
Assembly of States Parties

Distr.: General
21 August 2006

ENGLISH
Original: French

Fifth session

The Hague

23 November - 1 December 2006

**Report to the Assembly of States Parties on the activities and projects
of the Board of Directors of the Trust Fund for Victims
for the period 16 August 2005 to 30 June 2006**

1. The present report is submitted in accordance with paragraph 11 of the annex to the resolution adopted by the Assembly of States Parties (ICC-ASP/1/Res.6), which provides that: “The Board shall report annually to the Assembly of States Parties on the activities and projects of the Trust Fund and on all offered voluntary contributions, regardless of whether they were accepted or refused”. This reporting requirement by the Board of Directors is also provided for in regulation 76 of the Regulations of the Trust Fund for Victims, which states that the Board “shall submit a written annual report on the activities of the Trust Fund to the Committee on Budget and Finance and the External Auditor and the Assembly of States Parties, through its President”.

2. The Board of Directors welcomes the adoption of the Regulations of the Trust Fund for Victims (ICC-ASP/4/Res.3) at the fourth session of the Assembly of States Parties, which was held from 28 November 2005 to 3 December 2005 in The Hague (Netherlands). With the adoption of these Regulations, the Board may now begin to implement its projects and to discharge its responsibilities, as defined in the Rome Statute and the Rules of Procedure and Evidence.

3. The present report describes the activities and projects of the Board of Directors during the year. It also contains the financial report on the year, the proposed budget of the Board for 2007, and information on the appointment of a replacement to fill the vacant post on the Board created by the resignation of Mr. Arias Sánchez.

I. Activities and projects

4. Since the adoption of the Regulations of the Trust Fund for Victims, the Board of Directors has been mainly engaged in the task of establishing the Secretariat of the Trust Fund and in defining and elaborating the policies and procedures required under the new Regulations.

Establishment of the Secretariat

5. Efforts to recruit staff for the Secretariat of the Trust Fund for Victims continued at a sustained pace during the period covered by the present report.

6. On 3 December 2005, the Assembly of States Parties approved at its fourth session the proposed budget of the Trust Fund for Victims for 2006, including the proposal to recruit an Executive Director for the Fund at the D-1 level. Consequently, the Board of Directors requested the Registrar, in March 2006, to suspend the recruitment of the other staff of the Secretariat, including the Fund-Raising Officer, until after the Executive Director of the Secretariat had assumed his/her functions.

7. Given the critical role of the post of Executive Director for the proper functioning of the Secretariat, the Board of Directors decided to make a special effort to find the most qualified candidates. The vacancy announcement was advertised on 20 March 2006 on the Court's web site and publicized through the channels normally used to announce vacancies at the Court. Announcements also appeared in specialized journals and reviews published throughout the world in order to ensure the widest possible dissemination and to reach qualified professionals. The deadline for the submission of candidacies was also extended by three weeks, with the agreement of the Chair of the Board of Directors.

8. The formalities for the recruitment of the Fund-Raising Officer (P-4) began in 2005 and telephone interviews were conducted between September and November 2005. At its second annual meeting, the Board of Directors received the evaluation of the pre-selected candidates made by the interview committee and a comprehensive report on the recruitment process. The Board decided to suspend the recruitment of the Fund-Raising Officer pending the appointment of the Executive Director.

9. The other staff members of the Secretariat whose posts are included in the budget should have been recruited and could assume their duties before the end of 2006, once the Executive Director has taken up his post.

Fund-raising efforts by the Board of Directors

10. In accordance with paragraph 4 of resolution ICC-ASP/4/Res.3, paragraphs, 8, 9, 10 and 11 of the annex to resolution ICC-ASP/1/Res.6, and the Regulations of the Trust Fund for Victims, the members of the Board continued their efforts to secure voluntary contributions to the Trust Fund for Victims. These actions consisted mainly in supporting and encouraging the efforts being made by a number of national NGO groups to raise funds.

11. During the period covered by the present annual report, voluntary contributions nearly doubled in comparison with the amounts received by the Fund in previous years, which constitutes a remarkable achievement. It should be noted, moreover, that since 2004, a number of States Parties have made contributions to the Fund on an annual basis. A list of voluntary contributions is attached to annex II to the present report.

Second annual meeting of members of the Board of Directors

12. The second annual meeting of members of the Board was held on 22 and 23 November 2005, in The Hague (Netherlands).

13. Over the course of the two-day meeting, the Board discussed a wide range of issues related to the operations of the Trust Fund for Victims. The need for the Assembly of States Parties to adopt the Regulations of the Trust Fund and the question of the appointment of the Executive Director were the main concerns expressed by the Board of Directors.

Assistance provided by the Registry

14. In accordance with paragraph 5 of the annex to resolution ICC-ASP/1/Res.6, paragraph 91 of the budget for the first financial period of the Court (ICC-ASP/1/3), paragraphs 284, 290 and 292 of the programme budget for 2004 (ICC-ASP/2/10), and paragraph 451 of programme budget for 2005 (ICC-ASP/3/25), the Registrar continued to provide administrative assistance during the year in order to ensure the proper functioning of the Board of Directors of the Trust Fund for Victims.

15. During the period covered by the present annual report, the Registry of the Court provided administrative assistance in order to ensure the proper functioning of the Board of Directors. The Board wishes to express its appreciation to the Registry.

II. Financial report

Status of voluntary contributions

16. In accordance with paragraph 11 of the annex to resolution 6 (ICC-ASP/1/3), which requires that “all offered voluntary contributions, regardless of whether they were accepted or refused” should be reported each year to the Assembly of States Parties, a list of contributions is contained in the present report (annex II).

17. The list includes the contributions received from States, from the Netherlands NGO Platform for the International Criminal Court, as well as from judges and staff members of the Court and from individuals.

18. The two bank accounts of the Trust Fund for Victims, one in the United States of America and the other in the Netherlands, were kept open during the period from 16 August 2005 to 16 July 2006. As at 30 June 2006, the balances in these accounts were, respectively, US\$18,631.59 (€14,495.34) and €934,744.56 (plus a term deposit of €500,000 that had not yet matured). The total balance was €1,449,239.90.

19. The members of the Board wish to express their gratitude for the contributions that were made during the period covered by the present annual report and strongly encourage States Parties to continue to make contributions to the Trust Fund, since their contributions are particularly crucial during the current phase of the Fund’s development.

External audit

20. Pursuant to resolution ICC-ASP/3/Res.7, of 10 September 2004, the Chair of the Board designated the National Audit Office (NAO) of the United Kingdom to conduct the external audit for the year ending 31 December 2004. This decision was approved by the other members at the second annual meeting of the Board. Subsequently, on 21 December 2005, the Chair of the Board informed the NAO of her decision to entrust to it the external audit for the year 2004.

21. On 15 July 2005, the NAO submitted to the Board of Directors of the Trust Fund for Victims the auditor's report containing the financial statements of the Trust Fund for Victims for the period ending 31 December 2004 and made five recommendations to the Board.

22. The following measures were taken in response to the recommendations of the NAO.

Recommendation 1: Cash investments of the Fund should be subject to periodic review and investment risks should be actively managed. Within the framework of the assistance which it provides to the Board of Directors, the Registry, through its Budget and Finance Section, should actively monitor the investment of moneys received by the Trust Fund for Victims and make recommendations, as appropriate, including recommendations on the placement of funds in high-yielding accounts.

Recommendation 2: A specific set of financial regulations should be put in place to ensure that the Fund operates within a clear and approved regulatory framework. The current position is that the Financial Regulations and Rules of the Court are applied to the Trust Fund for Victims.

Recommendation 3: Roles and responsibilities regarding internal controls and financial management should be clarified in a duly approved set of financial rules for the Fund. The current position is that the Financial Regulations and Rules of the Court are applied to the Trust Fund for Victims.

Recommendation 4: The Board of Directors should make official the Fund's needs for external auditing and officially appoint an auditor. The Board considered this matter at its second annual meeting and requested the Chair to communicate to the NAO its decision to appoint NAO as the external auditor for the Trust Fund for Victims for the 2005 and 2006 financial years. This information was communicated by the Chair on 21 December 2005.

Recommendation 5: The Fund should prepare a detailed plan of action for monitoring the implementation of the recommendations of the external auditors. The Board of Directors will consider at its next annual meeting a plan for improving the existing arrangements for the financial management of the Fund.

III. Proposed budget for 2007

23. Pursuant to paragraph 3 of resolution ICC-ASP/4/Res.3, the Board of Directors prepared a budget proposal for 2007 for the Secretariat of the Trust Fund for Victims, which was established pursuant to resolution ICC-ASP/3/Res.7. The proposed budget is submitted annually to the Assembly of States Parties for approval, in accordance with paragraph 6 of the annex to resolution ICC-ASP/1/Res.6, and is set out in annex I to the present annual report.

IV. Post left vacant by Mr. Arias Sánchez, former member of the Board of Directors of the Trust Fund for Victims

24. The resignation in September 2005 of Mr. Oscar Arias Sánchez as a member of the Board representing the group of Latin American and Caribbean countries and the absence of any legal provisions governing the resignation or absence of one or several members of the Board of Directors led the members of the Board to request the Assembly of States Parties to take up this matter at its fourth session.

25. In its resolution ICC-ASP/4/Res.5, and “wishing to ensure a full membership of the Board of Directors of the Trust Fund for the benefit of victims”, the Assembly decided to amend paragraph 3 of the annex to resolution ICC-ASP/1/Res.6, of 9 September 2002, by adding the procedures to be followed in the event of a vacancy in the membership of the Board. Under the new provisions, “the Bureau of the Assembly of States Parties may fix a nomination period” and elect the member to fill the vacancy for the remainder of the predecessor’s term with the possibility of being re-elected once.

26. On 16 May 2006, the Bureau of the Assembly of States Parties elected by consensus Mr. Arthur Napoleon Raymond Robinson of Trinidad and Tobago to fill the vacant post on the Board of Directors. Mr. Robinson is a former President and former Prime Minister of the Republic of Trinidad and Tobago and has been for many years a forceful advocate of the need for the establishment of a permanent international criminal court. The Chair of the Board took pleasure in welcoming him to membership of the Board.

Annex I

Proposed budget for the Secretariat of the Trust Fund for Victims for 2007

1. *Objectives:*

- To provide the assistance necessary for the proper functioning of the Board of Directors in carrying out its tasks (paragraph 1 of resolution ICC-ASP/3/Res.7);
- To enhance the capacity of the Fund to raise voluntary contributions.

<i>Expected results</i>	<i>Performance indicators</i>
<ul style="list-style-type: none">• All working procedures are in place to facilitate the work of the Fund.	<ul style="list-style-type: none">• Approval by the Board of Directors of working procedures applicable to the basic functions of the Fund.
<ul style="list-style-type: none">• Plan of action to increase the number of contributions implemented as planned.	<ul style="list-style-type: none">• 15 % increase in the number of States and external contributors.

Programme 3600: Secretariat of the Trust Fund for Victims

Proposed budget for the Secretariat of the Trust Fund for Victims

2. The proposed budget for 2007 is set out in the table below:

Item	Approved budget for 2006 (thousands of euros)			Proposed budget for 2007 (thousands of euros)		
	Core	Conditional	Total	Core	Conditional	Total
Professional staff	246.1		246.1	363.9		363.9
General Service staff	84.4		84.4	112.6		112.6
<i>Subtotal staff</i>	<i>330.5</i>		<i>330.5</i>	<i>476.5</i>		<i>476.5</i>
General temporary assistance			0.0			0.0
<i>Subtotal other staff</i>	<i>0.0</i>		<i>0.0</i>	<i>0.0</i>		<i>0.0</i>
Travel*	49.0		49.0	70.0		70.0
Representation	7.0		7.0	7.0		7.0
Contractual services, incl. training	90.0		90.0	90.0		90.0
General operating expenses	83.0		83.0	83.0		83.0
Supplies and materials	10.0		10.0	10.0		10.0
Furniture and equipment			0.0			0.0
<i>Subtotal non-staff</i>	<i>239.0</i>		<i>239.0</i>	<i>260.0</i>		<i>260.0</i>
Distribution of maintenance costs				20.2		20.2
Total programme	569.5		569.5	756.7		756.7

*For the year 2006, the Board of Directors proposed a budget of 70,000 euros for travel. At its fourth session, the Assembly of States Parties decided to reduce by 30% the travel budget for the Registry and the travel budget of the Trust Fund for Victims was accordingly reduced to 49,000 euros.

The Board of Directors decided to maintain the same budget and the same staffing level proposed for the Secretariat for 2007. The changes in the total amount of the budget are due to the differences in salary scales and to the variations in salary levels between newly recruited staff and those already in place.

The 2007 budget proposed above is identical to the budget submitted by the Court in its proposed programme budget for 2007, under the section “Secretariat of the Trust Fund for Victims”.

3. Proposed staffing for 2007

Secretariat of the Trust Fund for Victims	ASG	USG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-Staff	GS - PL	GS - OL	Total GS-Staff	Total Staff
Basic				1		1		1		3		2	2	5
Situation-related														
<i>Total Staffing</i>				1		1		1		3		2	2	5

Staff requirements*One Executive Director (D-1)*

4. The Executive Director of the Secretariat of the Trust Fund for Victims will be responsible for planning, managing and co-ordinating the work programme and priorities of the Secretariat, which has been created to provide such assistance as is necessary for the proper functioning of the Board of Directors in carrying out its tasks. The Trust Fund for Victims was established pursuant to the Rome Statute for the benefit of the victims of crimes falling within the competence of the Court and of their families. It is administered in accordance with the provisions of the Rome Statute, the Rules of Procedure and Evidence, the resolutions of the Assembly of States Parties and the Regulations of the Fund. The Executive Director of the Secretariat comes under the direct authority of the Board of Directors for matters related to the Board's activities and acts in consultation with the Registrar with respect to administrative and legal matters on which the Secretariat receives the assistance of the Registry.

The incumbent will be responsible for

- Ensuring the highest standards of quality and cost-effectiveness in the Fund's programmes and activities;
- Providing advice and assistance to the Board of Directors in resolving procedural and substantive questions in all matters relating to the management and oversight of the Fund, as well as to its activities and projects;
- Directing the programmes and activities of the Secretariat and, in particular, requesting legal opinions or advice on matters related to reparations or to the functions, structure and activities of the Fund and its Secretariat, presenting projects, observations and other communications to the Chambers, and submitting proposals to the Board of Directors concerning the activities and projects of the Fund;
- Ensuring financial management and oversight of all aspects related to the Secretariat and to the resources of the Fund, including preparation of the draft annual budget of the Secretariat and of the reports to be submitted to the Committee on Budget and Finance of the Assembly of States Parties and to the Auditor, and establishing mechanisms for the receipt and monitoring of funds, the disbursement of individual and collective reparations ordered by the Court, and oversight of the funds allocated to national and international intergovernmental organizations;
- Handling of administrative matters such as the recruitment and management of personnel and administration of the budget, records and premises of the Secretariat, elaborating guidelines and procedures, planning and organizing meetings of the Board of Directors and liaising with the Registrar;
- External relations, in particular with the representatives of States and intergovernmental, international and national organizations, and representing the Secretariat;
- Providing guidelines for and/or directing the formulation and execution of the Fund's information and outreach activities;
- Undertaking other tasks as needed.

One Fund-Raising Officer (P-4)

5. The Fund-Raising Officer will identify and target new opportunities and build on relationships with donors in order to optimize revenue. The responsibilities of the post include: determining types of fund-raising and developing programmes/campaigns to be implemented; preparing fund-raising schedules; advising and directing volunteer groups who are willing to help in fund-raising; keeping records of funding and grant ideas and successful sources of funding. The incumbent will work with a wide range of advocacy groups. In his/her capacity as fund-raiser, the responsibilities will include:

- Identifying and targeting new fund-raising opportunities and building on relationships with donors in order to optimize revenue;
- Determining types of fund-raising and developing programmes/campaigns to be implemented;
- Supporting the Board in providing guidelines for and/or directing the formulation and execution of the Trust Funds public information and outreach campaigns, as well as the final disbursement programmes;
- Preparing fund-raising schedules, advising and directing volunteer groups who are willing to help in fund-raising, and keeping records of funding and grant ideas and successful sources of funding.

One Associate Legal Officer (P-2)

6. This post was established in the 2005 budget and as a result of recommendations made to the Assembly of States Parties by the Working Group on the Trust Fund for Victims, but only for half the year. The incumbent would be responsible for providing legal advice to the Board of Directors and conducting substantive research on complex legal issues relating to reparations and on matters relating to the relationship between the Court and the Trust Fund as well as on the functions and activities of the Trust Fund, including the receipt and expenditure of funds. Subject to any decision by the Assembly in November 2005, it is assumed for the purposes of the draft budget that this post will be full-time for 2006. Under the supervision of the Executive Director, the incumbent will be in charge of:

- Implementing orders relating to the drafting of contracts and agreements as well as other arrangements with grantees and entities, including intergovernmental, international or national organizations, as appropriate;
- Supporting the Board in submitting written or oral observations on the disposition or allocation of property or assets in accordance with rule 221 of the Rules of Procedure and Evidence;
- Assisting the Board in the implementation of individual and collective reparations awards ordered by the Court according to rule 98 of the Rules of Procedure and Evidence and in the use of other sources for the benefit of victims subject to the provisions of article 79 of the Rome Statute;
- Establishing procedures to manage and facilitate the activities and programmes of the Trust Fund for Victims;
- Providing support to the Chair of the Board of Directors by conducting substantive research on complex legal issues relating to reparations awards, on the relationship between the Fund and the Court, and on matters relating to the functions, structure and activities of the Trust Fund;

- Organizing and preparing general meetings, seminars and working sessions on matters relevant to reparations;
- Building and maintaining relations with victims, victims' organizations and, as appropriate, with intergovernmental, international or national organizations.

One Computer Information Systems Specialist (GS-5)

7. The post involves the planning, design, development, implementation and maintenance of computer information systems for the Secretariat. The incumbent will be responsible for the following tasks:

- Preparing feasibility studies, analysing and modifying existing applications, maintaining systems software, designing and writing computer programmes, and designing databases;
- Updating and maintaining the organization and accessibility of the data;
- Liaising with the Registry, particularly with the Victims Participation and Reparations Section (VPRS), regarding the data collected via the application forms on reparations, and providing operational support to users and advising them on the most suitable hardware and software for the different tasks that the Secretariat will undertake;
- Conducting training sessions and demonstrations for users.

One Administrative Assistant (GS-5)

8. Under the supervision of the Executive Director of the Trust Fund, the Administrative Assistant will provide administrative support to the Secretariat. The tasks will include:

- Tracking and monitoring all allotments and expenditures relevant to the Secretariat;
- Performing tasks relevant to the administration of the Secretariat in close coordination with relevant sections in the Registry;
- Performing work relevant to the preparation of budget documents; briefing staff of the Secretariat on general administrative matters; and checking correspondence and documents for completeness and accuracy of style and grammar;
- Coordinating the Executive Director's work schedule by arranging meetings/appointments with officials within and outside the Court; maintaining a filing system of working documents; and monitoring incoming correspondence.

Non-staff costs

Travel

9. The "Travel" item in the budget covers travel expenses in business class, accommodation and terminal expenses to enable the five members of the Board of Directors to travel to The Hague to attend the annual meeting of the Board. This item will also cover official travel by the Executive Director and other members of staff.

Meeting of the Board of Directors

10. According to paragraph two of the annex to resolution 6, adopted at the first session of the Assembly of States Parties (ICC-ASP/1/Res.6), the members of the Board act in their personal capacity on a pro bono basis. However, provision was made in the 2005 programme budget of the Court for support to cover the costs associated with the annual meeting of the Board of Directors, which was held from 22 to 23 November 2005.

11. For 2007, with the creation of the Secretariat of the Trust Fund for Victims, it is recommended that a budgetary provision be made again for the organization of meetings of the Board, one of which has to take place in The Hague, where the Board of Directors could use the facilities of the Court. The costs to be taken into consideration for a meeting of the Board in The Hague are set out below.

- Transportation

Return flights in business class (1 person)	Approx. cost in euros
From Asia	4 000
From Africa	4 000
From Latin America/Caribbean	4,000
From Eastern Europe	1,000
From Western Europe	1,000
Airport VIP lounge	1,300
Terminal expenses at departure and arrival	600
Subtotal	16,400

- Other costs

(a)

Accommodation	Approx. cost in euros
Hotel (suite) 4 nights for 5 persons	6,120
Subtotal	6,120

(b)

Translation, interpretation and transcription services	Approx. cost in euros
4 interpreters, 2 days	10,000
Translation	9,000
Transcription	2,200
Subtotal	21,200

(c)

Hospitality	Approx. cost in euros
Catering	600
Dinner (for 15 persons, 1 day)	1,000
Lunch (for 15 persons, 2 days)	2,000
Subtotal	9,000

Total for one meeting

Travel/terminal expenses	16,400
Accommodation	6,120
Interpretation/Translation/Transcription	21,200
Hospitality	9,000
TOTAL	52,720

Annex II

List of voluntary contributions received

I. Account JP Morgan Chase Bank

ICC Victims Trust Fund
JP Morgan Chase Bank
New York (USA)
Account Number: 400932776
ABA Routing Number: 0002
Swift Code: CHASUS33
Fed Wire Number: 021000021

Breakdown of the JP Morgan Chase Bank account for the period from 16 August 2005 to 30 June 2006:

Breakdown of the bank account	Total (US\$)
Balance	944.66
Subtotal (US\$)	18,532.38
Bank charges	0.00
Interest (term deposits reaching maturity)	99.21
Term deposits not yet reaching maturity	0.00
Total (US\$)	18,631.59

During the period from 16 August 2005 to 30 June 2006, no new contributions were deposited in the JP Morgan Chase Bank account owing to the temporary suspension of the collection of contributions organized by "Citizens for Global Solutions".

II. Account Fortis Bank

ICC Victims Trust Fund
Fortis Bank
The Hague, Netherlands
Account Number: 240005201
IBAN Number: NL39FTSB0240005201
Swift Code: FTBPNL2R

Contributions deposited in euros with the Fortis Bank from 16 August 2005 to 30 June 2006.

Contributions from individuals by month	Total (euros)
August 2005	708.50
October 2005	2,403.98
November 2005	695.00
December 2005	682.17
January 2006	4,617.37
February 2006	460.00
March 2006	2,713.67
April 2006	6,410.00
June 2006	770.00
Subtotal contributions individuals	19,460.69

Contributions from States by month	Total (euros)
August 2005	61,758.90
October 2005	73,610.00
November 2005	250,000.00
December 2005	251,932.00
January 2006	76,156.51
April 2006	20,204.22
June 2006	50,000.00
Subtotal contributions States	783,661.63

Breakdown of the account at the Fortis Bank from 16 August 2005 to 30 June 2006

Breakdown of the bank account	Total (euros)
Subtotal contributions individuals	19,460.69
Subtotal contributions States	783,661.63
Interest (30/06/2006)	11,691.52
Less bank charges	-33.61
Subtotal (euros)	934,744.56
Term deposit not yet reaching maturity¹	500,000.00
Total	1,434,744.56

¹ Bank holding term deposit SNS Bank
Sum invested €500,000.00
Purchase date 25 October 2005
Maturity date 27 July 2006
Term 275 days (9 months)
Interest rate 2.31%
Expected interest yield €8,822.90

List of Contributions

The following contributions were made by States to the Trust Fund for Victims from 16 August 2005 to 30 June 2006:

States		Amount	Number of contributions
Finland		€199,932.20	1
France		€200,000.00	3
Ireland		€100,000.00	1
Poland		€10,000.00	1
Senegal		€76,156.51	1
South Africa		€20,000.00	1
Trinidad and Tobago		€61,758.90	1
United Kingdom		€73,610.00	1

The following contributions were made by institutions to the Trust Fund for Victims from 16 August 2005 to 30 June 2006, in euros:

Institution	State		Amount
Netherlands NGO Platform for the International Criminal Court	Netherlands		42,000.00

The following contributions were made by individuals to the Trust Fund for Victims from 16 August 2005 to 30 June 2006, in euros:

Individuals
De Brouwer, A.
Knox, Mark R.

Individuals (ICC staff members)
Beresford, David Vincent
Chamberlain, Cynthia
Fernández de Gurmendi, Silvia
Kaul, Hans-Peter
Kirsch, Philippe
Kourula, Erkki
Kuenyehia, Akua
Louppi, Eirini-Sevasti
Martens, Ralph
Mateos Peña, Iban
McLoughlin, Olive
Odio-Benito, Elizabeth
Perdrix-Heioun, Agnes
Robinson, Darryl
Saric-Alexander, Jadranka
Zellweger, Valentin