

**Speech of Mme Veil, Chair of the Board of Directors of the  
Trust Fund for Victims of the International Criminal Court  
Fourth Session of the Assembly of States Parties  
(28 November 2005, The Hague)**

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Assembly of States Parties, 4<sup>th</sup> session  
28 November 2005*

Mr. President, Excellencies,

It is an honour for me to take the floor for the second time in my capacity as Chair of the Board of Directors of the International Criminal Court's Trust Fund for Victims. Here I am also speaking for my four colleagues.

The Trust Fund for Victims is one of the most innovative features planned by you, the States, in Rome, consequently giving rise to immense hope in the community of victims that their pain may be recognized, whereas they have hitherto been mere passive actors and sufferers of these atrocious crimes lying within the purview of the Court. Over and above the possibility for the victims to participate in the proceedings, you have decided, for the first time, to give an international criminal authority a reparative function. To complete this role you have, pursuant to article 79 of the Statute, decided to establish an unprecedented institution, the Trust Fund for Victims.

Last year I presented to you the work of the Fund's Board of Directors following its first year of operation, including the budget of the Fund and its Regulations, as adopted by its five members at our first annual meeting.

Since the Regulations were not adopted at the last Session of the Assembly of States Parties, you entrusted your Assembly's Bureau with the task of carrying on the work. The Board of Directors, which I have the honour of chairing, has followed this work with great attention during 2005.

Last week we held our Second Annual Meeting for two days, largely devoted to the difficulties created by the fact that the Regulations of the Fund had not been adopted. For the sake of achieving a better understanding of the position of the States, we made a point of conferring with two representatives of States that had taken part in the Working Group, so that we were able to voice our great concern at the delay in adopting a set of Regulations.

Once more the Board wishes formally to call the attention of your Assembly to the need to adopt the provisional Regulations of the Trust Fund for Victims.

We are today working under the watchful eye of the victims of crimes subject to the jurisdiction of the International Criminal Court. The victims would find it hard indeed to understand that a Fund, now amounting to €1 million, cannot discharge the duties expressly laid upon it to take measures, to the extent possible, in order to assist them, their children and all those around them who are faced with such suffering, which could in part be remedied or certain consequences of which could be eased.

It is all the more essential that these Regulations be adopted at this session in view of the urgency of the matter. As the President and the Prosecutor have just explained to us, the Court is no longer in its infancy. Arrest warrants have been issued by one pre-trial chamber, the other is dealing with

applications from victims. The Court and the Trust Fund for Victims must move forward at the same pace!

We must put out a strong message to victims. It has to be made clear to them that, seven years after the Rome Conference, they are a priority for the Assembly of States Parties.

Allow me to highlight some aspects of the draft Regulations of the Fund deemed particularly important by the Board of Directors since they reflect what, in our view, should be the nature of the Fund as provided for by the Statute and the Rules of Procedure and Evidence. I am chiefly referring here to articles 51 and 53 of the provisional Regulations.

Three essential ideas guided our thinking that led to these proposals.

The first was the conviction that the Trust Fund for Victims must make it clear to victims that they are recognized and heeded, for the purpose of assisting them in overcoming their wounds and restoring their dignity. The Fund is not something abstract but must embody the compassion of international criminal justice towards victims.

Secondly, the Fund's independence must be guaranteed. As your Assembly recalled last year in resolution ICC-ASP/3/Res.7, it has always been accepted that the Fund should be a complementary and independent organ of the Court, and not dependant upon it.

Thirdly, the Fund should not serve the sole purpose of providing financial reparations for such victims as may be able to take part in the proceedings. For this would be tantamount to a fresh injustice since it would in reality make the right of victims to reparations dependent on the discretion of the Prosecutor in his policy regarding investigation and prosecution of cases. The Fund must make it possible to redress prejudices suffered by persons who belong to the same community and have been the victims of crimes committed in the same circumstances. It must also enable aid and assistance to be provided for victims coming under the jurisdiction of the Court without it being necessary to wait for the latter to determine guilt. In other words, the Board of Directors of the Fund must be very careful not to create new forms of discrimination after the great traumatisation already undergone by these population groups, that would result in making them victims once more.

Our own recognition of persons as victims of crimes in respect of which the Court has jurisdiction should alone justify this capacity of the Court to act. They have to contend with profound physical and psychological harm, like those people I personally met who were suffering from AIDS they had contracted during the genocide in Rwanda. The proceedings before the International Criminal Court will inevitably be long, and the victims of the acts in question are up against needs too urgent to await the Court's verdict before emergency measures can be taken.

This stance seems to us to be perfectly in accordance with the relevant texts, particularly article 75 of the Rome Statute and paragraphs 1, 2, 3 and 4 of Rule 98, which refer only to reparations and not to other forms of intervention by the Fund. On the contrary, in paragraph 5 of Rule 98, States provided for the possibility of using funds from sources other than the sum of reparations made payable by those convicted, to "be used for the benefit of victims subject to the provisions of article 79", defining as it does which victims are concerned. It is consequently for the Board of Directors to decide how and when this latter assistance is to be provided.

The Fund cannot therefore be reduced to a mere cash account via which funds would be channeled for redistribution. If such were the case, it would be hard to understand why you have chosen public figures known for what they represent in human terms to guide the Fund. It would have sufficed to pick persons known for their financial management capacities and to place the Fund under the attentive responsibility of the Registrar as an instrument available to judges for use at the time of the award of reparations. As it is, the Fund has a soul forged in the course of the meetings and personal relations between the members of the Board of Directors, whom you elected on criteria of morality, independence and integrity. We have all vested in it a great deal of time and energy. We are devoted to it because we deem its purposes to be just and its ideal to hold out hope for the future.

The Fund and its Board of Directors have a specific mandate that is unique in the history of international criminal justice. Do not deprive it of the rights and means conferred on it.

In addition to these Regulations, which are vital to the Fund, its operating budget is a central matter. It is with great satisfaction that our Board has learnt that the Committee on Budget and Finance recommended that the Assembly of States Parties approve the budget we had proposed for the coming year. It is indeed essential to us that the Fund should have an executive director responsible for providing Board members with high-level administrative support in the management and utilization of the Fund. The creation of this new post is the reason for our increased budget.

It will be for such an executive director, under the authority of the Board of Directors, to develop the principles which will guarantee impartiality and transparency of action, together with the mechanisms permitting observance of these principles.

These guidelines will in particular need to define the conditions in which financial contributions could be collected from private institutions, and the methods to be followed in the event of some contributions being earmarked. Mechanisms must also be devised for checking the origin of funds.

The executive director will also be entrusted with activities going beyond mere fund-raising. His or her role ranges from the preparation and implementation of awareness-raising and public information campaigns to the management of the Fund's programmes and activities and their integration with those of the Court's organs.

The Board of Directors will also have need of his or her support in the numerous matters enabling it to discharge the duties entrusted to it, and of day-to-day monitoring of the requisite measures for achieving that in accordance with its mission.

I wish in this respect to emphasize the efficient and attentive assistance provided by the Registry in facilitating the work of the Board in the absence of any secretariat of its own. My heartfelt thanks go to the entire Registry and to the Registrar in particular.

I should like to end on a note of hope.

As I have already had occasion to say, the total contributions to the Fund have reached the symbolic million-euro mark (€74,780 in donations). The size of this sum reflects the support of donor States and non-governmental organizations, believing as they do in the progress and hope represented by the establishment of the Trust Fund for Victims and in the values it embodies. We must also pay tribute to the dozens of anonymous individuals who have made their contribution

and so signified their support. Thank you to all. The Board appeals to you to be unflagging in your efforts and indeed to extend them so that we can respond to the magnitude of the task with which you have entrusted us.

This sum also sets us a common responsibility. We must rapidly put in place programmes for the victims of crimes that are subject to the jurisdiction of the Court in the situations in which it intervenes. For this purpose the Regulations need to be adopted.

I thank you for your attention.