States Parties on the availability of funds for reparations. In light of the fact that the current funds for the reparations mandate are scant and are intended for all cases, the Fund announced that the Board of Directors of the Trust Fund for Victims would approach the Assembly at its eleventh session with a request for an exceptional voluntary contribution to be pledged to collectively by States Parties, in order to be able to fulfil such mandate.²⁸ Some States expressed doubts because domestic regulations in certain States do not provide budgetary lines for voluntary contributions, or because of other regulatory constraints. Other States indicated that further clarifications regarding the Trust Fund's proposal would be necessary in order to adopt a final decision.

38. The representative of the Trust Fund also informed States Parties on approaches to private potential donors, and explained the difficulties posed by costs in terms of vetting private contributions and staffing required for effective fundraising.

39. Some States suggested in this regard, that other issues to be reviewed and improved upon are the identification and freezing of assets of the accused and the standard of indigence for purposes of reparations, given that, at present, the standard is derived from that used for purposes of legal aid.

III. Recommendations

The Working Group recommends the following text for consideration by the Assembly as a stand-alone resolution on Victims and Reparations issues:

The Assembly of States Parties,

Reaffirming the importance of the Rome Statute to the victims and affected communities in its determination to put an end to impunity for the perpetrators of the crime of genocide, crimes against humanity and war crimes, thus contributing to their prevention,

Recognizing that victims' rights to equal, expeditious and effective access to justice; protection and support; adequate and prompt reparation for harm suffered; and access to relevant information concerning violations and redress mechanisms are essential components of justice,

Emphasizing the importance of the protection of victims' and affected communities' rights and interests, in order to give effect to the unique mandate of the International Criminal Court,

1. *Takes note of* the Court's Revised strategy in relation to victims,²⁹ and of the "Report on the Court's Revised strategy in relation to victims: Past, present and future",³⁰
2. *Acknowledges*, the Court's final "Report on review of the system for victims to apply to participate in the proceedings",³¹
3. *Notes with continued concern* reports from the Court on the persistent backlogs the Court has had in processing applications from victims seeking to participate in proceedings, a situation which impacts on the effective implementation and protection of the rights and interests of victims under the Rome Statute;
4. *Underlines* the urgent need to modify the system for victims to apply to participate in proceedings in light of the existing situation, in order to ensure the sustainability,

²⁸ Report to the Assembly of States Parties on the projects and the activities of the Board of Directors of the Trust Fund for Victims for the period 1 July 2011 to 30 June 2012 (ICC-ASP/11/14), paras. 36 -37.

²⁹ ICC-ASP/11/39.

³⁰ ICC-ASP/11/40.

³¹ ICC-ASP/11/22.

effectiveness and efficiency of the system, including any necessary amendments to the legal framework, while preserving the rights of victims under the Rome Statute;

5. *Takes note* with appreciation of the efforts made by Chambers to enhance the efficiency and effectiveness of victim participation, including in particular by encouraging a more collective approach and *requests* the Bureau to prepare, in consultation with the Court, any amendments to the legal framework for the implementation of a predominantly collective approach in the system for victims to apply to participate in the proceedings;

6. *Invites* the Bureau to report to the Assembly at its twelfth session on any appropriate measures;

7. *Takes note* of the decision of Trial Chamber I establishing the principles and procedures for reparations in the case against Thomas Lubanga Dyilo,³² dated 7 August 2012, *recalls* the need for the Court to ensure that coherent principles relating to reparations continue to be established in accordance with article 75, paragraph 1, of the Rome Statute and *further requests* the Court to report back to the Assembly at its twelfth session;

8. *Highlights* that liability for reparations is exclusively based on the individual criminal responsibility of a convicted person, therefore under no circumstances shall States be ordered to utilize their properties and assets, including the assessed contributions of States Parties, for funding reparations awards, including in situations where an individual holds, or has held, any official position;

9. *Calls upon* States Parties where crimes under the Court's jurisdiction have been committed, to adopt victims-related provisions as appropriate, consistent with the 1985 United Nations General Assembly resolution 40/34 "Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power", the 2005 United Nations General Assembly resolution 60/147 "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law" and other relevant instruments;

10. *Encourages* States Parties where crimes under the Court's jurisdiction have been committed, to act in solidarity with victims by, inter alia, playing an active role in sensitizing communities on the rights of victims in accordance with the Rome Statute in general and victims of sexual violence in particular, speaking against their marginalization and stigmatization, assisting them in their social reintegration process and in their participation in consultations, and combating a culture of impunity for these crimes;

11. *Stresses* that as the freezing and identification of any assets of the convicted person are indispensable for reparations, it is of paramount importance that the Court should seek to take all measures to that end, including effective communication with relevant States so that they are in a position to provide timely and effective assistance pursuant to article 93, paragraph 1 (k), of the Rome Statute;

12. *Recalls* that the declaration of indigence of the accused for the purpose of legal aid bears no relevance to the ability of the convicted person to provide reparations,³³ which is a matter for judicial decision in each particular case, and further *requests* the Court to review this matter and to report to the Assembly at its twelfth session;

13. *Calls upon* States, international and intergovernmental organizations, individuals, corporations and other entities to contribute voluntarily to the Trust Fund for Victims also in view of imminent reparations, in order to substantively increase the volume of the Trust Fund for Victims, broaden the resource base and improve the predictability of funding; and *expresses its appreciation* to those that have done so;

14. *Expresses* its appreciation to the Board of Directors and the Secretariat of the Trust Fund for Victims for their continuing commitment towards victims, and *encourages* the Board and the Secretariat to continue to strengthen its ongoing dialogue with the Court, States Parties and the wider international community, including donors as well as nongovernmental organizations, who all contribute to the valuable work of the Trust Fund

³² No. ICC-01/04-01/06 66/94.

³³ ICC-ASP/10/Res.3, para.3.

for Victims, so as to ensure increased strategic and operational visibility and to maximize its impact;

15. *Recalls* the responsibility, under the Regulations of the Trust Fund for Victims, of the Board of Directors to endeavour to manage its resources originating from voluntary contributions in such a way as to ensure an adequate reserve to complement any Court-ordered reparations awards, without prejudice to its activities under the Trust Fund's assistance mandate including those funded by earmarked contributions.
