



## **Fonds au Profit des Victimes** **The Trust Fund for Victims**



### **Call for expressions of interest** **Application form**

### **Supporting the Rehabilitation of Victim Survivors of Sexual and Gender-Based Violence (SGBV) in the Central African Republic (CAR)**

#### **Questions asked during the civil society meeting in Bangui – press, donors, UN agencies, technical group**

##### ***1) The activities of the Trust Fund for Victims (TFV)***

##### **- If they are separate institutions, what are the linkages between the ICC and the TFV?**

The Trust Fund for Victims was established at the same time as the International Criminal Court. Administratively speaking, the TFV falls under the Registry of the International Criminal Court, but is governed by a Board of Directors composed of persons of high moral character, and reports directly to the Assembly of States Parties.

The linkages between the TFV and the ICC at the operational level include the following:

- the staff members of the TFV Secretariat are attached to the Registry;
- under its first mandate, the TFV implements orders for reparations made by the judges of the ICC;
- under its second mandate, the TFV notifies the relevant Chamber of the ICC so that it may ascertain that the projects and activities the TFV intends to support are not prejudicial to any matter falling within the jurisdiction of the judges, the rights of the Defence, and the right to a fair trial; and
- the TFV acts for victims of crimes falling within the jurisdiction of the ICC.

##### **- How do you explain the difference between the “reparations” process and the “rehabilitation assistance” process to victims and partners?**

Reparations are linked to an ongoing case before the ICC. They will be decided by the judges of the relevant Chamber of the ICC after the guilt or innocence of the alleged perpetrator is determined. The modes of reparation are not yet known.

Rehabilitation is linked to the situation, that is, beyond the confines of the judicial cases, but within the ambit of the ICC’s jurisdiction in the CAR. Rehabilitation is therefore provided through organisations which make project proposals to the TFV.

## **2) The procedure for submitting project proposals**

### **- How much time is there between the “project idea” stage and the “project proposal” stage?**

The submission process will be in two phases so that project proposals, including the monitoring and evaluation system, can be properly designed. The aim of this strategy is also to offer local organisations the opportunity to obtain funding from the TFV. Organisations are therefore invited to submit an idea proposal before 5 August 2011 by completing the form which can be downloaded from the TFV website. A shortlist of the project idea proposals will be prepared between 5 August and early September.

A workshop will be organised in October to guide the shortlisted NGOs on how to prepare their project proposals. After the workshop, organisations will have one month to submit their final proposals. The final selection of projects will only take place after the list of project proposals is approved by the Board of Directors and the judges of the relevant Chamber.

### **- What role does the TFV play in coordination between the various partners before and after selection?**

Although the TFV has indicated that synergy between organisations is encouraged, it will not be involved in coordination between the various partners until after 5 August 2011.

Once the projects have been selected and the activities have been launched, the TFV will encourage coordination and dialogue amongst selected partners.

### **- Is it possible to access the TFV’s evaluation for 2009?**

The report of the evaluation mission carried out in February 2009 is an internal document of the TFV. However, in the interests of openness, the TFV will publish a public version of the report on this website.

### **- Are you going to disseminate this information outside Bangui?**

The TFV broadcasts information outside Bangui via radio. The TFV has also asked humanitarian organisations to disseminate the information to their respective networks outside Bangui.

### **- Can an organisation submit several applications, i.e. submit several project proposals?**

Although it is possible to submit several idea proposals, the TFV intends to support several partners.

## **3) The beneficiaries of the TFV’s projects**

### **- Characterisation of victims falling under the jurisdiction of the ICC. How is it done and by whom?**

The characterisation of the crimes suffered by victims is done by the organisations submitting projects. This characterisation has no legal force and cannot be as strict as it would be in the context of a trial.

Organisations are invited to explain how and when the intended project area was the scene of war crimes, crimes against humanity and/or genocide after 1 July 2002 and to describe the procedure that will be used to identify the victims of these crimes.

The TFV is designing a tool for victim identification in order to guide partners in their work. This document will be shared with the shortlisted organisations before the October workshop and will be published on the website. The TFV will assess the project area and victims when reviewing the idea proposals; it will also verify the identities of victims when conducting evaluation missions in the field once activities are launched.

**- Can the victims of sexual violence include men and boys?**

Victims of sexual violence who can be beneficiaries of TFV projects can include men. Since sexual violence against men is a taboo subject, it is extremely important that the project does not lead to their identification and/or stigmatisation by other members of their communities.

**- Can applicants for reparations be beneficiaries of a TFV project?**

The TFV does not identify beneficiaries; it merely helps partners to develop a tool to identify victims of crimes falling within the jurisdiction of the ICC, and then ensures that their identification is accurate. Victims who have applied for reparations in a pending case can also be beneficiaries of TFV projects; there will not be a specific project for them.

The procedure for applications for judicial reparations using individual forms has nothing to do with the projects that will be funded by the TFV as a result of this call for project ideas. Under the terms of the TFV's second mandate – rehabilitation assistance – individual victims cannot apply to register and become beneficiaries of TFV projects; the TFV only works through organisations which devise programmes for victims.

It is important to note that Pre-Trial Chamber I held in its decision of 11 April 2008 that “should any beneficiaries of the [...] activities [proposed by the TFV to the Chamber] ever appear as witnesses before the Court, the competent Chamber retains, pursuant to article 69 of the Statute, the authority to rule on the admissibility and probative value of their testimony”. Therefore, witnesses in the case who are beneficiaries of the assistance the TFV provides through any of its projects should be aware that their testimony may be called into question by the judges.

**- Are your projects limited to the victims of Mr Bemba?**

No, the projects are not limited to the victims of the crimes with which Mr Bemba is charged, or to the victims who have applied to participate or are seeking reparations within the context of his trial.

**- Why does the TFV only target victims of sexual violence?**

These projects for victims of sexual violence are only the first step for the TFV in the CAR. The TFV does not have many resources and has had to prioritise according to the needs of victims. Following the evaluation carried out in the CAR in February 2009, the victims of

sexual violence were identified as receiving little assistance, hence this prioritisation. The TFV is aware that the victims of crimes under the Court's jurisdiction are not limited to victims of sexual violence. Depending on the funding available to the TFV in a year's time, the TFV's Board of Directors will consider the possibility of supporting the rehabilitation of victims of other crimes under the Court's jurisdiction.

**- Do you target the victims of particular armed groups and forces? If so, what groups?**

The Trust Fund for Victims does not differentiate amongst victims of crimes under the Court's jurisdiction. All victims of sexual violence characterised as war crimes, crimes against humanity or genocide are eligible for assistance from projects and activities supported by the Trust Fund for Victims, priority being given to the most vulnerable victims.

**4) Territorial competence of the Trust Fund for Victims**

**- What are the TFV's focus areas in the CAR?**

Under its second mandate, the TFV can operate throughout the Central African Republic, namely wherever there are victims of sexual violence characterised as war crimes, crimes against humanity or genocide committed after 1 July 2002. TFV interventions are not therefore limited to locations cited in the arrest warrant for Mr Bemba.

**5) Types of projects supported by the Trust Fund for Victims**

**- What types of project are funded by the TFV?**

The TFV funds various projects promoting physical and psychological rehabilitation and material support. Projects can be interdisciplinary in order to offer victims holistic rehabilitation.

For example, for victims of sexual violence, the TFV funds projects in the DRC for encouraging child mothers formerly associated with armed forces or armed groups to return to school, projects for the socio-economic reintegration of victims (microcredit, income-generating activities, vocational training, setting up mutual solidarity funds, support for their children's schooling), peace education, reconstructive surgery, and reconciliation. These are simply examples and should not be taken to mean that similar projects will necessarily be funded in the CAR. For more information, please consult the latest TFV report, which is available on this website.

**6) Coordination**

**- An additional component targeting victims of sexual violence falling within ICC jurisdiction may be added to existing projects/initiatives**

The Trust Fund for Victims intends to coordinate with the other activities and initiatives implemented in the field within the scope of its mandate. The TFV encourages co-funding and/or activities benefiting victims, which would be grafted onto existing projects.

**- Do you coordinate with other actors in the field? Can you meet the needs identified as priorities by humanitarian organisations?**

The Trust Fund for Victims wishes to coordinate with actors in the field. This is why the TFV met with various national, local and international actors during its missions in

February 2009 and May 2011. The TFV's projects can meet the needs identified as priorities by humanitarian organisations on condition that the objective is the physical and psychological rehabilitation and/or material support of victims of sexual violence characterised as an international crime.

#### **7) Project duration**

##### **- The planned duration of projects is 12 months – can this be extended?**

The initial allocation is for 12 months. Depending on the funding available for 2013, the TFV will consider extensions subject to victims' needs and to the quality of the operations.

#### **8) Amount of funding for projects**

##### **- What is the total budget per project?**

The maximum budget per project is 150,000 euros. However, the TFV may grant smaller amounts, for example 20,000 or 30,000 euros, depending on the project, the proposed activities, and the capacities of the applicant organisation.

The TFV will take into consideration the quality and coherence of the proposed operations subject to a final decision on the funding to be granted for a proposed project, taking into account the resources available.

##### **- Will the TFV fund the identification of victims?**

The TFV will not fund the pre-identification of victims for the purpose of submitting a proposal for ideas. Victim identification may, however, form part of the project launch phase and be budgeted for accordingly.

#### **9) 'Do no harm'**

##### **- Sexual violence is taboo in the CAR – What communication strategy should be adopted?**

It is extremely important that projects follow the principle of 'do no harm', i.e. that projects do no harm to the victims or their families. It is for applicant organisations to design and submit projects which do not stigmatise victims of sexual violence.

#### **10) Candidate partners of the Trust Fund for Victims**

##### **- Can a private enterprise submit a proposal for ideas?**

The private sector can also submit a proposal for ideas.

##### **- Can details of the TFV's policy on conflict of interest be made available?**

The TFV is connected to the International Criminal Court. Whilst the TFV's second mandate is independent of the judicial proceedings, it is important to ensure that the activities and projects supported by the TFV do not disrupt the ICC's activities.

#### **11) Project monitoring**

##### **- Who will monitor the projects?**

Projects will be monitored by the Trust Fund for Victims. The Kampala-based regional coordination team for TFV programmes will be responsible for monitoring projects and

will be supported by local, DRC-based staff as of 1 January 2011, and by the TFV programme team based in The Hague, the Netherlands.

**- Will you be in direct contact with victims?**

The Trust Fund for Victims will not be in direct contact with victims but may interact with them, including on monitoring and evaluation missions.

**- Do you have a mechanism for monitoring, supervision and evaluation?**

The monitoring and evaluation mechanism is developed by the applicant organisations themselves. The TFV will organise a workshop in September to help organisations structure their monitoring and evaluation systems. The TFV encourages participatory monitoring and evaluation mechanisms. Evaluations from outside the Trust Fund for Victims will also be carried out as projects are implemented.

***12) Funding of the Trust Fund for Victims***

**- Who funds the Trust Fund for Victims? Is TFV funding stable?**

Under this second mandate, the Trust Fund for Victims receives most of its funding from the Member States of the International Criminal Court. The TFV's ability to make projections on available funding still remains quite limited; however, the TFV is working to mobilise more substantial and regular funding.

***13) Reparations***

**- What will happen if Bemba is not convicted? What will the TFV do?**

The decision on whether to convict Mr Bemba is not made by the TFV but by the judges in charge of the case. Accordingly, the TFV cannot rule on the reparations or actions to be taken subsequent to a decision on the guilt or innocence of Mr Bemba.

**- Do we, the NGOs, have to choose to work within one of the two mandates?**

To date, we do not know the type of reparation which the ICC judges may decide upon. Accordingly, there is no choice to make.